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Factionalism and Noble Power in
English Ireland, c 1361–1423

Peter Crooks

A thesis submitted for the degree of PhD

University of Dublin

2007

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Peter Crooks

1 January 2007

Factionalism and noble power in English Ireland, c 1361–1423

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A thesis submitted for the degree of PhD at the University of Dublin, 2007

Summary

This thesis offers a reappraisal of noble power and political culture in the English colony in Ireland in the late middle ages. It seeks to move beyond narrowly-conceived studies of the colony's chief governors and institutional apparatus, which remain historiographical staples for this period. Implicit in such writings is the assumption that a firm central authority provided by the king was preferable to 'unruly' aristocratic power. This thesis is an attempt to interrogate that assumption by closely examining one 'negative' trait particularly associated with the English lords of late medieval Ireland: factionalism.

The prevalence of conflict in this period may at first invite pessimism; but by broadening the scope of the discussion, the thesis seeks to show that 'lordship' as exercised in English Ireland had much in common with societies in neighbouring Britain and beyond. A general review of these issues (Part I), serves as a prelude to a discussion of factionalism in a more confined period, 1361–1423 (Parts II–IV). The thesis traces the course of a prolonged dispute between two of the most powerful noble houses in Ireland: the Butler earls of Ormond and the Geraldine earls of Desmond. By the 1420s, the Butlers and Geraldines had reached a temporary *détente*, but the thesis examines the origins of a second protracted struggle involving the Butlers, this time with relative newcomers to Ireland, the Talbot family (later earls of Shrewsbury and Waterford).

It is argued that the discords between these nobles cannot be explained simply by the ebbing power of the central government and the entrenchment of local lordship. Indeed, the English crown and its representatives in Ireland frequently aggravated noble conflicts. Moreover, the extent to which conflicts were bloody has been greatly exaggerated. Faction fights, far from indicating weakness at the centre, were in fact often conducted through the institutions of the central government. Consequently, 'factionalism' can serve as a conceptual key to open up a number of themes of more general significance, including the relationship between the resident nobles and the Dublin government; the interdependence of colonial and curial politics; the flexibility of the colonial identity; the sophistication of political culture; and the relationship between magnate ambitions and the broader concerns of the political community of the colony. Physical conflict did, of course, occur. Yet it is suggested that, here too, the picture is rather more complex than historians have allowed. The English nobles of Ireland had mechanisms for regulating their private affairs, such as arbitration, compensation and marriage settlements. These means of dispute settlement spun an intricate web of social affiliations that helped propel antagonists towards peace. Finally, by taking the discussion up to the year 1423, the thesis hopes to expose continuities in noble actions and attitudes across the chronological threshold of 1399, and demonstrate that the factional struggles of the Yorkist and Tudor periods in Ireland need to be placed in a continuum that extends back to the later fourteenth century.

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Abbreviations and conventions

<i>a</i>	<i>ante</i> (before)
Add	Additional
<i>Admin Ire</i>	H. G. Richardson and G. O. Sayles, <i>The administration of Ireland, 1172–1377</i> (IMC Dublin 1963)
<i>Affairs Ire</i>	G. O. Sayles (ed), <i>Documents on the affairs of Ireland before the king's council</i> (Dublin 1979)
AAnon	‘Annales Anonymi’, ed K.W. Nicholls, ‘Late medieval Irish annals: two fragments’ in <i>Peritia</i> ii (1983) 90–92
ABMV	‘Annales monasterii Beate Mariae Virginis, juxta Dublin’ in <i>CStM</i> ii 241–86
AC	<i>Annála Connacht: the annals of Connacht (A.D. 1224–1544)</i> , ed A. Martin Freeman (DIAS Dublin 1944)
AClyn	‘Annalium Hiberniæ Chronicon, ad annum MCCCXLIX digessit Frater Johnnes Clyn, ordinis minorum ex conventu Kilkenniensi’ in Richard Butler (ed), <i>The annals of Ireland by Friar John Clyn [...]</i> (IAS Dublin 1849)
AClon	<i>The annals of Clonmacnoise, being the annals of Ireland from the earliest period to A.D. 1408 translated into English A.D. 1627 by Conell Mageoghagan</i> , ed Denis Murphy (Dublin 1896)
ADowling	‘Thadei Dowling cancellerii Leighlen, Annales Hibernie’ in Richard Butler (ed), <i>The annals of Ireland by Friar John Clyn [...]</i> (IAS Dublin 1849)
ADuisk	‘The annals of Duisk’, ed K.W. Nicholls, ‘Late medieval Irish annals: two fragments’ in <i>Peritia</i> ii (1983) 92–102
AFM	<i>Annala rioghachta Eireann: annals of the kingdom of Ireland by the Four Masters, from the earliest period to the year 1616</i> , ed John O’Donovan (7 vols, Dublin 1851; 3 rd edn with an introduction by K. W. Nicholls, Dublin 1990)
AGrace	<i>Jacobi Grace, Kilkenniensis, Annales Hiberniae</i> , ed Ricard Butler (IAS Dublin 1842)
AH	<i>Analecta Hibernica, including the report of the Irish Manuscripts Commission</i> (IMC 1930–)
AHR	<i>American Historical Review</i> (1895–)
AHib	‘Annals of Ireland, A.D. 1162–1370’ in <i>CStM</i> ii 303–98
AHogain	‘Annales Galfridi Hogain’, ed K.W. Nicholls, ‘Late medieval Irish annals: two fragments’ in <i>Peritia</i> ii (1983) 92

Abbreviations and conventions

ALC	<i>The annals of Loch Cé: a chronicle of Irish affairs from A.D. 1014 to A.D. 1590</i> , ed W. M. Hennessy (RS 2 vols, London 1871; repr IMC Dublin 1939).
AMisc	<i>Miscellaneous Irish annals, AD 1114–1437</i> , ed Seán Ó hInnse (DIAS Dublin 1947)
ANenagh	Dermot F. Gleeson, ‘The annals of Nenagh’ in <i>AH</i> 12 (1943) 155–64
ANLP	M. Dominica Legge (ed), <i>Anglo-Norman letters and petitions from All Souls MS 182</i> (Anglo-Norman Text Soc 3 Oxford 1941)
app	appendix / –ices
ARicardi Secundi	‘Annales Ricardi secundi, regis Angliae’ in <i>Johannis de Trokelowe, et Henrici de Blaneфорde, monachorum S. Albani, necnon quorundam anonymorum, chronica et annales</i> , ed H. T. Riley (RS London 1866)
AU	<i>Annala Uladh</i> (‘Annals of Ulster’), otherwise <i>Annala Senait</i> (‘Annals of Senat’): <i>a chronicle of Irish Affairs A.D. 431 to A.D. 1540</i> , ed W. M. Hennessy and B. MacCarthy (4 vols, Dublin 1887–1901; repr 1998)
b	born
bar	barony of
BEx	Baron of the Irish exchequer
BIHR	<i>Bulletin of the Institute of Historical Research</i> (London 1923–)
BJRL	<i>Bulletin of John Rylands Library</i> (Manchester 1903–)
BL	British Library [formerly British Museum] (London)
Bossy, <i>Disputes & settlements</i>	John Bossy (ed), <i>Disputes and settlements: law and human relations in the west</i> (Cambridge 1983)
Butler, ‘Seneschals’	T. Blake Butler, ‘The seneschals of the liberty of Tipperary’ in <i>Ir Geneal</i> ii (1943–55) 294–302, 326–36, 368–76; iii (1956–67) 46–59, 109–15
C	Chancellor of Ireland
c(c)	chapter(s) [medieval texts]
c	<i>circa</i> (about)
<i>Cal signet ltrs</i>	<i>Calendar of signet letters</i> , ed J. L. Kirby (London 1978)
<i>CAnCh</i>	Sir Joseph Ayloffe (ed), <i>Calendar of the ancient charters [...]</i> (London 1772)
CBEx	Chief baron of the exchequer of Ireland
CCR	<i>Calendar of the close rolls preserved in the public record office, 1272–[1509]</i> (PRO 47 vols, London 1892–1963)
<i>CChR</i>	<i>Calendar of the charter rolls, 1226–1516</i> (PRO 6 vols, London 1903–27)

Abbreviations and conventions

<i>CDI</i>	<i>Calendar of documents relating to Ireland</i> , ed H. S. Sweetman and G. F. Handcock (PRO 5 vols, London 1875–86)
<i>CFR</i>	<i>Calendar of the fine rolls ... 1272–[1509]</i> (PRO 22 vols, London 1911–62)
C <i>FrR</i>	‘Calendar of French rolls’ in <i>DKR</i> xliv (1883); xlviii (1887)
ch(s)	chapter(s) [modern texts]
Chron Marl	Bibliothèque Municipale de Troyes Ms 1316 (Henry Marlborough’s chronicle)
Chron Knighton	<i>Knighton’s Chronicle, 1337–1396</i> , ed G. H. Martin (Oxford 1995)
Chron Usk	<i>The chronicle of Adam Usk, 1377–1421</i> , ed Chris Given-Wilson (Oxford 1997)
Chron Walsingham	<i>The Saint Albans Chronicle: The Chronica Maiora of Thomas Walsingham</i> , i: 1376–94, ed John Taylor, Wendy R. Childs and Leslie Watkiss (2 vols, Oxford 2003–)
Chron Westminster	<i>The Westminster Chronicle, 1381–94</i> , ed L. C. Hector and Barbara Harvey (Oxford 1982)
Chron Wigmore	‘Chronicle of the priory of Wigmore’ in Dugdale, <i>Monasticon Anglicanum [...]</i> , ed John Caley <i>et al.</i> (6 vols, London 1817–30) vi 348–55
Chron revolution	Chris Given-Wilson (ed), <i>Chronicles of the revolution, 1397–1400: the reign of Richard II</i> (Manchester 1993)
<i>CIPM</i>	<i>Calendar of inquisitions post mortem and other analogous documents preserved in the public record office, Henry III–[15 Richard II]</i> (PRO 16 vols, London 1904–74)
CJCB	Chief justice of the common bench, Ireland
CJJB	Chief justice of the justiciar’s bench, Ireland
CJKB	Chief justice of the king’s bench, Ireland
CJLtB	Chief justice of the lieutenant’s bench, Ireland
Clarke, ‘Accusementz [1376]’	‘Eighty-six articles presented to the council in England by Richard Deere and William Stapelyn. Endorsed: “les copies des accusementz”’ in Clarke, ‘Windsor’, app i 184–206
Clarke, ‘Answers [1376]’	‘Documents relating to proceedings before the English council, 1376 [The answers of Hollywood to the articles of accusation]’ in Clarke, ‘Windsor’, app ii 207–219
Clarke, ‘Cal Inq [1373]’	‘Calendar of inquisitions taken at Drogheda and Dublin, May and June 1373’ in Clarke, ‘Windsor’, app iii 220–232
Clarke, <i>Med representation</i>	M. V. Clarke, <i>Medieval representation and consent: a study of early parliaments in England and Ireland, with</i>

	<i>particular reference to the</i> Modus tendendi
	parliamentum (New York 1936; repr 1964)
Clarke, ‘Summons [1375–6]’	‘Calendar of documents relating to the summons of the commons of Ireland to England, 16 February 1376’ in Clarke, ‘William of Windsor’, app iv 232–41
Clarke, ‘Windsor’	M. V. Clarke, ‘William of Windsor in Ireland, 1369–76’ in <i>Fourteenth Cent Stud</i> , 147–241 (1 st pr in <i>PRIA</i> xli (1932–3) C2 55–130)
CNorR	‘Calendar of Norman rolls’ in <i>DKR</i> xli (1880); xliii (1881)
co	[modern] county
COD	Edmund Curtis (ed), <i>Calendar of Ormond Deeds, 1172–1603</i> (IMC 6 vols, Dublin 1932–43)
Colony & frontier	Terry Barry, Robin Frame and Katharine Simms (eds), <i>Colony and frontier in medieval Ireland: Essays presented to J. F. Lydon</i> (Dublin 1995)
Connolly, Lionel of Clarence (PhD)	Philomena Mary Connolly, Lionel of Clarence and Ireland, 1361–1366 (PhD University of Dublin 1977)
Conway, <i>Hen VII & Ire</i>	Agnes Conway, <i>Henry VII’s relations with Scotland and Ireland, 1485–1498; with a chapter on the acts of the Poynings Parliament, 1494–5</i> by Edmund Curtis (Cambridge 1932)
corr	with corrections
Cosgrove, <i>Late med Ire</i>	Art Cosgrove, <i>Late medieval Ireland, 1370–1534</i> (Dublin 1981)
CPR	<i>Calendar of the patent rolls preserved in the public record office, 1232–[1509]</i> (PRO 53 vols, London 1911)
Creton, <i>Metrical history</i>	John Webb (ed), ‘Translation of a French metrical history [...]’ in <i>Archaeologia</i> xx (1824) 1–423
Crooks, “‘Hobbes’”	Peter Crooks, “‘Hobbes’, “dogs” and politics in the Ireland of Lionel of Antwerp, c. 1361–6’ in <i>Haskins Soc J</i> xvi (2005) 117–48.
CS	Camden Society
CStM	J. T. Gilbert (ed), <i>Chartulary of Saint Mary’s Abbey, Dublin [...]</i> (RS 2 vols, London 1884–6)
CT	<i>Caithréim Thoirdhealbhaigh</i> , ed and tr S. H. O’Grady (ITS 2 vols, Dublin 1929)
CTNA	Paul Dryburgh and Brendan Smith (eds), <i>Handbook and select calendar of Irish material in the National Archives of the United Kingdom</i> (Dublin 2005)
Curtis, <i>Med Ire</i>	Edmund Curtis, <i>A history of mediaeval Ireland from 1110 to 1513</i> (1 st edn Dublin and Cork 1923); 2 nd edn

	published as <i>A history of medieval Ireland from 1086 to 1513</i> (Dublin and Cork 1938).*
Curtis, 'Letters'	Edmund Curtis (ed), 'Unpublished letters from Richard II in Ireland, 1394–5' in <i>PRIA</i> xxxvii (1927) C14 276–303
Curtis, <i>Ric II in Ire</i>	Edmund Curtis, <i>Richard II in Ireland 1394–5 and the submissions of the Irish chiefs</i> (Oxford 1927)
Davies, <i>Lordship & society</i>	R. R. Davies, <i>Lordship and society in the March of Wales, 1282–1400</i> (Oxford 1978)
Dep	Deputy
Devon, <i>Issues</i>	Frederick Devon (ed), <i>Issues of the exchequer: being a collection of payments made out of his majesty's revenue, from King Henry III to King Henry VI inclusive</i> (London 1837)
DIAS	Dublin Institute for Advanced Studies
DKR	<i>Report of the deputy keeper of the public records</i>
DNB	<i>Dictionary of national biography</i>
ed(s)	editor(s) / edited [by]
edn	edition
Edw	Edward
EETS	Early English Text Society
EHR	<i>English Historical Review</i> (London 1886–)
Ellis, <i>Letters</i>	Henry Ellis (ed), <i>Original letters illustrative of English history ser2</i> (4 vols, London 1827)
Eng	England / -ish
esp	especially
ex	executed
<i>Expugnatio hibernica</i>	Giraldus Cambrensis, <i>Expugnatio hibernica: the conquest of Ireland</i> , ed and tr A. B. Scott and F. X. Martin (NHI Ancillary Publications 3 Dublin 1978)
F	French
f(f)	folio(s)
Ferguson Coll	NAI J. F. Ferguson's collection of extracts and notes from Irish administrative documents, Edward I–Henry VII (3 vols)
fig(s)	figure(s)
<i>Fædera</i> [H]	Thomas Rymer (ed), <i>Fædera, conventiones, litterae et cujuscunque generis acta publica, inter Reges Angliae et alios quosvis Imperatores, Reges, Principes, vel communitates; ab ineunte saeculo duodecimo</i> (3 rd edn 10 vols, The Hague 1739–45)
<i>Fædera</i> [RC]	Thomas Rymer (ed), <i>Fædera</i> [...], ed Adam Clarke and Frederick Holbrooke (RC 4 vols in 7, London 1816–69)

* References are to 2nd edn unless otherwise specified.

Abbreviations and conventions

<i>Fourteenth cent stud</i>	L. S. Sutherland and M. McKisack (eds), <i>Fourteenth century studies</i> by M. V. Clarke (Oxford 1937)
Frame, <i>Eng lordship</i>	Robin Frame, <i>English lordship in Ireland, 1318–61</i> (Oxford 1982)
Frame, <i>Ire & Brit</i>	Robin Frame, <i>Ireland and Britain, 1170–1450</i> (London 1998)
Frame, ‘Commissions’	Robin Frame, ‘Commissions of the peace in Ireland, 1302–1461’ in <i>AH</i> 35 (1992) 1–43
Gerrard, ‘Notes’	‘Lord Chancellor Gerrard’s notes of his report on Ireland with extracts from original Irish records exhibited by him before the privy council in England, 1577–8’ ed Charles McNeill in <i>AH</i> 2 (1931) 93–291
Gilbert, <i>Facsimiles</i>	J. T. Gilbert (ed), <i>Facsimiles of national manuscripts of Ireland [...]</i> (4 pts in 5 vols, Dublin 1874–84)
Gilbert, <i>Viceroy</i> s	J. T. Gilbert, <i>History of the viceroys of Ireland with notices of the castle of Dublin and its chief occupants in former times</i> (Dublin 1865)
Given-Wilson, <i>Royal household</i>	Chris Given-Wilson, <i>The royal household and the king’s affinity: Service, politics and finance in England, 1360–1413</i> (New Haven and London 1986)
Griffith, ‘Accusations’	‘Accusations against Ormond [<i>recte</i> Talbot], 1422’ in Griffith, ‘Talbot–Ormond struggle’, app ii 393–5
Griffith, ‘Talbot–Ormond struggle’	M. C. Griffith, ‘The Talbot–Ormond struggle for control of the Anglo-Irish government, 1414–47’ in <i>IHS</i> ii (1940–41) 376–97
<i>H&S Cork</i>	Patrick O’Flanagan and Cornelius G. Buttimer (eds), <i>Cork history and society: interdisciplinary essays on the history of an Irish county</i> (Dublin 1993)
<i>H&S Kilkenny</i>	William Nolan and Kevin Whelan (eds), <i>Kilkenny history and society: interdisciplinary essays on the history of an Irish county</i> (Dublin 1990)
<i>H&S Tipperary</i>	William Nolan and T. G. McGrath (eds), <i>Tipperary history and society: interdisciplinary essays on the history of an Irish county</i> (Dublin 1985)
<i>HBC</i>	E. B. Fryde, D. E. Greenaway, S. Porter and I. Roy (eds), <i>Handbook of British chronology</i> (RHS Guides and Handbooks 2, 3 rd edn corr Cambridge 1996)
Hen	Henry
<i>Hermathena</i>	<i>Hermathena: a series of papers on literature, science and philosophy by members of Trinity College, Dublin</i> (Dublin 1874–)
<i>HI</i>	<i>History Ireland</i> (1993–)
Holmes, <i>Estates</i>	G. A. Holmes, <i>The estates of the higher nobility in fourteenth-century England</i> (Cambridge 1957)
Holmes, <i>Good Parl</i>	G. A. Holmes, <i>The Good Parliament</i> (Oxford 1975)

Abbreviations and conventions

Hore, <i>Wexford</i>	Philip Herbert Hore, <i>History of the town and county of Wexford</i> [...] (6 vols, London 1900–11)
<i>House of commons</i>	J.S. Roskell, L. Clark and C. Rawcliffe (eds), <i>The history of parliament: the house of commons, 1386–1421</i> (4 vols, Stroud 1992)
HR	<i>Historical Research</i> [formerly <i>BIHR</i>] (London 1987–)
IAS	Irish Archæological Society
IHD	Edmund Curtis and R. B. MacDowell (eds), <i>Irish historical documents, 1172–1922</i> (London 1943)
IExP	Philomena Connolly (ed), <i>Irish exchequer payments, 1270–1446</i> (IMC Dublin 1998)
IHS	<i>Irish Historical Studies: the joint journal of the Irish Historical Society and the Ulster Society for Irish Historical Studies</i> (1938–)
IMC	<i>Coimisiún Láimhscríbhinní na hÉireann</i> (The Irish Manuscripts Commission)
instr(s)	notarial instrument
Ir	Irish
IrCR	Close roll of the Irish chancery
‘IrCR 48 Edw III’	Elizabeth Dowse and Margaret Murphy (eds), ‘Rotulus clausus de anno 48 Edward III—a reconstruction’ in <i>AH</i> 35 (1992) 87–154
Ire	Ireland
<i>Ir Geneal</i>	<i>The Irish Genealogist: Official Organ of the Irish Genealogical Research Society</i> (London 1937–)
<i>Ir Jurist</i>	<i>The Irish Jurist, new ser</i> (Dublin 1966–)
IrMR	Memoranda roll of the Irish exchequer
IrMTP	‘Modus tenendi parlamenta et consilia in Hibernia’ (pr and tr <i>Parl texts</i> 128–47; Clarke, <i>Med representation</i> , 384–92)
IrPR	Patent roll of the Irish chancery
<i>Ir parl</i>	H. G. Richardson and G. O. Sayles, <i>The Irish parliament in the middle ages</i> (Philadelphia 1952; 2 nd edn 1964)
<i>Ir Sword</i>	<i>The Irish Sword: the journal of the Military History Society of Ireland</i> (Dublin [1949]–)
ITS	Irish Texts Society
<i>J</i>	<i>Journal (of the)</i>
<i>JBS</i>	<i>Journal of the Butler Society</i> ([Kilkenny] 1968–)
<i>JCHAS</i>	<i>Journal of the Cork Historical and Archaeological Society</i> (Cork 1892–)
JCB	Justice of the Common Bench
Jcr	Justiciar of Ireland
<i>JGAHS</i>	<i>Journal of the Galway Archaeological and Historical Society</i> (Galway 1900–)
JJ(K)B	Justice of the Justiciar’s (King’s) Bench

Abbreviations and conventions

<i>JKAHS</i>	<i>Journal of the Kerry Archaeological and Historical Society</i> ([Tralee] 1968–)
Johnston, ‘Chief governors’	Dorothy Johnston, ‘Chief governors and treasurers of Ireland in the reign of Richard II’ in <i>Colony & frontier</i> 97–115
Johnston, Ric II & Ire (PhD)	Dorothy Blane Johnston, <i>Richard II and Ireland, 1394–9</i> (PhD University of Dublin 1976)
Johnston, ‘Ric II’s departure’	Dorothy Johnston, ‘Richard II’s departure from Ireland, July 1399’ in <i>EHR</i> xcvi (1983) 785–805
Johnston, ‘Interim years’	Dorothy Johnston, ‘The interim years: Richard II and Ireland, 1395–99’ in Lydon, <i>Eng & Ire</i> , 175–95
Jones & Walker, ‘Private indentures’	Michael Jones and Simon Walker (eds), ‘Private indentures in for life service in peace and war, 1278–1476’ in <i>Camden Miscellany XXXII</i> CS ser5 iii (1994) 1–190
<i>JRSAI</i>	<i>Journal of the Royal Society of Antiquaries of Ireland</i>
k	killed
Kerby-Fulton & Justice, ‘Modus’	Kathryn Kerby-Fulton and Steven Justice, ‘Reformist intellectual culture in the English and Irish civil service: the <i>Modus Tenendi Parliamentum</i> and its literary relations’ in <i>Traditio</i> liii (1998) 149–202
L	Latin
Lt	Lieutenant of Ireland
ltr(s)	letter(s)
Lydon, <i>Lordship</i>	James Lydon, <i>The lordship of Ireland in the middle ages</i> (Dublin 1972; 2 nd edn Dublin 2003) [†]
Lydon, <i>Eng & Ire</i>	James Lydon (ed), <i>England and Ireland in the later middle ages: essays in honour of Jocelyn Otway-Ruthven</i> (Dublin 1981)
Lydon, <i>Eng in med Ire</i>	James Lydon (ed), <i>The English in medieval Ireland: proceedings of the first joint meeting of the Royal Irish Academy and the British Academy, Dublin, 1982</i> (Dublin 1984)
Lydon, <i>Law & disorder</i>	James Lydon (ed), <i>Law and disorder in thirteenth-century Ireland: the Dublin parliament of 1297</i> (Dublin 1997)
Lydon, ‘Windsor’	James Lydon, ‘William of Windsor and the Irish parliament’ in <i>EHR</i> lxxx (1965) 252–67
Lynch, <i>Legal institutions</i>	William Lynch, <i>A view of the legal institutions, honorary hereditary offices, and feudal baronies established in Ireland in the reign of Henry II</i> (London 1830)
m(m)	membrane(s)

[†] References are to 2nd edn unless otherwise specified.

Abbreviations and conventions

Matthew, Gov Lancastrian Ire (PhD)	E. A. E. Matthew, <i>The governing of the Lancastrian lordship of Ireland in the time of James Butler, fourth earl of Ormond, c. 1420–52</i> (PhD University of Durham 1994)
med	medieval
<i>Med frontier societies</i>	R. Bartlett and A. MacKay, <i>Medieval frontier societies</i> (Oxford 1989)
<i>Med Ire Encyclopedia</i>	Seán Duffy (ed), <i>Medieval Ireland: an Encyclopedia</i> (London and New York 2005)
Ms(s)	manuscript(s)
NAI	National Archives of Ireland [includes former PROI], (Dublin)
NHI ii	Art Cosgrove (ed), <i>A new history of Ireland</i> , ii: <i>Medieval Ireland, 1169–1534</i> (Oxford 1987; repr with bibliographical supplement 1993)
NHI ix	T. W. Moody, F. X. Martin and F. J. Byrne (eds), <i>A new history of Ireland</i> , ix: <i>Maps, genealogies, lists—a companion to Irish history, part II</i> (Oxford 1984; repr 2002)
Nicholls, <i>Gaelic Ire</i>	K. W. Nicholls, <i>Gaelic and Gaelicized Ireland in the middle ages</i> (2 nd edn Dublin 2003)
NLI	National Library of Ireland (Dublin)
n(n)	note(s)
NUI	National University of Ireland
Orpen, <i>Normans</i>	G. H. Orpen, <i>Ireland under the Normans</i> (4 vols, Oxford 1911–20; new edn 4 vols in 1 Dublin 2005) [‡]
Otway-Ruthven, <i>Med Ire</i>	A. J. Otway-Ruthven, <i>A history of medieval Ireland, with an introduction by Kathleen Hughes</i> (Dublin 1968; repr corr London 1980). [§]
Otway-Ruthven, ‘Arrest’	A. J. Otway-Ruthven (ed), ‘The background to the arrest of Sir Christopher Preston in 1418’ in <i>AH</i> 29 (1980) 71–94
<i>Oxford DNB</i>	<i>Oxford dictionary of national biography</i>
par	parish of
<i>Parl texts</i>	Nicholas Pronay and John Taylor, <i>Parliamentary texts of the later middle ages</i> (Oxford 1980)
<i>Parls & councils</i>	H. G. Richardson and G. O. Sayles (eds), <i>Parliaments and councils of Mediæval Ireland</i> i (IMC 1 vol, Dublin 1947)
<i>Peerage</i>	G.E. Cokayne, <i>The complete peerage of England, Scotland, Ireland, Great Britain and the United Kingdom</i> [...], ed V. Gibbs <i>et al.</i> (12 vols, London 1910–59)

[‡] References are to 1st edn unless otherwise specified.

[§] References are to 1980 edn (repr corr).

Abbreviations and conventions

<i>Peritia</i>	<i>Peritia: Journal of the Medieval Academy of Ireland</i> ([Cork] 1982–)
<i>PKCI</i>	<i>A roll of the proceedings of the king’s council in Ireland, for a portion of the sixteenth year of the reign of Richard the second, A.D 1392–93; with an appendix</i> , ed James Graves (London 1877).
<i>P&P</i>	<i>Past and Present: A Journal of Scientific History</i> (London 1952–)
<i>PPC</i>	<i>Proceedings and ordinances of the privy council of England</i> , ed N. H. Nicolas (7 vols, London 1834–7).
pr	printed [in]
<i>PR Cloyne</i>	<i>The pipe roll of Cloyne (Rotulus Pipæ Clonensis)</i> , ed Paul MacCotter and K.W. Nicholls (Cloyne Literary and Historical Soc Cloyne 1996)
<i>PRIA</i>	<i>Proceedings of the Royal Irish Academy</i>
PRO	Public Record Office (London) [now TNA]
<i>Proc</i>	<i>Proceedings [of the]</i>
PROI	Public Record Office of Ireland (Dublin) [now NAI]
PRONI	Public Record Office of Northern Ireland (Belfast)
<i>PROME CD-R</i>	<i>The Parliament Rolls of Medieval England, CD-ROM</i> , ed Chris Given-Wilson <i>et al.</i> (Scholarly Digital Editions Leicester 2005)
pt(s)	part(s)
pubd	published [as/in]
qtn(s)	quotation(s) [at]
<i>RCH</i>	Edward Tresham (ed), <i>Rotulorum patentium et clausorum cancellariae Hiberniae calendarium, Hen. II–Hen. VII</i> (Dublin 1828)
RC(I)	Record Commission (Ireland)
<i>Reg Fleming</i>	<i>The register of Nicholas Fleming, archbishop of Armagh, 1404–1416</i> , ed Brendan Smith (IMC Dublin 2003)
<i>Reg Swayne</i>	<i>The register of John Swayne, archbishop of Armagh and primate of Ireland, 1418–39</i> , ed D. A. Chart (Belfast 1935)
repr	reprinted [in]
rev	revised [by]
RHS	Royal Historical Society
<i>RHL Hen IV</i>	<i>Royal and historical letters during the reign of Henry IV</i> , ed F. C. Hingeston (RS 2 vols, London 1860–65)
RIA	Royal Irish Academy
Ric	Richard
<i>RP</i>	<i>Rotuli parliamentorum</i> , ed J. Strachey <i>et al.</i> , (6 vols, London 1783)

Abbreviations and conventions

<i>Rot selecti</i>	<i>Rotuli selecti ad res Anglicas et Hibernicas spectantes, ex archivis in domo capitulari West-Monasteriensi, deprompti</i> , ed Joseph Hunter (RC London 1834).
RS	<i>The chronicles and memorials of Great Britain and Ireland during the Middle Ages, published under the direction of the Master of the Rolls ('Rolls Series')</i> (99 vols, London 1858–96)
RSAI	Royal Society of Antiquaries of Ireland
Saul, <i>Ric II</i>	Nigel Saul, <i>Richard II</i> (New Haven and London 1997)
Steele, <i>Secreta</i>	Robert Steele (ed), <i>Three prose versions of the Secreta secretorum</i> (EETS extra ser lxxiv London 1898).
ser	series
Simms, <i>Kings</i>	Katharine Simms, <i>From kings to warlords: the changing political structure of Gaelic Ireland in the later middle ages</i> (Studies in Celtic History 7 Woodbridge 1987; repr 2000)
Soc	Society
SR	<i>Statutes of the realm</i> (RC 11 vols in 12 London 1810–28)
st	statute
<i>Statutes John–Hen V</i>	<i>Statutes and ordinances and acts of the parliament of Ireland, King John to Henry V</i> , ed Henry F. Berry (Dublin 1907)
T	Treasurer of Ireland
TCD	Trinity College, Dublin
TNA	The National Archives of the United Kingdom [formerly PRO] (London)
Tout, <i>Chapters</i>	T. F. Tout, <i>Chapters in the administrative history of medieval England</i> (6 vols, Manchester 1920–33)
tr	translated [by/at]
<i>Trans</i>	<i>Transactions</i> [of the]
trn	translation
<i>TRHS</i>	<i>Transactions of the Royal Historical Society</i>
Tuck, 'Anglo-Irish relations'	Anthony Tuck, 'Anglo-Irish relations, 1382–1393' in <i>PRIA</i> lxix C2 (1970) 15–31
Tuck, <i>Ric II & Eng nobility</i>	Anthony Tuck, <i>Richard II and the English nobility</i> (London 1973)
v	<i>verso</i> (placed in superscript)
<i>VCH</i>	<i>The Victoria county history of the counties of England</i> (London 1900–)
vol(s)	volume(s)
<i>WHR</i>	<i>Welsh History Review; Cylchgrawn Hanes Cymru</i> (Cardiff 1960–)
Ware, 'Marleburrough'	'Henry Marleburrough's chronicle of Ireland [1285–1421]' in Sir James Ware (ed), <i>The historie of Ireland, collected by three learned authors, viz. Meredith</i>

Abbreviations and conventions

	<i>Hanmer, doctor in divinitie: Edmund Campion, sometime fellow of St Johns College in Oxford: and Edmund Spenser esq.</i> (Dublin 1633) 207–23
Waters, Earls of Desmond (PhD)	Keith Waters, <i>The earls of Desmond in the fourteenth century</i> (PhD University of Durham 2004)
Wood, ‘Office of chief governor’	Herbert Wood, ‘The office of chief governor of Ireland, 1172–1509’ in <i>PRIA</i> xxxvi (1923) C12 206–38
†	died
=	alternative edn or reference (usually inferior)
X	saltire (denotes the period within which an event occurred, which cannot be dated more precisely)
/	solidus (denotes alternative dates for a specific event)
–	en rule (denotes a process extending from the first to the second date)**

** Definitions for these last three conventions are taken from *NHI* ii xlviii.

Acknowledgements

'In considering this strangely neglected topic', it began. This what neglected topic? This strangely what topic? This strangely neglected what?

Kingsley Amis, *Lucky Jim*

HISTORICAL research can be lonely at times, but the solitary researcher is something of a myth. Groups and individuals too numerous to mention have helped bring this thesis to light. For most, a general word of appreciation must suffice. A few, upon whom I have particularly imposed, deserve special mention. In 2002, the board of Trinity College, Dublin, did me the great honour of awarding me an Ussher Research Fellowship for my first three years of graduate study. The Department of History and the Grace Lawless Lee Fund, both of TCD, generously funded an extended visit to the United Kingdom to consult archival material there. A grant from the Trinity Trust Travel Grant Award Scheme enabled me to present aspects of this research overseas, an experience from which I benefited enormously. Bill Fuge provided access to an invaluable resource when he transferred his prize collection of volumes on medieval history to my care. Steve Boardman, Paul Dryburgh, Andrew Gailey, Dan McCarthy, Paul MacCotter, Elizabeth Matthew, Katharine Simms and Bernadette Williams all helped to mitigate my ignorance by answering questions, commenting on drafts, or providing me with samples of forthcoming or unpublished work.

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My family—a ‘polyphiloprogenitive lot’, if ever there was one (though perhaps not ‘Engleys nées en Irlande’)¹—regularly plunged me into the real world.

¹ Frame, *Ire & Brit*, 131, 293.

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Of my dozen nieces and nephews, seven were born since I started investigating this subject. The disbelief with which my eldest godchild, Katie, greeted the news that I still go to school (even during the summer!) hardened my determination to finish. My grandfather, James Walmsley—a piece of living history and the only man I know who reads Emmanuel Le Roy Ladurie in French and for pleasure—opened his house to me for ten productive months in 2005–06. My parents, with their conviction in the value of education, gave me every imaginable opportunity from an early age. If they consider this thesis a fair return on their investment, I will be happy. Finally to Helen: for dispelling my private anxieties, best concealed from academic overseers, about whether the reason for the neglect of this topic (*this what?*) is not strange at all—thank you.

PC

September 2006

Introduction: the problem stated

[A]ll this Lond is severed ...

Archbishop John Swayne of Armagh, 1428¹

I

IRELAND in the late middle ages was a conflicted land. The most obvious manifestation of this was the schism between the English colonists, whose acquisitive ancestors had invaded Ireland in the late twelfth century, and the native Gaelic population.² Conflict was not, of course, the only form of social interaction between natives and newcomers; but the nuanced picture that historians have painted of acculturation and coexistence leading to a 'new equilibrium' in the late middle ages³ should not obscure the fact that cooperation often sits well with, and may indeed breed, antipathy.⁴ Warfare laced with national animus still reverberated across late medieval Ireland as it had done, albeit with fluctuations in intensity, since the English invasion of the late 1160s.⁵ The running

¹ *Reg Swayne* 111.

² For the invasion and settlement of Ireland, the four volumes of Orpen, *Normans*, remain indispensable. See also Marie Therese Flanagan, *Irish society, Anglo-Norman settlers, Angevin kingship: interactions in Ireland in the late twelfth century* (Oxford 1989). The account that brings us closest to the human experience of the conquest in Ireland is the series of comparative lectures delivered in 1988 by R. R. Davies: *Domination and conquest: the experience of Ireland, Scotland and Wales, 1100–1300* (Cambridge 1990). The invasion of Ireland still awaits a sensitive treatment equivalent to that which Davies provides for Wales in *The age of conquest: Wales 1063–1415* (Oxford 2000) esp 82–107 (1st publ *Conquest, coexistence and change: Wales 1063–1415* (Oxford 1987)).

³ For acculturation in both directions, see e.g. Nicholls, *Gaelic Ire*; Katharine Simms, 'Bards and barons: the Anglo-Irish aristocracy and the native culture' in *Med frontier societies* 177–96; Freya Verstraten, 'Both king and vassal: Feidlim Ua Conchobair of Connacht, 1230–65' in *JGAHS* lv (2003) 13–37; eadem, 'Naming practices among the Irish secular nobility in the high middle ages' in *J Med History* xxxii (2006) 43–53. For the 'new equilibrium', see James Lydon, *Ireland in the later middle ages* (Dublin 1973) qtn 143; Robin Frame, 'Two kings in Leinster: the crown and the MicMhurchadha in the late fourteenth century' in *Colony & frontier* esp 174; Seán Duffy, *Ireland in the middle ages* (Dublin 1997), ch 7, 'Equilibrium', 156–81.

⁴ To take an example from Wales, where cooperation was frequently on an official footing, Owain Glyn Dŵr was active in English military enterprises in the years 1384–7 (Rees Davies, *The revolt of Owain Glyn Dŵr* (Oxford 1995) 144–50). See also idem, 'Colonial Wales' in *P&P* 65 (1974) 17–18, 21–3; cf. Glyn Roberts, 'Wales and England: antipathy and sympathy, 1282–1485' in *WHR* i (1960–63) 375–96. More generally, see Philip Mason, *Patterns of dominance* (Oxford 1970) esp 115–21; A. G. Hopkins, 'Viewpoint: Back to the future: from national history to imperial history' in *P&P* 164 (1999) esp 227–8.

⁵ A high-point was reached in the early fourteenth century with the Bruce invasion of Ireland, for which see esp the collection edited by Seán Duffy, *Robert the Bruce's Irish wars: the invasions of Ireland, 1306–1329* (Stroud 2002); and also Robin Frame, 'The Bruces in Ireland, 1315–18', *Ire & Brit*, 71–98 (1st pr in *IHS* xix 73 (1974) 3–37); J. R. S. Phillips, 'The Irish remonstrance of 1317: an international perspective' in *IHS* xxvii

sore that resulted between the Gaelic and English communities was, if anything, inflamed by the major military interventions that were mounted and financed from England after 1361.⁶

But Ireland was also conflicted in another sense. In the two centuries after first appearing on the island, the English settlers and their descendants came to form a distinctive political entity, one dependent on England, yet with its own institutions, customs and heritage.⁷ Like all communities this English colony in Ireland was a complex and diverse collectivity and subject to its own internal conflicts.⁸ This was readily acknowledged by contemporaries. Taken as a sweeping comment on English Ireland in the late middle ages, there is some merit in Archbishop John Swayne's alarmed description in 1428 of the land as 'severed'. It captures the prevalence of conflict. Swayne was particularly concerned about factions between members of the colony's higher nobility. In the late middle ages, the most powerful magnates in Ireland were the heads of the three comital houses established in the early fourteenth century. These were the earldoms of Kildare (1316) and Desmond (1329), created for two branches of the famous Geraldine family that descended from one of the first invaders, Maurice fitz Gerald (†1176); and the earldom of Ormond, created in 1328 for the Butler family, whose progenitor, Theobald I Walter (†1205), had first come to Ireland in

106 (1990) 112–129; idem, 'The Remonstrance revisited: England and Ireland in the early fourteenth century' in *Men, Women and War: Historical Studies XVIII* (Dublin 1993) 13–27. There are some general remarks in Peter Crooks, 'Racial and cultural conflict' in *Med Ire Encyclopedia* 395–7. The invaders were not, of course, all from England, but for a persuasive argument that 'English' is the adjective that distorts our understanding least, see John Gillingham, 'The English invasion of Ireland' in *The English in the twelfth century: imperialism, national identity and political values* (Woodbridge 2000) 145–60 (1st pr Brendan Bradshaw, A. Hadfield and W. Maley (eds), *Representing Ireland: literature and the origins of conflict, 1534–1660* (Cambridge 1993) 24–42).

⁶ For these interventions, see Otway-Ruthven, *Med Ire*, chs 9–10, 277–338; Philomena Connolly, 'The financing of English expeditions to Ireland, 1361–1376' in Lydon, *Eng & Ire*, 104–21. The politics of these years are discussed in detail below, pts II–IV.

⁷ See esp Robin Frame, "'Les Engleis néés en Irlande': the English political identity in medieval Ireland", *Ire & Brit*, 131–50 (1st pr *TRHS ser6 iii* (1993) 83–103). For a concise interpretation of the development of the English colony in the first two centuries after the invasion, see idem, *Colonial Ireland 1170–1370* (Dublin 1981).

⁸ The language is borrowed from Keith Stringer, 'Social and political communities in European history: some reflections on recent studies' in Claus Björn, Alexander Grant and Keith Stringer (eds), *Nations, nationalism and patriotism in the European past* (Copenhagen 1994) 11. For the argument in favour of describing English Ireland as a colony, see Brendan Smith, *Colonisation and conquest in late medieval Ireland: the English in Louth, 1170–1330* (Cambridge 1999) 1–9.

the entourage of the future King John in 1185.⁹ To these three earldoms—whose representatives were normally resident in Ireland—should be added two more. Ulster was Ireland's oldest earldom, created in 1205 for Hugh II Lacy (†1243) and revived in 1263 for Walter Burgh (†1271). After the murder in 1333 of Walter's great-grandson, William Burgh, the 'brown' earl, Ulster passed to Edward III's son, Lionel of Antwerp (†1368), and thence to the Mortimer family and the English crown. Consequently, the earls of Ulster rarely resided in Ireland for extended periods in the late middle ages, but they continued to act intermittently as an important focus of support.¹⁰ If Ulster was the most ancient comital house in Ireland, the earldom of Waterford was a late innovation. The Irish interests of the Lords Talbot, claimants to the liberty of Wexford, expanded dramatically in the early fifteenth century, a fact that was recognised by the creation of an earldom of Waterford in 1446 for Sir John Talbot (†1453), by then earl of Shrewsbury (1442).¹¹

Factional struggles involving these magnates, so it is argued in this thesis, were a primary influence on the politics of late medieval English Ireland. Yet, conflict was not restricted to the higher nobility. The strife between the colony's greatest nobles was replicated fractal-like among lords of the second rank, such as the Courcys, Barrets and Barrys of Cork,¹² or the Lower and Upper MacWilliam

⁹ There is no need to rehearse the circumstances in which these three earldoms were created in the first half of the fourteenth century. See Frame, *Eng lordship*, esp 13–18; *Peerage* x app C 35–9. Works on these families are too numerous to list here, but see bibliography below, §3.11.2, 'Butler' and 'Geraldines'. Genealogies are to be found in *NHI* ix 167–9, genealogies §§35–7; for the late middle ages, see below app 3, genealogies A3.1, A3.2. A fourth earldom, of Louth, was created for John Bermingham in 1319, but lapsed with his murder in 1329 (Smith, *Colonisation & conquest*, 114).

¹⁰ See e.g. Vincent Gorman, 'Richard, duke of York, and the development of an Irish faction' in *PRIA* lxxxv (1985) C6 169–79. A dedicated examination of the earldom of Ulster in the late middle ages is lacking, but see Edmund Curtis, 'The medieval earldom of Ulster, 1333–1603' in *Proc & reports of the Belfast Natural History & Philosophical Soc* (1930–31) 67–80; D. B. Quinn, 'Anglo-Irish Ulster in the sixteenth century' in *Proc & reports of the Belfast Natural History & Philosophical Soc* (1933–4) 56–78. The work of Katharine Simms is also indispensable. See esp Simms, *Gaelic lordships in Ulster in the later middle ages* (PhD 2 vols, University of Dublin 1976); eadem, "'The king's friend': O'Neill, the crown and the earldom of Ulster' in Lydon, *Eng & Ire*, 214–36. A detailed study of the Mortimers' involvement in Ireland after 1368, when they inherited the earldom of Ulster and lordship of Connacht, is long overdue. For a slightly earlier period, see Paul Dryburgh, 'The career of Roger Mortimer, first earl of March (c. 1287–1330)' (PhD University of Bristol 2002). A general sketch of the earldom from 1177 to 1541 is provided in Peter Crooks, 'Ulster, earldom of' in *Med Ire Encyclopedia* 496–7. For a genealogy, see app 3 below, genealogies A3.1, A3.3.

¹¹ *Peerage* xi 698–704; see also below ch 10, esp 321.

¹² *RCH* 69 §45. This conflict from the year 1358 was by no means exceptional. See Kenneth W. Nicholls, 'The development of lordship in county Cork' in *H&S Cork* 170.

Burghs of Connacht.¹³ Feuds were carried on between families, but were prosecuted with equal ferocity within families. The succession to the Geraldine earldom of Desmond in the south-west was, for instance, forcefully disputed on a number of occasions in the fifteenth century,¹⁴ while relations were often fraught between the Desmond earls and their kinsmen in the extended Geraldine network in Munster.¹⁵ The Butler family likewise suffered from internal disorder, and in the mid-fifteenth century it is reported that its cadet branches had 'entred into suche a wrongfull inordynate pride and malicious diuision and rancour betwene themselves that they fell suddenly out of their good obedience to be murderers and mansleers of either other'.¹⁶ If the cross-section of the colony's social hierarchy involved is impressive, so too is the geographical distribution. As settler families ramified into numerous branches and great lineages proliferated, landless 'idlemen' became a notorious source of disorder.¹⁷ This was most common in areas at some remove from the heartland of royal government around Dublin; yet, the hazards did not necessarily diminish with every day's ride towards the colony's capital. The city of Dublin witnessed its own share of discord,¹⁸ while the population of nearby Meath—which was neither dominated by magnates nor overly encumbered with lineages—was well-versed in the pastimes of a wrangling gentry, such as petty sieges, forcible entry, abduction and extortion.¹⁹ Permeating,

¹³ Kenneth Nicholls, 'The rise of the Mac Williamships and the wars of faction' in *Gaelic Ire* 170–77.

¹⁴ Otway-Ruthven, *Med Ire*, 352–3, 404; Anthony McCormack, *The earldom of Desmond, 1463–1583: the decline and crisis of a feudal lordship* (Dublin 2005) 61–2.

¹⁵ See e.g. AHib 382 s.a.1339. For comment, see Kenneth W. Nicholls, 'The FitzMaurices of Kerry' in *JKAHS ser1* iii (1970) 33–7; Paul MacCotter, 'Lordship and colony in Anglo-Norman Kerry, 1177–1400' in *JKAHS ser2* iv (2004) 64–5.

¹⁶ COD iv §267 (qtn 210). On the infighting of the cadet Butlers, see C. A. Empey & Katharine Simms, 'The ordinances of the White Earl and the problem of coign in the later middle ages' in *PRIA* lxxv (1975) C8 165–7; C. A. Empey, 'The manor of Carrick-on-Suir in the middle ages' in *JBS* ii 2 (1982) 211–2.

¹⁷ For typical complaints, see *PKCI* app iii 264–5; *IHD* 69; *PPC* 1410–22, 49. For analyses of these lineages, see Ciaran Parker, 'Paterfamilias and *Parentela*: the le Poer lineage in fourteenth-century Waterford' in *PRIA* xcv (1995) C2 93–117; Christopher Maginn, 'English marcher lineages in south Dublin in the late middle ages' in *IHS* xxxiv 134 (2004) 113–36; Frame, *Eng lordship*, 27–38; idem, 'Power and society in the lordship of Ireland, 1272–1377', *Ire & Brit*, 205–7 (1st pr *P&P* 76 (1977) 3–33). These idlemen (L: *ociosi*; F: *gentz udyves*) were not strictly an Irish phenomenon and bear comparison with the "riff-raff"—masterless, marauding bands of beggars and mercenaries' described by Otto Brunner, *Land and lordship: structures of governance in medieval Austria*, tr Howard Kaminsky and James van Horn Melton (Philadelphia 1992) 51.

¹⁸ As a sample, see episodes from 1378, 1434 and 1493 (*Affairs Ire* §257; *CPR* 1377–81, 271; *CCR* 1377–81, 171–2, 225; ABMV 292 s.a. 1434).

¹⁹ For instance, *CPR* 1391–6, 138, 520; *CCR* 1389–92, 463. Brendan Smith provides the background for a similar dispute (*CPR* 1364–7, 326) in his 'Lionel of Clarence and the English of Meath' in *Peritia* x (1996)

amplifying and at times retrospectively justifying many of these disputes were cultural tensions between the ‘English born in England’ and the ‘English born in Ireland’, a distinction that became increasingly defined during this period.²⁰

Such variegation makes all general comment perilous. Under scrutiny, each individual quarrel splinters into plural disputes, most of whose details are tantalisingly denied to us. Yet, it is still possible to detect some broad patterns. If we rather arbitrarily designate that yawning lacuna in Irish historiography—the century and a half before *c* 1500—as the ‘late middle ages’, then at least three distinct waves of upheaval involving the comital houses of Ireland can be discerned. Between the 1340s and the early fifteenth century, discordant relations between the Geraldine earls of Desmond and the Butler earls of Ormond gradually escalated into a series of depredations that resulted in high-profile casualties on both sides. In the first half of the fifteenth century, James, the fourth or ‘white’ earl of Ormond (†1405), was engaged in another protracted struggle, this time with relative newcomers, the Talbots, later earls of Shrewsbury and Waterford.²¹ Three years after the white earl died in 1452, a third major bout of faction fighting hit Ireland. As England slipped into the civil struggle known as the Wars of the Roses, Butler and Geraldine factions across the Irish Sea came to reflect, albeit imperfectly, the competing dynasties of Lancaster and York.²² These disputes were not trivial. They penetrated the collective memory of the colonists, whether in manorial records and local petitions,²³ or in genealogies²⁴ and the battle rolls of bardic poems composed for marcher lords. A late fifteenth-century elegy records how Philip Hackett deflected an attack on the town of Fethard, county Tipperary, launched by the earl of Desmond, possibly in 1462:

297–302. Cf. Nigel Saul, ‘Conflict and consensus in English local society’ in John Taylor & Wendy R. Childs (eds), *Politics and crisis in fourteenth-century England* (Gloucester 1990) 38–58.

²⁰ On the identity of the colonists, see below ch 3, 76–7 n 10, 103 n 146.

²¹ The most detailed study of the Talbot–Ormond conflict is now Elizabeth Matthew’s unpublished thesis (Matthew, *Gov Lancastrian Ire* (PhD)). See also below, chs 10–11.

²² Steven Ellis, *Ireland in age of the Tudors, 1447–1603: English expansion and the end of Gaelic rule* (London 1998), chs 3–4, 51–97; idem, *Tudor frontiers*, esp 107–45.

²³ See references to lands lying waste after being ravaged by the ‘army of the earl of Desmond’ in *COD* ii §316. The dating of the document is uncertain, but it probably refers to the events of 1344–5, for which see ANenagh 160 s.a. 1344; Frame, *Eng lordship*, 272–4. See also ‘Complaint of the Gentlemen, Inheritors, and Freeholders of the County of Tipperary to Henry VIII [1542]’, which catalogues outbreaks of disorder dating back to the reign of Henry VI (*COD* iv §267).

²⁴ See Séamus Pender (ed), ‘The O Clery book of genealogies’ in *AH* 18 (1951) §§2108–12; *CT* i 163–6, tr ibid. ii 172–6. For comment, see W. F. Butler, ‘An Irish legend of the origins of the barons of Cahir’ in *JRSAI* lv (1925) 6–14.

Philip's fame was noised abroad when the Earl was before Fethard;
He stopped at the ford of the town and gave way to none.²⁵

This seemingly endemic disorder has not endeared the late medieval colony to historians. The few who have ventured into the period have tended to be markedly unsympathetic to the actors in these conflicts, bemoaning the decline of royal power that promised impartial justice and attributing the nobility's feuding to the entrenchment of local lordship. It is possible to see things otherwise. An approach is suggested by the wider perspective that has proved extremely instructive for specialists studying earlier and later periods of Irish history.²⁶ Robin Frame, for the period up to and beyond the watershed of 1361,²⁷ and Steven Ellis from the late Yorkist era,²⁸ have both, in their different ways, emphasised the resilience of English government and the potential of local lordship to provide stability amid the challenges of the frontier environment of Ireland. Unfortunately, despite occasional prompting,²⁹ much of the writing on Ireland in the intermediary period springs from an older historiographical tradition, the 'origins and development' of which are traced in detail below (Chapter 1).³⁰

This thesis is an attempt to look at the English colony in late medieval Ireland afresh through a close examination of one 'negative' trait which, as we

²⁵ Anne O'Sullivan and Pádraig Ó Riain (eds), *Poems on marcher lords from a sixteenth century Tipperary manuscript* (London 1987) 78–9 & 117 n. There is another possible reference to the Desmond–Ormond conflict in an elegy for James Purcell (ibid. 40–41, 107 n).

²⁶ For a useful introduction to 'British' historiography, see Seán Duffy, 'The British perspective' in S. H. Rigby (ed), *A companion to Britain in the later middle ages* (Oxford 2003) 165–82.

²⁷ Frame's wider contextualisation of the lordship of Ireland permeates much of his work, but see esp Frame, *Eng lordship*; idem, 'Power & society', *Ire & Brit*, 191–220; idem, 'Overlordship and reaction, c. 1200–c. 1450', *Ire & Brit*, 171–190 (1st pr Alexander Grant & Keith J. Stringer (eds), *Uniting the Kingdom? The making of British history* (London 1995) 65–84); idem, *The political development of the British Isles, 1100–1400* (Oxford 1990; repr 1995).

²⁸ Steven G. Ellis, *Reform and revival: English government in Ireland, 1470–1534* (Woodbridge 1986); idem, 'Crown, community and government in the English territories, 1450–1575' in *History lxxi* (1986) 187–204; idem, *The Pale and the far north: government and society in two early Tudor borderlands*, O'Donnell Lecture, 1986, NUI (Galway 1988); idem, 'Tudor state formation and the shaping of the British Isles' in Steven G. Ellis & Sarah Barber (eds), *Conquest and union: the fashioning of a British state, 1485–1725* (London & New York, 1995) 40–63; idem, *Tudor frontiers and noble power: the making of the British state* (Oxford 1995).

²⁹ See Frame, *Eng lordship*, 'Conclusions: past and future', esp 333–9, which can be read as an agenda for the late medieval period; and Rees Davies, 'In praise of British history' in idem (ed), *The British Isles: comparisons, contrasts and connections, 1100–1500* (Edinburgh 1988) 19.

³⁰ See also Peter Crooks, 'Factions, feuds and noble power in the lordship of Ireland, c. 1356–1496' in *IHS* (forthcoming November 2007).

have seen, is particularly associated with the nobles of late medieval Ireland: factionalism. Underpinning such a study is a reappraisal of the nature of noble power in the late medieval period and the relationship between the crown and the resident lords of Ireland (Chapter 2). The intensive rehabilitation of the nobility that has been undertaken by scholars of Britain and the wider Plantagenet dominions over the past sixty years urges a reconsideration of the experience of English Ireland, where the emphasis that has been placed on disorder has been to the cost of other themes. A general discussion of these issues serves as a prelude to an examination of factionalism in a more confined period, *c* 1361–1423 (Parts II–IV). The thesis traces the course of the prolonged dispute between the Butlers of Ormond and the Geraldines of Desmond. By the 1420s, these two comital houses had reached a temporary *détente*, but the thesis goes on to examine the origins of the Talbot–Ormond antagonism, which dominated colonial politics until the mid-fifteenth century. The period 1361–1423 also has coherence and utility from another perspective. The decades under discussion were eventful ones, being witness to a concerted effort by the royal government to revive the fortunes of the English colony in Ireland. The policy began with the appointment of Edward III's son, Lionel of Antwerp, as lieutenant of Ireland in 1361, and reached an apogée with the two expeditions of the ill-fated King Richard II in the 1390s; but it continued, albeit with less conviction, into the fifteenth century.

II

SOME idiosyncracies of style and treatment are best highlighted at the outset. The balance between exposition and analysis is not even throughout. To some extent this reflects the spasmodic treatment of the late medieval period in the current historiography. A burst of minutiae in the text often heralds entry by this writer into an historiographical void in which a narrative framework had to be constructed from the bottom up. By the same token, a desire to keep the text relatively readable accounts for what may otherwise appear as an unnecessarily elaborate apparatus.

Other shortcomings have more serious implications. The medieval colony, as we are often reminded, was a diverse and highly regionalised land. All generalisations must, therefore, be offered tentatively until tested against detailed local investigations, and allowance must be made for differences of environment and economy, modulations in the intensity of central, local and seigneurial

institutions, and the relative importance of the lesser nobility or gentry.³¹ The absence of studies on these issues for the late medieval period is probably to be explained more by academic fashions than the absence of evidence. Weighty and extremely valuable dissertations have been produced in recent decades on a compass of only five or six years.³² The difficulty, in fact, is to survey all the surviving evidence when so much remains uncharted or unexplored.³³ This is particularly so when the theme under investigation is so broad and ill-defined as 'factionalism'. As J. G. Bellamy noted in another, but similar, context, there 'survives a fairly wide range of material superficially relevant but only a small amount with any real depth'. No one class of record can claim to be the 'quintessence' of factionalism.³⁴

Nonetheless, I hope that adopting a broader approach has its compensations. Even the best regional monograph may have the effect of reinforcing prevailing interpretations rather than opening up new lines of inquiry.³⁵ This is often the result of excluding evidence that is not immediately relevant to the local study. The Irish chancery records, for instance, preserve grants of lands, wardships, protections, pardons, annuities and rewards; but examining the flow of patronage to any one magnate tells us little about the favour in which he stood with the central government unless we engage in a 'deeper

³¹ For the last point in a slightly earlier period, see Brendan Smith's work on a region of the colony that was not dominated by magnates: Brendan Smith, 'A county community in early fourteenth-century Ireland: the case of Louth' in *EHR* cviii 428 (1993) 561–88; idem, *Colonisation and conquest in medieval Ireland: the English in Louth* (Cambridge 1999).

³² See e.g. Connolly, Lionel of Clarence (PhD); Johnston, Ric II & Ire (PhD).

³³ Note, for instance, how Charles McNeill's survey of Walter Harris' *Collectanea de rebus Hibernicis* (NLI Mss 1–19) contains next to no details of documents for the period 1357–1487 (Charles McNeill, 'Harris: Collectanea de rebus Hibernicis' in *AH* 6 (1934) 248–450, esp 351). Similarly, Edmund Curtis included only two fifteenth-century documents in his section of *Irish historical documents* (*IHD* 70–76 §§23–4). In other respects, there is considerable cause for optimism, especially since the publication of *CTNA* by Brendan Smith and Paul Dryburgh in 2005. See also the invaluable finding aids by Philomena Connolly and James Lydon, listed in the bibliography at §3.13.3, and the online databases listed in §3.13.7.

³⁴ J. G. Bellamy, *Bastard feudalism and the law* (Portland OR 1989) 3. Professor Bellamy's remarks were in reference to 'bastard feudalism'.

³⁵ Note Timothy Reuter's comment that, 'what we can know is determined not only by the nature of the sources, but also by the traditional recipes used to cook them'. The remark concerns the intellectual influence of the *Annales* school with its rejection of 'Grand Narrative'. He continues, 'to avoid one specific Grand Narrative is not to avoid them all, however, and the regional monographs of recent decades have, it seems to me, been just as indebted to those offered by G. Duby, P. Toubert and P. Bonnassie as older writing was to the *étatiste* tradition' (Timothy Reuter, 'Debate: "The Feudal revolution": comment 3' in *P&P* 155 (1997) 194).

reading' and try to assess *relative* levels of patronage.³⁶ There is another reason why it seems sensible that a study of factionalism should begin with the uppermost echelons of society. The Geraldine–Butler dispute sprang from multiple local aggravations in the south-west of the country, where the respective spheres of influence of the earls of Desmond and Ormond intersected; but it is argued throughout this thesis that theirs was no mere provincial antagonism. Rather it was a major influence on political dynamics within the colony at large. The fissures between these two comital houses re-emerged far from the epicentre of the dispute, for instance among the lesser nobility of Meath and Louth and the Gaelic Irish of Connacht and Leinster. An appreciation of these subtleties may assist the interpretation of affairs lower down the social hierarchy.

Finally, it should be stressed that the primary intention of this study is not to provide a sustained political narrative of a particular magnate dispute, still less of the English colony as a whole or 'Anglo-Irish relations'. Rather it seeks to use factionalism as a key to open up a number of themes of more general significance. The attention that the crown lavished on Ireland in this period allows us to investigate the relationship between the resident nobles and the Dublin government, the interdependence of colonial and curial politics, the flexibility of the colonial identity, the sophistication of political culture, and the relationship between magnate ambitions and the broader concerns of the political community of the colony. Moreover, by taking the discussion up to the year 1423 (Part IV), the thesis hopes to expose continuities in noble actions and attitudes across the chronological threshold of 1399, and demonstrate that the factional struggles within English Ireland in the Yorkist and Tudor periods need to be placed in a continuum that extends back to the later fourteenth century. In an effort to locate the colonial experience in a wider context, I have drawn heavily on the work of historians working outside Ireland and also, to a more limited extent, from related disciplines such as sociology and anthropology. Of course, comparative history is the approach of yesterday's radicals, and I am deeply indebted to a previous generation of historians who showed the way; but risks remain, not least that of always lagging a pace or two behind. With the literature so vast and growing apace, there is doubtless much that, as a novice, I have overlooked or misapprehended.³⁷ Perhaps worse than not being 'up to date' is succumbing to

³⁶ The situation is reminiscent of the pitfalls inherent in a selective use of Gaelic annalistic compilations, for which see Simms, *Kings*, qtn 3.

³⁷ The format of the bibliography below reflects a concern to make these limitations obvious. Thematic categorisation has obvious disadvantages, but it is hoped that these are outweighed by the convenience of

what Nicholas Canny describes as ‘absorbition’—the slavish pursuit of ‘foreign’ academic fashions without properly interrogating their relevance to Ireland.³⁸ That certainly was not my intention in this thesis. Indeed, I naïvely decided that ‘factionalism’ might be a subject worth pursuing long before I discovered that the study of disputes and settlements is a major academic industry.³⁹ If I have been ‘absorbed’ in the last four years, then I hope it is in another, more positive, sense. Many of the debates addressed in this thesis are absorbing precisely because they have so much to offer Irish history, and conversely because—as hopefully will become clear—Irish history has so much to offer *them*.

keeping works on similar themes together, rather than scattering them throughout a bibliography arranged alphabetically by author.

³⁸ Nicholas Canny, ‘Review article: revising the revisionist’ in *IHS* xxx 118 (1996) 246.

³⁹ See §3.4.4 in bibliography. For a critique, see Maureen Cain & Kalman Kulcsar, ‘Thinking disputes: an essay on the origins of the dispute industry’ in *Law and society review* xvi 3 (1981–2) 375–402.

Factionalism and the historians

[T]his much I gather out of this history ... that there rained more Disscentions, strifes, warres, and Debates betweene the Englishmen themselves in the beginning of the Conquest of this kingdome than between the Irishmen.

Connell Magheoghegan, 1627¹

Mr. Orpen says again and again that the Irish were turbulent. The Normans, he would have you believe were all for law and order.

Eoin MacNeill, 1919²

THE ENGLISH lords of late medieval Ireland, it has often been observed, were ‘turbulent’ men.³ To state this is to advance a comfortable platitude. Why they were so is rather more problematic. Indeed, it may also be the wrong question; but if so, historians with answers have never been in short supply.

Some four centuries ago, intrepid Tudor and Jacobean investigators discovered that stock answers had already been suggested by the earliest historian of the English in Ireland, Gerald de Barri (†1223). Gerald was no eulogist of the Gaelic population of Ireland. His writings depicted them as ‘a wild and inhospitable people’, indolent, wicked, sexually debased and, in a famous passage, bestial. In addition, they were treacherous and had a lust for blood vengeance: ‘Woe to brothers amongst a barbarous people! Woe to kinsmen! When they are alive they are relentlessly driven to death. When they are dead and gone, vengeance is demanded of them.’ Worse than this in Gerald’s estimation, however, was the fact that this blood lust infected the newcomers to Ireland:

To such an extent does one seem here to be allowed to carry out whatever one desires ...; so strongly has the pest of treachery grown and put in roots here; so natural through long usage have bad habits become; to such an extent are habits influenced by one’s associates, and he who touches pitch will be defiled by it; that foreigners coming to this country almost invariably are contaminated by this, as it were, inborn vice of the country—a vice that is most contagious.⁴

¹ ACLon 266 s.a. 1311. Cited by Seán Duffy, ‘The problem of degeneracy’ in Lydon, *Law & disorder*, 87.

² Eoin MacNeill, *Phases of Irish history* (Dublin 1919) 304.

³ The phrase is that of Orpen with regard to ‘degenerate’ English settlers (Orpen, *Normans* iv 302–03). The sentiment, as we shall see, is more common.

⁴ Gerald de Barri, *The history and topography of Ireland*, ed John J. O’Meara (rev edn London 1982) 108–09. On Gerald, see Robert Bartlett, *Gerald of Wales, 1146–1223* (Oxford 1982).

A clutch of early-modern observers adopted this conceit of the Gaelic lifestyle as a contagion that spread among the colonists.⁵ Richard Stanihurst, for instance, writes of Irish influence as a ‘canker’ that ‘bred rebellion, [which] raked thereto warres, and so consequently the vtter decay and desolation of that worthy countrey’.⁶ Lord Chancellor Gerrard likewise talks of newcomers being poisoned with ‘Irishe infeccion’.⁷ Edmund Spenser deals with the Geraldine–Butler antagonism in a section on how the original colonists became, ‘much more lawlesse and licentious then the very wilde Irish’. The two families became ‘adversaries and corrivales one against the other’ and, on account of the, ‘greatnes of their late conquests and seignories they grew insolent, and bent both that regall authority, and also their private powers, one against another, to the utter subversion of themselves, and strengthening of the Irish againe’.⁸ Of all these early modern writers, perhaps most influential upon later academic opinion was King James I’s attorney general in Ireland, Sir John Davies (†1626). Davies’ method was remarkably ‘modern’. He went to considerable lengths to adduce archival evidence in support of his views. His interpretation of this particular issue was, however, in an old tradition. Davies identified factionalism as one of his ‘true causes why Ireland was never entirely subdued’. The kernel of the problem, he argued, was the great autonomy exercised by the English nobles in Ireland, which:

begate Pride; and Pride, begat Contention among themselus, which broght forth diuers mischiefs, that did not only disable the English to finish the Conquest of all Ireland, but did endaunger the losse of what was already gained.⁹

⁵ For Gerald’s influence on sixteenth-century English writing, see John Gillingham, ‘The English invasion of Ireland’, *The English in the twelfth century: imperialism, national identity and political values* (Woodbridge 2000) esp 145–50 (1st pr Brendan Bradshaw, Andrew Hadfield & Willy Maley (eds), *Representing Ireland: literature and the origins of conflict, 1534–1660* (Cambridge 1993) 24–42); Hiram Morgan, ‘Giraldus Cambrensis and the Tudor conquest of Ireland’ in idem (ed), *Political ideology in Ireland, 1541–1641* (Dublin 1999) 22–44.

⁶ *Holinshed’s Irish chronicle: the historie of Ireland from the first inhabitation thereof, unto the yeare 1509. Collected by Raphaell Holinshed, & continued till the yeare 1547 by Richarde Stanyhurst*, ed Liam Miller & Eileen Power (Dublin 1979) 14, 16. Similarly, Edmund Campion discusses the ‘faccions of the nobilitye in Ireland’ in his *Two bookes of the histories of Ireland*, ed A. F. Vossen (Assen 1963) 110.

⁷ Gerrard, ‘Notes’, 97.

⁸ Edmund Spenser, *A view of the state of Ireland: from the first printed edition (1633)*, ed Andrew Hadfield & Willy Maley (Oxford 1997) 67.

⁹ John Davies, *A discovery of the true causes why Ireland was never entirely subdued* (London 1612; repr facsimile Shannon 1969) 150. For a discussion of Davies’ influence on later historians, see Eugene Flanagan, ‘The anatomy of Jacobean Ireland: Captain Barnaby Rich, Sir John Davies and the failure of reform, 1609–22’ in Hiram Morgan (ed), *Political ideology in Ireland, 1541–1641* (Dublin 1999) 158–61, 168–71.

Worse, the English nobles of Ireland increasingly adopted the manners and customs of the Gaelic Irish in the centuries after the invasion. These lords ‘louing the Irish tyranny’, to quote Davies again, cast off the laws of England.¹⁰ The passage of centuries had scarcely advanced the analysis at all. Nor was this coincidence, since early-modern writers shared with Gerald the wish to justify the drastic measures required to introduce English government to Ireland.¹¹

I

FACTIONALISM, then, lays claim to a distinguished historiographical pedigree, and it survived as an important theme in a broad spectrum of twentieth-century literature. Indeed, it featured prominently in the first great modern debate on the post-invasion period. G. H. Orpen argued in his masterpiece, *Ireland under the Normans*, that the invasion of the late twelfth century brought a measure of peace and stability to an otherwise devastatingly violent Ireland, ushering in what he called a *Pax Normannica*.¹² It was this most familiar (though perhaps somewhat rickety) of Orpen’s hobby-horses that another titan, Eoin MacNeill, went to considerable trouble to dismantle. MacNeill emphasised the disorderliness of the invaders and suggested—in a surfeit of irony—that when Orpen had described the Gaelic chiefs as ‘always killing one another’, he had possibly confused them with the ruling English dynasty, the Plantagenets.¹³

¹⁰ Davies, *Discovery*, 151.

¹¹ See Nicholas Canny’s comment that, ‘English sixteenth-century descriptions of Irish customs leading to the conclusion that the Irish (by which sometimes was meant the Gaelic Irish and sometimes the entire population) were beasts in the shape of men were offered as legitimations for drastic actions already under way or in prospect and cannot therefore be considered *causes* of those actions’ [Canny’s emphasis] (Canny, ‘Revising the revisionist’ in *IHS* xxx 118 (1996) 250). Canny elsewhere identifies Andrew Trollope, writing in the 1580s, as the man who began to describe all the English inhabitants of Ireland, whether Gaelicised or not, as ‘savage and brute beasts’ (idem, ‘Identity formation in Ireland: the emergence of the Anglo-Irish’ in idem & Anthony Pagden (eds), *Colonial identity in the Atlantic World, 1500–1800* (Princeton 1987) 168; idem, *Making Ireland British, 1580–1650* (Oxford 2001) 133–4). On Gerald de Barri as an apologist, see R. R. Davies, *Domination and conquest: the experience of Ireland, Scotland and Wales, 1100–1300* (Cambridge 1990) 109–110.

¹² For the phrase ‘*Pax Normannica*’, see Orpen, *Normans* ii 323; *ibid.* iv 262; idem, ‘The effects of Norman Rule in Ireland, 1169–1333’ in *AHR* xix (1914) 249; idem, ‘Ireland to 1315’ in J. R. Tanner, C. W. Previté-Orton & Z. N. Brooke, *The Cambridge Medieval History*, vii: *Decline of Empire and Papacy* (Cambridge 1932) 546.

¹³ Eoin MacNeill, *Phases of Irish History* (Dublin 1919) 312. F. J. Byrne commented equally wryly that a ‘cynic would be tempted to say merely that feudal anarchy had replaced tribal’ (*NHI* ii 5). Orpen’s assessment of dissensions among the settlers in Ireland *before* 1333 is expressed most succinctly in the conclusion to volume four of his *magnum opus*, published after MacNeill’s attack, where he says: ‘Some quarrels and consequent disturbances arose among the Anglo-Irish lords, but they were few and trivial as compared with

MacNeill, of course, overstated his case. There was little room in his polemic for the fact that the invaders were steeped in what John Gillingham has called, ‘that little known aspect of the revolution of 1066 ... chivalry’,¹⁴ and saved their worst excesses for the ‘barbarian’ native population, rather than each other. Nonetheless, for all his posturing, MacNeill draws our attention to two points in Orpen’s argument that were influential and are relevant to the interpretation of factionalism in the late medieval period covered by this thesis. The first is the powerful case that Orpen built in favour of discontinuity between the high period of *Pax Normannica* in the thirteenth century and the ‘turbulence’ of the late middle ages. The moment of fracture was explicitly identified with the murder of William Burgh, the ‘brown’ earl of Ulster, in 1333, which provided the terminus in Orpen’s narrative: ‘[t]he door was now finally closed on a century and a half of remarkable progress, vigour, and comparative order, and two centuries of retrogression, stagnation, and comparative anarchy were about to be ushered in’.¹⁵ A second point is raised by MacNeill’s acerbic description of Orpen as, ‘a whole-hearted worshipper of centralisation’.¹⁶ The comment is puzzling at first since, by the standards of subsequent historians, Orpen’s perspective was scarcely centralist. His great work was constructed on a regional basis and he excoriated those English kings who were by turns neglectful and interfering.¹⁷ Nonetheless, a belief in the value of a strong central government permeates Orpen’s writing. He reveals himself most clearly at the close of his fourth volume in some parallels with modern political thought. He refers to that, ‘absence of governmental interference [which] found advocates among a few political reformers in the last century in England’, and to those “‘amorphous communes” to attain which the Russian anarchist Bakunin was ready to sink modern civilization in blood’; but he continues, ‘saner minds have

the devastating conflicts of former Irish chiefs, or even compared with the discords and risings against the crown of their English compeers. On the whole the barons of Ireland stood by each other and were conspicuous for their loyalty to the king of England’ (Orpen, *Normans* iv 263). For a discussion of Orpen and his critics, see Seán Duffy, ‘Historical revisit: Goddard Henry Orpen, *Ireland under the Normans, 1169-1333* (1911–20)’ in Orpen, *Normans* (2005 edn) xi–xxiii (1st pr *IHS* xxxii 126 (2000) 246–259); Robin Frame, ‘The “failure” of the first English conquest of Ireland’, *Ire & Brit*, 2–3.

¹⁴ John Gillingham, ‘The introduction of chivalry into England’, *Eng in 12th century*, 209 (1st pr George Garnett & John Hudson (eds), *Law and government in medieval England and Normandy: Essays in honour of Sir James Holt* (Cambridge 1994) 31–55).

¹⁵ Orpen, *Normans* iv 249. MacNeill was not persuaded that the murder of the brown earl of Ulster in 1333 was a moment of demarcation because he dated the ‘Irish rally’ (as he termed Gaelic resistance to the settlers) back to the mid-thirteenth century (MacNeill, *Phases*, 324–5).

¹⁶ MacNeill, *Phases*, 302.

¹⁷ Duffy, ‘Historical revisit: Goddard Henry Orpen’ in Orpen, *Normans* (new edn), xxi–xxiii.

seen that to attain the greatest freedom, freedom must be surrendered. Without state-control there can be no security to the individual.’¹⁸

Orpen’s comments were prompted by his reflections on Gaelic Ireland in the pre-invasion period, but the same ideas informed his pessimistic view of the late medieval period, when the settlers ‘lapsed more and more into the disorderly ways of their Irish neighbours’.¹⁹ His outlook, then, was that of a true conservative, explicitly convinced of the value of the public authority of the state, while disapproving of unnecessary governmental interference. The next generation was to maintain his view of discontinuity, but it was, if anything, more reverential of the state.²⁰ Factional conflict was viewed with distaste. In explaining it, fingers were typically pointed both at a weak central government and ‘over-mighty’ lords. As the central administration became increasingly impotent in the later fourteenth century, turbulent magnates arrogated power to themselves and indulged in private war to further their territorial pretensions. This ‘relapse of politics into mere faction’ acted, in the words of one historian, as ‘an agency in the breakdown of medieval Anglo-Ireland’.²¹

Not that ‘Anglo-Ireland’ was necessarily marked out for particular opprobrium. Some historians who laboured on Irish material rather defensively pointed out that the ‘embitterment of faction’ in Ireland merely reflected ‘all the evils which existed for other reasons in England at the same period’.²² This whiff of Whiggery is redolent of Bishop Stubbs, who despondently portrayed the fifteenth century in England as, ‘a worn-out helpless age, that calls for pity without sympathy, and yet balances weariness with something like regrets’.²³ If the

¹⁸ Orpen, *Normans* iv 254–5.

¹⁹ Orpen, *Normans* iv 305. Note also Orpen’s comment that the ‘disappearance of the great feudal lords might not have been an unmixed evil if the central Government had been strong and well organized and ready to take their places in the maintenance of order and the administration of the law. But from the moment of the accession of Edward II the hand that held the reins of government was weak, irresolute, and capricious (Orpen, *Normans* iv 214).

²⁰ For criticisms of the concept of the ‘state’, see Philip Abrams, ‘Notes on the difficulty of studying the state (1977)’ *J Historical Sociology* i 1 (1988) 58–89; and in a medieval context, see esp Rees Davies, ‘The medieval state: the tyranny of a concept?’ in *J Historical Sociology* xvi 2 (2003) 280–300.

²¹ Griffith, ‘Talbot–Ormond struggle’, 376, 390.

²² Otway-Ruthven, *Med Ire*, 376. Margaret Griffith also notes the ‘parallelism which can often be observed between English and Anglo-Irish history’ and comments sadly on the destruction of English ‘constitutional machinery’ in Ireland (Griffith, ‘Talbot–Ormond struggle’, 376).

²³ William Stubbs, *The constitutional history of England in its origins and development* (3rd edn 3 vols, Oxford 1883–4) iii 637. Note also his comment that the ‘all that was good and great in [medieval life] was languishing even to death; ... The sun of the Plantagenets went down in clouds and thick darkness; the coming of the

constitutional framework was that of Stubbs, it was another man, Charles Plummer, who in 1885 distilled the interpretation into a convenient and evocative term: ‘bastard feudalism’.²⁴

In various incarnations, this construct—which, in its rudiments, denotes a social bond between lord and man based on money payments rather than land tenure—has been integral to over a century of debate on late medieval society. Of course, the discussion has long since progressed beyond the original, explicitly negative, connotation that Plummer intended. Instrumental to this sea change was K. B. McFarlane. His seminal article of 1944, which sought to legitimise ‘bastard feudalism’, was one stage in a thorough rehabilitation of the medieval nobility.²⁵ McFarlane dispatched the idea of “‘over-mighty subjects”, [who were] if not factious then feeble’ with the sardonic comment: ‘How fortunate that they killed each other off in the Wars of the Roses and that the Tudors decapitated the survivors!’²⁶ Rather, he considered that the conflicts between crown and nobility were ‘almost always the fault of the king; which is as much as to say that it depended how often the hereditary succession brought those unfit to rule to the throne’.²⁷ In the decades since, the study of late medieval England, in particular the role of the nobility, has been refined. The chronology of ‘bastard feudalism’ has been pushed ever further backwards and it has been shown to have co-existed happily with ‘feudal’ lordship;²⁸ the attention has shifted from noble affinities to the

Tudors gave as yet no promise of light; it was “as the morning spread upon the mountains”, darkest before dawn’ (ibid. iii 631). On Stubbs, see most recently J. Campbell, ‘Stubbs, William’ in *Oxford DNB* liii 217–22.

²⁴ Sir John Fortescue, *The governance of England*, ed Charles Plummer (London 1885) 15–16.

²⁵ The key essay is K. B. McFarlane, “‘Bastard feudalism””, *England in the fifteenth century: collected essays* (introduction by G. L. Harriss) (London 1981) 1–21, esp 2–3 (1st pr *BIHR* xx (1943–5) 161–80), but all his works were and are influential. They were published posthumously in three main collections: *Lancastrian kings and Lollard knights* (Oxford 1972); *The nobility of later medieval England: the Ford lectures for 1953 and related studies* (Oxford 1973); *Eng in the 15th century*. The literature sparked by McFarlane is vast and has generated much debate. The most recent survey is Michael Hicks, *Bastard feudalism* (London 1995), but see also citations below, nn 28–9. For McFarlane’s life and career, see Karl Leyser, ‘Kenneth Bruce McFarlane, 1903–1966’ in *Proc British Academy* lxii (1976) 485–506; G. L. Harriss, ‘McFarlane, Kenneth Bruce’ in *Oxford DNB* xxxv 379–80.

²⁶ McFarlane, *Nobility*, 3.

²⁷ Ibid. 120.

²⁸ S. L. Waugh, ‘Tenure to contract: lordship and clientage in thirteenth-century England’ in *EHR* ci (1986) 811–39; P. R. Coss, ‘Bastard feudalism revised’ in *P&P* 125 (1989) 27–64; David Carpenter, David Crouch & P. R. Coss, ‘Debate: bastard feudalism revised’ in *P&P* 131 (1991) 165–203; David Crouch, ‘From Stenton to McFarlane: models of societies of the twelfth and thirteenth centuries’ in *TRHS ser6* v (1995) 179–200.

gentry and county communities;²⁹ and there have recently been calls for a return to a constitutional approach or to studies of the ‘politics of government’.³⁰ But in fundamental respects, notably the depiction of the nobility as an essential partner in the governance of the realm, McFarlane’s achievement has endured.³¹

To a remarkable extent, large tracts of late medieval Irish history have remained isolated from these developments. This was partly due to chance. The formidable scholars who, in the mid-twentieth century, interested themselves in the history of medieval Ireland were precisely those most resistant to McFarlane’s reappraisals.³² True, their focus was not the Stubbsian ‘constitution’ so much as administrative and institutional history. Richardson and Sayles, the pair whose herculean researches provided such a wealth of insights into the colony’s institutions, were determined iconoclasts of the cult of Stubbs.³³ Even so, they shared his centralist presuppositions (which—to borrow the words of Rees Davies—were ‘all the stronger for being unspoken and unexamined’),³⁴ and attributed the ‘spirit of strife’ in fifteenth-century Ireland to the ‘*mal du siècle* that afflicted so many lands and so many great men’.³⁵ Another influence was Helen M. Cam. When Cam paid an ‘historical revisit’ to Stubbs after seventy years, she was impressed by his ‘vital and magnificent achievement’,³⁶ and she herself described the social order

²⁹ G. L. Harriss, ‘Introduction’ in McFarlane, *Eng in the 15th century*, xxvi–xxvii; Colin Richmond, ‘After McFarlane’ in *History* lxxiii (1983) 46–60; J. R. Maddicott, ‘The county community and the making of public opinion in fourteenth-century England’ in *TRHS ser5* xxviii (1978) 27–43; Chris Given-Wilson, ‘The king and the gentry in fourteenth-century England’ in *TRHS ser5* xxxvii (1987) 87–102. In an Irish context, see the important study by Brendan Smith, ‘A county community in early fourteenth-century Ireland: the case of Louth’ in *EHR* cviii 428 (1993) 561–88.

³⁰ The phrase is that of Harriss, ‘The dimensions of politics’ in R. H. Britnell and A. J. Pollard (eds) *The McFarlane legacy: studies in late medieval politics and society* (Stroud 1995) 1–20 (qtn 10). See also Edward Powell, *Kingship, law and society: criminal justice in the reign of Henry V* (Oxford 1989), ‘Introduction: towards a new constitutional history of late medieval England’, 1–20; idem, ‘After “After McFarlane”: the poverty of patronage and the case for constitutional history’ in Dorothy J. Clayton, Richard G. Davies and Peter McNiven (eds) *Trade, devotion and governance: papers in later medieval history* (Stroud 1994) 1–16; Christine Carpenter, ‘Political and constitutional history: before and after McFarlane’ in Britnell & Pollard (eds) *McFarlane legacy*, 175–206.

³¹ McFarlane, *Nobility*, 120; Harriss in McFarlane, *Eng in the 15th century*, xxiii–xxiv.

³² Michael Hicks, ‘Bastard feudalism: society and politics in fifteenth-century England’, *Richard III and his rivals: magnates and their motives in the Wars of the Roses* (London 1991) 6.

³³ See their extended critique, H. G. Richardson & G. O. Sayles, *The governance of mediaeval England from the Conquest to Magna Carta* (Edinburgh 1963) esp v–vii, 1–21.

³⁴ R. R. Davies, ‘Frontier arrangements in fragmented societies’ in *Med frontier societies* 100.

³⁵ *Ir parl* 162, 171 (qtn). They further contextualise disorder in Ireland in idem, ‘Irish revenue, 1278–1384’ in *PRIA* lxii (1961–2) C4 96–9.

³⁶ Helen M. Cam, ‘Stubbs seventy years after’ in *Cambridge Historical J* ix 2 (1948) 145.

of the later middle ages as, ‘parasitic ... and far removed indeed from the atmosphere of responsibility, loyalty and faith which had characterised the relationship of lord and vassal in the earlier middle ages’.³⁷ It was Cam who supervised the early research of the doyenne of Irish medievalists, Jocelyn Otway-Ruthven, at Cambridge.³⁸ This piece of academic genealogy helps to explain Otway-Ruthven’s rather unsympathetic treatment of the late middle ages in Ireland, a period for which her expertise remains unsurpassed. A chapter of her *magnum opus* is entitled, ‘Lancastrian Ireland: the growth of faction’.³⁹

Of course, we must be careful not to indulge in caricature: both before and after McFarlane, the stress in Irish historiography has been placed elsewhere. The writings of Edmund Curtis, for instance, speak glowingly of ‘aristocratic home rule’ and the Anglo-Irish ‘patriot party’.⁴⁰ Yet, Curtis’ apprenticeship in the rigorous school of constitutional history at Oxford occasionally betrays him. In his writings on fifteenth-century Ireland, for instance, he bewails ‘the evils of rampant feudalism’ that threatened ‘good government and prosperity to the people’, and he states that, “‘overmighty subjects” and family factions were over-riding popular rights’.⁴¹ James F. Lydon embodies a similar ambivalence.⁴² Although he notes that

³⁷ Eadem, ‘The decline and fall of English feudalism’ in *History* xxv 99 (1940) 225.

³⁸ Robin Frame, ‘The “failure” of the first English conquest of Ireland’, *Ire & Brit*, 5. Otway-Ruthven expresses her thanks to Cam in the foreword to her first book, *The king’s secretary and the signet office in the fifteenth century* (Cambridge 1939). Many years later, she contributed to her former teacher’s *Festschrift* (Otway-Ruthven, ‘The mediaeval Irish chancery’ in *Album Helen Maud Cam* (2 vols, Louvain & Paris 1961) ii 119–38). That the exchange of views was mutual is clear from Cam’s acknowledgement of academic debts to Otway-Ruthven (Cam, ‘The evolution of the medieval English franchise’ in eadem, *Law-finders and law-makers in medieval England: collected studies in legal and constitutional history* (London 1962) 22 n 1; eadem, ‘The quality of English feudalism’ in eadem, *Law-finders & law-makers*, 54). Some correspondence between the two, including numerous off-prints autographed by Cam, survive in the library of the Medieval History Research Centre, Trinity College, Dublin.

³⁹ Otway-Ruthven, *Med Ire*, ch 11, 339–76. A reader might be puzzled by her interpretation of disorder in medieval Ireland. At one point (ibid. 271) when referring to the first half of the fourteenth century, she states that the warfare among the settlers in Ireland ‘went beyond’ what was normal in other medieval states. Elsewhere (ibid. 334), referring to a later period, she remarks that ‘the disorder produced by them [the nobility of Ireland] ... was not markedly greater than was perfectly normal in any medieval state.’ Her view on fifteenth-century factions is best expressed at ibid. 376.

⁴⁰ See, e.g., Curtis, *Med Ire*, 215–7, 288–9, 295–6, 309, 322; idem, *A history of Ireland from the earliest times to 1922: with a new introduction by Seán Duffy* (Routledge edn London 2002) 95–6, 115–6, 122–3, 127–37; idem in Conway, *Hen VII & Ire*, 132–3.

⁴¹ Edmund Curtis, ‘Richard, duke of York, as viceroy of Ireland, 1447–1460; with unpublished materials for his relations with native chiefs’ in *JRSAI* lxii (1932) 164, 184. Curtis elsewhere describes how ‘Edward III had ... striven to rescue Anglo-Ireland from the baronage’ (Conway, *Hen VII & Ire*, 132). For one strikingly Stubbsian interpretation, see Curtis on the *Modus tenendi parliamentum* as the basis for ‘Lancastrian

‘the growth of lordship did not mean a degeneration into anarchy’, he has reiterated that “‘bastard feudalism” ... was a menace to the rule of law’,⁴³ and writes disapprovingly of ‘the power of the independent feudatories and their complete disregard for a feudal code of behaviour that now clearly belonged to a dying world’. He continues, ‘the growth of faction ... [was] symptomatic of the general malaise of that age, of the growth of lawlessness and the government’s inability to cope adequately’.⁴⁴

If Curtis, Otway-Ruthven and Lydon were the opinion-makers in Irish historiography, more recent writers have followed their lead. There is a grudging acceptance that the cash-starved administration found it expedient to ‘[bow] to realities’ and delegate power to the colony’s nobility, who could, ‘faute de mieux’, provide some stability in the localities.⁴⁵ But the positive potential of such

constitutionalism’ (Curtis, *Med Ire*, 292; cf. Stubbs, *Constitutional history* iii 5–6). On Curtis, including his Oxford connections, see T. W. Moody, ‘Edmund Curtis (1881–1943)’ in *Hermathena* 63 (May 1944) 69–78; James Hogan, ‘Edmund Curtis’ in *AH* 16 (1946) 387–9; James Lydon, ‘Historical revisit: Edmund Curtis, A history of medieval Ireland (1923, 1938)’ in *IHS* xxxi 124 (1999) 535–48. On Curtis’ nationalist perspective, see esp Steven G. Ellis, ‘Nationalist historiography and the English and Gaelic worlds in the late middle ages’ in Ciaran Brady (ed), *Interpreting Irish history: the debate on historical revisionism, 1938–1994* (Dublin 1994) 162–3 (1st pr *IHS* xxv (1986–7) 1–18).

⁴² It is interesting that, in the 1950s, Lydon was a supervisee of J. G. Edwards, who produced a cautious, but ultimately laudatory, pamphlet on Stubbs in 1952 (J. G. Edwards, *William Stubbs* (London 1952)). For a sketch of Lydon’s student career, see Sheelagh Harbison, ‘James Lydon: an appreciation’ in *Colony & frontier* xi. Edwards’ influence on the scholarly concerns of Lydon is evident, for instance, in the latter’s interest in the *plena potestas* of the commons in the Irish parliament (Lydon, ‘Windsor’, 260–61; idem, ‘Parliament and the community of Ireland’ in idem, *Law & disorder*, 132–3. Cf. J. G. Edwards, ‘The *Plena Potestas* of English parliamentary representatives’ in *Oxford essays in medieval history presented to Herbert Edward Salter* (Oxford 1934) (repr E. B. Fryde and Edward Miller (eds), *Historical studies of the English parliament* (Cambridge 1970) 136–49).

⁴³ Lydon, *Lordship*, 130–34, 179–80 (qtns 179, 130); see also idem, *Ireland in the later middle ages* (Dublin 1973) 48–56, 134–40. He traces the ‘breakdown in the rule of law’ back to the late thirteenth century in idem, ‘Ireland in 1297: “At peace after its manner”’ in idem, *Law & disorder*, 17–22 (qtn 17). Cf. Helen M. Cam, ‘Introduction: the rule of law in English history’ in eadem, *Law-finders & law-makers*, 11–21. For an unambiguous statement of Lydon’s Plummerian view of ‘bastard feudalism’ as demonstrative of the ‘self-interest’ of ‘the greatest of the magnates’ and tending to create ‘factions [that were] a permanent threat to the peace’, see Lydon, ‘The years of crisis, 1254–1315’ in *NHI* ii 185.

⁴⁴ Lydon, *Lordship*, 132–3.

⁴⁵ A. F. O’Brien, ‘Politics, economy and society: the development of Cork and the Irish south-coast region, c. 1170 to c. 1583’ in *H&S Cork* 107–17, 135–6 (qtns 117, 136). See also, idem, ‘The territorial ambitions of Maurice fitz Thomas, first earl of Desmond, with particular reference to the barony and manor of Inchiquin, co. Cork’ in *PRIA* lxxxii (1982) C3 59–88, esp 85–6; idem, ‘Medieval Youghal: the development of an Irish seaport trading town, c. 1200 to c. 1500’ in *Peritia* v (1986) 356–63, where the author talks of the early fourteenth century as a ‘time of transition from royal to seigniorial power’ in which the magnates ‘struggled to wrest

arrangements was undermined by the ‘evils inherent in the development of lordship’; entrusting the colonial nobility with office led to a ‘dangerous reliance upon personal interests in government’.⁴⁶ The nobles were ‘not entirely reliable [and] pursued their own internecine quarrels and private wars’.⁴⁷ By the fifteenth century, in the opinion of Professor R. A. Griffiths, the situation had further deteriorated, and ‘unruly’ lords posed a ‘serious threat to domestic order, and English rule itself’.⁴⁸ Indeed, ‘the substantial obstacles in Ireland to practical control from Westminster and the king’s court threatened to convert such magnate dominance into something worse than lawlessness—tyranny’.⁴⁹ It is scarcely surprising, given the currency of such views in standard works, to find some early modernists depicting ‘lordship’ in late medieval Ireland as a dubious legacy and emphasising its antediluvian character with the epithets ‘feudal’ or ‘bastard feudal’, often employed interchangeably and in a pejorative (or Plummerian) sense.⁵⁰

II

IT MUST be conceded that contemporary documentation can readily be mobilised to establish the existence of these tyrannous and fissiparous magnates. Three examples

power from the royal government and to impose their will on those beneath them in their own regions’ (qtn 361).

⁴⁶ Johnston, ‘Interim years’, 183–4. Johnston speaks in terms of ‘internecine’ rivalries and identifies ‘divisions within Anglo-Ireland’ as one of the ‘dominant forces in the fifteenth-century lordship, [which] continued to accelerate the decay of royal authority in Ireland’ (ibid. 183, 190–91).

⁴⁷ Tuck, ‘Anglo-Irish relations’, 17. Tuck’s opinion is endorsed by Sheelagh Harbison, William of Windsor and Ireland, 1369–76 (MLitt University of Dublin 1977) 105. For an uncompromisingly bleak recital of the colony’s woes, see W. R. Jones, ‘Violence, criminality, and culture: disjunction on the Anglo-Irish frontier: the example of Armagh, 1350–1550’ in *Criminal Justice History: an International Annual* i (1980) 29–47, esp 29–31.

⁴⁸ R. A. Griffiths, *The reign of Henry VI* (Sutton edn Stroud 1998) 163

⁴⁹ Ibid. 412. Griffiths also refers to the white earl of Ormond, as a ‘self-willed magnate of violent disposition’, and a practitioner of ‘brazen authoritarianism’ (ibid. 413–4).

⁵⁰ Note, for instance, the titles of two recent books: David Edwards, *The Ormond lordship in county Kilkenny, 1515–1642: the rise and fall of Butler feudal power* (Dublin 2003); Anthony M. McCormack, *The earldom of Desmond, 1463–1583: the decline and crisis of a feudal lordship* (Dublin 2005). See also Brendan Bradshaw, *The Irish constitutional revolution of the sixteenth century* (Cambridge 1979), esp ch 1, ‘The medieval legacy’, 3–31; Vincent Carey, *Surviving the Tudors: the ‘wizard’ earl of Kildare and English rule in Ireland, 1537–1586* (Dublin 2002) esp ch 1, ‘Medieval legacy: the earls of Kildare on a Gaelic borderland’, 16–39; ibid. ch 3, ‘The survival of feudalism and the restoration of coign and livery’, 67–96; Ciaran Brady, *The chief governors: the rise and fall of reform government in Tudor Ireland, 1536–1588* (Cambridge 1994) ch 5, ‘Reform government and the feudal magnates’, 169–208. For a recent critique of the interpretation of ‘bastard feudalism’ among early modernists, see Fiona Fitzsimons, ‘Cardinal Wolsey, the native affinities, and the failure of reform in Henrician Ireland’ in David Edwards (ed), *Regions and rulers in medieval Ireland, 1100–1650: essays for Kenneth Nicholls* (Dublin 2004) 80–92.

may serve as illustration. According to a ministerial report, written in 1399 and sent to England, the Gaelic king of Leinster, Art Mac Murchadha (†1416) had allied with John, fourth earl of Desmond (†1399), and together they planned to attack James, third earl of Ormond (†1405), ‘and afterwards to return, with all the power that they can get from the parts of Munster, to destroy the country’.⁵¹ One consequence of such conflicts, according to modern historians, was the ‘decline’ of the colony. This too was a contemporary preoccupation of the colonists. A petition to the king of 1421 complains that the land of Ireland, ‘has fallen so greatly into decline (F: *en declyne*) that [it] will never have relief’.⁵² A Gaelic poet in the fifteenth century seems to confirm the dismal prognosis:

The law of the Saxon’s Kings has often been broken;
the Goill set no store by legal document;
none of them obeying the King’s law,
each of them is an Earl for himself.
About Éire the principle of them all is respect for the strong man.⁵³

Yet the evidence begs many questions, not least whether we are the ‘conceptual prisoners’ of our sources?⁵⁴ As in the case of the so-called *révolution féodale* of eleventh-century Europe, we must ask whether, or to what extent, the rise of anarchic aristocrats is in reality a ‘mere documentary “revelation”’.⁵⁵ From the late fourteenth century, the reassuring sequence of important administrative records—for instance, the memoranda rolls and audited accounts of the Irish exchequer—falters, while grievance-laden petitions, ministerial reports, parliamentary and conciliar proceedings, and personal correspondence survive in greater quantities, providing an all-too-convenient repository for lurid descriptions of governmental disarray and magnate ‘tyranny’.⁵⁶ Yet, there is no provable correlation between the volume of complaint and the level of disruption; vocal disapproval may indeed indicate higher expectations of public order.⁵⁷ Moreover, the

⁵¹ *PKCI* app iii 262; *IHD* 68.

⁵² 9 Hen V [Ire], c 1 (*Statutes John–Hen V* 562–3).

⁵³ *Aithdioghluim dána: a miscellany of Irish bardic poetry*, ed Lambert McKenna (ITS 2 vols, Dublin 1939–40) ii §38 qtn 90.

⁵⁴ The phrase is adapted from Frame, *Eng lordship*, x.

⁵⁵ Timothy Reuter, ‘Debate: The “feudal revolution”: comment 3’ in *P&P* 155 (1997) 189 n 34 (qtn). The other contributions to the same debate are also instructive.

⁵⁶ On the Irish sources, see Philomena Connolly, *Medieval record sources* (Dublin 2002).

⁵⁷ Hicks, ‘Bastard feudalism’, *Ric III & his rivals*, 14. For the difficulties of interpreting administrative and legal sources, see R. F. Hunnisett, ‘The reliability of inquisitions as historical evidence’ in D. A. Bullough & R. L. Storey (eds), *The study of medieval records: essays in honour of Kathleen Major* (Oxford 1981) 206–35;

basic assumption that royal justice was a force for order cries out for interrogation. On the contrary, Michael Clanchy has suggested that arguably, 'royal power contributed to disorder and that the judicial authority of the crown was a public nuisance'.⁵⁸ This may explain why it is so unconvincing to relate inversely the potency of the central administration with the intensity of private war. Conflict between the English settlers was common from the earliest stages of the conquest in the late twelfth century.⁵⁹ In the 1290s, with royal power at its zenith, Ireland witnessed factional disturbances and, in the first surviving parliamentary records of 1297, the colonial community remonstrated about the level of disorder.⁶⁰ Ireland indisputably underwent significant social changes in the course of the fourteenth century, induced in large part by economic and demographic debility; but a rose-tinted view of the 'anterior order' may cause us to exaggerate the extent to which *disorder* was the result.⁶¹

A further interpretative conundrum is thrown up by the very restricted vocabulary of grievance. There are striking parallels between the language

James Buchanan Given, *Society and homicide in thirteenth-century England* (Stanford CA 1977) 4–32; Michael Clanchy, 'A medieval realist: interpreting the rules at Barnwell Priory, Cambridge' in E. M. M. Atwood (ed), *Perspectives in jurisprudence* (Glasgow 1977) 176–94; Anthony Musson, *Public order and law enforcement: the local administration of criminal justice, 1294–1350* (Woodbridge 1996) 208–22; Carpenter, 'Law, justice and landowners in late medieval England' in *Law and History Review* i (1983) 226–7. More generally, see G. R. Elton, 'Introduction: crime and the historian' in J. S. Cockburn (ed), *Crime in England, 1550–1800* (London 1977) 9–13; Bruce Lenman and Geoffrey Parker, 'The state, the community and the criminal law in early modern Europe' in V. A. C. Gatrell, Bruce Lenman and Geoffrey Parker (eds), *Crime and the law: the social history of crime in Western Europe since 1500* (London 1980) 17–18, 46–8.

⁵⁸ Michael Clanchy, 'Law, government, and society in medieval England' in *History*, lv (1974) 78; he expands on this point in idem, 'Law and love in the middle ages' in Bossey, *Disputes & settlements*, 47–67.

⁵⁹ See Peter Crooks, "'Divide and rule": factionalism as royal policy in the lordship of Ireland, 1171–1265' in *Peritia* xix (2005) 263–307.

⁶⁰ 25 Edw I [Ire] (*Statutes John–Hen* V 194–213; new edn pr Philomena Connolly, 'The enactments of the 1297 parliament' in Lydon, *Law & disorder*, 148–61). For comment, see James Lydon, 'Ireland in 1297' in *ibid.* 11–24; Brendan Smith, 'Keeping the peace' in *ibid.* 57–65.

⁶¹ The phrase is that of Stephen D. White, 'Debate: the "feudal revolution": comment 2' in *P&P* 152 (1996) 222. White quotes a warning by Janet Nelson about the distortion that can be caused by exaggerating the 'public order' that prevailed in the Carolingian period. These comments have application (though clearly with modifications) when translated to the situation in Ireland three hundred years later: 'Was public justice so ubiquitous, the state so authoritative, royal agents, purveyors included, so nicely under control, private castles so uncompromisingly demolished ...? In fact, all the abuses denounced c. 1000 had been denounced two centuries earlier. The Carolingian state ... coexisted with seigneurial power in always uneasy, yet necessary, interdependence, in constant interaction, constant friction. The public was enmeshed with the private. Royal agent and local lord were often actually one and the same man' (*ibid.* 222, citing Janet L. Nelson, review of Thomas Head and Richard Landes (eds), *The peace of God: social violence and religious response around the year 1000* (Ithaca NY & London 1992) in *Speculum* lxix 1 (1994) 163–9, qtn 168).

employed in English and Irish statutes to describe what may have been very different situations. An English statute from 1378, for instance, complains of men riding in great routs or confederacies through many parts of England, beating, maiming and murdering the liege people, threatening them, taking them prisoner and ultimately fining and ransoming them to their families, ‘as it were a land of war’.⁶² The men who framed complaints such as these had a flare for melodrama. Yet, unlike England, Ireland really was a land of war. What, then, are we to make of an ordinance from 1357 for the better governance of Ireland that expresses a similar grievance in much the same terms? Thieves, malefactors and disturbers of the peace were extorting fines and ransoms from many men, both on the frontier with the Gaelic Irish and in the land of peace by threatening to kill them and burn down their houses.⁶³ Are these merely rhetorical contrivances divorced from reality? To some extent, the answer may be yes. Reviewing the English evidence, Christine Carpenter has commented wryly that, ‘it seems that good men, and even the country [England], were “like to be destroyed” for most of the period for which parliamentary records exist’.⁶⁴ Her comment rings true for Ireland. It is a salient fact that despite the repeated transmission to England of petitions claiming that the land was ‘en poynt d’estre perdu’, English lordship—however much it may have been attenuated—survived in Ireland into the early modern period.⁶⁵

The baby to be snatched from the outrush of Stubbsian bathwater is the fact that the colony’s experience was not unique. Attributing factions and feuds in Ireland to the problem of ‘degeneracy’ can become almost reflexive,⁶⁶ so it is salutary to be reminded that the colony was not the only territory in the condominium of Plantagenet lands where feuds were common. In Gascony, the authorities struggled with the nobility’s claim to be entitled to wage private warfare, and the prolonged feud between the houses of Foix and Armagnac is somewhat reminiscent of the Geraldine–Butler conflict in Ireland.⁶⁷ Within Britain, too, the

⁶² 2 Ric II [Eng], st 1 c 6 (SR ii 9–10).

⁶³ 31 Edw III [Eng], c 5 (*Statutes John–Hen V* 410–11).

⁶⁴ Carpenter, ‘Law, justice & landowners’, 226.

⁶⁵ See, as a sample, *Parls & councils* §16 (qtn 19); *ibid.* §60; *Statutes John–Hen V* 484–7 (=RCH 128 §18); TNA SC 8/118/5889; *Reg Fleming* §185; Ellis, *Letters* i ltr XIX esp 60–61; *Reg Swayne* 109–10.

⁶⁶ Seán Duffy, ‘The problem of degeneracy’ in Lydon, *Law & disorder*, 87–8.

⁶⁷ M. G. A. Vale, *English Gascony, 1399–1453: a study of war, government and politics during the later stages of the Hundred Years’ War* (Oxford 1970) 170–202; *idem*, *The origins of the Hundred Years War: the Angevin legacy, 1250–1340* (Oxford 1996) ch 4.2, ‘Private War’, 112–139; James Given, ‘Factional politics in a medieval society: a case study from fourteenth-century Foix’ in *J Med History* xiv (1988) 233–50. For an

vendetta was very much alive. Across Scotland, the bloodfeud survived with royal support long into the early modern period,⁶⁸ while in Wales private war was a commonplace, protected in the law of the march and owing much to both the native Welsh bloodfeud, or *galanas*, and feudal notions of justice, among them ‘one of the best-known features of continental feudalism, the eventual resort to private warfare for the settlement of disputes’.⁶⁹

England likewise suffered from disorder. The problem seems to have been particularly acute in the first half of the fourteenth century, when outlaws were reportedly terrorising the countryside, notably Derbyshire and Leicestershire, and were employed by respectable landholders and churchmen to carry out their more sordid business. The members of such gangs fled their natural habitats on being declared criminals and banded together because survival outside the law was better assured in groups than alone.⁷⁰ It was a similar process, in Ireland, that lay behind the banding together of English felons of Ireland and native Irish ‘enemies’, who lived by plundering the colonists.⁷¹ Indeed, the transmarine connection was at times even more direct. In 1373, one John Power of Ireland, a clerk, was known to be

overview of private war in France, see Richard W. Kaeuper, *War, justice and public order: England and France in the later middle ages* (Oxford 1988) 225–60.

⁶⁸ Jenny Wormald, ‘The blood feud in early modern Scotland’ in Bossy, *Disputes & settlements*, 101–44 (1st pr as ‘Bloodfeud, kindred and government in early modern Scotland’ in *P&P* 87 (1980) 59–97); Keith M. Brown, *Bloodfeud in Scotland, 1573–1625: violence, justice and politics in an early modern society* (Edinburgh 1986). Wormald’s emphasis on the limitation of violence in the feud is modified in Stephen Boardman, *Politics and the feud in late mediaeval Scotland* (PhD University of St Andrews 1989).

⁶⁹ R. R. Davies, ‘The survival of the bloodfeud in medieval Wales’ in *History* liv 182 (1969) 338–57; idem, ‘The law of the march’ in *WHR* v 1 (1970) 1–30 (qtn 15). See also A. J. Otway-Ruthven, ‘The constitutional position of the great lordships of south Wales’ in *TRHS ser5* viii (1958) 15–17. On the vendetta in continental Europe, see Marc Bloch, *Feudal society*, tr L. A. Manyon (London 1961) 125–30; Otto Brunner, *Land and lordship: structures of governance in medieval Austria*, tr Howard Kaminsky & James van Horn Melton (Philadelphia PA 1992) esp 1–94; Karl Leyser, ‘The German aristocracy from the ninth to the early twelfth century: a historical and cultural sketch’, *Medieval Germany and its neighbours, 900–1250* (London 1982) 161–89, esp 174–8 (1st pr in *P&P* 41 (1968) 25–53); Trevor Dean, ‘Marriage and mutilation: vendetta in late medieval Italy’ in *P&P* 157 (1997) 1–36; Howard Kaminsky, ‘The noble feud in the later middle ages’ in *P&P* 177 (2002) 55–83.

⁷⁰ E. L. G. Stones, ‘The Folvilles of Ashby-Folville, Leicestershire, and their associates in crime, 1326–1347’ in *TRHS ser5* vii (1957) 117–36; John G. Bellamy, ‘The Coterel Gang: an anatomy of a band of fourteenth-century criminals’ in *EHR* lxxix (1964) 698–717; idem, *Crime and public order in England in the later middle ages* (London 1973) ch 3, ‘The criminal bands’, 69–88; Barabara A. Hanawalt, ‘Fur-collar crime: the pattern of crime among the fourteenth century English nobility’ in *J Social History* viii 2 (1975) 1–17 (repr eadem (ed), ‘Of good and ill repute’: *gender and social control in medieval England* (Oxford 1998) 53–69); eadem, *Crime and conflict in English communities, 1300–1348* (London 1979). For a re-assessment, see Musson, *Public order & law enforcement*, 264–9.

⁷¹ *Parls & councils* §16 (at 21).

operating in Gloucestershire with a band of English criminals described as, ‘common thieves and murderers and armed riders in the land of peace’.⁷² Moving from crime to the more pertinent issue of factionalism, it is surely important to recall that feuds were not uncommon between English magnates,⁷³ and that, from the Appellant crisis of 1387–8 to the Wars of the Roses, England was periodically embroiled in armed conflict.⁷⁴

III

IT EMERGES from this survey that, superficially at least, there is a close correspondence between Ireland’s late medieval experience and that of its neighbours. Certainly the historiographical parallels are striking. Suspicion of the nobility of late medieval English Ireland should be seen as stemming from that widespread academic obsession from the later nineteenth century with the doings of rulers, the workings of central institutions, and the growth of the ‘state’. From this conclusion, it follows that any study of factionalism in English Ireland must begin by taking account of the more balanced approach to the late medieval nobility that has been adopted by scholars elsewhere. The mechanics and diplomatics of lordship; the extent to which the resident nobility was considered a buttress of royal power; the nobility’s mechanisms for defusing their disputes, such as arbitration, compensation and marriage alliances; and the complex social networks created by dispute resolution: these are some of the aspects of colonial society that have been relatively neglected. This chapter began by alluding to ‘une question malposée’: why were the English lords in late medieval Ireland a ‘turbulent’ lot? The next chapter seeks answers to the primary question: how did the nobility regulate their affairs?

⁷² *CPR 1370–74*, 378. For other cases, see *CPR 1399–1401*, 478; Edward Powell, *Kingship, law and society: criminal justice in the reign of Henry V* (Oxford 1989) 261.

⁷³ Ralph A. Griffiths, ‘Local rivalries and national politics: the Percies, the Nevilles, and the duke of Exeter, 1452–55’ in *Speculum* xliii 4 (1968) 589–632; Robin Jeffs, ‘The Poynings–Percy dispute: an example of the interplay of open strife and legal action in the fifteenth century’ in *BIHR* xxxiv 90 (1961) 148–64; J. R. Lander, ‘Marriage and politics in the fifteenth century: the Nevilles and the Wydevilles’ in *BIHR* xxxvi 94 (1963) 119–52.

⁷⁴ Saul, *Ric II*, 148–204, 366–434; John Gillingham, *The Wars of the Roses: peace and conflict in fifteenth century England* (London 1981, repr 2001); Christine Carpenter, *The Wars of the Roses: politics and the constitution in England, c 1437–1509* (Cambridge 1997).

Power and conflict in late medieval English Ireland:
a review

THE GROWTH of noble power is one of the most commonly observed developments of the late medieval period in English Ireland. It is strange, then, that the higher nobility as a whole has rarely received intensive examination in the century following the major interventions from England that began in 1361.¹ The following discussion cannot pretend to fill this void. Its modest aim is to begin the process of reappraisal by assessing the Irish evidence from a less insular perspective. Any such exercise has its pitfalls, primarily a tendency to homogenize highly disparate circumstances. The peculiarities of Irish terrain, familiar as they are, should not be forgotten. Modulations in the intensity of English settlement; political fragmentation; a deeply institutionalised ethnic divide; the habitual absenteeism of the king; and the lack of an alternative focus for noble loyalties:² each of these individual ingredients has its counterpart elsewhere, but combined their flavour is quite distinctly that of colonial Ireland. A second, and more fundamental, problem is presented by adopting the concept that was referred to in the preceding chapter: 'bastard feudalism'. It would be rash to encumber Irish historiography with another abstraction at precisely the moment when scholars elsewhere are doffing their 'feudal' and 'bastard feudal' spectacles.³ It may be wiser to abandon the qualifiers and speak merely of

¹ The work of Robin Frame, to which the following is heavily indebted, ranges into the late medieval period, but Professor Frame would be the first to comment on the dearth of thematic studies on the nobility in the century after intervention of 1361. For the period before 1361, see esp J. R. S. Phillips, 'The Anglo-Norman nobility' in Lydon, *Eng & Ire*, 87–104; Frame, *Eng lordship*, 13–74. From the late Yorkist period, the work of Steven Ellis is essential, for which see introduction, above 6 n 28. For case studies relevant to the post-1361 period, see C. A. Empey, *The Butler lordship in Ireland, 1185–1515* (PhD University of Dublin 1970); Matthew, *Gov Lancastrian Ire* (PhD); David Beresford, *The Butlers in England and Ireland, 1405–1515* (PhD University of Dublin 1999); Waters, *Earls of Desmond* (PhD).

² For the last point, compare M. G. A. Vale, *English Gascony, 1399–1453: a study of war, government and politics during the later states of the Hundred Years' War* (Oxford 1970), ch 5, 'The Gascon nobility and the problem of allegiance', 154–215.

³ For the debate on the utility of the term 'feudalism', see Elizabeth A. R. Brown, 'The tyranny of a construct: feudalism and historians of medieval Europe' in *AHR* lxxix 4 (1974) 1063–88; and Susan Reynolds, *Fiefs and vassals: the medieval evidence reinterpreted* (Oxford 1994), from whom the 'spectacles' metaphor is borrowed (11–12). J. M. W. Bean provides a similar service for the term 'bastard feudalism' in *From lord to patron: lordship in late medieval England* (Manchester 1989) 1–9. For a

‘lordship’ (L: *dominium*), a subtle and versatile term that has been proposed as a solution to more than one terminological quandary.⁴ Yet, if ‘bastard feudalism’ has the potential to act as a conceptual nuisance, it can still serve as a signpost directing us towards an extensive literature on noble power outside Ireland. The issues raised by this corpus of work are of sufficient importance to warrant comprehensive examination in their own right; but even a brisk review should reveal much about the exercise of ‘lordship’ within the colony and thereby shed light on the issue of factionalism, albeit at the cost of dwelling initially on two ‘bastard feudal’ symptoms that once made scholars so suspicious of aristocratic power: noble affinities organised, in part, on the basis of written contracts; and livery and maintenance.

I

Lordship

LET US begin with the most obvious manifestation of noble power in Ireland: military lordship. Despite laws stipulating that only the king or his representative could wage war in the lordship of Ireland,⁵ it seems clear that most lords operating on the Irish marches maintained a private retinue that could be absorbed into the forces of nobles higher up the aristocratic ladder, creating ever larger confederacies. The most important focuses of such military support were the three resident earls of Desmond, Ormond and Kildare, who, in turn, occasionally entered the service of the senior (though, from 1333, seldom resident) member of the aristocratic élite, the earl of Ulster. Written instruments survive stipulating the mutual obligations of lords and their retainers, whether English or Gaelic, the richest evidence being provided by the unique surviving archive of the Butler earls of Ormond.⁶ Those concluded with English clients have been described as

Nietzschian pronouncement that ‘Bastard Feudalism is dead’, see Colin Richmond, ‘An English mafia?’ in Michael Jones (ed), *Nottingham Medieval Studies* xxxvi (1992) 240.

⁴ Bean, *From lord to patron*, esp 234–5; R. R. Davies, ‘The medieval state: the tyranny of a concept?’ in *J Historical Sociology* xvi 2 (2003) 280–300, esp 293–6. See also Davies’ extensive discussion of ‘lordship’ in idem, *Lordship and society*, esp 65–6. For the term’s appeal in relation to Ireland, see idem, ‘Lordship or colony?’ in Lydon, *Eng in med Ire*, 142–9. I am indebted to Professor Robin Frame for advice on this point.

⁵ 40 Edw III [Ire], c 10 (*Statutes John–Hen V* 442–3).

⁶ It is interesting that, of the sparse comments made by Irish historians on the subject of ‘bastard feudalism’, several have come from Gaelic specialists (F. J. Byrne, ‘*Senchas*: the nature of Gaelic historical tradition’ in J. G. Barry (ed), *Historical Studies IX* (Belfast 1974) 140; Simms, *Kings*, 113, 147–9). The involvement of Gaelic clients is significant because, although Gaelic Ireland found it extremely difficult to adapt to ‘feudalism’ as introduced by the English invasion from the 1160s, Gaelic lordship was not incompatible with ‘bastard feudal’ networks. For a case study of the difficulties faced by thirteenth-century

‘unremarkable’, but from the point of view of this discussion it is this very conformity with diplomatic forms elsewhere that is of interest.⁷ The earliest extant examples date from the late thirteenth century.⁸ From the fourteenth century, indentures of retinue—that classic feature of ‘bastard feudalism’—survive to shed light on the military arrangements of each of the Irish earls.⁹

The service stipulated in these documents could be onerous. In an indenture of retinue from 1356, Oliver Howell promised to serve James, the second earl of Ormond (†1382), for life throughout Ireland in both peace and war with his own retinue—which included four men-at-arms with fully armoured horses, twelve hobelars and forty footmen called kerns—in return for the lump-sum of one hundred marks of silver.¹⁰ The provision of a lump sum was unusual in England, but common in the surviving indentures from Ireland and has parallels elsewhere.¹¹ The man-at-arms was a fully equipped knight with his formidable covered warhorse, the *equus coopertus*. Hobelars, as James Lydon long ago explained, rode the distinctive light horses originally peculiar to Ireland and ideally suited to Irish terrain, though they were not always popular with the people

Irish kings attempting to operate in a feudalized world, see Freya Verstraten, ‘Both king and vassal: Feidlim Ua Conchobair of Connacht, 1230–65’ in *JGAHS* lv (2003) 13–37. For some elementary comments, see also Peter Crooks, ‘Feudalism’ in *Med Ire Encyclopedia* 167–9; idem, ‘Society, functioning of: Anglo-Norman’ in *ibid.* esp 433–4.

⁷ Robin Frame, ‘Power and society in the lordship of Ireland, 1272–1377’, *Ire & Brit*, 201 (1st pr *P&P* 76 (1977) 3–33).

⁸ Gearóid Mac Niocaill (ed), *The Red Book of the earls of Kildare* (Dublin 1964) §§11–12, 14–15.

⁹ *COD* ii §§ 33, 35–7, 39, 46, 126, 205 (i), 219, 247, 323 (ii), 347; *COD* iii §§8, 38, 140, 177, 320; Mac Niocaill (ed), *Red Book of the earls of Kildare*, §§76, 139, 165–9; K. W. Nicholls, ‘Abstracts of Mandeville deeds’ in *AH* 32 (1985) 18–9; Holmes, *Estates*, app i 129–30; *CPR* 1401–05, 229. The study of such documents in a ‘British’ context has been greatly facilitated by the publication of superior editions of life indentures of Irish provenance, with full cross-references to the original sources, in Jones & Walker, ‘Private indentures’, §§10, 12, 43–5, 68, 90, 129. For discussions of some of these documents, see Frame, ‘Power & society’, *Ire & Brit*, 201–2; idem, ‘Military service in the lordship of Ireland, 1290–1360: institutions and society on the Anglo-Gaelic frontier’, *Ire & Brit*, 292–7; J. A. Watt, ‘Gaelic polity and cultural identity’ in *NHI* ii 325–9; Ciaran Parker, *The politics and society of county Waterford in the thirteenth and fourteenth centuries* (PhD University of Dublin 1992), ch 5, ‘Retinues and political alliances’, 188–238. For the indenture of retinue in England, see A. E. Prince, ‘The indenture system under Edward III’ in J. G. Edwards, W. H. Galbraith and E. F. Jacob (eds), *Historical essays in honour of James Tait* (Manchester 1933) 283–97; Bean, *From lord to patron*, passim; Jones & Walker, ‘Private indentures’, 9–33. For similar arrangements in Scotland, see Jenny Wormald on the bonds of manrent and maintenance that proliferate from the mid-fifteenth century: *Lords and men in Scotland: bonds of manrent, 1442–1603* (Edinburgh 1985).

¹⁰ Jones & Walker, ‘Private indentures’, §43; *COD* ii §33.

¹¹ Jones & Walker, ‘Private indentures’, 24. For lump sums as part of the French *alliances*, see P. S. Lewis, ‘Decayed and non-feudalism in later medieval France’ in *BIHR* xxxvii 96 (1964) 165.

of the country.¹² ‘Hobbies’ (as their horses were known) were extremely mobile and were employed by English armies on campaign in Scotland and France for scouting and patrolling. Unlike the horse of the man-at-arms, the ‘hobby’ was uncovered (L: *discoopertus*), which is to say it had no armour or leather protection.¹³ Kerns (Ir: *ceatharnaigh*) were the mercenary Gaelic Irish footmen who played a major role in most English armies in Ireland.¹⁴ The 1356 contract contains the standard proviso that Howell’s retinue would not serve against the king of England, but an interesting rider also excuses him from acting against the earl of Desmond. If Howell were a tenant of both earls, then this formula—rather like clauses of exception in *alliances* made between the lords of south-west France—may have been designed to save him from the invidious position of having to serve with one of his lords against another.¹⁵

The exigencies of Irish marcher society ensured that the military aspect of Irish indentures would be more prominent than in their English counterparts. Service ‘in time of war’ was, in other words, frequently assumed as normal rather than exceptional. But the service stipulated was not exclusively military, nor was the tenurial bond altogether superseded by money payments. In certain cases, land served rather to supplement or underwrite cash sums. An indenture from 1375 between the second earl of Ormond and Sir Patrick Freigne, seneschal of the liberty of Kilkenny, serves to illustrate both points. Ormond assigned the manor of the Rower, county Kilkenny, to Sir Patrick for life. The manor was intended to provide a fee of ten pounds annually and, if the issues and profits proved inadequate, then Ormond was to make up the shortfall ‘out of his own coffers’, the assessment being made by two faithful men appointed by Ormond and Sir Patrick. In return, as well as serving Ormond with his retinue (L: *mora*), Sir Patrick was obliged to render ‘counsel and aid according to his power wherever and whenever in Ireland he shall be lawfully called upon to do the same’.¹⁶ This reference to the standard vassalic obligations of *consilium* and *auxilium* probably masks a host of

¹² A poem of colonial provenance speaks contemptuously of hobelars as undeserving of burial in consecrated ground and states that they should be ‘cast out like a dog’: ‘thos hoblurs namelich / That husbond be-nimeth eri of grund, / Men schold ham biri in non church, / Bot cast ham vte as a hund’ (‘Song of the times’, lines 29–32 in Angela M. Lucas, *Anglo-Irish poems of the Middle Ages* (Maynooth 1992) 130).

¹³ On hobelars, see James F. Lydon, ‘The hobelar: an Irish contribution to mediaeval warfare’ in *Ir Sword* ii (1954–6) 12–16.

¹⁴ Simms, *Kings*, esp 172.

¹⁵ Lewis, ‘Decayed & non-feudalism in later medieval France’, 167–8; Vale, *English Gascony*, 172–3.

¹⁶ COD ii §205 (i).

unspecified duties that Sir Patrick owed Ormond as a member of his household.¹⁷ Such services were stipulated with much more precision in an indenture of 1380 between Ormond and Patrick's kinsman, Sir Robert Freigne. The occasion for the indenture was probably Ormond's imminent departure for England in the latter half of 1380.¹⁸ It therefore provides a useful insight into the household arrangements of the Butlers during their frequent sojourns overseas at court or on their extensive English estates. Ormond appointed Sir Robert as his chief seneschal, steward and surveyor (F: *chief seneschal estiward et surveour*) of all his lands in Ireland, with power to assess his lands and let them to farm, and to correct, amend and if necessary replace his officers (F: *officiers*) both within his household (F: *lostell*) and without.¹⁹ By endowing him with these powers, Ormond effectively appointed Sir Robert his deputy.²⁰ Ample reward was made for these onerous responsibilities. Sir Robert was assigned ten pounds annually from the Butler manor of Courduff, in north county Dublin, and was entitled to distrain for this sum in default of payment. In addition to this, he was to receive reasonable wages whenever he laboured in Ormond's service, both during times of war and peace (F: *sibien en temps de guerre come de pees*), with further allowance for his expenses, as well as those of his men and horses, when he was in Ormond's household.²¹ The form of the document is conventional enough by English standards, but the terms of service were unusually advantageous.²²

As elsewhere, the number of surviving indentures is far from overwhelming, and they can only have been one—and not the most common—element of lordship.²³ Besides those who were formally retained, the earls clearly commanded the support of large networks of 'frendes allyes servantes adherentes and party takers',²⁴ that bear comparison to the affinities of English and Scottish magnates.²⁵ Through these clients, they held sway over enormous territories that

¹⁷ For the range of unspecified peacetime services, see Jones & Walker, 'Private indentures', 18–21; Hicks, *Bastard feudalism*, ch 5, 'Bastard feudalism in peacetime', 137–54.

¹⁸ CPR 1377–81, 547.

¹⁹ NLI D 1272 (pr Jones & Walker, 'Private indentures', §68; =COD ii §247).

²⁰ Another Ormond adherent, John son of Nicholas Lumbard, who seems to have accompanied the earl to England in 1380, appointed Sir Robert as his attorney in Ireland (CPR 1377–81, 547).

²¹ NLI D 1272.

²² Cf. Jones & Walker, 'Private indentures', 23–8.

²³ See Jones & Walker, 'Private indentures', 12–13; Wormald, *Lords & men*, 86–7, 91–9.

²⁴ Conway, *Hen VII & Ire*, app xl (qtn 226).

²⁵ Cf. the language of Scottish bonds of manrent that refer to 'kin freindis allya parttakaris tennentis servandis and dependaris' (Wormald, *Lords & men*, 90), or indeed the social groups elaborated by Otto Brunner in medieval Austria, consisting of "friends, patrons, supporters, and servitors" (*Freunde, Gönner*,

far exceeded their personal land-holdings. Maurice fitz Thomas, the first earl of Desmond (†1356), for instance, reputedly maintained an enormous private army, known as the rout of MacThomas, that terrorised much of the south and southwest of Ireland in the first half of the fourteenth century. It was a formidable network and doubtless remaining aloof from it was both difficult and perilous.²⁶ By the 1480s, a government report on the size of Desmond's army stated that he had four hundred horsemen, eight battalions of galloglass warriors, one battalion of crossbowmen and gunners, and some three thousand kerns at his disposal.²⁷

These disparate confederacies were consolidated by the distribution of livery. The wearing of heraldic insignia can be traced back to the first English invaders of Ireland, such as John de Courcy (†c 1219), who 'displayed painted eagles on his shield' as he marched north from Dublin in 1177 to conquer Ulaid, or the earliest Geraldines, who carried 'shields bearing the same device' as they

Helfer, under Diener)' (Otto Brunner, *Land and lordship: structures of governance in medieval Austria*, tr Howard Kaminsky & James van Horn Melton (Philadelphia PA 1992) 49). For studies of English and Scottish affinities, see M. Cherry, 'The Courtenay earls of Devon: the formation and disintegration of a late medieval aristocratic affinity' in *Southern History* i (1979) 71–97; Christine Carpenter, 'The Beauchamp affinity: a study of bastard feudalism at work' in *EHR* xcv (1980) 514–32; Simon Walker, *The Lancastrian affinity, 1361–99* (Oxford 1990); Michael Brown, *The Black Douglases: war and lordship in late medieval Scotland, 1300–1455* (East Linton 1998).

²⁶ For Desmond's clients, see Frame, 'Power & society', *Ire & Brit* 198–99; Nicholls, 'The development of lordship in county Cork' in *H&S Cork* 189–90; and a detailed study in Waters, *Earls of Desmond* (PhD), ch 5, 'Retinue and affinity'. *Rute* or *route* was a French or Anglo-Norman word derived from the Latin *rupta* (from *ruptus*, broken), referring to a company or division. It soon came to have a negative connotation, and in the English statutes of the period it refers to armed confederacies or bands of criminals. During the Hundred Years War, companies of freelance soldiers, known as *routiers*, were a source of considerable disorder. The Irish word *rúta* was borrowed from the Francophone invaders of Ireland. See *Oxford English Dictionary*; AFM iii 274–5 n u s.a. 1235; *Anglo-Norman Dictionary* (Leeds 1992); *Dictionary of the Irish language, based mainly on old & middle Irish materials* (RIA Dublin 1998); Simms, *Kings*, 120–21, 177.

²⁷ L. Price (ed), 'Armed forces of the Irish chiefs in the early sixteenth century' in *JRSAI* lxii (1932) 203. For the re-dating of this document to the 1480s, see D. B. Quinn & K. W. Nicholls, 'Ireland in 1534' in T. W. Moody, F. X. Martin & F. J. Byrne (eds), *A new history of Ireland*, iii: *early modern Ireland, 1534–1691* (Oxford 1976) 32 n 3; K. W. Nicholls, 'Anglo–French Ireland and after' in *Peritia* i (1982) 394 n1. On the private military arrangements of the eighth earl of Kildare, which also included galloglass and kern, see Steven G. Ellis, *Tudor frontiers and noble power: the making of a British state* (Oxford 1995) 128–31. On galloglas, see G. A. Hayes-McCoy, *Scots mercenary forces in Ireland (1565–1603): an account of their service during that period, of the reaction of their activities on Scottish affairs, and of the effect of their presence in Ireland, together with an examination of the gallóglaigh or galloglas* (1937, facsimile reprint Dublin 1996) 15–76. A new volume of essays arising from a conference on the role of the galloglas held at Edinburgh in March 2003 is in preparation under the editorship of Seán Duffy.

practised their horsemanship.²⁸ From the late thirteenth century, references begin to survive showing that, as in England, lords granted liveries of robes in reward for service.²⁹ In an agreement of 1289 between John fitz Thomas, the future first earl of Kildare (†1316), and Peter son of James Bermingham, the latter promised to wear fitz Thomas's robes or livery.³⁰ On occasion, such gifts were also distributed to Gaelic leaders, such as Art, brother of Muirchertach Mac Murchadha (k 1282) of Leinster, who received a robe, cap and furs from Roger Bigod, lord of Carlow, in the early 1280s.³¹ An entry in the Gormanston register from the time of Geoffrey Geneville (†1314), lord of the liberty of Trim, is still more illuminating. It records the fees and robes that were to be granted annually to the chief officers of the liberty. The most important of these officers, the seneschal of the liberty, was to receive twenty pounds, two robes, two hoods (F: *chapis*) and one saddle (F: *sele*) per year; the sheriff was allotted forty shillings and twenty shillings for a robe; and the treasurer, twenty pounds and eighteen shillings for a robe.³²

These early examples suggest a considerable degree of continuity with the late middle ages, where the evidence is often less forthcoming and historians have sometimes questioned whether livery was even employed in the English manner.³³ Clearly, however, it was. In an indenture of 1420, for instance, Earl James IV of Ormond (†1452), also known as the 'white' earl, retained one Thomas Petit, esquire, to serve with him for one year with six archers, each of whom was to receive 'a hundred shillings and their robes'.³⁴ The rare survival of an indenture dated 24 February 1341 between the first earl of Desmond and one Thomas son of Walter Mandeville, albeit in a sixteenth century English translation, shows that the Munster Geraldines also granted livery to their adherents. The greater portion of

²⁸ *Expugnatio hibernica* 168–9, 174–5. On heraldic insignia, see Maurice Keen, *Chivalry* (New Haven & London 1984) 125–42; David Crouch, *The image of aristocracy in Britain, 1000–1300* (London & New York 1992) 220–51.

²⁹ Frédérique Lachaud, 'Liveries of robes in England, c. 1200–1330' in *EHR* cxi 441 (1996) 284.

³⁰ Mac Niocaill (ed), *Red Book of the earls of Kildare*, §11.

³¹ Robin Frame, 'The justiciar and the murder of the MacMurroughs in 1282', *Ire & Brit*, 242 (1st pr *IHS* xviii 70 (1972) 223–30). Frame argues that this gift was an exceptional, rather than a regular occurrence in *ibid.* 242 n 11.

³² James Mills & M. J. McEnery (eds), *Calendar of the Gormanston register from the original in the possession of the right honourable the viscount of Gormanston* (RSAI Dublin 1916) 182, tr 10. On Geneville, see Beth Hartland, 'Vaucouleurs, Ludlow and Trim: the role of Ireland in the career of Geoffrey de Geneville (c. 1226–1314) in *IHS* xxxii 128 (2001) 457–77. For the administrative officers of the liberty of Trim, see Michael Potterton, *Medieval Trim: history and archaeology* (Dublin 2005) 118–29.

³³ Waters, *Earls of Desmond* (PhD), 245–6.

³⁴ *COD* iii §38.

Mandeville's reward for his service was to be received from the manor of 'Killmameghin' (Kilmanahan, county Waterford),³⁵ which was assigned to him for life; but Mandeville was additionally granted benefits-in-kind, including an annual grant of 'one suite of apparrell ... with one winter suite, And also ... a serviceable horse together with a serviceable saddle and bridle fitt for the warres'.³⁶

Livery came to identify a man with a specific lord; but, in group situations, the anonymity conferred by a uniform, together with the security naturally found in numbers, often caused liveried bands to feel, doubtless with some reason, that they could act with impunity. During a parliament held at Dublin in 1324, there was an altercation between Arnold Poer (†1329) and his enemy Bishop Richard Ledrede of Ossory. Poer entered the hall where the earls, barons and other magnates were assembled and confronted the bishop with certain articles for discussion accompanied by a band of men wearing his livery.³⁷ Poer's liveried followers may have been intended to intimidate the bishop. If so, the effect was by no means unique. This was a principal criticism of livery in England from the 1390s,³⁸ and repeated attempts were made by statute to restrict its distribution.³⁹ It was not until the arrival of Sir Edward Poynings in 1494–5 that an attempt to

³⁵ Identified in K. W. Nicholls, 'Abstracts of Mandeville deeds' in *AH* 32 (1985) 4.

³⁶ Nicholls, 'Abstracts of Mandeville deeds', §41 qtn 19.

³⁷ *Ir parl* 72; Thomas Wright (ed), *A contemporary narrative of the proceedings against Dame Alice Kyteler* (CS London 1843) 16–20; tr L. S. Davidson & J. O. Ward (eds), *The sorcery trial of Alice Kyteler* (Binghamton NY 1993) §16 48–9. The narrative in fact only refers to one man, William Outlaw, as being dressed in le Poer's livery (L: *de robis suis habens in comitiva*), but when le Poer left the hall after an abusive exchange with the bishop, he took 'his knights and the aforesaid William with him', so obviously his band of supporters extended beyond one man (*Sorcery trial of Alice Kyteler*, qtn 49). For some notes on livery, see *Sorcery trial of Alice Kyteler*, 48 n 78. For the feud between le Poer and the bishop of Ossory, see Frame, *Eng lordship*, 170–72.

³⁸ The English provision of 1390 (13 Ric II [Eng], st 3) states that 'grievous complaint and great Clamour hath been made ... of great and outrageous Oppressions and Maintenances made to the Damage of Us and of our People ... whereof many are the more encouraged and bold in their Maintenance and evil Deeds aforesaid, because that they be of the Retinue of Lords and others of our said Realm, with Fees, Robes, and other Liveries called Liveries of Company' (SR ii 74–5). Victorian historians joined the chorus of denunciation. '[L]iveries', wrote Stubbs, 'became the badges of the great factions of the court, and the uniform, so to speak, in which the wars of the fifteenth century were fought' (Stubbs, *Constitutional history* iii 552).

³⁹ For acts in England concerning liveries, see SR ii 3 (1 Ric II, c 7), 74–5 (13 Ric II, st 3), 84 (16 Ric II, c 4), 93 (20 Ric II, c 2), 155–6 (7 Hen IV, c 14), 240–41 (8 Hen VI, c 4), 426–9 (8 Edw IV, c 2). For a discussion of some of the measures against livery, see Bean, *From lord to patron*, 200–30; Nigel Saul, 'The commons and the abolition of badges' in *Parliamentary History* ix pt 2 (1990) 302–15; Michael Hicks, 'The 1468 statute of livery' in *HR* lxiv (1991) 15–28.

proscribe livery was specifically formulated for Ireland.⁴⁰ Yet even before this, English statutes (as was not uncommon) seem to have taken practical effect in the colony. In 1490, Henry VII issued a pardon to Gerald, the eighth or ‘great’ earl of Kildare (†1513), presumably at the latter’s request, for ‘all infringements of statutes against badges and livery of cloths and caps and retinues’.⁴¹ No doubt livery contributed to the fierce partisanship that led to a ban in 1494 on war cries in Ireland. It seems that it was the habit of the Geraldine and Butler factions in the late fifteenth century to use war cries—for instance ‘Butlerabo’ (‘arise Butler’)—in the course of ‘great variances, malices, and debates between divers lords and gentlemen and their retainers’. All such war cries were therefore abolished, and it was hoped to bring some semblance of unity to the people by insisting that in future they should only invoke Saint George or the lord king.⁴²

If we turn to the illicit functioning of society—the corruption that has recently been reaffirmed by one historian as the ‘heart of bastard feudalism’⁴³—the Irish evidence is even more abundant. As in England, judicial and ministerial malpractice were a colonial preoccupation. The ‘Song of the Times’, a ‘poem of social protest’⁴⁴ composed in the colony in the first half of the fourteenth century, complains in conventional terms of corruption:

Thos king is ministris beth i-schend,
To right and law that ssold tak hede,
And al the lond fort amend
Of thos theuis hi taketh mede ...

Hab hi the siluer and the mede
And the catel vnder-fo,
Of feloni hi ne taketh hede;
Al thilk trepas is a-go.⁴⁵

⁴⁰ Poynings’ Drogheda parliament, 1494–5, c 12 (Conway, *Hen VII & Ire*, 121–2; D. B. Quinn (ed), ‘Bills and statutes of Irish parliaments of Henry VII and Henry VIII’ in *AH* 10 (1941) 92; *The statutes at large passed in the parliaments held in Ireland, ... 1310–1801*, ed J. G. Butler (21 vols, Dublin 1776–1804) i 45–6 (10 Hen VII, c 6)).

⁴¹ *CPR 1485–94*, 316.

⁴² Poynings’ Drogheda parliament, 1494–5, c 38 (Conway, *Hen VII & Ire*, 128–9; Quinn (ed), ‘Bills & statutes’, 94; *Statutes at large Ire* i 55 (10 Hen VII, c 20)).

⁴³ Coss, ‘Debate: bastard feudalism revised—reply’, qtn 193.

⁴⁴ J. R. Maddicott, ‘Poems of social protest in early fourteenth-century England’ in W. M. Ormrod (ed), *England in the Fourteenth Century: Proceedings of the 1985 Harlaxton Symposium* (Woodbridge 1986) 130–44, esp 133.

⁴⁵ Translation: ‘Those king’s ministers, who should pay attention to justice and the law, are corrupt and in order to reform the country they take bribes from all those thieves ... If they have received the silver and the

Accusations of precisely this nature were made at an inquisition taken at Meath in 1373. The jurors claimed that a royal justice, Sir James Pickering, had deferred the hanging of a felon—whose name, ironically, was John Justice—in return for a bribe, thereby enabling the condemned man to obtain a charter of pardon from the lieutenant, Sir William Windsor (†1384),⁴⁶ and avoid his fate.⁴⁷ It was a recurring theme. In the mid-fourteenth century, it was said to be impossible to obtain justice because magnates had the lawyers of Ireland in their pockets.⁴⁸ A celebrated case from earlier in the fourteenth century is that of the alleged sorceress, Dame Alice Kyteler. William Outlaw, her ‘very rich and influential son’, is said to have gone ‘around the royal officials and other nobles of the land, using his ill-gotten gains to win their friendship’.⁴⁹

Allegations, of course, are easy to come by; solid evidence of such activities, by its very nature, is difficult to pin down. The account for 1359–60 of Elizabeth Burgh (†1360), lady of Clare, records gifts made to grease the wheels of the Irish administration. Elizabeth’s attorney paid 2s 3d to the clerk of the escheator of Ireland, ‘as he was unjustly delaying the progress of an inquisition ... with the result that no decision was made ... to the prejudice of the lady’.⁵⁰ These gifts were one off affairs, rather than regular fees.⁵¹ A hint of a more stable relationship is found in a memorandum in the Psalter of Christ Church under the

corrupt gains and the property, they take no heed of the felony; all that sort of offence has come to pass’. (‘Song of the times’, lines 33–6, 41–4 in Angela M. Lucas, *Anglo-Irish poems of the Middle Ages* (Maynooth 1992) 130, tr 131).

⁴⁶ *NHI* ix 474 (Lt 1369–72; governor and keeper 1373–6). On Windsor, see below ch 4.

⁴⁷ Clarke, ‘Inquisitions [1373]’, §1 (6) 221–2. Sir William Windsor appointed Sir James Pickering as justiciar in 1370 (*Parls & councils* §28). It is worth noting that the controversial William Skipwith (†c 1392), who was dismissed as chief baron of the English exchequer in 1365 for ‘enormous derelictions’ (Chron Knighton 192, qtn 193) spent some time in the Irish judiciary in the 1370s (F. Elrington Ball, *The judges in Ireland, 1222–1922* (2 vols, New York 1927) i 86).

⁴⁸ *Affairs Ire* §212. On the retaining of justices and lawyers in England, see J. R. Maddicott, ‘Law and lordship: royal justices as retainers in thirteenth- and fourteenth-century England’ in *Past & present: supplement IV* (1978); Nigel Ramsay, ‘Retained legal counsel, c 1275–c. 1475’ in *TRHS ser5* xxxv (1985) 95–112. For the colony’s judicial and legal professions, see Paul Brand, ‘The early history of the legal profession of the lordship of Ireland, 1250–1350’ in Daire Hogan & W. N. Osborough (eds), *Brehons, serjeants and attorneys: studies in the history of the Irish legal profession* (Dublin 1990) 15–50; idem, ‘The birth and development of a colonial judiciary: the judges of the lordship of Ireland, 1210–1377’ in W. N. Osborough (ed), *Explorations in law and history: Irish Legal History Society discourses, 1988–1994* (Dublin 1995) 1–48.

⁴⁹ Davidson & Ward (eds), *Sorcery trial of Alice Kyteler*, §2 qtn 30–31. See also *ibid.* §5 38–9.

⁵⁰ *CTNA* 331.

⁵¹ Maddicott, *Law & lordship*, 4.

date 19 March 1409, which records that James Redenesse, prior of Holy Trinity, Dublin, delivered two fur-lined robes and a pair of black velvet gloves to one Sir John Kyghley.⁵² Kyghley was not a royal justice, but he was in the service of Thomas of Lancaster, the king's lieutenant in Ireland, and he held a succession of important administrative posts culminating in an appointment as collector of customs in the ports of Ireland.⁵³ The prior, therefore, may have been attempting to secure the favour of an influential man.⁵⁴

It is unhelpful to adopt too censorious an attitude to such *douceurs* when they may often have been considered mere courtesies.⁵⁵ In any case, they reveal far more about the way the administrative machine operated than abstract declarations about impartial justice. Still, we must take account of the popular attitude, which was clearly one of disapproval. Livery's partner in crime, maintenance, besides having the general meaning of providing for a retainer and protecting him in his disputes, can also refer to supporting a party in litigation illegally. Maintenance, together with two of its subsets, champerty (supporting a suit in return for a share of the profits) and embracery (unduly influencing a jury),⁵⁶ were common grievances in this period, and the many attempts to monitor the English judicial system were mirrored in the lordship of Ireland.⁵⁷ The whole question was tackled head on in the famous statutes of Kilkenny (1366), chapter seven of which addresses the, 'conspiracies, confederacies, champerties, maintainers of suits, false swearers, receivers of damages in suits, [whereby] the liege commons of the said land in pursuit of their rights are much disturbed, aggrieved and disherited.' Those guilty of such abuses were to be punished by fines so that others 'may be deterred from doing or maintaining so horrible a thing

⁵² Geoffrey J. Hand (ed), 'The Psalter of Christ Church, Dublin (Bodleian Ms Rawlinson G. 185)' in *Reportorium Novum* i 2 (1956) 318–9 (L: *Jacobus de Redenesse prior ecclesie cathedralis sancte Trinitatis Dublin' deliberavit duos gwnnos ... cum pellura furrata cum uno par manicarum nigri velveti*).

⁵³ For Kyghley, see *RCH* 181 §39; *CPR* 1405–08, 269, 392; *CPR* 1413–16, 195.

⁵⁴ Cf. Maddicott, 'Law & lordship', 72–81, where the decline of retaining of justices in England in the last quarter of the fourteenth century is examined.

⁵⁵ See comments by James Lydon, *Ireland in the later middle ages* (Dublin 1973) 136; cf. Edward Powell, 'Law and justice' in Rosemary Horrox (ed), *Fifteenth century attitudes: perceptions of society in late medieval England* (Cambridge 1994) 41

⁵⁶ Earl Jowitt & Clifford Walsh, *Jowitt's dictionary of English law* (2nd edn 2 vols, London 1977) i 313, 693; ii 1132–34.

⁵⁷ On maintenance and corruption of justice in England, see *SR* i 256 (1 Edw III, c 14); 264 (4 Edw III, c 11); 304–5 (20 Edw III, cc 4–6); *ibid.* ii, 3 (1 Ric II, c 7); 134 (4 Hen IV, c 7); 589 (11 Hen VII, c 25).

... contrary to law.’⁵⁸ This statute did not eradicate the problem, but neither was it merely a parchment law. Large numbers of people sought pardons for these offences.⁵⁹ A recurring difficulty was that of extracting accurate information from the juries empanelled in areas dominated by one or other of the great lords. In a dreary dispute that lasted from the late 1360s into the 1370s over the manor of Rathkeale, county Limerick, situated in Desmond territory, the administration specifically stipulated that the facts of the case were to be verified ‘by the oath of men who are not allied by kinship to any of the said parties, or to the earl or countess of Dessemund’.⁶⁰ It was an effort to avoid embracery. Yet more insidious were charges from the mid-fifteenth century that the white earl of Ormond gained the support of the Irish parliament by making ‘Irisshe men and gromes and pages of his housolde knyghtes of the shire’.⁶¹

II

Crown and nobility

‘LORDSHIP’ in the late medieval English colony in Ireland, as it emerges from this brief description, is conspicuously akin to that of ‘bastard feudal’ societies, both in form (for instance, the indentures of retinue) and in content (the bestowal of livery and the corruption of justice). Rather than vindicating the colonial nobility, this discussion seems to have confirmed some of the worst fears of the ‘centralist’ school. If this is not due to the ‘over-mightiness’ of the magnates, is it attributable to the fact that the king was mostly, in Robin Frame’s phrase, ‘absent and hence permanently “under-mighty”’?⁶² This suggestion cannot be lightly dismissed. Even in England, a number of historians have reaffirmed the high level of disorder caused, among other things, by the delegation of peace-keeping functions to self-interested magnates.⁶³ Yet the debate on this interpretation—

⁵⁸ 40 Edw III [Ire], c 7 (*Statutes John–Hen V* 438–41). The related issue of barrators is tackled, *ibid.* 458–61 (c 30).

⁵⁹ This can be judged from the brief glimpse we have of the business of the Irish council in 1392–3 (*PKCI* §§51, 57, 64, 71, 76, 79, 106, 123, 125, 128, 135, 146, 179 & 211).

⁶⁰ *CPR* 1367–70, 59–60 (qtn 60), 198–9; *CCR* 1369–74, 231, 411; *CCR* 1374–77, 145–6; *TNA C* 47/10/23/1, C 47/10/23/10. The lands were held by the English Mautravers family, whose interest in this Irish manor was revived in the 1350s and 1360s. See Frame, *English lordship*, 61–2.

⁶¹ *PKCI* app v–vi 274 (qtn), 278; *Statute rolls of the Irish parliament: reign of Henry the Sixth*, ed. Henry F. Berry (Dublin 1910) 51 (20 Hen VI); *PPC* 1436–43, 318–9.

⁶² Frame, *Eng lordship*, 46.

⁶³ Including, significantly, one who turned his attention to Ireland, R. A. Griffiths. His comments on ‘Lawlessness and (aristocratic) violence’ provide an interpretative context for his harsh views on Ireland (Griffiths, *The reign of Henry VI* (Sutton edn Stroud 1998) 128–53, 562–609). See also J. G. Bellamy, *Crime*

which one historian has wryly dubbed ‘bastard McFarlanism’⁶⁴—is vigorous. Gerald Harriss has recently emphasised the consensual aspect of English government, reminding us that ‘[a]ny late medieval government, however developed its central administration, was limited by local particularism ... [and] had to rely on local élites who exercised and often appropriated its authority’.⁶⁵ Other scholars concur. Each lord had his own ‘country’⁶⁶ and, although the crown’s resources were formidable, they ‘were not sufficient to maintain royal authority without a basis of trust between sovereign and subject’.⁶⁷

What is true for relatively centralised England can be said *a fortiori* of the regionalised Scottish kingdom. Like their Irish counterparts, the Scottish nobles were once ‘very much neglected by other historians’ and were the ‘victims of a strong prejudice in favour of the Crown’.⁶⁸ But in the last few decades, this “‘thud and blunder approach” to crown–magnate relations in Scotland has in large part been superseded.⁶⁹ Inspired by McFarlane, two scholars in particular, Jenny Wormald and Alexander Grant, have demonstrated the success of delegation to the

and public order in England in the later middle ages (London 1973) esp 199–202; idem, *Bastard feudalism and the law* (London 1989); R. W. Kaeuper, ‘Law and order in fourteenth-century England: the evidence of special commissions of oyer and terminer’ in *Speculum* liv 4 (1979) 734–84; P. R. Coss, ‘Bastard feudalism revised’ in *P&P* 125 (1989) 27–64; idem, ‘Debate: bastard feudalism revised: reply’ in *P&P* 131 (1991) 190–203.

⁶⁴ Christine Carpenter, ‘Political and constitutional history before and after McFarlane’ in Richard Britnell & A. J. Pollard (eds), *The McFarlane legacy: studies in late medieval politics and society* (Stroud 1995) 191. See also eadem, *Wars of the Roses*, ch 1, ‘Sources and historiography’, 4–26, where she talks of the confusion caused by ‘rejecting McFarlane’s ideas ... in the name of McFarlane’ (qtn 23).

⁶⁵ G. L. Harriss, ‘Political society and the growth of government in late medieval England’ in *P&P* 138 (1993) 32.

⁶⁶ Chris Given-Wilson, *The English nobility in the late middle ages: the fourteenth-century political community* (London, 1987) qtn 160.

⁶⁷ Maurice Keen, *England in the later middle ages* (2nd edn London & New York 2003) 239. The point is further elaborated in John B. Gillingham, ‘Crisis or continuity? The structure of royal authority in England 1369–1422’ in Reinhard Schneider (ed), *Das Spätmittelalterliche Königtum im Europäischen Vergleich* (Sigmaringen 1987) 78–80. For other critiques of the ‘centralist’ position and its emphasis on local disorder, see Michael Clanchy, ‘Law, government, & society’, 73–8; Powell, *Kingship, law & society*, 19–20, 87–91; Hicks, ‘Bastard feudalism’ in idem, *Ric III & his rivals*, 16–7; Davies, ‘The medieval state: tyranny of a construct?’, 289–90; Musson, *Public order & law enforcement*, 226–34; Richard Gorski, *The fourteenth-century sheriff: English local administration in the late middle ages* (Woodbridge 2003) 160–61; Anthony Musson & W. M. Ormrod, *The evolution of English justice: law, politics and society in the fourteenth century* (London 1999) 68–74.

⁶⁸ K. J. Stringer (ed), *Essays on the nobility of medieval Scotland* (Edinburgh 1985) qtn xiii; the second quotation is taken by Stringer from McFarlane, *Nobility of later med Eng*, 3.

⁶⁹ The phrase is used by Jennifer M. Brown, ‘Review of Ranald Nicholson, *Scotland: the later middle ages*’ in *EHR* xcii 364 (1977) 599.

magnates, who have been portrayed as willing partners in the governance of the realm.⁷⁰ This situation was in a long tradition whereby power in the Scottish realm was mediated through two distinct but interwoven forces: firstly the regional lordship of the magnates, whose power was harnessed, and in turn given strength, by the authority of the crown. Even allowing for recent caveats about this 'new orthodoxy',⁷¹ which perhaps underestimates the potential for political crisis in the late medieval Scottish kingdom, the rehabilitation of the nobility remains a signal achievement.⁷²

The Scottish parallel, moreover, is highly pertinent to Ireland, where kinship bonds were also vibrant and noble power was exercised across equally impressive territorial expanses. Let us, therefore, take up in an Irish context the well-worn theme of relations between nobility and crown. Robin Frame has concluded that the striking feature of the latter part of Edward III's reign in Ireland was the king's success at working with the grain of colonial society.⁷³ Of course, not every subsequent monarch was so deftly politic, and there is ample

⁷⁰ Jenny Wormald [née Brown], 'Taming the magnates?' in Stringer, *Essays on nobility of med Scotland*, 270–80; eadem, *Lords & men in Scotland*; Alexander Grant, 'Earls and earldoms in late medieval Scotland (c. 1310–1460)' in John Bossy and Peter Jupp (eds), *Essays presented to Michael Roberts, sometime professor of modern history in the Queen's University of Belfast* (Belfast, 1976), pp 24–40; idem, 'The development of the Scottish peerage' in *Scottish Historical Review* lvii (1978) 1–27; idem, 'Extinction of direct male lines among Scottish noble families in the fourteenth and fifteenth centuries' in Stringer, *Essays on nobility of med Scotland*, 210–31; idem, 'Crown and nobility in late medieval Britain' in Roger A. Mason (ed.), *Scotland and England, 1286–1815* (Edinburgh 1987) 34–59; idem, *Independence and nationhood: Scotland, 1306–1469* (London 1984).

⁷¹ Michael Brown, 'Scotland tamed? Kings and magnates in late medieval Scotland: a review of recent work' in *Innes Review* xlv 2 (1994) 120–46; Steve Boardman & Michael Lynch, 'The state of late medieval and early modern Scottish history' in David Ditchburn and Terry Brotherstone (eds), *Freedom and authority: Scotland c. 1050–c. 1650: historical and historiographical essays presented to Grant G. Simpson* (East Linton 2000) 44–59.

⁷² The central place that baronial studies occupy in medieval Scottish historiography is highlighted by the fact that the role of the king is largely sidelined in a recent volume of case studies of Scottish noble houses entitled, *The exercise of power in medieval Scotland, c. 1200–1500*, ed Steve Boardman & Alasdair Ross (Dublin 2003). Cf. the article by Jennifer M. Brown [Wormald], also entitled, 'The exercise of power' (in eadem (ed), *Scottish society in the fifteenth century* (London 1977) 33–65) in which the crown figures prominently. Similar thematic work on the English nobles of Ireland in the late medieval period is almost entirely lacking.

⁷³ Frame, *Eng lordship*, 325–6. For this theme in England, see Mark Ormrod, 'Edward III and the recovery of royal authority in England, 1340–60' in *History* lxxii 234 (1987) 4–19; idem, *The reign of Edward III: crown and political society in England, 1327–1377* (New Haven & London, 1990), esp. 56–60, 102–05, 197–203; James Bothwell, 'Edward III and the "new nobility": largesse and limitation in fourteenth-century England' in *EHR* cxii 449 (1997) 1111–40; idem, *Edward III and the English peerage: royal patronage, social mobility and political control in fourteenth-century England* (Woodbridge 2004) esp 154–60.

evidence of suspicion and conflict characterising the relationship between crown and nobility in Ireland. But the evidence points in the contrary direction also. Throughout the late medieval period, nobles of all ranks were called on to perform a range of roles in royal government. The most important of these was the chief governorship, which was commonly held by the earls of Ormond, Kildare and Ulster, and more infrequently by the earls of Desmond, throughout the late middle ages.⁷⁴ The white earl of Ormond (†1452), for instance, notwithstanding the cries of his detractors, repeatedly served as chief governor (including three times with the illustrious title of lieutenant), often with minimal financial support from England, across nearly half a century from 1407 to 1452.⁷⁵ More commonplace forms of delegation were offices of local and regional significance, such as commissions of the peace and oyer and terminer.⁷⁶ These commissions were frequently spearheaded by one of the colony's resident earls and could encompass as many as three or more counties. Their potency is indicated by the fact that at times they were actively sought after and could also be a source of aggravation, particularly when a commission provided one magnate with an *entrée* into an area traditionally under the influence of a rival. It would be a mistake, however, to believe that every commission had partisan implications or that their effect was inevitably disruptive and indicative of the loosening grip of the central government in the localities.⁷⁷

Another factor that served to strengthen the regional power of the magnates was their possession of franchises. Among the more important liberties in Ireland in the later middle ages were those of Tipperary and Kerry, granted to the leaders of the Butlers and Munster Geraldines when they were created earls of Ormond and Desmond respectively in 1328–9. The entire earldom of Ulster was likewise held as a liberty.⁷⁸ Despite ministerial grousing about the loss to the

⁷⁴ See *NHI* ix 473–9 for a (generally reliable) list of chief governors for the period covered by this discussion.

⁷⁵ *NHI* ix 476–7. On the fourth earl of Ormond see Matthew, *Gov Lancastrian Ire* (PhD); eadem, 'Butler, James, fourth earl of Ormond' in *Oxford DNB* ix 147–9; eadem, 'The financing of the lordship of Ireland under Henry V and Henry VI' in A. J. Pollard (ed), *Property and politics: essays in later medieval English history* (Gloucester 1984) 97–115.

⁷⁶ Robin Frame, 'The judicial powers of the medieval Irish keepers of the peace', *Ire & Brit*, 301–17 (1st pr in *Ir Jurist* ii 2 (1967) 308–26); idem, 'Commissions', 1–43.

⁷⁷ Cf. a recent comment by Simon Kingston: 'Ironically, it was the self-professed loyal English of Ireland who gradually dislocated the conduits of crown control and appropriated them for their own local advancement' (Kingston, *Ulster and the Isles in the fifteenth century: the lordship of the Clann Domhnaill of Antrim* (Dublin 2004) 43); and works cited above 21–2 nn 45–7.

⁷⁸ Frame, *Eng lordship*, 24–5.

exchequer caused by the alienation of regalities,⁷⁹ there is little to recommend the idea of sustained hostility to liberty jurisdiction in the late middle ages.⁸⁰ K. W. Nicholls overstates the case when he remarks that, '[t]he decentralization of power, even in a limited administrative sense, was a concept profoundly alien to the English polity as it developed under the monarchs from John onwards, and one normally absent from their Irish policies'.⁸¹ In fact, from the first moments of royal involvement in Ireland in the twelfth century, the creation of liberties had been a feature of royal policy. True, in the reign of King John (1199–1216), liberty jurisdiction became more precisely defined in Ulster (1205), and Leinster and Meath (1208), such that the crosslands were reserved to the crown, along with the four royal pleas of arson, rape, treasure trove and forestall.⁸² Thereafter, liberties were often temporarily seized into the king's hands and sometimes entirely suppressed.⁸³ But, as Rees Davies has written of Wales, we should not view the study of liberties, 'as an exercise in historical pathology, in the ills which would have befallen the body politic ... had it succumbed to the fragmentation of authority which prevailed in the March [of Wales]'.⁸⁴ The process cannot be understood simply as the gradual erosion of franchisal rights. There were pressing practical reasons for sustaining liberties, and even when suspicion of franchises was at its height in the reign of Edward I, concessions were won from the crown. In the 1290s, for instance, Geoffrey Geneville (†1314) was in a unique position among the English lords in Ireland in that he was empowered to hear the four pleas of the crown within his liberty of Trim.⁸⁵

Nicholls surely also exaggerates when he implies that the only exception to the crown's centralising tendency was 'the period of the Mortimer ascendancy from 1326 to 1330, when power rested not with the king but with a private

⁷⁹ For typical ministerial complaints, see *PKCI* app iii 265–7, tr *IHD* 69.

⁸⁰ For a similar interpretation from the Yorkist period onwards, see Steven G. Ellis, 'The destruction of the liberties: some further evidence' in *BIHR* liv 30 (1981) 150–61. For an expert introduction to the Irish liberties, see Otway-Ruthven, *Med Ire*, 181–7. A rather dated study is J. A. Murnaghan, 'The lordship of Ireland and the counties palatine' in *Studies: an Irish Quarterly Review of Letters, Philosophy and Science* ii (1913) 846–59.

⁸¹ K. W. Nicholls, 'The development of lordship in county Cork, 1300–1600' in *H&S Cork*, 194.

⁸² *CDI* i §§263, 381–2; Orpen, *Normans* ii 233–4; Otway-Ruthven, *Med Ire*, 182–7.

⁸³ See e.g. the discussion in Gerard McGrath, 'The shiring of Ireland and the 1297 parliament' in Lydon, *Law and disorder*, 107–24.

⁸⁴ Davies, *Lordship & colony*, qtn 6.

⁸⁵ *Cal Gormanston Reg* 178; G. J. Hand, *English law in Ireland, 1290–1324* (Cambridge 1967) 11; Hartland, 'Vaucouleurs, Ludlow & Trim: the role of Ireland in the career of Geoffrey de Geneville', 469. Cf. Edward I's attitude to the liberties of the march of Wales (Davies, *Lordship & society*, 257–69).

member of the baronage, and which saw the erection of the new liberties of Kerry and Tipperary'.⁸⁶ Examples to the contrary are plentiful. In 1317, the county of Kildare, which had been shired as recently as 1297, was granted as a liberty to the second earl of Kildare and was held as such until it was suppressed in 1345.⁸⁷ Similarly, the ill-fated John Bermingham (k 1329) was rewarded in 1319 for his victory against Edward Bruce at Faughart in 1318 not only with a comital title, but also with a grant of county Louth as a liberty, together with the shrievalty of the county.⁸⁸ This was not the last such creation. Richard II, for one, perceived in the devolution of power no diminution of his own regality. In 1385, he stated that, 'we believe that the more we bestow honours on wise and honourable men, the more our crown is adorned with gems and precious stones'.⁸⁹ Richard gave this exalted notion practical effect in Ireland when he engaged in 'a new wave of liberty creation'.⁹⁰ In 1385–6, he granted palatine jurisdiction over the whole of Ireland to his favourite, Robert de Vere (†1392), earl of Oxford.⁹¹ He indulged in another splurge during his Irish expedition of 1394–5, when he bestowed an earldom of Cork with 'the franchises of a county palatine' on Edward, earl of Rutland (†1415),⁹² and likewise endowed William Scrope (ex 1399), soon-to-be earl of Wiltshire, with county Louth, 'with the office of sheriff and escheator and

⁸⁶ Nicholls, 'Development of lordship in county Cork', 194.

⁸⁷ *CChR* 1300–26, 360; *COD* i 217–18. For the shiring of Kildare in 1297, see McGrath, 'Shiring of Ire' in Lydon, *Law & disorder*, 107, 121. Regaining liberty rights over this county was an on-going concern of the Kildare earls, e.g. in c 1346–8, 1364, 1367, 1369, 1391 and 1394–5 (Philomena Connolly, 'Irish material in the class of ancient petitions (SC8)' in *AH* 34 (1987) 71, 74, 79, 83; *Parls & councils* §72; *Affairs Ire* §§214, 233, 275–6; *NAI* Ferguson Coll ii f 105–105^v. It was probably their misfortune that county Kildare was within arm's reach, as it were, of the Dublin government. The liberty was not restored until the early sixteenth century, and then only briefly. On Kildare up to c 1345, including a map, see A. J. Otway-Ruthven, 'The medieval county of Kildare' in *IHS* xi 43 (1959) 181–99; and on the temporary restoration of the sixteenth century, see Ellis, 'Destruction of the liberties', 154–8.

⁸⁸ Brendan Smith, *Colonisation and conquest in medieval Ireland: the case of Louth* (Cambridge 1999) 113.

⁸⁹ Saul, *Ric II*, qtn 248; *Reports from the Lords Committees touching the dignity of a peer of the realm: with appendices* (5 vols, London 1820) v 64.

⁹⁰ The phrase is that of Otway-Ruthven in reference to the creations of the early fourteenth century (Otway-Ruthven, *Med Ire*, 174).

⁹¹ Robert de Vere, earl of Oxford, was created marquis of Dublin on 1 December 1385 and duke of Ireland on 13 October 1386 (*Peerage* iv 473; *ibid.* vii 70; Chris Given-Wilson (ed), 'Richard II: parliament of October 1385, text & trn' in *PROME CD-R*, item 17; *CPR* 1385–9, 78; *Chron Westminster* 144–5; *Chron Walsingham* 780–81). For a sketch of de Vere's career, see Anthony Tuck, 'Vere, Robert de, ninth earl of Oxford, marquess of Dublin, and duke of Ireland' in *Oxford DNB* lvi 312–5

⁹² See the report of 1399: 'Item, le contee de Cork ovek toutes choses est donez as autres ovek franchises de Conte Palois' (*PKCI* 266, tr *IHD* 69). For the earldom of Cork, see *Peerage* iii 418; below 217.

the feefarm of Drogheda, and all other profits, forfeitures, fees, wards, marriages, feefarms, custom, cocket and all other things'.⁹³ Admittedly, these short-lived creations were for Richard II's favourites; but the resident nobility was also bolstered. Successive earls of Ormond had their authority nurtured by the king. In 1372, Edward III confirmed the liberty of Tipperary to the heirs of the second earl of Ormond,⁹⁴ and in 1392 the government facilitated the Butlers' purchase of the Despenser purparty of the liberty of Kilkenny.⁹⁵ In 1406, during the minority of Thomas, sixth earl of Desmond (†1421), the Dublin government prematurely released to the juvenile earl the liberties and franchises that had been held by his grandfather, the third earl of Desmond (†1398).⁹⁶ It was clearly an attempt to nourish English power in the remote south-west of Ireland, where the royal government could not hope to fulfil its obligation to protect an inheritance in wardship.⁹⁷ Similarly, the powers of the liberty of Trim were confirmed and very precisely defined when Edmund Mortimer (†1425), earl of March and Ulster, came of age in 1415. A series of charters were inspected, extending back as far the original grant of Meath in 1172 by Henry II to Hugh Lacy I (†1186). The king then confirmed that Trim was to be held by Edmund with all the liberties exercised by his ancestors.⁹⁸ Liberties, then, were considered essential buttresses of English lordship in Ireland and should be understood as part of that intermingling of public authority and private power that was characteristic of medieval polities.⁹⁹ Royal ministers who faced frequent audits at Westminster did not always gaze on them fondly; but the prevailing attitude was probably akin to that 'ambiguity, sometimes tense, more often not', which Tim Thornton has discerned in relation to the county palatine of Durham.¹⁰⁰

The relationship between crown and nobility can also profitably be assessed from a less austere perspective. Physical distance made it difficult for the

⁹³ *PKCI* 265, tr *IHD* 69. On Scrope, see Brigitte Vale, 'Scrope, William' in *Oxford DNB* xlix 567–8.

⁹⁴ *Peerage* x 120 n c; *CPR 1494–1509*, 26; *COD* iii §348. For comment, see C. A. Empey, 'The Norman period, 1185–1500' in *H&S Tipperary* 89.

⁹⁵ *COD* ii §297 (vi–vii). See C. A. Empey, 'The Butler lordship' in *JBS* iii (1970–71) 180, n 44; idem, 'County Kilkenny in the Anglo-Norman period' in *H&S Kilkenny* 87–9.

⁹⁶ *RCH* 182 §67.

⁹⁷ The grant had implications in the Geraldine–Butler antagonism, for which see below 295–6.

⁹⁸ *NLI* (Harris) Ms 4 ff 201–5; =*RCH* 207 §137. For the text of the original grant of 1172, see *Cal Gormanston Register* 177, tr 6; Orpen, *Normans* i 285–6.

⁹⁹ The classic discussion is Brunner, *Land and lordship*, passim, but esp 1–9, 13–15.

¹⁰⁰ Tim Thornton, 'Fifteenth-century Durham and the problem of provincial liberties in England and the wider territories of the English crown' in *TRHS ser6* xi (2001) 83–100, qtn 100. On Durham, see also Jean Scammell, 'The origins and limitations of the liberty of Durham' in *EHR* lxxxi 320 (1966) 449–73.

king to foster a sense of community with the English lords of Ireland through personal contact; but to some extent this was remedied after 1361 by the appointment of king's lieutenants who were of high birth, and indeed by the exceptional occurrence of two royal expeditions to Ireland in the 1390s. Favour could be given public expression through the ceremony of knighthood. Edward III's son, Lionel of Antwerp,¹⁰¹ for instance, celebrated a victory over the Gaelic Irish of Leinster in 1361 with a knighting ceremony.¹⁰² In very similar circumstances, Richard, duke of York (k 1460), rewarded his colonial supporters after winning submissions from the Gaelic Irish in 1449 by knighting a number of lords and gentry from Dublin, Meath and Louth at 'Symondeswode in O Bryns contre' (Kiltimon, co Wicklow).¹⁰³ These exalted lieutenants also brought with them some of the trappings and splendour of court life. Lionel of Antwerp, for instance, famously engaged in the re-edification of Dublin castle, 'for sports and his other pleasures',¹⁰⁴ while another lieutenant of the blood royal, Thomas of Lancaster (†1421),¹⁰⁵ wrote to his father, Henry IV, after the miserable winter of 1401–02 that, 'I am in good health (thank God), and have kept my Christmas at the castle of ... making the Knights, Esquires, and other Gentry [F: *Gentils*] of the country the best cheer that I possibly could'.¹⁰⁶ Occasionally, we have glimpses of support of a more personal nature. During his first expedition to Ireland of 1394–5, Richard II is said to have sponsored the second son of James, third earl of Ormond (†1405),¹⁰⁷ who was named Richard in the king's honour.¹⁰⁸ In 1449, the colonists had an opportunity to return the favour, when the future duke of

¹⁰¹ *NHI* ix 474 (Lt 1361–6).

¹⁰² *AHib* 395 s.a. 1361. Roger Mortimer, earl of March and Ulster (k 1398), likewise made seven knights after a campaign in Leinster in 1397 (*Chron Marl* s.a. 1397).

¹⁰³ *BL Cotton Titus B XI pt 1 §38^v*; pr Edmund Curtis, 'Richard, duke of York, as viceroy of Ireland, 1447–1460; with unpublished materials for his relations with native chiefs' in *JRSAI* lxii (1932) 167. See Otway-Ruthven, *Med Ire*, 380; Emmett O'Byrne, *War, politics and the Irish of Leinster, 1156–1606* (Dublin 2002) 130. On Richard of York and Ireland, see also James L. Gillespie, 'Richard, duke of York as king's lieutenant in Ireland: the white rose a-blooming' in *The Ricardian: J Richard III Soc* v 69 (1980) 194–201; Vincent Gorman, 'Richard, duke of York, and the development of an Irish faction' in *PRIA* lxxxv (1985) C6 169–79; T. B. Pugh, 'Richard Plantagenet (1411–60) duke of York, as the king's lieutenant in France and Ireland' in J. G. Rowe (ed), *Aspects of late medieval government and society: essays presented to J. R. Lander* (Toronto, 1986) 107–41; A. Johnson, *Duke Richard of York, 1411–1460* (Oxford 1988) 51–77, 194–201; Herbert Wood, 'Two chief governors in Ireland at the same time' in *JRSAI* lviii (1928) 156–7.

¹⁰⁴ Gilbert, *Viceroy*, qtn 220, 546–8.

¹⁰⁵ *NHI* 475–6 (Lt 1401–13).

¹⁰⁶ *RHL Hen IV ltr XXXVI* qtn 86.

¹⁰⁷ For whom, see C. A. Empey, 'Butler, James, third earl of Ormond' in *Oxford DNB* ix 146–7.

¹⁰⁸ *PKCI* xx.

Clarence, George (ex 1470), son of Duke Richard of York, was born at Dublin and the 'earls of Ormond and Desmond stood sponsors at the font'.¹⁰⁹

Such occasions must have done much to reaffirm the links between the colony and court; but the pomp did not always have to be exported. Earl James III of Ormond caught the eye of the monk of Westminster when he 'received the belt of knighthood' from Richard II in the Westminster parliament of November 1385.¹¹⁰ The Butlers were admittedly unusual in the extent of their land-holdings in England, but they were by no means alone in maintaining the transmarine link.¹¹¹ One rung down the social ladder, the Flemings and Wogans, who held Irish lands respectively in counties Meath and Kildare, were regular visitors to their English estates, and in the late fourteenth century the heads of both these families were well enough connected to become knights of King Richard II (1377–99).¹¹²

The relationship between crown and nobility was not, of course, always so affable. Abrasive chief governors were well able to antagonise the colony's political community. Nonetheless, the level of support that the crown offered the English lords of Ireland suggests that the hostility evinced at moments of crisis cannot be regarded as the norm.¹¹³ English rule in Ireland was of necessity consensual. Private armies were never condemned out of hand. Rather, legislation was passed requiring lords to maintain their forces only in frontier zones and prevent them from exacting money and food in the settled areas of the colony.¹¹⁴ Similarly, the distribution of livery was not prohibited, but rather limited to 'such as are or shall be [the lord's] officers, bailiffs or servants of his household'. Even this limitation was not extended to the marches with the Gaelic Irish. '[T]hose of the Marches' were merely to 'present the names of such as they have in their retinue, such as they shall answer for to the King's Lieutenant or his Deputy'.¹¹⁵ Nor, indeed, is it particularly helpful to differentiate between magnate 'abuses' and the policies of many external royal appointees to the chief governorship.

¹⁰⁹ Curtis, 'Richard, duke of York', qtn 172; Johnston, *Duke Richard of York*, 74.

¹¹⁰ Chron Westminster 140–41.

¹¹¹ For lists of the Butlers' English possessions, see Matthew, *Gov Lancastrian Ire* (PhD), app iv 592–5; David Beresford, *The Butlers in England and Ireland, 1405–1515* (PhD University of Dublin 1999) app i 279–85.

¹¹² Given-Wilson, *Royal household*, app v 284, 286.

¹¹³ For further discussion of royal support, see conclusion below, 376.

¹¹⁴ *Statutes John-Hen V* 202–3 (25 Edw I, c 5), 376–9 (25 Edw III, c 2), 446–9 (40 Edw III, c 17). See Robin Frame, 'War and peace in the medieval lordship of Ireland' in idem, *Ire & Brit*, 235–6 (1st pr in Lydon, *Eng in med Ire*, 118–41).

¹¹⁵ Poyning's Drogheda Parliament, 1494–5, cc 12, 22; Conway, *Hen VII & Ire*, 121–2 (qtn), 124; Quinn, 'Bills & statutes', 92–3; *Stat at large Ire* i 46, 49 (10 Hen VII, cc 6, 10).

When royal officials found it convenient (which was much of the time), they cheerfully employed Gaelic forces in their armies, were liberal with pardons to felons, took hostages, and billeted their troops on the country. The hysteria aroused by the ‘rout’ of the first earl of Desmond is echoed in the charges levelled against the controversial chief governor, Sir William Windsor, whose retinue was described by the Irish commons as a *grant route*.¹¹⁶ Moreover, Windsor’s chief governorship also provides the clearest example of an attempt to manipulate the outcome of parliamentary elections.¹¹⁷ Likewise, in the aftermath of alleged extortions by the king’s lieutenant, Sir John Talbot (†1453),¹¹⁸ it was a resident lord—the white earl of Ormond—who courted the support of the Irish commons by promising to stamp out ‘coign and livery’.¹¹⁹ Clearly ‘over-mightiness’ was in the eye of the beholder. This suggests that official denunciations of magnate ‘abuses’ should not necessarily be taken at face value. Rigorous enforcement of the law often sprang less from a genuine concern with the welfare of the king’s ‘poor lieges’, than from a desire on the part of chief governors to assert their authority. Yet, as with other political systems in which ‘public’ and ‘private’ power overlapped and coalesced, ‘the very class that they sought to curb ... was also the source of the governmental élite’.¹²⁰

In this context, the assault on noble interests in 1468 by Sir John Tiptoft, earl of Worcester (ex 1470)—resulting in the attainder of Kildare and the execution of Desmond—appears as an appalling miscalculation.¹²¹ Richard III was later to state as much, when he attempted to woo James, ninth earl of Desmond (†1487), by recalling the ‘manyfold notable service and kyndnesse’ of his father

¹¹⁶ Clarke, ‘Accusementz [1376]’, 186.

¹¹⁷ *CAnCh* 453–5. Ayloffe’s transcript was ‘annexed’ by Thomas Leland, *The history of Ireland from the invasion of Henry II, with a preliminary discourse on the ancient state of that kingdom* (2nd edn 3 vols, Dublin 1814) i app ii 370–72; calendared version in Clarke, ‘Summons [1375–6]’, 237–41.

¹¹⁸ *NHI* ix 476 (Lt 1414–20).

¹¹⁹ See below 364–5. For the white earl’s private ordinances restricting coign, see C. A. Empey & Katharine Simms, ‘The ordinances of the White Earl and the problem of coign in the later middle ages’ in *PRIA* lxxv (1975) C8 185–6; and for the efforts of the white earl’s father, James III, to restrict illicit exactions, see *PR Cloyne* 130–35.

¹²⁰ See Rosemary Morris, ‘The powerful and the poor in tenth-century Byzantium’: law and reality’ in *P&P* 73 (1976) 3–27, qtn 26.

¹²¹ 7 & 8 Edw IV, c 17 (*Statute rolls of the parliament of Ireland: ... reign of King Edward the Fourth*, ed Henry F. Berry & J. F. Morrissey (2 vols, Dublin 1914–39) i 464–7); Art Cosgrove, ‘The execution of the earl of Desmond, 1468’ in *JKAHS* viii (1975) 11–27. In terms of his mishandling of colonial sensibilities, Tiptoft bears comparison to the fourteenth-century chief governor, Sir Ralph Ufford (†1346), for whom see Robin Frame, ‘The justiciars of Ralph Ufford: warfare and politics in fourteenth-century Ireland’ in *Studia Hibernica* xiii (1973) 7–47.

who had been 'extorciously slayne and mured'.¹²² The type of forceful intervention favoured by Tiptoft was extremely counter-productive. As in the principality of Aquitaine, 'where the king-duke's representatives relied on the nobility of the area to provide them with military forces to conduct such campaigns', coercive attempts to restrict the nobility's power, 'could themselves be productive of further feuds and vendettas.'¹²³ The later turbulent history of the earldom of Desmond shows just how apt this comment is in an Irish context.¹²⁴ The core fact is that an absence of lords, and therefore of lordship, was far more likely to lead to crisis than 'overweening' aristocratic power. This point was well made by the Gaelic annalist who noted laconically upon the death of James, third earl of Ormond, in 1405 that, 'the Galls were very powerless after that'.¹²⁵

III

Political factionalism

THIS background is vital to an understanding of the issue of factionalism in Ireland. It exposes as both antique and a fraud the familiar portrait of an etiolated central authority unable to restrain the excesses of the magnates. Vibrancy, rather than frailty, is often the conspicuous characteristic of the tissue connecting court and 'country'. It was by capitalising on these connections that fortunes were advanced. This is not to deny that conflicts had local causes. Land is an obvious example. The confiscation of the estates of the white earl of Ormond in 1417 by the then lieutenant, Sir John Talbot, precipitated a major crisis and inaugurated several decades of hostility between the Butlers and Talbots.¹²⁶ Similarly, a letter of 23 January 1454 to Richard, duke of York, describes a conflict between the Butlers and the Geraldines of Kildare concerning the manors of Maynooth and Rathmore, county Kildare, which

¹²² James Gairdner (ed), *Letters and papers illustrative of the reigns of Richard III and Henry VII* (2 vols, London 1861–3) i 68. Quoted also in Ellis, *Letters* i 122–4.

¹²³ M. G. A. Vale, *The origins of the Hundred Years War: the Angevin legacy, 1250–1340* (Oxford 1996) 123–124, qtn 124.

¹²⁴ For factions in Desmond in the early sixteenth century, see Anthony McCormack, 'Interneccine warfare and the decline of the house of Desmond, c. 1510–c. 1541' in *IHS* xxx 120 (1997) 497–512.

¹²⁵ AMisc 174–5 s.a. 1405. See, also, the 'crisis of lordship' in the aftermath of the deaths of the white earl of Ormond in 1452 and John Talbot, earl of Shrewsbury and Waterford, in 1453 (Steven Ellis, *Ireland in the age of the Tudors, 1447–1603: English expansion and the end of Gaelic rule* (London 1998) 56–8. For the phrase 'crisis of lordship', see Davies, 'Lordship or colony?' in Lydon, *Eng in med Ire*, qtn 149.

¹²⁶ See below 327–8, 352–3.

hath caused more destruccione in the said Counte of Kildare and liberte of Mith within shorte tyme now late passed, and dayly doth, then was done by Irish ennemys and English rebelles of long tyme befor.¹²⁷

Jurisdictional privileges were also jealously guarded: Earl James II of Ormond, as we shall see, struggled during the 1350s to exercise his palatine rights as lord of Tipperary over the manors of Kilfeakle, Kilsheelan and the town of Clonmel, which had been purchased by the first earl of Desmond.¹²⁸ If territorial and judicial lordship were two common sources of dispute, lordship over men was another. In the litany of accusations against Talbot sent to court by the white earl of Ormond in 1422, the grievances of the extended Butler affinity were prominent. The document shows Ormond carrying out his obligation to defend the interests of his affinity, for instance kinsmen, knights, esquires, a councillor and the constable of one of his castles; but perhaps more significantly, he also acted as an advocate for the rights of those who were unable to protect themselves, such as the chaplains, bondsmen, tenants, burgesses and religious foundations under his protection.¹²⁹ Nor can we discount the extent to which conflicts could be irrational and motivated by personal antipathy. Honour, prestige and chivalric sensibilities might be offended.¹³⁰ When, for instance, the white earl was accused of being too 'aged, vnwiledie and vnlustie' to hold office, he countered the charges with an offer to defend himself against his detractors personally in battle.¹³¹

If private considerations such as these sparked conflict, the best means of promoting one's interests was to utilise the machinery of central government. As a result, competition for high office was intense. This is clear from the many surviving petitions and counter-petitions that trumpet the virtues of one party and

¹²⁷ Ellis, *Letters* i ltr XXXIX (qtn 118); facsimile pr Gilbert, *Facsimiles* iii plate XLI. For comment, see Ellis, *Tudor frontiers*, 111–2.

¹²⁸ *COD* ii §8; *COD* iii §348; *CCR* 1349–54, 319; *CCR* 1354–60, 7–8; *CPR* 1354–8, 328.

¹²⁹ Griffith, 'Accusations [1422]', §§6, 13–14, 10, 12, 20, 15, 25, 24, 19, 27, 26, 8 & 28 respectively. For the duty of protection to the powerless in Europe, see Brunner, *Land & lordship*, 44–5.

¹³⁰ Cf. Michael Hicks, 'Idealism in late medieval English politics', *Ric III & his rivals*, 48–54.

¹³¹ The accusation is found in *Statutes Ire Hen VI* qtn 51; *PKCI* app v–vi 274, 281; *PPC* 1436–43, 318. Ormond is reported to have offered to defend himself 'per manum suam propriam' (*PKCI* app vi 284). On trial by battle, see Malcolm Vale, 'Aristocratic violence: trial by battle in the later middle ages' in Richard W. Kaeuper, *Violence in medieval society* (Woodbridge 2000) 159–81. For another judicial duel, stemming from an accusation of necromancy levelled by the prior of Kilmainham, Thomas fitz Gerald, against the white earl, see Matthew, *Gov of Lancastrian Ire* (PhD), 373–7, 383–4, 400–01. On necromancy, see J. G. Bellamy, *The law of treason in England in the later middle ages* (Cambridge 1970) 126–8, 236–7; Hilary M. Carey, 'Astrology at the English court in the later middle ages' in Patrick Curry (ed), *Astrology, science and society: historical essays* (Woodbridge 1987) 51–3.

decry the excesses of another,¹³² all with the hope of shaking the king's confidence, showing up rivals as unfit for office, and hopefully winning commissions for oneself. A less conventional glimpse of the cut and thrust of curial politicking is afforded by a poem composed by the distinguished Gaelic poet, Tadhg Óg Ó hUiginn, to celebrate the return of the white earl of Ormond to Ireland c 1447 after facing down his critics at court.¹³³ This source is particularly useful since, as Katharine Simms has argued, such praise-poems were 'tailor-made to reflect the individual patron's preoccupations'.¹³⁴ Consequently, the poem offers insights that are wholly lacking in the colony's administrative records. The poet describes the efforts of Ormond's enemies in the Talbot party to undermine the earl's power. Significantly, this involved efforts to bring about the white earl's removal from office and his summons before the king's council in England:

A secret plot was formed by some Saxons against Séamus [James, fourth earl of Ormond]; they wished to banish him from Éire; the plot injured Fódla as well as Séamus.

The only set-back which I can recall being inflicted on his power is that the earl of Ormonde suffered eclipse for a year.

By the wickedness of the Goill he was out of office for a time, and Éire was, as it were, given over to the rule of the nobles of the Gaoidhill.¹³⁵

The equation between political power and high office is clear in the poet's mind, and we may take it that he was doing no more than reflecting the views of his patron, the white earl. What advantages then, beyond honour and prestige, were bestowed by the office of chief governor? For one thing, it provided the incumbent

¹³² See, e.g., *Statutes John-Hen V* 562–85; Griffith, 'Talbot-Ormond struggle', app i–iii 392–7; *RCH* 247–8 §§9, 13; *PPC* 1410–22, 43–52; *PPC* 1436–43, 317–34; *Statutes Ire Hen VI* 10–25, 50–53; *PKCI* app v–x 273–313; *COD* iii §159; 3 Edw IV [Ire], c 68 (*Statutes Ire Edw IV* i 181); Gairdner, *Letters & papers* i 377–9; and see complaints cited in Ellis, *Reform & revival*, 33–4. A facsimile of a letter from the Irish parliament in favour of Thomas of Desmond c 1463–4 is pr Gilbert, *Facsimiles* iii plate XLVIII.

¹³³ For discussions of the poem, which reach rather different conclusions, see Katharine Simms, 'Bards and barons: the Anglo-Irish aristocracy and the native culture' in *Med frontier societies*, 186–7; Matthew, Gov Lancastrian Ire (PhD), 413–20. For the poet, see *Aithdioghluim dána: a miscellany of Irish bardic poetry*, ed Lambert McKenna (ITS 2 vols, Dublin 1939–40) i p xxxv.

¹³⁴ Simms, 'Bards & barons', qtn 178. See also eadem, 'Bardic poetry as historical source' in Tom Dunne (ed), *The writer as witness: literature as historical source* (Historical Studies 16 Cork 1987) 58–75, esp 60–67. There are further contextualising comments on the genre in eadem, 'Literary sources for the history of Gaelic Ireland in the post-Norman period' in Kim McCone & Katharine Simms (eds), *Progress in medieval Irish studies* (Maynooth 1996) 207–15.

¹³⁵ *Aithdioghluinn dána* ii §36 qtn 84–5.

with an enormous extension of his normal seignorial power and jurisdiction, the physical expression of which was control of the king's castles and ordnance. Against enemies, that authority could be wielded punitively. Many documents report that complainants voiced their grievances only with trepidation or hint that the chief governor could easily overawe his critics so long as he held office.¹³⁶ In 1442, for instance, a complainant against the white earl of Ormond requested that inquisitions be taken into the earl's conduct, but warned that:

the saide Erle moste be discharged before that the said inquisicioun be takyne, for he hath so rigorously entreted your pouere people of your said londe before this tyme, that they dar not sey the trouthe while that he stonde the your Lieutenaunt there, without that he be first discharged, lest that for their sothe seying he wolde be more rigorous to hem hereafter than he was before, the which [th]ey might not bere.¹³⁷

We need not swallow accusations of misgovernance whole in order to accept that the chief governorship itself was a formidable office. Enemies faced punitive amercements and troublesome judicial inquiries; their lands might be subjected to purveyance, their debts and accounts to embarrassing scrutiny, and payments of arrears due to them might be endlessly deferred. If the castigatory power inherent in the office could inspire dread in the chief governor's foes, for friends, family and well-wishers, it could be turned to constructive use. An impressive repertory of patronage lay at the chief governor's disposal. Lands, cash sums, wardships, marriages, letters of protection, appointments in the central and local administration, and ecclesiastical benefices: all these were distributed astutely to satiate the demands of followers and bolster local influence.

These machinations are keenly associated with the Talbot–Ormond antagonism of the mid-fifteenth century, and may seem a stark contrast to the later fourteenth century, when historians have emphasised the nobility's anxiety to avoid official duties.¹³⁸ Yet, we should be careful not to take this too far. High office was always both a privilege and predicament: the art lay in ensuring that the burdens never outweighed the perquisites.¹³⁹ Moreover, many of the more

¹³⁶ Clarke, 'Accusementz [1376]', 206; *PKCI* app v, vii 275–6, 285–6; *PPC* 1436–43, 328.

¹³⁷ *PKCI* app v qtn 276.

¹³⁸ Otway-Ruthven, *Med Ire*, 313, 315; Lydon, *Lordship*, 164–5, 167.

¹³⁹ During the chief governorship of James, third earl of Ormond, from 1392–4, an array of Butler supporters was treated favourably: *PKCI* §§4, 6, 13, 15, 18–20, 22–3, 28–9, 32–4, 37, 47, 63, 66, 70, 81, 100, 123, 127, 136, 146, 176, 180, 183, 185, 188, 199, 205. For an analysis of the conflict between 'burdens which were at times heavy, and a discretionary patronage that enabled friends, relatives, or servants to enjoy some of the perquisites [of major office]', see Ralph A. Griffiths, 'Patronage, politics and

‘dismaying’ features associated with the fifteenth-century polity were visible well before 1400. Even when the colony’s magnates were not scrambling to hold office in person, factionalism found expression in the lordship’s politics. Often it manifested itself in the form of courting the favour of the latest appointee to the chief governorship. The second earl of Ormond’s proximity to Lionel of Antwerp, for instance, enabled him to promote his private concerns to the detriment of the Geraldines of Munster.¹⁴⁰ Not every chief governor was willing to become a pawn in the power struggles of the resident nobility; but such men had to be wary. As we shall see in greater detail, the colony was well-practised in destroying the reputations of the intractable.¹⁴¹ Grievance-laden delegations, often purporting to speak with the authority of the Irish parliament, were a familiar sight at Westminster from at least the mid-fourteenth century. The formulaic complaints, detailing ‘intolerable oppressions, duresses, excesses’,¹⁴² and the like, often barely disguised a political agenda. As a result, officials became acutely sensitive to the hazards of colonial office and sought to have all imputations made at court returned to the Irish chancery for investigation, so that false accusers could be punished as ‘a warning to others to abstain from such things’.¹⁴³ Cannier still were those who pre-empted their detractors by securing promises that allegations would be dealt with by the king personally.¹⁴⁴

This atmosphere of vigorous politicking was underpinned by an awareness of the mores of English political life. Documents such as Magna Carta and the *Modus tenendi parliamentum* were used as sticks to beat more than one chief

the principality of Wales, 1413–1461’, *King and country: England and Wales in the fifteenth century* (London & Rio Grande 1991) 161–78, qtn 163.

¹⁴⁰ See Crooks, “Hobbes”, esp 134–7.

¹⁴¹ This is a principal theme running through Parts II–IV below.

¹⁴² *CCR* 1385–9, 49; *Fœdera* [H] iii 196 (L: *diversa Oppressiones, Duritias, Excessus, ac alia dampna & Gravamina intolerabilia*). The most detailed collection of such grievances is in Clarke, ‘Windsor’, app i–iv 184–241.

¹⁴³ 31 Edw III [Eng], st 4 c 12 (*Statutes John–Hen V* 413–4 (qtn 414); *SR* i 360–61. On this matter, see also *CCR* 1349–54, 462; *Affairs Ire* §267; *CCR* 1392–6, 227–8; *RCH* 247–8 §§9, 13; Gilbert, *Facsimiles* iii plate XXXIX.

¹⁴⁴ See, e.g., *Affairs Ire* §243. The indenture of Sir Philip Courtenay (Lt 1383–6) contains that provision that, ‘acusement de nulles personnes de quel estat ou condicion qils soient fait sur le dit monsire Philip durant son dit temps ne soit oye ne creu, ne foy ou credence a eux *done*, ne le dit Philip par celle cause remue de son office de lieutenancie, mes qe le dit monsire Philip soit fait venir a sa response sur ce en propre persone ou par son attorne, come ley et reson et lestatut fait en tieu cas demandent’ (TNA E 101/68/9/221).

governor between the mid-fourteenth and mid-fifteenth centuries.¹⁴⁵ In 1420, to inaugurate his first lieutenancy of Ireland, the white earl of Ormond commissioned a translation of the pseudo-Aristotelian tract, *Secreta secretorum*.¹⁴⁶ Yonge's edition, entitled *The Governauce of Prynces*, is dedicated to 'Iamys de Botillere, Erle of Ormonde, lieutenaunt of oure lege lorde, kynge henry the fyfte in Irland'.¹⁴⁷ Grand words indeed, but we should beware of dismissing them as mere affectation. If constitutional sensitivities coincided conveniently with private objectives, this was hardly an Irish phenomenon.¹⁴⁸ It seems excessively negative to interpret the nobility's involvement in the administration as 'magnate dominance' leading, in R. A. Griffith's estimation, to the 'crown's paralysis in Ireland'.¹⁴⁹ Rather, it demonstrates the on-going relevance of English institutions. Even the most dramatic rejections of metropolitan authority—the famous parliamentary declaration of 1460¹⁵⁰ and the crowning of 'Edward VI' in 1487 as king (not lord) of Ireland—occurred precisely because of the entanglement of Ireland in English politics, and are indicative of a highly articulate and self-confident political culture in the colony.

IV

Coercion and dispute settlement

THERE is a danger of protesting too much on this point and nurturing a 'counter-legend', perhaps one in which the colony's nobility become toothless politicians.¹⁵¹ They could also be bellicose. Statistical analysis might 'prove' that Ireland was no

¹⁴⁵ 16 Edw III [Ire], cc 10, 25 (*Statutes John–Hen V* 344–5, 360–61); 31 Edw III [Eng], st 4 c 16 (*Statutes John–Hen V* 416; *SR* i 362). *Parl texts* 115–52. For comment, see Kerby-Fulton & Justice, 'Modus', 149–202; Robin Frame, 'Exporting state and nation' in Scales & Zimmer (eds), *Power & the nation*, 152.

¹⁴⁶ Steele, *Secreta*, 119–248.

¹⁴⁷ Steele, *Secreta*, 121. A facsimile of the opening page of the Ms is pr Gilbert, *Facsimiles* iii plate XXXVI.

¹⁴⁸ The stock charge of 'accroaching royal power' (for which, see Bellamy, *Law of treason*, 64–74) is a case in point. Compare the Appellants' charges against Robert de Vere, duke of Ireland, in 1388 (*Chron Westminster* 240–43; *Chron Knighton* 258–63), with the Talbot party's complaints against their rivals in 1428 (*RCH* 248 §13). See also John L. Watts, 'Ideas, principles and politics' in A. J. Pollard (ed), *The Wars of the Roses* (Basingstoke 1995) 110–33, esp 17.

¹⁴⁹ Griffiths, *Reign of Hen VI*, 416–7 (qtns).

¹⁵⁰ For which, see *Statutes Ire Hen VI* 639–49 (= *IHD* 72–6); Gilbert, *Facsimiles* iii plate XLII.

¹⁵¹ The phrase is that of John Gillingham, in a caveat about the minimalist attitude to late medieval violence among scholars of English history (John Gillingham, *The Wars of the Roses: peace and conflict in fifteenth century England* (London 1981, repr 2001) 14). See also Michael Hicks, 'Bastard feudalism, overmighty subjects and idols of the multitude during the Wars of the Roses' in *History* lxxxv 279 (2000) 386–403. For similar warnings regarding Wales, see Davies, *Lordship & society*, 172 ('The lord of the March was often the greatest *meffesour* of all').

worse than England in that regard. The battle of Piltown, 1462, brings to a grand total of one the number of pitched battles in the colony in the fifteenth century. Such comparisons are, however, likely to founder on the fact that conflicts in Ireland, as in Scotland, were highly localised and therefore less likely to be revealed in the records.¹⁵² More tellingly, Ireland bristled with petty fortifications, and warfare usually followed an inconclusive pattern of raids, sieges, and ransoming¹⁵³ of a kind that was alien to most of England, where strong-points were few and pitched battles could be decisive.¹⁵⁴

Another point of divergence was that, unlike their counterparts elsewhere in Britain and continental Europe, the nobility of England in the late middle ages could not resort to private arms to resolve their conflicts.¹⁵⁵ Although Paul Hyams has demonstrated that the feud—which had been an important feature of Anglo-Saxon society—suffered a slower and more painful death in post-conquest England than had previously been assumed, it remains true that the knell was sounded by the expansion of royal justice and a burgeoning common law.¹⁵⁶ The one exception to this was the Welsh march, where the right to wage private war was a jealously guarded liberty.¹⁵⁷ Many of the earliest settlers of Ireland cut their

¹⁵² See Michael Brown, 'Scotland tamed?', esp 127, for a critique of such an approach in Anglo-Scottish relations (Alexander Grant, 'Crown and nobility' in Mason (ed), *Scot & Eng*, 34–59).

¹⁵³ See, e.g., AHib 396–7 s.a. 1368; AGrace s.a. 1368. For a detailed discussion of a physical conflict in 1399, see below 232–43.

¹⁵⁴ On the nature of fifteenth-century warfare in England, see Gillingham, *Wars of the Roses*, 15–31. Within England, the region closest to Irish conditions was the Anglo-Scottish border, a comparison that has been amply illustrated by Steven G. Ellis (see works cited above 6 n 28). On fortifications and castle warfare in late medieval Ireland, see Terry Barry, 'Late medieval Ireland: the debate on social and economic transformation, 1350–1550' in B. J. Graham and L. J. Proudfoot (eds), *An historical geography of Ireland* (London 1993) 103–11; idem, 'The last frontier: defence and settlement in late medieval Ireland' in *Colony & frontier*, 217–28; Mary McAuliffe, 'The tower house and warfare in Ireland in the fourteenth and fifteenth centuries' in *Ir Sword* xviii (1990–92) 297–302. Cf. M. G. A. Vale, 'Seigneurial fortification and private war in later medieval Gascony' in Michael Jones (ed), *Gentry and lesser nobility in late medieval Europe* (Gloucester & New York 1986) 133–43.

¹⁵⁵ It has been argued, however, that they still had the *right* to resort to private arms, but were prevented from exercising that right (Howard Kaminsky, 'The noble feud in the later middle ages' in *P&P* 177 (2002) 76).

¹⁵⁶ Paul R. Hyams, *Rancor and reconciliation in medieval England* (Ithaca NY 2003); Frederick Pollock and Frederick William Maitland, *A history of English law before the time of Edward I* (2 vols, Cambridge, 1895) i 31–2, 46; ii 574–5; Kaeuper, *War, justice & public order*, 260–67.

¹⁵⁷ R. R. Davies, 'The law of the march' in *WHR* v (1970–71) 15, 17; idem, 'Kings, lords and liberties in the March of Wales' in *TRHS ser5* xxix (1979) 41, 56; idem, *The age of conquest: Wales 1063–1415* (Oxford 1987) 284–7; A. J. Otway-Ruthven, 'The constitutional position of the great lordships of south Wales' in *TRHS ser5* viii (1958) 15–17.

teeth in the march of Wales, and it would scarcely be surprising if they had carried a tradition of self-help with them to the more remote colony across the Irish Sea. As we are often reminded, the growth of centralised royal institutions in Ireland and the entrenchment of that ‘increasingly demanding mistress’, the common law, meant that the English lords of Ireland could not legitimately prosecute feuds.¹⁵⁸ We must, however, be wary of being overly reverential of such legalities. The English lords of Ireland were well capable of putting their common law mistress away and asserting and justifying powers on the basis of the custom of the march of Wales.¹⁵⁹ Moreover, throughout Europe, it was common for rulers to attempt to prohibit or circumscribe the *droit de guerre* or *Fehderecht* claimed by their subjects; such pronouncements can rarely be said to have had an appreciable impact on the actions of the nobility.¹⁶⁰ Even in Wales, where the right of the marcher lords to conclude truces and wage wars was assumed, it occasionally came under royal scrutiny.¹⁶¹ All this suggests that there was ample room for an ‘alternative legality’¹⁶² that diverged from juridical abstractions but accorded with facts.

An example of this in Ireland is found in the fact that vendettas and private wars were a social reality. The legislation of the Dublin parliament of 1297, for instance, provides a classic description of a bloodfeud. Degenerate Englishmen dressed in the Gaelic fashion and sporting a hairstyle known as the *cúlán* were

¹⁵⁸ The phrase is that of Robin Frame, ‘War and peace in the medieval lordship of Ireland, 1272–1377’, *Ire & Brit*, qtn 235 (1st pr in Lydon, *Eng in med Ire*, 118–41). The theme itself has a much longer history and recurs in many works on the period, for instance: A. J. Otway-Ruthven, ‘Knight service in Ireland’ in *JRSAI* lxxxix (1959) 13–15; eadem, ‘Constitutional position of the great lordships of south Wales’, 12–4; eadem, *Med Ire*, 188; Hand, *Eng law in Ire*, 1–5; Davies, ‘Law of the march’, 27; idem, *Domination and conquest: the experience of Ireland, Scotland and Wales, 1100–1300* (Cambridge 1990) 73–4; Robin Frame, *Colonial Ireland, 1169–1369* (Dublin 1981) 105–6; idem, *The political development of the British Isles, 1100–1400* (Oxford 1990) 85–6; idem, ‘Aristocracies and the political configuration of the British Isles’, *Ire & Brit*, 164–5 (1st pr in R. R. Davies (ed), *The British Isles: comparisons, contrasts and connections* (Edinburgh 1988) 141–59); idem, ‘“Les Engleys néés en Irlande”: the English political identity in medieval Ireland’, *Ire & Brit*, 134–5 (1st pr *TRHS ser6* iii 3 (1993) 83–103); idem, ‘Exporting state and nation: being English in medieval Ireland’ in L. E. Scales & O. Zimmer, *Power and the nation in European history* (Cambridge 2005) 145–7.

¹⁵⁹ See, for instance, rules governing private truces with the native Irish which were drawn directly from the custom of the march of Wales sometime after 1245, and were later recorded in the Gormanston register, ‘for the reminder of the seignor or of the seneschal of franchise’ (*Cal Gormanston Reg* 181, tr 9). For discussion, see Davies, ‘Kings, lords & liberties’, 58, 58 n 78; idem, *Lordship & society*, 220.

¹⁶⁰ Vale, *Origins of the Hundred Years War*, 113–4; Brunner, *Land & Lordship*, 29–30; Kaminsky, ‘Noble feud’, 65–6.

¹⁶¹ Davies, ‘Kings, lords and liberties’, 57–8.

¹⁶² Kaminsky, ‘Noble feud’, qtn 78.

sometimes mistaken for Irishmen and slain, as a result of which, ‘enmity and rancour is generated among many people [L: *inter quamplurimos inimicie materia generatur et rancoris*] and the kindred of both the killer and the person killed are often by turns struck down as enemies’.¹⁶³ It is significant that the purpose of the legislation was to prevent further accidental killings by insisting that Englishmen should visibly conform to English fashions. The blood vengeance itself, though undesirable, was seemingly deemed to be justified because of the state of enmity that existed between the parties concerned.¹⁶⁴ Later enactments were less tolerant. March law, in an Irish idiom, was woven into the social fabric of the colony and the repeated attempts to suppress it during the fourteenth century testify to its vibrancy.¹⁶⁵ It seems unlikely that combatants pondered long over whether the origins of their actions lay in the remnants of feudal custom or were borrowings from Gaelic neighbours. March law was not codified and probably served as an umbrella term for many types of action outside the common law.¹⁶⁶ What is certain is that recourse to self-help was one of its tenets. In 1351, an ordinance stipulated that, ‘if strife [should] arise between English and English, being of the peace, neither of them [should] make distraint or take pledge or distress upon the other, nor take vengeance against the other’, but instead they should follow common law procedures. Such distresses are described a few years later as being ‘according to the law of the March’.¹⁶⁷ The custom was still

¹⁶³ 15 Edward I [Ire], c 11 (*Statutes John–Hen V*, 210–11; Philomena Connolly, ‘The enactments of the 1297 parliament’ in Lydon, *Law & disorder*, 158–61). On the *cúlán* see Katharine Simms, ‘Gaelic warfare in the Middle Ages’ in Thomas Bartlett & Keith Jeffery, eds., *A military history of Ireland* (Cambridge, 1996), 101; Robert Bartlett, ‘Symbolic meanings of hair in the Middle Ages’ in *TRHS ser6* iv (1994) 45–6.

¹⁶⁴ For the concept of ‘enmity’, see Robert Bartlett, ‘*Mortal enmities*’: *the legal aspect of hostility in the middle ages* (T. Jones Pierce Lecture Aberystwyth 1998); and also Hyams, *Rancor & reconciliation*, 246–55.

¹⁶⁵ 25 Edw III [Ire], c 16 (*Statutes John–Hen V* 388–91); 40 Edw III [Ire], c 4 (*ibid.* 434–7).

¹⁶⁶ For the ‘commerce’ between Gaelic law and English common law, which led to a ‘hybrid law, with, probably, strong regional variations’, see Gearóid Mac Niocaill, ‘The interaction of the laws’ in Lydon (ed), *English in medieval Ireland*, 105–117, esp 112 (qtns 109, 117). See also the illuminating comments on march law in Frame, ‘Power & society’, *Ire & Brit*, 209–11. The law of the march was far more precisely formulated on the Anglo-Scottish border. See Henry Summerson, ‘The early development of the laws of the Anglo-Scottish Marches, 1249–1448’ in W. M. Gordon & T. D. Fergus (eds), *Legal history in the making: proceedings of the ninth British Legal History Conference, Glasgow 1989* (London 1991) 29–42; William W. Scott, ‘The March Laws reconsidered’ in Alexander Grant & Keith Stringer (eds), *Medieval Scotland: crown, lordship and community—essays presented to G. W. S. Barrow* (Edinburgh 1993) 114–30; Ellis, *Tudor frontiers*, 37–9.

¹⁶⁷ 25 Edw III [Ire], c 16 (*Statutes John–Hen V* 388–91). The second quotation is from another prohibition, with a detailed description of the custom of the March, made in 1360 (H. J. Lawlor (ed), ‘Calendar of the

commonplace in the late fifteenth century when, ‘many of this land for the death of a kinsman or friend are used, as many as bear the name of him that is slain to burn, slay or rob’.¹⁶⁸

Violent acts such as these, however, need not be interpreted as ‘pathological’; rather, from the viewpoint of an anthropologist, they were ‘normal and inevitable as people struggled to secure their objectives’.¹⁶⁹ Even the fiercest rivalries had limitations and avenues towards composition were rarely totally blocked. Recent work on private peace-making in Britain should dispel any assumption that arbitration—common as it was in Gaelic Ireland¹⁷⁰—was a deviation from English norms or signified a breakdown in the ‘rule of law’. Arbitration was popular because it was swifter, less expensive, and usually more likely to provide a satisfactory outcome than adversarial litigation.¹⁷¹ Moreover, its very compatibility with Gaelic procedures may have made it particularly suited to an Irish context.

The central administration certainly embraced arbitration with some enthusiasm. In 1377, the chancellor and treasurer of Ireland cancelled a prospective visit to court because of discords that had arisen between the earl of Desmond and Sir Richard Burgh of Clanwilliam, a Butler retainer.¹⁷² Mediation was a delicate task and venues were chosen carefully. During the 1380s, repeated arbitrations were held at Clonmel between the Munster Geraldines and the

Liber Ruber of the diocese of Ossory’ in *PRIA* xxvii (1907–09) C5 184; for the original Latin, see Gerrard, ‘Notes’, 266–8).

¹⁶⁸ 10 Hen VII [Ire], c 21 (Quinn, ‘Bills & statutes’, 93; Conway, *Hen VII & Ire*, 123–4). It is given as 10 Henry VII [Ire], c 11 in *Statutes at Large Ire* i 50.

¹⁶⁹ Simon Roberts, ‘The study of dispute: anthropological perspectives’ in Bossy, *Disputes & settlements*, 4.

¹⁷⁰ Nicholls, *Gaelic Ire*, 57–9; Gearóid Mac Niocaill, ‘Notes on litigation in late Irish law’ in *Ir Jurist* ii (1967) 299–307; Nerys Patterson, ‘Brehon law in late medieval Ireland: “antiquarian and obsolete” or “traditional and functional”?’ in *Cambridge Medieval Celtic Studies* xvii (1989) 46–7.

¹⁷¹ The literature continues to grow, but see esp Edward Powell, ‘Arbitration and the law in England in the late middle ages’ in *TRHS ser5* xxxiii (1983) 49–67; and also Joel T. Rosenthal, ‘Feuds and private peace-making: a fifteenth-century example’ in *Nottingham Medieval Studies* xiv (1969) 84–90; eadem, ‘Parliament and the settlement of disputes by arbitration in the later middle ages’ in *Parliamentary History* ix 2 (1990) 316–42; Ian Rowney, ‘Arbitration in gentry disputes of the later middle ages’ in *History* lxxvii (1982) 367–76. For this topic in a Welsh context, see Llinos Beverley Smith, ‘Disputes and settlements in medieval Wales: the role of arbitration’ in *EHR* ccccxxi (1991) 835–60. See also related articles, Josephine Waters Bennett, ‘The mediaeval loveday’ in *Speculum* xxxiii 3 (1958) 351–70; Michael Clanchy, ‘Law and love in the middle ages’ in Bossy, *Disputes & settlements*, 47–67.

¹⁷² *RCH* 102 §75; *ibid.* 103 §91.

Butlers.¹⁷³ Clonmel was a Geraldine town lying within the Butler liberty of Tipperary and was, therefore, relatively neutral ground. Its employment in this respect is reminiscent of the ‘days of the march’ held to compose quarrels on the boundaries of lordships in the march of Wales.¹⁷⁴ The promotion of peace was, of course, the fundamental duty of the king, as was explained in grandiose terms during efforts to resolve the first round of the Talbot–Ormond antagonism in 1423. ‘Those presiding over the governance of the realm’, so it was declared,

are particularly obliged to incline their minds to the means whereby they might break up disputes, remove scandals, protect the tranquillity of the subjects and maintain peace between them. In this the lord of kings is indeed pleased, the nobles are quietened, the citizens are enriched and the commons are happily made to prosper.¹⁷⁵

Sometimes the facts were in accord with the rhetoric. On several occasions in the late middle ages major confrontations were settled before Henry VII at Westminster. In 1496, for instance, an attempt was made to put an end to the rancorous dispute between the Kildare Geraldines and Butlers of Ormond, which by then had been percolating through colonial politics for some four decades. As recently as 1492–3, there had been skirmishes on the streets of Dublin and Geraldine adherents had killed a former mayor of the city on Oxmanstown Green.¹⁷⁶ A peace pact drawn up between the two parties begins by describing the, ‘grete and haynoux discord discencion and variaunce that have be betwix thies [two] noble blodes of the land of Ireland called Botellers and Geraldynes’. Both parties were ordered to ‘frely forgeve ... alle maner of Rancore, malices, slaunders, evill willes, discordes, discencions, robbories, brennynges, Iniuries, mayms, manslaughterers’ and all manner of offences perpetrated by their enemies. Rather than revenging themselves for past wrongs, the two earls promised to be

¹⁷³ *RCH* 108 §46; *ibid.* 122 §28.

¹⁷⁴ Davies, *Lordship & society*, 245–6. On Clonmel, see John Bradley, ‘The medieval towns of Tipperary’ in *H&S Tipperary* 45–8.

¹⁷⁵ Anne Curry (ed), ‘Henry VI: parliament of October 1423, text & trn’ in *PROME CD-R*, item 9.

¹⁷⁶ Conway, *Hen VII & Ire*, 55, 55 n 4. A report of 1533 to Thomas Cromwell states that the eighth earl of Kildare had ‘kyllid them of Dublin, upon Oxmantowne Greene’ (*State papers King Henry VIII*, ii pt III: *Correspondence between the governments of England and Ireland* (11 vols, London 1830–52) 175). See also Newport B. White (ed), ‘The annals of Dudley Loftus: Marsh’s library MS.211 (Z4.2.7)’ in *AH* 10 (1941) 233 s. a. 1492: ‘About this time James Earl of Ormond with a great hoste of Irishmen and (*sic*) incamped in Thomas Court wood whence began the series of great mischiefes which happened between the House of Ormond and the Earle of Kildare who lyeth buried in Christ Church’.

‘loving, amiable, friendly and concordable.’¹⁷⁷ This rather verbose treaty provided a brief respite, but the rivalry between the two comital houses persisted deep into the sixteenth century. This brings to the fore the crucial point that the central government cannot be viewed as the sole protector of public order. The magnates were well able to reach settlements without the aid of a higher authority. Indeed, a viable settlement could not be imposed from above unless the participants were willing to be brought into accord.¹⁷⁸ At times, royal intervention even served to intensify conflict. Richard II, for instance, demonstrated a great capacity for disturbing the sensitive balance between the third earls of Desmond and Ormond in the late fourteenth century.¹⁷⁹

In disputes lower down the social scale, the peacemakers were frequently the resident nobles themselves, whose power was more immediate than that of the king.¹⁸⁰ A range of devices was available for settling disputes. One such was the trial by battle. When the white earl of Ormond landed in Ireland as king’s lieutenant in 1420, one of his first actions was to preside over a duel between two of his kinsmen.¹⁸¹ The trial by battle shows how ‘self-help and submission to public authority’ could be blended together. The attraction of the process was that it restricted bloodshed and provided a quick and definitive conclusion to the dispute.¹⁸² It seems, however, to have been less common in Ireland than a negotiated settlement. Here the great nobles could use their latent power as a means of ensuring that, if the antagonists promised to lay aside their ‘ill-will ... [and] establish good accord’, the terms of the resulting agreement would be adhered to.¹⁸³ According to the earl of Desmond, writing to the king in 1491, only the personal presence of the great earl of Kildare could prevent, ‘mortale werre and grete scheduling of Cristyn blode’ with the Burghs of Clann Riocaird, ‘for we

¹⁷⁷ ‘Indenture between the earl of Kildare, Walter, archbishop of Dublin, Thomas, earl of Ormond, and Sir James Ormond, made in the presence of the king and council, August 6, 1496’ in Conway, *Hen VII & Ire*, app xl 226–9 (punctuation added).

¹⁷⁸ Cf. Otto Brunner’s comment that: ‘Rightly or not, each side may well have felt itself in the right, and as long as the feud continued the dispute could not be ended by the decision of a higher legal authority’ (*Land & lordship*, qtn 40).

¹⁷⁹ See arguments advanced in chs 6–7 below.

¹⁸⁰ For this theme in England, see Carole Rawcliffe, ‘The great lord as peacekeeper: arbitration by English noblemen and their councils in the later middle ages’ in J. A. Guy and H. G. Beale (eds), *Law and social change in British history: papers presented to the Bristol Legal History Conference, 14–17 July 1981* (London 1984) 34–54.

¹⁸¹ Chron Marl s.a. 1420.

¹⁸² Vale, ‘Trial by battle’, 163–4, qtn 164.

¹⁸³ COD ii §133.

ben bound and sworn to abide his rule and jugement in this wariens aforesaid'.¹⁸⁴ Spiritual lords wielded weapons of a different type, but their ability to compel adherence to a settlement with threats of 'suspension, excommunication, and interdict'¹⁸⁵ should not be lightly discounted.¹⁸⁶ To facilitate the process of settlement, standing arrangements might be drawn up for the election of panels of negotiators.¹⁸⁷ The disputants might be further bound by the drawing up of a document, often in the form of an indenture, the terms of which both parties swore to observe before witnesses and sometimes upon holy relics or a 'Masse boke'.¹⁸⁸

Of course, not everyone submitted to arbitration voluntarily. Sometimes extra-legal remedies—a euphemism for violent self-help or distress—were required to drag an opponent to the negotiation table. Such actions were strongly condemned,¹⁸⁹ but we should beware of delineating legal and extra-legal remedies too sharply. The law could also be wielded belligerently. In 1360, James, second earl of Ormond exacted a promise from his retainer, Sir Richard Burgh of Clanwilliam, that 'his brothers and other of his name and kin adhering to him ... shall not inflict any injury loss or damage upon the Earl [of Ormond], his heirs, kinsmen, men or tenants, or permit any injury to be done to them by way of revenge for any action of law'.¹⁹⁰ Execution of the law, therefore, could invite retaliation. By the same token, in areas where access to royal courts was relatively easy, aggressive litigation could provide an effective means of compelling an

¹⁸⁴ Gairdner, *Letters & papers* i 382. A facsimile is pr Gilbert, *Facsimiles* iii plate LII. The letter may not have been entirely ingenuous; for its context, see Steven Ellis, *Ireland in the age of the Tudors, 1447–1603: English expansion and the end of Gaelic rule* (Longman History of Ireland 3 London & New York 1998) 87.

¹⁸⁵ Kenneth W. Nicholls, 'The FitzMaurices of Kerry' in *JKAHS ser1* iii (1970) app, 'The treaty of 1420 between James, earl of Desmond, and Patrick FitzMaurice', qtn 42.

¹⁸⁶ See R. R. Davies' comment that it 'simply will not do to dismiss the power of the Pope as depending on moral authority and influence. After all, the threat of the hereafter is potentially the most potent form of coercive control!' (Davies, 'The medieval state: The tyranny of a concept?', 291).

¹⁸⁷ COD ii §34; TNA C47/10/26/7, pr Matthew, Gov Lancastrian Ire (PhD), app iii (4), 'Tripartite indentures between Ormond, Archbishop Richard Talbot of Dublin and Lionel, lord Welles, lieutenant, 15 March 1441', 584–7.

¹⁸⁸ See, for instance, COD ii §§34, 61, 265; COD iv §§51, 88 (qtn 73), 316 (for relics p 308), 319; Nicholls, 'FitzMaurices of Kerry', app, 'Treaty of 1420', pp 38–42; *PR Cloyne* 134–7; Conway, *Hen VII & Ire*, app XL, 'Indenture, August 6, 1496', 226–9; BL Cotton Titus B XI pt 1 §46 (F: 'sur les seintz Evangeliez').

¹⁸⁹ Compelling wrong-doers to render compensation in this way was forbidden by Poyning's parliament, 1494–5, 10 Hen VII [Ire], c 21 (Quinn, 'Bills & statutes', 93; Conway, *Hen VII & Ire*, 123–4; *Statutes at large Ire* i 50). See also Nicholls, *Gaelic Ire*, 56–7.

¹⁹⁰ COD ii §61. See also the case of Sir Robert Freigne, a sheriff of Kilkenny, who suffered many attacks 'as well by Irish and English who have robbed and burned divers lordships because of execution of law in his office aforesaid' (*PKCI* §6).

opponent to enter negotiations. In a case from Meath in the 1370s, one George Telyng was prosecuted for robbing a John Stokes of his goods and horses, aided by a great company of men, and further for entering Stokes' manor house and abducting his heavily pregnant wife, Neste, who was naked except for a woollen cloth known as a falding (Ir: *fallaing*). Neste was afterwards rescued by a posse of men from the county, but narrowly escaped death because of an illness brought on by the abduction. Telyng was sued by Neste before the chief justice, John Keppok, at Drogheda for his trespass. The matter, however, was not determined by the courts, because a number of Telyng's friends prevailed upon Neste to accept compensation rather than pursue the matter further.¹⁹¹

Despite attempts to prevent a breakdown of consensus, not every arbitration could boast lasting results.¹⁹² One way of increasing the likelihood of settlement was to fuse the combatants' bloodlines with a marriage settlement.¹⁹³ Contemporaries were well aware of the symbolic importance of blood ties. In the Westminster parliament of October 1423, the antagonistic Talbot and Butler parties were exhorted to recall their 'mutual links of consanguinity', and encouraged to 'establish a perfect link of love and harmony between these our lieges, connected by so close a blood relationship'.¹⁹⁴ A papal dispensation of 1447 expressed the high hope that a marriage between the earls of Desmond and the lords of Kerry, would allay the 'great wars ... whence slaughter, burnings of towns and castles, depopulation, etc. have been perpetrated and are perpetrated daily, so that there seems to be no hope of peace'.¹⁹⁵

Of course, marriages were motivated by many considerations, and where the impulse was political or strategic rather than palliative, they had the potential to disrupt. The fourth earl of Ormond's marriage in 1432 to the daughter of the ailing fifth earl of Kildare (†1432) was a personal coup in that, despite an entail of 1397, it brought him control of the Kildare inheritance by right of his wife; however, a side-effect was the inauguration of antagonism that was to last for over

¹⁹¹ Clarke, 'Accusementz [1376]', 213.

¹⁹² A point stressed by Michael D. Myers, 'The failure of conflict resolution and the limits of arbitration in King's Lynn, 1405–1416' in Douglas Biggs, Sharon D. Michalove and A. Compton Reeves (eds), *Traditions and transformations in medieval England* (Leiden 2002) 81–107.

¹⁹³ The issue is explored in a recent study by Anthony McCormack, 'Sleeping with the enemy: intermarriage between the Butlers of Ormond and the Fitzgeralds of Desmond' in *JBS* iv 3 (2003) 466–77.

¹⁹⁴ Anne Curry (ed), 'Henry VI: parliament October 1423, text & trn' in *PROME CD-R*, item 9.

¹⁹⁵ *Cal papal registers 1447–55*, 359.

a century with the Geraldines of Kildare.¹⁹⁶ Even when the desire to bring harmony to discordant relations was genuine, matrimonial bliss—in a wider sense—was difficult to achieve, not least because of the unforeseen ramifications of any union. The Talbot–Ormond acrimony was brought to an end *c* 1444 when the white earl’s daughter, Elizabeth, was married to Talbot’s heir and namesake, Sir John (†1460).¹⁹⁷ Unfortunately, Ormond had a prior arrangement dating from 1429 with the earl of Desmond, whereby the children of the two earls were betrothed to each other.¹⁹⁸ Marriageable personnel were a coveted and finite resource, and it may have been the denial to the Geraldines of a spouse that brought an end to several decades of détente and sparked Desmond’s raid deep into Butler territory in 1444.¹⁹⁹

Notwithstanding their inadequacies, these forms of dispute resolution spun a web of affiliations that was far more complex than can be comprehended by adjectives such as ‘hostile’ and ‘antagonistic’. The paradox of the ‘peace in the feud’²⁰⁰ has become relatively familiar, due to the enthusiasm with which historians studying diverse regions and periods have embraced the ideas of

¹⁹⁶ COD iii §101; *Cal papal registers 1427–47*, 442–3; *Peerage* vii 227 n h; *ibid.* x 125; Mac Niocaill (ed), *Red Book of the earls of Kildare*, §158. For comment, see Matthew, *Gov Lancastrian Ire* (PhD), 254–6.

¹⁹⁷ *Peerage* xi 704–5. The date of the wedding is uncertain. It certainly took place before 8 June 1445, and Richardson and Sayles suggest that the couple may have been married by 21 June 1444 (*Irish parl* 202 n 33). For an earlier union between Sir John Talbot (d 1453) and the fourth earl of Ormond’s cousin, Margaret, daughter of Richard Beauchamp, earl of Warwick, *c* 1424–5, see *Peerage* xi 703; A. J. Pollard, *John Talbot & the war in France*, 8. See app 3 below, genealogy A3.3.

¹⁹⁸ COD iii §88.

¹⁹⁹ ‘The annals of Ireland, from the Year 1443–1468, translated from the Irish by Dudley Fribisse, or, as he is more usually called Duaid Mac Fribis, for Sir James Ware, in the Year 1666’, ed J. O’Donovan in *Miscellany of the Irish Archaeological Society* (Dublin 1846) 205 s.a. 1444. For this explanation of the Desmond raid, see Matthew, *Gov Lancastrian Ire* (PhD), 361–2; *eadem* in *Oxford DNB* ix 148. For marriage settlements in England, see Simon Payling, ‘The politics of family: late medieval marriage contracts’ in Britnell & Pollard, *McFarlane legacy*, 21–47.

²⁰⁰ The classic article is Max Gluckman, ‘The peace in the feud’ in *P&P* 8 (1955) 1–14. See also, Sir Edward Evans-Pritchard, *The Nuer: a description of the modes of livelihood and political institutions of a Nilotic people* (Oxford 1940; repr 1974); Jacob Black-Michaud, *Cohesive force: feud in the Mediterranean and the Middle East* (Oxford 1975); Roberts, ‘Study of dispute: anthropological perspectives’ in Bossy, *Disputes & settlements*, 1–24. Many of the theories that resulted from the field work of anthropologists seem to have been pre-empted by the purely theoretical work of the sociologist Georg Simmel, who believed that when conflict was sparked by an objective goal, resolution by means other than violence was always possible: ‘Where conflict is merely a means determined by a superior purpose, there is no reason not to restrict or even avoid it, provided it can be replaced by other measures which have the same promise of success’ (Georg Simmel, *Conflict & The web of group-affiliations: two major essays on the dynamics of social organization by the great German philosopher and social theorist*, tr Kurt H. Wolff & Reinhard Bendix (New York 1955) 27).

sociologists and anthropologists studying feuding societies.²⁰¹ Such theories may soon begin to lead the facts if they are not treated gingerly; but gleanings from anthropology can help us appreciate the intricacy of social networks. As Max Gluckman put it, ‘people who are friends on one basis are enemies on another [wherein] lies social cohesion, rooted in the conflicts between men’s different allegiances’.²⁰² The best means of entry to this complex world is to examine one particular case.²⁰³ By a nuptial settlement of 1359, the daughter of Earl James II of Ormond was wedded to Gerald, soon-to-be third earl of Desmond.²⁰⁴ Consequently, when James III Butler succeeded his father as earl in 1382, the man with whom he found himself repeatedly at odds was, in fact, his brother-in-law. Matters became further entangled by the notorious liaison of this Earl James III with his niece, Katherine, daughter of the third earl of Desmond. By 1402, Katharine had borne her uncle four sons.²⁰⁵ Three of them were graced with traditional Butler names—James, Edmund and Theobald—but the third son was named Gerald, commemorating innumerable Geraldine forebears stretching back to Gerald of Windsor. As one family connection was being forged, another was broken. In 1392, the Gaelic annals report that the ‘countess of Desmond ... a bountiful and truly hospitable woman, died after the victory of Penance’. As the annalist noted, she was the ‘daughter of the [second] Earl of Ormond’.²⁰⁶ Perhaps this loss inclined the third earl of Ormond to sympathise with his Geraldine relatives. It was early in 1393 that Ormond expressed some affection for his sister’s progeny, calling the future fourth earl of Desmond, ‘notre treschere et tresame neveu Johan de Dessemond’.²⁰⁷ Granted, the diplomatic courtesies may be

²⁰¹ J. M. Wallace-Hadrill was one of the first historians to apply these ideas (‘The bloodfeud of the Franks’, *The long-haired kings* (Toronto 1982) 121–47). Since this, numerous historians have undertaken studies of feuds and dispute settlement. See works cited above 26 nn 68–9; Peter Crooks, ‘Factions, feuds and noble power in late medieval Ireland, c. 1356–1496’ in *IHS* (forthcoming November 2007), and works cited therein at n 193; and also below, bibliography §3.4.4, ‘Disputes and settlements’.

²⁰² Gluckman, ‘Peace in the feud’, 2.

²⁰³ See below app 3, genealogy A3.2.

²⁰⁴ *CCR* 1354–60, 576; *CPR* 1358–61, 246; *Fœdera* [H] iii 183. For an earlier, ultimately abortive, attempt to bring the two families together in matrimony, see *CPR* 1354–8, 412.

²⁰⁵ The four sons are named in an entail of 2 August 1402 (*COD* ii §368). In 1399, Ormond attempted to obtain a papal dispensation to marry Katherine (*COD* ii §344). The eldest of these children had been born c 1384, before Ormond’s marriage to Anne Welles (Butler, ‘Seneschals’ in *Ir Geneal* ii 368; *COD* ii §387 (i)).

²⁰⁶ *AFM* iv 724–5 s.a. 1392 (qtn); *AC* 364–5 s.a. 1392.4; *AClon* 315 s.a. 1392. For the third earl of Desmond’s lament at the death of Eleanor Butler, see Gearóid Mac Niocaill (ed), ‘Duanaire Ghearáid Iarla’ in *Studia Hibernica* iii (1963) poem XXI 40–41.

²⁰⁷ *PKCI* §122 (qtn 143). For other grants to the Desmond Geraldines, see *PKCI* §§109, 113, 133.

little more than a phatic veneer, thinly disguising a contempt bred on a diet of long familiarity. Yet they also serve to show how intertwined, even incestuous, the two families were. The resultant 'conflicts of loyalties' could propel antagonists towards peace.²⁰⁸

In the 1380s, the discords between the Geraldines and Butlers had been composed, however transiently, at the arbitration table.²⁰⁹ When the conflict broke out again in the 1390s, it was markedly more intense. In 1396, Thomas Butler, Earl James III's brother, was slain at Waterford by the Geraldines. Faced with reprisals from Ormond, the third earl of Desmond agreed to pay some eight hundred marks in compensation.²¹⁰ Later, during Richard II's expedition to Ireland of 1399, Ormond reputedly encouraged the king's men to expel the Geraldines from Dungarvan Castle. John, fourth earl of Desmond, retaliated with an attack on the Butler stronghold of Cahir. Uncle and nephew, Ormond and Desmond, came to terms and made peace. By mischance, Desmond was drowned in the River Suir near Ardfinnan while returning from the settlement.²¹¹ Violence may seem to dominate this social intercourse, but in fact many classic features of a private conflict leading to conciliation are on display. Border tension, murder and reprisals are counterpoised by marriage alliances, arbitration, peace treaties and compensation.

V

THIS overview has, in many ways, been more an exercise in unfolding ignorance than supplying answers. In the next three sections of this thesis, many of the themes that have been touched on here will receive more detailed examination for the period 1361–1423. The latter date, however, does not mark an end to the importance of factionalism in colonial politics. Despite the impetus towards peace, so long as two powers remained in physical proximity, rubbing each other up the wrong way so to speak, friction was certain to arise. Yet, if the antagonisms endured, so did the factors limiting violence and pushing conflict into political arenas, the Irish parliament or the English court to name but two. That conclusion may seem unsatisfactory, but it reflects the uncertainty surrounding many attempts

²⁰⁸ Gluckman, 'Peace in the feud', 10.

²⁰⁹ *RCH* 121 §77; *ibid.* 122 §28; *ibid.* 137 §220.

²¹⁰ *AAnon* 90 s.a. 1396.

²¹¹ *AHogain* 92 s.a. 1399; *AAnon* 90–91 s.a. 1400; *AFM* iv 760–61 s.a. 1398; *ibid.* 766–7 s.a. 1399; *AU* iii 42–3 s.a. 1399; *AClon* 320 s.a. 1398; *AMisc* 111 s.a. 1398.1; the lost 'Annals of Lecan', recorded in marginal notes to *AFM* 761 n z s.a. 1399.

at dispute resolution. Richard Stanihurst makes the point well in one of his most famous tales about the escapades of Gerald Fitzgerald (†1513), the eighth or ‘great’ earl of Kildare. The year is 1492; the setting, Dublin.²¹² Sir James Ormond, deputy to the earl of Ormond in Ireland, fearing that his life is threatened by a mob of Kildare supporters, has taken refuge from the Dublin rabble in the chapter house of St Patrick’s Cathedral, Dublin. The great earl follows him there and guarantees his safety if he will come out. A hole is cut in the chapter house door so that the two men can shake hands as an assurance of Kildare’s goodwill. Sir James understandably suspects treachery and refuses to pass his hand through the chink in the door in case it is hacked off by a Geraldine zealot. So it is that Kildare, literally, chances his arm. To use Stanihurst’s words: ‘Kildare stretcht in his hand to him, and so the dore was opened, they both embraced, the storme appeased, and all their quarrels for that presente, rather *discontinued* than ended.’²¹³

²¹² Bryan conjectures that the episode took place between 1 December 1491 and 11 July 1492 (Donough Bryan, *The great earl of Kildare, Gerald FitzGerald, 1456–1513* (Dublin 1933) 157–9). He disputes Conway’s chronology in *Hen VII & Ire*, 55.

²¹³ Richard Stanihurst in *Holinshed’s Irish chronicle: the historie of Ireland from the first inhabitation thereof, unto the yeare 1509. Collected by Raphaell Holinshed, & continued till the yeare 1547 by Richarde Stanyhurst*, ed Liam Miller & Eileen Power (Dublin 1979) 323 (my emphasis). See Bryan, *Great earl of Kildare*, 161. The year of Sir James Ormond’s death (1497) is misprinted on this page as 1479.

Introduction

ON 15 September 1361, Lionel of Antwerp (1338–68) disembarked at Dublin and began his tenure as the king's lieutenant in Ireland.¹ It was a pivotal moment for the English residents of Ireland. They had played on the conscience of the king at Westminster, and the fruit of their efforts was the appointment of a young lieutenant with a pedigree ideally suited to Irish office.² Through his wife, Lionel laid claim to the vast inheritance of the Burgh family, including Ulster—once Ireland's premier earldom—and the lordship of Connacht.³ But Lionel was no ordinary noble. He was a Plantagenet, the second surviving son of King Edward III (1327–77) and soon to become duke of Clarence.⁴ The appointment of so exalted a chief governor⁵ heralded several decades during which the English colony in Ireland was lavished with more attention from England than it had received during the past century and a half. This interventionist period culminated in the 1390s with the two expeditions conducted by Lionel of Antwerp's nephew, Richard II (1377–99), the first English king to visit Ireland since the reign of King John (1199–1216).⁶ The armies that crossed the Irish Sea were principally funded not from dwindling Irish revenues but by the English exchequer. The intention,

¹ AHib 395 s.a. 1361. Thomas Walsingham notes Lionel's birth in 'Andewerp' on 29 November 1338 (Henry Thomas Riley (ed), *Thomae Walsingham, quondam monachi S. Albani, Historia Anglicana* (RS 2 vols, London 1863-4) i 223).

² *Parls & councils* §16. For the period leading up to Lionel's arrival, see Jocelyn Otway-Ruthven, 'Ireland in the 1350s: Sir Thomas de Rokeby and his successors' in *JRSAI* xcvi (1967) 47–59; Robin Frame, 'Thomas Rokeby, sheriff of Yorkshire, justiciar of Ireland' in *Peritia* x (1996) 274–96; idem, *Eng lordship*, ch 9, 'Prelude to English intervention, 1349–1361', esp 319–26.

³ See below app 3, genealogy A3.1.

⁴ Lionel was created duke of Clarence on 13 November 1362 at the Westminster parliament while absent in Ireland (Mark Ormrod (ed), 'Edward III: parliament of October 1362, text & trn' in *PROME CD-R*, item 36; *CChR 1341–1417*, 174). His elder brother, William of Hatfield (b 1336), died in infancy.

⁵ For descriptions of the various titles used by chief governors of Ireland, see Herbert Wood, 'The office of chief governor of Ireland, 1172–1509' in *PRIA* xxxvi (1923) C12 207–12; idem, 'The titles of the chief governors of Ireland' in *BIHR* xiii (1935–6) 1–8; A. J. Otway-Ruthven, 'The chief governors of mediaeval Ireland' in *JRSAI* 95 (1965) 227–36. There are also valuable insights in Johnston, 'Chief governors', 97–115; eadem, 'The draft indenture of Thomas, Duke of Gloucester, as lieutenant of Ireland, 1391' in *J Soc Archivists* xii 3 (1983) 173–82; Matthew, *Gov Lancastrian Ire* (PhD), ch 1, 'The crown and the chief governorship', 14–56.

⁶ On King John and Ireland, see Seán Duffy, 'King John's expedition to Ireland, 1210: the evidence reconsidered' in *IHS* xxx 117 (1996–7) 1–24; idem, 'John and Ireland: the origins of England's Irish problem' in S. D. Church (ed), *King John: new Interpretations* (Woodbridge 1999) 221–245, and works cited therein n 2.

however aspirational, was to reverse the various misfortunes the colony had suffered and return it to the health it had enjoyed in the late thirteenth century when it had been self-sufficient and profitable.⁷ With so much favouring these enterprises, it would be fair to assume that the central government and colonial community would be united by a sense of common purpose.⁸ In fact, their relationship was often fractious, and the years 1361–82 were punctuated by political crises.

A story told by the Dublin annalist about events following Lionel's arrival in 1361 is illuminating in this respect. After resting briefly in Dublin, the young lieutenant launched an expedition southwards against a Gaelic dynasty, the Uí Bhroin of Leinster.⁹ Before the campaign, however, Lionel reputedly commanded that no one born in Ireland should come near his army. The aim of this rash order was to exclude those of English descent born in Ireland, and its effect, so the annalist says, was calamitous. One hundred of Lionel's retainers were killed. The loss of so many men prompted a more contrite Lionel to reconsider his policy. He gathered together the whole population, both those of England and of Ireland, into one army, with the result that his campaigns against the native Irish were a great success. There followed a ceremony in which many men, again both from England and Ireland, were knighted by the prince.¹⁰

⁷ Mark Ormrod (ed), 'Edward III: parliament of May 1366, text & trn' in *PROME CD-R*, item 1. On the fourteenth-century tribulations of Ireland, see Otway-Ruthven, *Med Ire*, chs 7–8, 224–76; J. F. Lydon, 'The impact of the Bruce invasion' in *NHI* ii 275–302 (repr Seán Duffy (ed), *Robert the Bruce's Irish Wars: the invasions of Ireland, 1306–1329* (Stroud 2002) 119–52); Maria Kelly, *A history of the black death in Ireland* (Stroud 2001).

⁸ Lionel's lieutenancy in Ireland is authoritatively examined in Philomena Connolly, Lionel of Clarence (Ph D). See also eadem, 'The financing of English expeditions to Ireland, 1361–1376' in Lydon, *Eng & Ire*, 104–21. An older work now is Edmund Curtis, 'The vicereignty of Lionel, duke of Clarence, in Ireland, 1361–1367' in *JRSAI* xlvii (1917) 165–81; xlviii (1918) 65–73. For brief biographies, see T. F. Tout in *DNB* xi 1214–7; Mark Ormrod in *Oxford DNB* xxxiii 950–52; Peter Crooks in *Med Ire Encyclopedia* 278–9.

⁹ On the Uí Bhroin, see Emmett O'Byrne, *War, politics and the Irish of Leinster, 1156–1606* (Dublin 2003) *passim*, and for this campaign, *ibid.* 102.

¹⁰ 'Item, predictus Dominus Leonellus, postquam intraverat Hiberniam et requievit paucis diebus, fecit guerram cum Obrynne, et clamavit in exercitu suo quod nullus natus de Hibernia appropinquaret exercitui suo, et centum de stipendiariis suis interfecti sunt. Statim hoc videns, Leonellus, redegit totum populum, tam de Anglia quam de Hibernia, in unum, et bene prosperatur, et fecit plura bella circumquaque cum Hibernicis cum adiutorio Dei et populi Hibernie et fecit plures milites de Anglia et Hibernia' (AHib 395 s.a. 1361). It is clear from the names of those knighted that 'de Hibernia' refers to men of English rather than Gaelic decent. For a rather sensationalist rendering see Lydon, *Lordship* (1st edn), 218: 'Clarence ordered that no man born in Ireland should approach his camp and was surprised to find that 100 of his men were missing, until he discovered that these were Irish born and that English soldiers, taking advantage of his orders, had massacred them!'. This account is qualified in the second edition of the same work with the

This roseate story about successful cooperation for mutual benefit, albeit with an initial hiccup, does not ring true with what we know about the interventionist period from other sources. As we shall see, legislation was passed in 1366 forbidding bilious verbal slurs from being traded by the Englishmen of England (English ‘by birth’) and English residents of the colony (English ‘by blood’).¹¹ In the 1370s, a flood of invective emanated from the colony condemning the behaviour of the next lieutenant to come to Ireland, Sir William Windsor (†1384). If anything, then, the interventions seem to have inflamed feelings within the colony. Nor can the entry be depended upon as factually accurate. It is not contemporary and there is the solid evidence of Lionel’s retinue rolls to indicate that the lieutenant did not lose one hundred men in the autumn of 1361.¹² It is also clear that it was intended from the outset that English forces would be supplemented by residents of the English colony in Ireland, as well as by the Gaelic Irish.¹³ The annalist’s concern, therefore, may not have been to convey solid facts so much as an important lesson. Lionel’s initial exclusion of the English of Ireland was a miscalculation and it had courted military disaster. It was only when he solicited the aid of the long-term colonists that Lionel tasted military victory. So great was his success that he celebrated by honouring Englishmen from both sides of the Irish Sea with knighthood. Written retrospectively, it may well be that this account of the early days of Lionel’s lieutenancy is a somewhat idealised version of events, designed to extol the virtue of working with the grain of colonial society rather than perpetuating cultural distinction.

sentence: ‘This story can hardly be taken seriously as a true account of what actually happened, but it certainly reflects Anglo-Irish and English antagonism’ (Lydon, *Lordship* (2nd edn), 152). As well as the misinterpretation of the story, we should note that Lionel was not duke of Clarence at the time of the incident.

¹¹ For discussion, see Crooks, “Hobbes”, 119–20; below 76–7.

¹² The annals are the work of an anonymous continuator from 1348 onwards. See Bernadette Williams, ‘The Dominican annals of Dublin’ in Seán Duffy (ed), *Medieval Dublin II: proceedings of the Friends of Medieval Dublin Symposium 2000* (Dublin 2001) 153–6; Connolly, Lionel of Clarence (PhD), 152–3.

¹³ Lionel’s clerk of the wages, Walter Dalby, was commissioned to pay the army by indenture including ‘Irishmen if there be any retained’ (*CPR* 1361–4, 61). Other aspects of the story can, however, be verified. The annalist is correct when he says that Lionel focussed on Leinster after his arrival. Lionel was already in Wicklow, south of Dublin, by 28 September 1361 (Otway-Ruthven, *Med Ire*, 286). The Gaelic annals (s.a. 1361) report that Art Mac Murchadha, ‘King of Leinster’ in and Domhnall *Riabhadh* Mac Murchadha were taken prisoner by the ‘son of the King of England’ and died in captivity AFM iii 618–21; AU ii 512–3; AC s.a. 1361.2; ALC ii 22–3; AClon 301. An official inquisition into their deaths was ordered in May 1363. They had been in the keeping of Roger Berde, constable of Trim castle (*CPR* 1361–64, 368). See Robin Frame, ‘Two kings in Leinster: the crown and the MicMhurchadha in the Fourteenth Century’ in *Colony & frontier* 166–7.

In light of this, it may be tempting to write off the annalist's tale as an 'invented tradition'.¹⁴ Yet the incongruities in the story direct our attention towards some important truths. Undue emphasis on a cultural clash between long-term colonists and Englishmen just off the boat obscures subtleties in the colony's internal politics. By no means was every resident of English Ireland hostile to the advances of Lionel and subsequent lieutenants of Ireland. The resident lords had long-standing conflicts and tensions peculiar to themselves. First among these was the burgeoning hostility between the two most powerful noble houses in Ireland: the Butler earls of Ormond and the Geraldine earls of Desmond. Private interests did not evaporate at the arrival of an army from England; rather, they dictated noble attitudes to the interventions. Significant elements within the colony worked closely with Lionel of Antwerp; yet it was these very same men who were at the vanguard of the opposition during the Windsor crisis, 1369–76. The following chapters, therefore, seek to look beyond the rigid categories of English 'born in Ireland' and 'born in England', and examine what contemporaries did, as well as what they said. In doing so, it hopes to demonstrate that the colonial identity was considerably more plastic than it is often portrayed. Appreciation of these complexities and contradictions constitutes a first step towards understanding how power was exercised in the colony.

¹⁴ The phrase is borrowed from Eric Hobsbawm & Terence Ranger (eds), *The invention of tradition* (Cambridge, 1983), 1. See also, Ernest Renan, 'What is a nation?' in Homi K. Bhabha, *Nation and narration* (London and New York, 1990), 8–22; David McCrone, *The sociology of nationalism: Tomorrow's ancestors* (London 1998) ch 3, 'Inventing the past: history and nationalism', 44–63.

LIONEL of Antwerp served as the king’s lieutenant in Ireland from September 1361 until November 1366, with one extended period of absence from 23 April until 8 December 1364.¹ When he left for the last time in 1366 to marry a Milanese bride, he reputedly swore never to return.² What induced the chronicler to record this is far from clear. The Irish chancery rolls for the period have long since been lost and the Dublin annalist has little to say. Possibly it betrays a typical English distaste for ‘barbarous’ Ireland, a reaction which, for Lionel, was no doubt reinforced by the prospect of a shimmering career in northern Italy. But there was probably more to the remark than innate antipathy.³

The lieutenancy was not without incident. Lionel is best remembered in the ‘accepted Irish national memory’ for enacting the most famous body of legislation produced in the medieval lordship, the statutes of Kilkenny, 1366.⁴ These statutes notoriously attempted to check ‘degeneracy’ among the colonists, the process in which some descendants of the original invaders of Ireland departed from

¹ A complete itinerary is printed in Connolly, Lionel of Clarence (PhD), app x 319–24.

² Frank Scott Hayden (ed), *Eulogium (Historiarum sive Temporis): chronicon ab orbe condito usque ad annum domini MCCCLXVI, a monacho quodam Malmesburiensi exaratum* (RS 3 vols, London 1858–63) iii 241.

³ Denis Bethell noted that it was during the twelfth century that, “Barbarity” had become, and was to remain, a cliché in describing the Irish—with about as much truth as the previous “sanctity” (Bethell, ‘English monks and Irish reform in the eleventh and twelfth centuries’ in T.D. Williams (ed), *Historical Studies VIII: papers read before the Irish conference of historians, Dublin, 27–30 May 1969* (Dublin 1971) 125–6. The classic diatribe is Gerald de Barri, *The history and topography of Ireland*, ed John J. O’Meara (rev edn London 1982). A number of descriptions of Ireland survive from the late fourteenth century. On occasion these are surprisingly sympathetic, but in general terms they echo Gerald’s portrayal of Ireland as wild. See J. P. Mahaffy (ed), ‘Two early tours of Ireland’ in *Hermathena* xviii (1914–19) 3–9; Chron Walsingham 335–9; John Jolliffe (ed), *Froissart’s chronicles* (London 1961) 362–70; John Webb (ed), ‘Translation of a French metrical history of the deposition of King Richard the Second, written by a contemporary, and comprising the period from his last expedition into Ireland to his death [...]’ in *Archaeologia* xx (1824) 22–47. R. R. Davies discusses English attitudes in *The First English Empire: power and identities in the British Isles, 1093–1343* (Oxford 2003) esp 113–41.

⁴ The phrase occurs in R. F. Foster’s essay, ‘The story of Ireland’, *The Irish Story: telling tales and making it up in Ireland* (London 2001) 9. The text is pr *Statutes John–Hen V* 430–69; see also a selection in translation pr *IHD* 52–9. James Hardiman (ed), *A statute of the fortieth year of King Edward III., enacted in a parliament held in Kilkenny, A.D. 1367, before Lionel, duke of Clarence, lord lieutenant of Ireland* (IAS Dublin 1843) remains valuable for its notes, which often refer to material that is no longer extant.

mainstream English ways of life.⁵ Cultivation of native Irish lifestyles, for instance Gaelic marriages, fostering of children, names, modes of riding, and apparel, were all forbidden.⁶ The legislation went further, however, and tackled the related problem of cultural tension between the English of Ireland and the English of England. The long-term residents of Ireland were forbidden from denigrating those they viewed as relative interlopers with the label ‘English hobbe’ or fool, and the new arrivals were ordered to repay this courtesy by not using the term ‘Irish dog’ to describe the established colonists. Instead, all the king’s subjects, wherever they were born, were to ‘be called by one name, the English lieges of our lord the King’.⁷

Name-calling sounds rather innocuous, but it was only one symptom of a perpetual problem. Casting back to the colony’s earliest history, we find Gerald of Wales vicariously grumbling in a speech he attributes to one of the first invaders, Maurice fitz Gerald (†1176), that, ‘just as we are English so far as the Irish are concerned, likewise to the English we are Irish, and the inhabitants of this island and the other assail us with an equal degree of hatred’.⁸ More recently, a crisis in 1341 had prompted the Dublin annalist to remark that there had never before been such division between the English of Ireland and the English of England.⁹ The gradual process whereby the colonists came to see themselves as distinct from the community of England—what historians call ‘identity formation’—has been well rehearsed elsewhere.¹⁰ Yet, no matter how extended the process, the immediate

⁵ For this theme, see Seán Duffy, ‘The problem of degeneracy’ in Lydon, *Law & disorder*, 87–106.

⁶ 40 Edw III [Ire], cc 2, 3 (*Statutes John–Hen V* 432–5; *IHD* 52–3).

⁷ 40 Edw III [Ire], c 4 (*Statutes John–Hen V* 434–7, qtn 437; *IHD* 53–4). The language of the original is French: ‘... que nul diuersitie de ligeance desormes soit fait entre lez Engleis nees en Ireland et les Engleis nees en Engleterre appellantz Englishobbe ou Irishdogg mes toutz soient appelez par un noim les Engleis liges nostre seigneur le Roy’ (*Statutes John–Hen V* 436).

⁸ *Expugnatio hibernica* 81. For comment, see John Gillingham, ‘The English invasion of Ireland’, *The English in the twelfth century: Imperialism, national identity and political values* (Woodbridge 2000) 157 (1st pr B. Bradshaw, A. Hadfield & W. Maley, *Representing Ireland: literature and the origins of conflict: 1534–1660* (Cambridge 1993) 24–42).

⁹ AHib 383 s.a. 1341. Robin Frame, ‘English policies and Anglo-Irish attitudes in the crisis of 1341–2’, *Ire & Brit*, 113–29 (1st pr Lydon, *Eng & Ire*, 86–103).

¹⁰ See for instance: Robin Frame, ‘“Les Engleys néés en Irlande”: the English political identity in medieval Ireland’, *Ire & Brit*, 131–50 (1st pr *TRHS ser6* iii (1993) 83–103); James Lydon, ‘The middle nation’ in idem, *Eng in med Ire*, 1–26; idem, ‘Nation and race in medieval Ireland’ in Simon Forde, Lesley Johnson, Alan V. Murray (eds), *Concepts of national identity in the Middle Ages* (Leeds 1995) 103–24; Katharine Simms, ‘Bards and barons: the Anglo-Irish aristocracy and the native culture’ in *Med frontier societies* 177–97; Thorlac Turville-Petre, *England the nation: Language, literature, and national identity* (Oxford 1996) 155–75; and also works cited below at 99 n 146. For an early-modern variation on the same theme, see Nicholas

significance of Lionel's tenure in Ireland should not be played down. The statutes of Kilkenny afford a rare glimpse of the lexicon of cultural abuse current in medieval Ireland. The very fact that the terms 'hobbe' and 'dog' found their way into the legislation may indicate a new level of official disquiet.¹¹ Moreover, the Kilkenny statutes had an ongoing relevance. They came to have a talisman-like quality, being reissued several times in the ensuing century-and-a-half to ward off the colony's ills.¹²

That being the case, it is worth searching for the cause of such proscriptive attitudes. Part of the problem was no doubt the massive influx of English personnel into the lordship after 1361. Colonial politics must have been a nearly insoluble conundrum for Lionel's army. Even the basic task of identifying the enemy was complex. Many of the colonists had become, superficially at least, indistinguishable from the native Irish and could be mistaken for belligerents. This was the reason for the renewed emphasis on expunging degenerate behaviour, a concern that dated back to at least 1297.¹³ Yet, it did not follow that the condition of being Gaelic intrinsically made one the enemy. Lionel, like nearly all chief governors, drew on the manpower of Gaelic dynasties, for instance the Uí Néill of Clann Aodha Buidhe and the Uí Cheinnéidigh.¹⁴

Canny, 'Identity formation in Ireland: the emergence of the Anglo-Irish' in idem & Anthony Pagden (eds), *Colonial identity in the Atlantic world* (Princeton NJ 1987) 159–212.

¹¹ A less detailed act of 1357 (31 Edw III [Eng], st 4, c 18) discusses the 'dissensions and maintenances, by reason of birth, [that have arisen] between those that are natives or Ireland and those that are natives or England' (SR i 363). In an alternative translation, followed by James Lydon, the key phrase 'racione nationis' is rendered 'by reason of race' (*Statutes John–Hen V* 417; cf. Lydon, *Lordship*, 236; idem, 'The middle nation', 11). This is misleading: the two English communities did not conceive of themselves as different races.

¹² For instance, Irish statutes 4 Ric II; 3 Hen IV, c 3; 11 Hen IV, cc 4, 6 (*Statutes John–Hen V* 480–81, 504–7, 520–21); and 10 Hen VII, c 19 (D. B. Quinn (ed), 'Bills and statutes of Irish parliaments of Henry VII and Henry VIII' in *AH* 10 (1941) 93; J. G. Butler (ed), *The statutes at large passed in the parliaments held in Ireland, ... 1310–1801* (21 vols, Dublin 1776–1804) i 47 (where it is c 8); Conway, *Hen VII & Ire*, 122–3). Henry Marlborough twice recorded confirmations of the Kilkenny statutes (Chron Marl s.a. 1404, 1408). Commissions for its enforcement survive from 1415, 1420, 1422 and 1424 (*RCH* 209 §192; *ibid.* 217 §13; *ibid.* 229–30 §110; *ibid.* 232 §40; *Ir parl* 146 n 7. There are further references to recitals of the Kilkenny statutes in 1439–40, 1446–7, 1449–50, 1465–6 and 1494–5, in Gerrard, 'Notes', 271–3.

¹³ 15 Edward I [Ire], c 11 (*Statutes John–Hen V* 210–11; Philomena Connolly (ed), 'The enactments of the 1297 parliament' in Lydon, *Law & disorder*, 158–61).

¹⁴ CTNA 315–6, 323; Connolly, Lionel of Clarence (PhD), 159–63. Most retainues relied on Gaelic elements. See, for instance, those of Sir William Windsor and Sir Robert Ashton (*CCR* 1364–8, 108–9; *CCR*, 1374–77, 170–71; Philomena Connolly, 'Irish material in the class of ancient petitions (SC8) in the public record office, London' in *AH* 34 (1987) 69–70).

It would be unfair to force rogue ‘Gaelicised’ colonists to bear the blame for the discord alone. Lionel’s army was not made up solely of men with pristine records. Recruitment from criminal elements in society had played a large part in the preparations, just as it did in organising the armies of the Hundred Years War. Many men indicted or outlawed for serious crimes took the opportunity to serve in Ireland and have their past behaviour pardoned.¹⁵ That cultural differences between soldiers such as these and the equally volatile colonists, both used to living by the sword, could escalate into verbal and physical attacks is not in the least bit surprising.

It was, however, to be expected that a military force would cause a certain level of disorder. The strained relations that developed during Lionel’s lieutenancy should not be explained away by this alone. What then was at issue? One plausible suggestion is that the acrimony stemmed from the concentration of power, specifically the great offices of the Irish administration, in the hands of officials born in England. A high-point of disaffection was reached in 1364. It was during this year that Lionel returned to England for eight months between April and December. A letter sent to the lordship that June stated that the king had been informed of, ‘divers dissensions and debates ... between the English born in England and the English born in Ireland his subjects, whereby in times past hurt and peril has happened in Ireland, and worse is feared unless the same be speedily appeased’.¹⁶ Such dissensions were in future to be punished with two years’ imprisonment and the payment of a ransom to the king. What exactly sparked this letter has eluded historians, but it is likely that anti-ministerial feelings were running high. As the leading modern authority on the Lionel’s lieutenancy put it: ‘There is no evidence as to exactly what was going on in Ireland in the summer of 1364, but it is clear that the hostility of the Anglo-Irish to Englishmen, particularly to English officials, which had erupted from time to time during the

¹⁵ *CPR 1361–64*, 39, 181, 218, 222, 224, 434–5, 468, 472; *CPR 1364–67*, 11, 62, 185; *CPR 1367–70*, 152, 227. For the general context of the Hundred Years War, see J. H. Hewitt, *The organization of war under Edward III, 1338–62* (Manchester 1966) 28–30, 173–5; Edward Powell, *Kingship, law and society: criminal justice in the reign of Henry V* (Oxford 1989) 233–6.

¹⁶ *CCR 1364–8*, 63–4 (qtn 64). The Latin is given in *Fœdera* [RC] iii pt ii 738: ‘diversa dissentiones et debata inter Anglicos, in regno nostro Angliae, et Anglicos, in terra nostra Hiberniae, oriundos, subditos nostros exorta existunt, per quae quamplurima dampna et pericula in partibus illis, temporibus praeteritis, evenerunt, et majora, nisi citius sedentur, nobis et toti terrae praedictae evenire formidantur’. There is a transcript in NLI (Harris) Ms 3 f 70.

first half of the fourteenth century, had come to a head once more'.¹⁷ It rather neatly explains why two years on, in 1366, the issue of 'hobbes' and 'dogs' had to be addressed in the statutes of Kilkenny.

Beyond that general conclusion, however, it seems wise to venture warily. The exclusive categories of the Kilkenny statutes are rather blunt conceptual instruments for the delicate task of dissecting the politics of the 1360s. The cultural discords of Lionel's lieutenancy need to be understood in part as reflecting the factional interests within the colony, in particular the rivalry between the Geraldines of Desmond and Butlers of Ormond. None of this renders the hobbe-dog dichotomy redundant. Given that this vituperative couplet was coined by the people of the time, its importance is beyond dispute. It is here, in the interplay between local politics and external intervention, that a more complex and persuasive explanation for the problems that beset Lionel's lieutenancy is to be found.

I

'Hobbes' and 'dogs'

THE BEST way to negotiate these intricacies may be to set out on a traditional route, closely examining why members of the colony became estranged during 1364, before branching off to see what influence indigenous politics may have had on the course of the crisis. A beginning may be found in the comprehensive shake up of the Irish exchequer and judiciary that took place in February 1364.¹⁸ Two of Lionel's officials, Thomas Burghley and Walter Dalby, were in England early in the year and were no doubt guiding the king on the appointments.¹⁹ Significantly, neither of these men was born in Ireland, although both held lofty positions in its

¹⁷ See Connolly, *Lionel of Clarence* (PhD), 214–23, qtn 219; eadem, 'The financing of English expeditions to Ireland, 1361–1376' in Lydon, *Eng & Ire*, 108. Connolly's unpublished thesis is the only detailed examination of the crisis of 1364, but its emphasis on a *hobbe-dog* antagonism has long been a feature of standard works: Thomas Leland, *The history of Ireland from the invasion of Henry II, with a preliminary discourse on the ancient state of that kingdom* (2nd edn 3 vols, Dublin 1814) i 319; Curtis, *Med Ire* (1st edn) 283; idem, *Med Ire* (2nd edn) 231; idem, 'The viceroyalty of Lionel, duke of Clarence, in Ireland, 1361–1367—pt 2' in *JRSAI* xlviii (1918) 67–8; Otway-Ruthven, *Med Ire*, 290; Lydon, *Lordship*, 236, 238; idem, *Ireland in later middle ages* (Dublin 1973) 90–91; J. A. Watt, 'The Anglo-Irish colony under strain, 1327–99' in *NHI* ii 388. Brendan Smith cites the letter of June 1364 and relates it to an incident in Meath from 1366, which he sees as 'an example of "English hobbe" versus "Irish dog"' (Smith, 'Lionel of Clarence and the English of Meath' in *Peritia* x (1996) 297–302, qtn 300).

¹⁸ *CPR* 1361–64, 468; *Fœdera* [RC] iii pt ii 721.

¹⁹ Both men received protections for their return to Ireland in the spring of 1364, Thomas Burghley on 4 February and Walter Dalby on 1 March (*CPR* 1361–4, 457, 459, 473).

administration. Dalby was already Lionel's clerk of the wages. While at court, he gained for himself an appointment as treasurer of Ireland, which meant that two powerful offices were combined in one person.²⁰ There was nothing particularly unusual about the treasurership being in the hands of an Englishman, although in fact the most recent treasurer, Thomas Mynot, newly elected as archbishop of Dublin, came from Ireland.²¹ The chancellorship, on the other hand, was more often than not held by someone from within the colony.²² Thomas Burghley, however, had been a brother of the hospital of Saint John of Jerusalem in England before becoming, in what may have been an unpopular move, prior of the Irish order in 1359. That same year he was appointed chancellor of Ireland. After Lionel's arrival in 1361, he exercised two other influential posts. He was chancellor of the Irish exchequer from 1362–4 and briefly acted as chief justice of the justiciar's bench, 1361–2.²³

At the losers' end in the administrative reshuffle of 1364 were Robert Holywood and John Troye, two long-standing office-holders. An attempt was made to replace both of them in their respective positions of chief and second baron of the Irish exchequer.²⁴ Neither John Keppok nor John Uppingham, their replacements, took up office, and the fact that no one seems to have been paid as either chief or second baron of the Irish exchequer between 9 April 1364 and 1 February 1365 indicates that there was confusion or dispute over who should hold

²⁰ *CFR* 1356–68, 280. Philomena Connolly identifies Dalby with 'Sir Walter Dalby, parson of the church of Our Lady, Berkhamsted' (otherwise Northchurch, Hertfordshire), and suggests that he may have originated in Great Dalby, Leicestershire (Connolly, *Lionel of Clarence* (PhD), 218 n 209; *Register of Edward, the Black Prince preserved in the public record office* (PRO 4 vols, London 1930–3) iv 353; *VCH: Hertfordshire* ii 245–50).

²¹ Connolly suggests that Mynot was removed because, after being granted the temporalities of the archdiocese of Dublin on 21 September 1362 (*CPR* 1361–4, 389), he may have travelled to the pope at Avignon (Connolly, *Lionel of Clarence* (PhD), 214). Thomas Scurlog, abbot of Saint Thomas' Abbey, Dublin, acted as Dep T from 20 October 1362 to 1 April 1364, shortly after which Dalby took up office (*Admin Ire* 104).

²² Frame, *Eng lordship*, 90–93.

²³ *Admin Ire*, 96, 117, 172. For Burghley as brother in the Hospital of Saint John of Jerusalem in England see *CPR* 1361–64, 457, 459, 472. On the Hospitallers in Ireland, see C. Litton Falkiner, 'The hospital of St John of Jerusalem in Ireland' in *PRIA* xxvi (1907) C12 275–317. Less reliable is Anthony MacDermott, 'The knights of St John of Jerusalem in Ireland' in *Ir Geneal* iii 1 (1956–67) 2–16. On hostility to English-born priors in Ireland, see Charles L. Tipton, 'The Irish Hospitallers during the Great Schism' in *PRIA* lxi (1970) C3 33–43.

²⁴ *CPR* 1361–64, 468. Holywood was ordered, 'quod se de officio praedicto ulterius nullatenus intromittat' (*Fædera* [RC] iii pt ii 721).

the offices.²⁵ The king was later to state that he had been ‘deceived by the informations of the said prior [Burghley] and Walter de Dalby’.²⁶ It must have been particularly galling, therefore, that Burghley and Dalby—who had engineered this reshuffle—were to have their expenses paid by a subsidy granted in Ireland by the clergy and commons.²⁷ The changes paved the way for Lionel’s departure from Ireland on 23 April 1364, and no doubt were intended to ensure a stable administration during the lieutenant’s absence in England. As it turned out, they seem to have had the opposite effect.

By early June, a group representing ‘certain of the commons of Ireland’ had travelled to Westminster bearing grievances. It included three of the lordship’s leading nobles, Maurice fitz Thomas, fourth earl of Kildare (†1390), Simon Fleming, baron of Slane, and John Husee, baron of Galtrim, as well as Richard White, recently appointed chief justice of the justiciar’s bench in Ireland, and Richard Plunket one of the king’s legal representatives.²⁸ The delegation seems to have left hard on Lionel’s heels, possibly on 25 April 1364.²⁹ It was this embassy that provoked the letter of 6 June 1364 demanding that ‘dissensions and debates’ between the English of England and Ireland be quelled. The king also commanded the Irish administration not to trouble the earl of Kildare and his associates for leaving the lordship without licence. The letter stated that although they had been elected to bring complaints before the king, at some point after that election a proclamation had been made in the lordship that no one should leave Ireland without permission. Ignoring the orders of the council, the representatives of the Irish commons had boarded a ship at Dublin and travelled to England. The

²⁵ *IExp* 514; *Admin Ire* 113 n 5.

²⁶ *CFR* 1356–68, 293.

²⁷ *CCR* 1364–8, 4; *Fœdera* [RC] iii pt ii 722. The instruction to the chancellor and treasurer to cause ‘those who neglect to pay to be compelled if needs be’ may be an indication that resistance to the levying of the grant was anticipated.

²⁸ *CCR* 1364–8, 58. Fleming is not stated to have been elected by the Irish commons; rather he was in England ‘to survey his lands there’. Sometimes these brief references can be misleading and he may still have been involved in bringing complaints to the king. In a parallel case in 1397, David Wogan of Ireland received a licence to remain in England to prosecute personal affairs. Only from second pardon for absence issued the following March do we learn that he ‘was lately chosen by the lords and commonalty of Ireland in the Parliament held at Dublin one of the ambassadors of that land to report its condition to the king’ (*CPR* 1396–9, 209, 340). The earl of Kildare also used the visit to court in 1364 as an opportunity to transact some private business. He petitioned the king to grant him liberty jurisdiction over the county of Kildare as he had held before 1345 (*Affairs Ire* §233).

²⁹ Richard White (CJJB) is recorded as having been in England from 25 April–25 July 1364, during which time his office was exercised by Nicholas Lumbard, 2nd JJB (*IExp* 515).

delegation seems to have believed that it would be the target of official reprisals on its return to Ireland and so sought a royal pardon.³⁰

Who was in a position to make the representatives of the Irish commons feel vulnerable in this way? Two obvious candidates are Burghley and Dalby. As chancellor and treasurer of Ireland both these men held seats on the Irish council. At the very least, they must have attempted to enforce the council's ruling that the embassy of the Irish commons should not travel to Westminster. If so, it was probably not just because they wanted to keep all those who could fight in Ireland to defend their lands. The fact that the delegation was sent to complain about Lionel's English-born administrators cannot have been far from their minds. That Burghley and Dalby were the focus of grievance is clear. In September, as Lionel prepared to return to Ireland, both men were superseded in their offices. Dalby's activities as clerk of the wages had made him unpopular. It was recorded in his enrolled treasurer's account that his commission as clerk of the wages had been 'revoked because of certain suggestions made to the king', presumably in the summer of 1364.³¹ One of those who may have won the king's ear was John Troye, second baron of the exchequer, whose dismissal Dalby seems to have sought in February 1364. By June that year, Troye was in Westminster, and in the autumn he was appointed in Dalby's place as treasurer.³² Another loser, Robert Holywood, successfully held on to his disputed exchequer post of chief baron.³³ A final victory was the stipulation in Lionel's renewed appointment as lieutenant in Ireland that he was forbidden from removing the chancellor and treasurer from office.³⁴

It is extremely unlikely that the grievances expressed by the lordship's community concentrated solely on the fact that these men were, in the language of the Kilkenny statutes, 'English hobbes'. Such an argument could hardly have expected a welcoming audience at Westminster. Almost certainly the complaints

³⁰ *CCR* 1364–8, 58.

³¹ Although afterwards the king allowed Dalby his fee for the whole period of his service, 'because Walter had served well in those offices and had incurred many expenses, more than any previous treasurer had done' (*IExp* 514).

³² *CFR* 1356–68, 294. On 10 June 1364, White nominated William Holywood as his attorney in Ireland during his stay in England (*CPR* 1361–4, 505).

³³ *Admin Ire* 113.

³⁴ He was ordered to oversee the acts of ministers and remove those who were useless, 'cancellario et thesaurario nostris terrae praedictae dumtaxat exceptis' (*Fœdera* [RC] iii pt ii 747). The calendared version provides no details of the terms of the appointment (*CPR* 1364–7, 20). A Latin transcript of Lionel's original appointment—1 July 1361 (*CPR* 1361–4, 44)—is NLI (Harris) Ms 3 f 63–63^v.

implicated Lionel's men in administrative impropriety. Burghley was removed as chancellor in September for consciously deceiving the king,³⁵ and Dalby's accounts as treasurer of Ireland became the subject of a drawn-out investigation.³⁶ The charges were based on the testimony of certain Irish 'magnates and men worthy of credence', almost certainly a reference to the representations of June 1364.³⁷ If the allegations were true—and it was quite common for false, or at least embellished, complaints about administrators to be sent to England³⁸—then the chancellor and treasurer had acted in what a cynic might call the best traditions of the Irish administration. Whether the lordship of Ireland was any worse than other areas within the king's dominions is certainly open to debate, but there was a perception that, both at local and central level, 'corruption' was pervasive.³⁹ A concerted attempt was made to combat the problem in 1359 before Lionel's arrival,⁴⁰ and later many of what have been termed the 'forgotten' statutes of Kilkenny tackled the question again.⁴¹ But the issue also surfaced during the intervening years. In May 1363, the three earls resident in Ireland—Kildare, Ormond and Desmond—as well as several lords from the second rank of the nobility were appointed to investigate the behaviour of royal ministers. The commission no doubt came in answer to appeals from Ireland and the king

³⁵ *CFR* 1356–68, 293.

³⁶ *CPR* 1364–7, 68–9, 147–8, 206. It is noteworthy that among those who were to investigate Dalby were several who gained during the administrative collapse of September 1364, including the new treasurer, John Troye, Robert Holywood and the new chancellor, Robert Ashton. Dalby's predecessor as treasurer, Thomas Mynot, archbishop of Dublin, was also on the panel.

³⁷ *CFR* 1356–68, 293.

³⁸ In 1352, there were complaints about men travelling to England in order to slander members of the Irish administration (*CCR* 1349–54, 462). In 1357 (31 Edw III [Eng], st 4 c 12), the king complained that 'certain persons of Ireland ... with railing tongues [strive] to injure the fame and reputation of our good officers and other our liege subjects' (*Statutes John–Hen* V 413–4). Berry's translation of 'labia ... latrancia' as 'railing tongues' may be looser but is possibly more evocative than the 'barking mouths' found in an alternative version (*SR* i 360–61). A petition of the lords and commons of Ireland of 1380 requested that this provision be confirmed (*Affairs Ire* §267). The practice was not new to the 1350s, though it is from around this date that the evidence blossoms. For a petition of 1276, see Beth Hartland, 'Edward I and petitions relating to Ireland' in Michael Prestwich, Richard Britnell & Robin Frame (eds), *Thirteenth century England IX: proceedings of the Durham Conference 2001* (Woodbridge 2003) 60.

³⁹ On corruption in Ireland before the 1360s, see J. F. Lydon, 'The enrolled account of Alexander Bicknor, treasurer of Ireland, 1308–14' in *AH* 30 (1982) 7–46, with introduction, 9–14. Cf. Philomena Connolly, 'The proceedings against John de Burnham, treasurer of Ireland, 1343–9' in *Colony & frontier* 57–74 for a treasurer who withstood official scrutiny into charges of corruption.

⁴⁰ *CCR* 1354–60, 575–8; *Fœdera* [RC] iii pt i 432–6.

⁴¹ 40 Edward III [Ire], cc 22, 24–6, 30–33 (*Statutes John–Hen* V 450–65). See G. J. Hand, 'The forgotten statutes of Kilkenny: a brief survey' in *Ir Jurist* i (1966) 299–312.

declared that he had ‘the matter very much at heart’.⁴² Significantly, three of the investigators—Kildare, Fleming and Husee—were among those who remonstrated with the king after Lionel’s departure the following summer. In November 1363, possibly in response to the inquiry, the king constrained the authority of the inspector of weights and measures in Ireland on hearing reports of extortion, and also commanded the lieutenant to adhere to English legislation of 1362 concerning the ever-contentious issue of purveyance.⁴³ This interaction conveys that Lionel’s Ireland was divided, with the lordship’s resident nobility adopting a firm stance against the excesses of the lieutenant’s ministers.

A point of considerable agitation in 1364 seems to have been a commission to investigate ‘indictments of many trespasses and other enormities’ in Ireland. The order to launch the inquiry was sent from Westminster on 22 April, the eve of Lionel’s departure for England. It was addressed to the earl of Ormond, Burghley (the English-born chancellor of Ireland) and four others.⁴⁴ It was presumably suspected that these indictments were false, something that hints at other miscarriages of justice such as overly-suggestible judges and packed juries. From the evidence of later statutes against the practice, it would seem that the aim of these machinations was, for ‘malice, envy and revenge’, to ruin residents of the colony by eliciting declarations of outlawry, thereby causing the victims’ forfeiture and possibly putting them in jeopardy of their lives.⁴⁵ It may have been a dirty trick, but it was not uncommon. In 1378, in the aftermath of inquiries into the chief governor, Sir William Windsor, the city of Dublin was in uproar because some forty-four of its citizens had been indicted ‘by malice and procurement’ of certain people who bore them ill-will for aiding the investigation.⁴⁶ In 1397, John Melton, who was deputy to the then treasurer of Ireland, appealed to the king

⁴² The other nobles were: John Husee, baron of Galtrim; Simon Fleming, baron of Slane; John Cusak; and William Loundres (*CPR 1361–64*, 369).

⁴³ *CCR 1360–64*, 488, 494; *Fœdera* [RC] iii pt ii 714. On purveyance, see another recent provision of 1357 to follow English statutes in *SR* i 358; *Statutes John–Hen V* 409–10 (31 Edward III [Eng], st 4 c 4). For the English context, see Chris Given-Wilson, ‘Purveyance for the royal household, 1362–1413’ in *BIHR* lvi (1983) 145–63.

⁴⁴ The panel also included Simon Fleming, baron of Slane; Richard Plunket; Stephen Bray; and Robert Cadell (*CPR 1361–64*, 537).

⁴⁵ 9 Hen V [Eng], st 1 c 1 (*SR* ii qtn 204). See also English statutes 1 Ric II, c 13; 8 Hen VI, c 10; 18 Hen VI, c 12 (*ibid.* ii 5, 246–8, 310).

⁴⁶ *CCR 1377–81*, 169, 171–2, 225 (qtn 172, 225).

because he feared ‘arrest under pretext of divers indictments [made] before justices by the malice of his enemies’.⁴⁷

To the residents of the colony in 1364, it must have seemed a cruel irony that it was the ‘corrupt’ chancellor, Burghley, who was among those commissioned to investigate the charges. Burghley had spent time on the Irish bench, and as chancellor he exercised considerable jurisdictional competence.⁴⁸ This power was supplemented on 16 November 1363 when he was authorised to appoint justices in Ireland. Richard White, who was appointed chief justice in Ireland that very same day, was later one of those who brought complaints against Burghley in June 1364.⁴⁹ Evidently the chancellor’s supervision of the judicial establishment proved to be a negative experience for White and stirred in him a desire to voice his objections at court.

The chronology suggests that the representatives of the Irish commons who left Ireland around 25 April 1364, and the royal messengers bearing the orders of 22 April to investigate indictments, passed by each other on their respective journeys, each ignorant of the other’s mission. But if, as seems likely, the inquiry was launched by Westminster in response to earlier petitions from Ireland, then the earl of Kildare and his fellows may well have travelled to court intending to complain about problems with the judicial system.⁵⁰ Certainly by September, the king had been made aware that all was not well. The results of the original investigation had reached Westminster and were found wanting. On 24 September, the commission was renewed in nearly identical terms, but with a new team of investigators. Several of the new panel—the earl of Kildare, John Husee and Richard White—were among those who had borne the grievances of the Irish commons to Westminster the previous June, and risked impeachment on their return to Ireland.⁵¹ The remonstrations of the summer, in other words, had been a great success. The chancellor and treasurer of Ireland had fallen; the investigation of false indictments had been renewed, now to be conducted properly; the

⁴⁷ *CPR* 1396–99, 248. For an examination of the context, see Johnston, ‘Interim years’, 184–8.

⁴⁸ A. J. Otway–Ruthven, ‘The mediæval Irish chancery’ in *Album Helen Maud Cam: studies presented to the international commission for the history of representative institutions XXIV* (Louvain & Paris 1961) 130.

⁴⁹ *CPR* 1361–4, 433; *Fœdera* [RC] iii pt ii 714.

⁵⁰ Cf. the complaint in 31 Edw III [Eng], st 4 c 3 (1357) about justices of Ireland being ‘led by the counsels of their private counsellors and not of ours ... [and] applying their gains unlawfully acquired in that behalf to their own uses and not to ours’ (*SR* i 357–8; *Statutes John–Hen* V 409).

⁵¹ *CPR* 1364–7, 68.

lieutenant's powers were restricted; and the king was treating the residents of the lordship with favour.⁵²

One difficulty with explaining why 1364 was such a crisis point is that there was nothing exceptional about ministers in Ireland, or indeed anyone else, taking advantage of the fact that the crown was a remote figure in the lordship. Peddling false information seems to have been a minor industry. In 1355, a royal ordinance sought to prevent a situation in which anyone could complain of lack of justice in Ireland. Apparently, persons who had forfeited lands to the king for minor offences had been unable to recover their possessions because of errors that were 'pretended to have occurred in the records and processes of pleas held before the justices and other courts' in Ireland.⁵³ A protracted dispute in the mid-1360s over the Nangle inheritance in Navan involved information being provided by enemies of the claimants, the Clintons.⁵⁴ Indeed, in 1367, Thomas Burghley, the fallen chancellor of 1364, himself fell victim. He claimed, in his capacity as Prior of the Hospital of St John of Jerusalem in Ireland, that he was being distrained of the farm of the manor of Leixlip for an amount in excess of what he owed because the 'last extent was made ... by his enemies'.⁵⁵

Of course, it is easy to be too credulous. Many of the surviving allegations may themselves have been schemes designed to deceive. What is clear is that the king strongly disapproved of attempts to manipulate him. In 1357, Edward III ordered that false reports on the state of Ireland should not be sent to him but only 'the truth of the fact'.⁵⁶ The penalties for those who were involved in such chicanery, and were discovered, were deliberately humiliating. A colourful case from the 1390s concerns one William Carlisle, a long-serving English-born officer in the Irish administration, who incidentally first came to Ireland with Lionel of Antwerp.⁵⁷ Carlisle persuaded an unnamed accomplice to impersonate Thomas Middelton, the prebendary of Crospatrick in the diocese of Ferns, Ireland. The

⁵² This king's favour is clear, since it was to members of the June embassy that the renewed investigation was entrusted. Furthermore, at least one of the delegation was rewarded by the king. In July, Richard White received a licence to acquire lands worth up to twenty pounds in Ireland, despite statutes forbidding that practice (*CPR 1364–7*, 3).

⁵³ *CCR 1354–60*, 154–5 (qtn 155); *Fœdera* [RC] iii pt i 312.

⁵⁴ *CCR 1364–8*, 232–3, 423–4; *Affairs Ire* §235; Connolly, 'Ancient petitions (SC8)' in *AH* 34 (1987), 73.

⁵⁵ *CCR 1364–8*, 327–8 (qtn 328). For the response, see a transcript of a new extent of Leixlip taken in the Irish exchequer at Carlow in 41 Edw III and returned to chancery in England (TNA C 47/10/23/3).

⁵⁶ 31 Edward III [Eng], st 4 c 7 (*SR* i 359; *Statutes John–Hen* V 412).

⁵⁷ For Carlisle's first arrival in Ireland, see *CPR 1361–4*, 130. In a petition of 1383, William Carlisle mentions that his first association with Ireland was at Lionel's arrival: *Affairs Ire* §269. For Carlisle, see F. Elrington Ball, *The judges in Ireland, 1221–1921* (2 vols, New York 1927) i 85–6.

impersonator had it recorded by the mayor of the staple of Westminster that the unfortunate Middleton owed Carlisle some two hundred pounds. Carlisle, once exposed, confessed the deceit and was condemned for three weeks to ‘undergo the judgement of the pillory in the city of London one whole hour of one market day every week when the greatest part of the people shall be assembled there.’⁵⁸

Naturally, it would be absurd to suggest that flagrant corruption was a vice to which English-born officials were particularly prone. Ministers from within the colony seem to have been consumed by it just as readily. Robert Holywood, for instance, whose job security was temporarily threatened in 1364, had a chequered past.⁵⁹ It was presumably the coincidence of factors that made the crisis of 1364 so urgent. Not only was there a lack of probity in government, but the residents of Ireland did not even enjoy the privilege of being administered badly by one of their own. In so far as this, the major crisis of Lionel’s lieutenancy, has been explained at all, it has been in these terms: widespread colonial disaffection with corrupt outsiders in the administration. For those looking for a case study in ‘identity formation’, Lionel’s lieutenancy recommends itself as a prime example.

II

Colonial faction

SO IT may have been, but it is still necessary to ask whether that is the whole story. Burghley’s replacement as chancellor, for instance, was not a long-standing Irish-born official, but an English-born knight, Sir Robert Ashton, who was later to return to Ireland as chief governor from 1372–3.⁶⁰ Admittedly, this is only mildly disquieting. Given that Robert Ashton had served in Ireland in 1363 under Lionel,⁶¹ he may have been known to the colony and deemed an acceptable compromise candidate. His appointment raises a more general point about how misleading it is to insist pedantically that only those who were literally Irish-born could be acceptable to the colonists or embraced by the term ‘English of

⁵⁸ CCR 1389–92, 458.

⁵⁹ For Holywood’s early career, see Frame, *Eng lordship*, 101–02. He later became associated with the hated chief governor Sir William Windsor: see below below 123 n 94.

⁶⁰ The date of his appointment was 24 September 1364, not, as recorded on the roll, 24 October (*CPR* 1364–7, 25; *Fœdera* [RC] iii pt ii 752; cf. *CPR* 1364–7, 68–9). He had taken up office in Ireland by 23 October 1364 (*IExp* 519). Henry Marlborough records Ashton’s arrival as chief governor in 1372 (*Chron Marl* s.a. 1372).

⁶¹ Ashton served from 16 April–14 October 1363 (*CTNA* 325).

Ireland'.⁶² John Troye, for instance, seems to have been favoured by the Irish delegation of 1364, but was almost certainly born in England, his first employment in Ireland being as paymaster for the army of the justiciar Ralph Ufford, 1344–6.⁶³ But these qualifications do little to shatter a final stumbling block, and that is the involvement of the leading member of the lordship's noble elite, the earl of Ormond.

Ormond was intimately connected to the young Lionel of Antwerp. It was he who had led the diplomatic campaign from the late 1350s to have Lionel sent to Ireland. In October 1360, the earl went himself to England to lobby.⁶⁴ The association may have gone beyond mere courtship. The two men shared an illustrious great-grandfather in King Edward I (1272–1307). Ormond's mother, Eleanor Bohun, dowager countess of Ormond, was the namesake of her grandmother, Eleanor of Castile (†1290), the first wife of Edward I.⁶⁵ The Butlers, moreover, had a traditional association with the royal household, apparent in their name and their right to the prisage of wines in Ireland that dated back to the progenitor of the Ormond earls, Theobald Walter (†1205), who had accompanied the future King John to Ireland in 1185.⁶⁶ The second earl of Ormond cultivated this proximity to the crown, and the king played his part, invariably referring to him as his 'dearest and faithful cousin' in royal letters.⁶⁷

The marks of favour are clear even before Lionel was appointed lieutenant. Late in 1359, while he was chief governor of Ireland, Ormond was described by the king as, 'manfully and vigorously striving to preserve the estate of Ireland and the king's rights there, and defend the said land against the king's enemies'.⁶⁸ The

⁶² An instructive parallel is found in thirteenth-century England, where hostility to the 'aliens' did not prevent some foreigners, notably Simon Montfort, from being accepted. See Frame, "'Les Engleis nées en Irlande'", *Ire & Brit*, 148–9; D. A. Carpenter, 'What happened in 1258?' in J. Gillingham & J. C. Holt (eds), *War and government in the middle ages: essays in honour of J. O. Prestwich* (Woodbridge 1984) 106–19; Huw Ridgeway, 'King Henry III and the "Aliens", 1236–1272' in P. R. Coss & S. D. Lloyd, *Thirteenth Century England II* (Woodbridge 1988) 81–92.

⁶³ For Troye's service in 1344–5, see *IExP* 416.

⁶⁴ Maurice fitz Thomas, the fourth earl of Kildare accounted as deputy justiciar from 9 October 1360 until 31 March 1361 (*IExP* 504). He was appointed justiciar of Ireland on 16 March 1361 (*CPR* 1358–61, 572). Ormond's departure for England is recorded in AHib 394 s.a. 1360.

⁶⁵ This Eleanor was the second daughter of Humphrey Bohun, earl of Hereford, by his wife Elizabeth, daughter of Edward I and his first wife Eleanor of Castile (*Peerage* x 118). See below app 3, genealogy A3.1.

⁶⁶ Orpen, *Normans* ii 94–5; Otway-Ruthven, *Med Ire*, 67–9. The prisage of wine was confirmed in 1355 (*COD* ii §32).

⁶⁷ *COD* ii §§8, 32, 51, 87, 104, 112, 138, 199, 200 etc.

⁶⁸ *CFR* 1354–68, 115.

following year, the king granted him a licence to acquire lands worth up to £60 per year, something usually forbidden to office holders.⁶⁹ The results are manifest. In the course of a few years, he acquired land in ‘Inyshmcneyl’ and ‘Inysherther’ in county Cork⁷⁰ and in the town of CarrickmacGriffin.⁷¹ Protracted legal wranglings brought him control of Malure Island, county Waterford.⁷² With Lionel resident in Ireland, their relationship could be reinforced. Ormond was constable of Dublin Castle, Lionel’s refurbished headquarters,⁷³ and he was one of the very few residents of the lordship who served militarily with the lieutenant.⁷⁴ Lionel also witnessed several grants of land in favour of Ormond. On a single day, 3 October 1362, Ormond received the lands of William Carew around Fenoagh, county Waterford, and the Purcell manors of ‘Corketen, Loghmy and Okyryn’ in county Tipperary.⁷⁵ In 1364, he received a grant of Drumdowney in county

⁶⁹ *CPR 1358–61*, 429. See also the licence concerning Malure Island (for which see below n 72), co Waterford (NLI D 1044; =*COD* ii §68 (i)). Such acquisitions by ministers within their own bailiwicks was forbidden by a statute of 1323, 17 Edw II [Eng], st 1 c 1 (*SR* i 193; *Statutes John–Hen* V 293). Mandates for its enforcement and orders to investigate ministers who contravened its terms were sent to Ireland as recently as 1357 and 1359 (*CFR 1356–68*, 35; *CCR 1354–60*, 576; *Fœdera* [RC] iii pt i 436–7; *CCR 1360–64*, 182; NLI (Harris) Ms 3 f 61). For comment, see Frame, *Eng lordship*, 101–2.

⁷⁰ *COD* ii §63 (i–iv). ‘Inysherther’ and ‘Inyshmcneyl’ are identified as Little Island in the Lee estuary near the city of Cork in *PR Cloyne* 180 n 98 & 237 n 294. The grant was made at Carrigtohill, nearby on the mainland. In the ecclesiastical taxation of 1302–06 the church of Little Island was rendered simply ‘de Insula’ (*CDI* v §729 (at 319); Liam Ó Buachalla, ‘An early fourteenth-century placename list for Anglo-Norman Cork’ in *Dinnseanchas* ii 3 (1966–7) 65).

⁷¹ *COD* ii §§75, 88. The town in question is Carrick-on-Suir, Tipperary, on the border with county Waterford. On Carrick-on-Suir, see C. A. Empey, ‘The manor of Carrick-on-Suir in the middle ages’ in *JBS* ii (1982) 206–14; John Bradley, ‘The medieval towns of Tipperary’ in *H&S Tipperary* 41–2. In 1366, Ormond granted a charter of liberties to Carrick-on-Suir (*COD* ii §123).

⁷² NLI D 1044 (= *COD* ii §68 (i–ix)); *CPR 1358–61*, 552. Malure Island is Little Island in the River Suir near Waterford city (par Ballynakill, bar Gaultier). The ruins of a small castle survive. See Samuel Lewis, *A topographical dictionary of Ireland, comprising the several counties, cities, boroughs, corporate, market, and post-towns, parishes and villages [...]* (2 vols, London 1839) i 158; Michael Moore (ed), *Archaeological inventory of County Waterford* (Dublin 1999) 218 §1586.

⁷³ Gilbert, *Viceroy*s, 219–20, 546–8; for Ormond’s payment as constable see *IExP* 511.

⁷⁴ Connolly, *Lionel of Clarence* (PhD), 153–4.

⁷⁵ *COD* ii §§87, 89. Fenoagh is a parish in north Waterford in the barony of Upperthird. The Purcell lands in county Tipperary are Corketeny (now par Templemore, bar Eliogarty & Ikerrin), Loughmoe (now represented by the two parishes of Loughmoe East and West, bar Eliogarty) and Ikerrin (now a barony north of Eliogarty, but then part of the larger medieval cantred of Elyocarroll): see C. A. Empey, ‘The cantreds of medieval Tipperary’ in *North Munster Antiquarian Journal* xiii (1970) 25–6. These manors were held in 1303 of the manor of Thurles by Hugh Purcell (Newport B. White (ed) *The Red Book of Ormond* (Dublin 1932) 71). They were later taken into the king’s hands because of a later Hugh Purcell’s forfeiture, and Ormond granted them to Geoffrey Roth Purcell and Geoffrey son of John More Purcell in November 1362, soon after receiving them himself (*COD* ii §90).

Kilkenny.⁷⁶ The Irish lands of his mother, Eleanor, were exempted from a subsidy in 1363 and she was granted a £200 life annuity at the English exchequer.⁷⁷ In January 1364, Ormond's considerable debts were respited.⁷⁸ Within a few months, Lionel had departed for England leaving Ormond as guardian (chief governor) of Ireland.

Ormond, then, was inextricably linked to Lionel's administration, and it is no surprise to find him entangled in the crisis of 1364. The earl was in charge of the lordship from April that year, but it was not he who led the opposition to Lionel's ministers. Nor did the colonists who travelled to England to remonstrate with the king in the summer of 1364 go with his assent. When the king wrote commanding that the earl of Kildare and his associates should not be bothered for their unlicensed visit to Westminster, the letter was directed to the earl of Ormond.⁷⁹ In September, when the commission to investigate false indictments was reissued, Ormond, conspicuously, was excluded from the panel.⁸⁰ It was Ormond who had led the first unsatisfactory investigation of April 1364 that had stirred up the hostility of the English of Ireland. Complaints arising from that hostility seem to have caused the king to lose confidence in the earl.

Despite being the leading member of the 'English of Ireland', Ormond had become a focus of resentment in 1364. Why did he incur this hostility? Was it simply that he was rather too friendly with the English of England, too much akin to the 'hobbes' who had come to Ireland with Lionel in 1361? This answer seems rather trite. It is difficult to think of an element in the colony that would not have courted Lionel's favour. True, the Butlers' estates in England were unusually expansive.⁸¹ Landholdings are, however, only one yardstick with which to measure cultural links; marriage connections provide another. In this respect, the Butlers' relationship with England was not totally exceptional. The fourth earl of Kildare (†1390), for instance, was wedded to the daughter of Bartholomew Burghersh in 1347, and the short-lived second earl of Desmond (†1358) married a daughter of

⁷⁶ *COD* ii §95 (i–ix). Drumdowney is now represented by two townlands, Drumdowney Upper and Lower (par Rathpatrick, bar Ida). It was in the medieval cantred of Iverk (C. A. Empey, 'The cantreds of the medieval county of Kilkenny' in *JRSAI* ci (1971) 131).

⁷⁷ *CCR* 1360–64, 451; *CPR* 1361–4, 322; *Fœdera* [RC] iii pt ii 690; *CTNA* 326–7.

⁷⁸ *CCR* 1364–8, 43–4.

⁷⁹ *CCR* 1364–8, 58.

⁸⁰ *CPR* 1364–7, 68.

⁸¹ Though not altogether exceptional: see Crooks, "'Hobbes'", 137.

Ralph, earl of Stafford.⁸² Nor is Ormond very convincing in the role of royal lackey. In 1357, he arrested and imprisoned the king's representative in Ireland, John Bolton, provoking wails of protest and causing the king to threaten him with forfeiture unless Bolton was immediately released.⁸³ Quite what had warranted the arrest is unclear; but it is likely that, as far as Ormond was concerned, Bolton had been trampling rather imprudently on Ormond's authority in typically Butler-dominated territories.⁸⁴ In other words, he would not countenance any flouting of his authority, even if it meant defying the king.

Ormond, then, was not one to row in behind the 'English of England' if it did not suit him. Yet, with a shift in focus and a looser interpretation of identity, a possible explanation for the antagonism that Ormond engendered in his fellow colonists can be found readily enough. The clue is a reference to Munster among the orders sent to Ireland in June 1364. A letter addressed to Ormond from the king forbade him from holding any pleas or sessions 'in the parts of Mounester' until the return of Lionel. As insurance, a second letter was sent to the chancellor, Burghley, commanding him to inform Ormond of the order, and repeating that 'the King would not that such pleas and sessions be there held before the said duke's coming by reason of the said guardian's [Ormond's] office'.⁸⁵ The significance of this is that Munster was an area of considerable private interest for the Butlers, who held extensive lands in the south of Ireland and exercised liberty jurisdiction in Tipperary. But, crucially, power in Munster was shared with the Geraldine earls of Desmond. A good rapport between the Butlers and Geraldines in the later medieval period was in notoriously short supply. In the 1380s and 1390s, as we shall see, the two earldoms were regularly coming to blows. While their relationship earlier in the fourteenth century may not have been quite as fraught as it was later to become, there are clear signs of tension between these two neighbouring powers from the 1340s. It is in this context of factional tension and local politics that Ormond must be placed if his attitudes and actions during the lieutenancy of Lionel of Antwerp are to be understood.

The Butler family was unfortunate enough to undergo two minorities from the 1320s, firstly from 1321–6 at the death of Edmund Butler, and secondly in

⁸² AHib 390 s.a. 1347; Frame, *Eng lordship*, 290; K. B. McFarlane, *The nobility of later medieval England: the Ford Lectures for 1953 and related studies* (Oxford 1973) 85.

⁸³ CCR 1354–60, 375, 424.

⁸⁴ Frame, *Eng lordship*, 298–9.

⁸⁵ CCR 1364–8, 63. Lionel had been made duke of Clarence in 1362, and his return to Ireland bearing a new title was recorded by the Dublin annalist (AHib 396 s.a. 1365).

1338 with the premature demise of his son, James Butler, who in 1328 had been created the first earl of Ormond.⁸⁶ An absence of lordship was problematic anywhere, but it was particularly disquieting in a frontier region such as Ireland. James, the future second earl of Ormond—the man who nearly three decades later was to be guardian of Ireland during Lionel's lieutenancy—was six at his father's death in 1338. The Butler inheritance was entrusted to Maurice fitz Thomas (†1356), the man whom G. O. Sayles dubbed, perhaps a little unfairly, the 'rebellious' first earl of Desmond.⁸⁷ Although the young James II Butler was granted livery of his lands prematurely in 1347,⁸⁸ his curtailed minority had been extremely damaging. A power struggle over the Ormond inheritance in 1344–5 led to open war between Desmond and the then chief governor, Ralph Ufford. Ufford was not known for his cordial relations with the English of Ireland. The Dublin annalist reports that, at his untimely death in 1346, floods ceased, the air grew wholesome and the clergy and people rejoiced.⁸⁹ Yet, notably, one person who did support him was Fulk Freigne, an important figure in Butler territories and seneschal of Kilkenny.⁹⁰ The Freigne family was to maintain its close relations with the Butlers throughout the career of the second earl of Ormond, and it may have been this connection that brought them the favour of Lionel of Antwerp. Two of them, John and Patrick son of Robert, were knighted by Lionel upon his arrival in 1361.⁹¹ Their esteem for the young lieutenant may be indicated by the fact the next generation of this family produced a Lionel Freigne.⁹² Fulk Freigne's son, Patrick, was seneschal of Kilkenny like his father, and in 1375 he agreed to serve Ormond with his retinue against all men except the king.⁹³ In 1384, Patrick was an

⁸⁶ *Peerage* x 116–7, 119; C. A. Empey, *The Butler Lordship in Ireland, 1185–1515* (PhD University of Dublin 1970) 156–86.

⁸⁷ The examination of Desmond's career by G. O. Sayles in 'The rebellious first earl of Desmond' in J. A. Watt, J. B. Morrall & F. X. Martin, *Medieval studies presented to Aubrey Gwynn* (Dublin 1961) 203–29, has been modified somewhat by Robin Frame, 'Power and society in the lordship of Ireland, 1272–1377', *Ire & Brit* 215–18 (1st pr in *P&P* 76 (1977) 3–33) and idem, *Eng lordship*, 207–14, 262–74, 296–7. Following from Frame's approach, see A. F. O'Brien, 'The territorial ambitions of Maurice fitz Thomas, first earl of Desmond, with particular reference to the barony and manor of Inchiquin, Co. Cork' in *PRIA* 82 (1982) C3 59–88; Stephen C. Mogdan, *Examining the evidence: Maurice fitzThomas and the 'legal proceedings'* (MPhil University of Dublin 1996); and Waters, *Earls of Desmond* (PhD), esp 19–97.

⁸⁸ *CCR* 1346–49, 193–4; *CPR* 1345–48, 263.

⁸⁹ AHib 388 s.a. 1346.

⁹⁰ AClyn 30; Robin Frame, 'The justiciarship of Ralph Ufford: warfare and politics in fourteenth-century Ireland' in *Studia Hibernica* xiii (1973) 15–16

⁹¹ AHib 396 s.a. 1361.

⁹² *COD* ii §§258, 295.

⁹³ *COD* ii §§205 (i–iii), 206.

arbitrator between the third earls of Desmond and Ormond after ‘great discords’ had arisen between them.⁹⁴ All this lay in the future. In the 1340s, Fulk Freigne’s support of Ralph Ufford can probably be attributed to a hostile attitude to Desmond’s influence over the Butler inheritance, and he no doubt welcomed the fact that Ufford withdrew the keeping of Ormond’s lands from Desmond and granted it to the young James Butler’s mother and her new husband, Thomas Dagworth.⁹⁵ In the turmoil that followed there was a prolonged siege of the Butler stronghold of Nenagh castle, in north Tipperary, between Desmond and Ormond adherents and several parts of the Butler lordship were laid waste.⁹⁶

It would not be an exaggeration to describe the minority of James II Butler as the formative period in the growth of hostility between the two major powers in the south of Ireland. From the moment that the new second earl of Ormond gained possession of his lands in 1347, he was presented with the task of reconstructing and consolidating his earldom. It was a process that dominated his subsequent career. His relationship with the first earl of Desmond was far from cordial. Despite gaining livery of his lands, Ormond found it extremely difficult to rid himself of the spectre of the earl of Desmond. He doubtless found it aggravating that in 1339, at the beginning of his minority, his guardian had purchased the lands of an English absentee, Peter Grandison, reputedly for 1,100 marks. Grandison held the manors of Kilfeakle, Kilsheelan and the important town of Clonmel, all within the bounds of Ormond’s liberty of Tipperary.⁹⁷ After Ormond

⁹⁴ *RCH* 122 §28. For the Freigne family in Kilkenny, see Eric St John Brooks, *Knights’ fees in counties Wexford, Carlow and Kilkenny (13th–15th century), with commentary* (Dublin 1950), 182–7. See also references in *COD* ii §§85, 92, 189.

⁹⁵ The custody of the Ormond inheritance was rather complicated. The original grant to Desmond was for two and a half years. It was renewed but, from September 1343, Desmond had to compete with the first earl of Ormond’s widow who was granted the keeping of the lands. In April 1344, Desmond received a new grant of the lands. This grant was withdrawn after the arrival of Ralph Ufford in June 1344 and transferred to the countess of Ormond and Thomas Dagworth. See Empey, *Butler lordship in Ire* (Ph D), 178–82; Frame, *Eng lordship*, 271–3; Frame, ‘Ralph Ufford’, 19; O’Brien, ‘Territorial ambitions’, 72–4; Waters, *Earls of Desmond* (PhD), 77–8.

⁹⁶ ANenagh 160; AClyn 31. For comment, see Frame, *Eng lordship*, 271–3; Frame, ‘Ralph Ufford’, 27–8. There are several references to lands lying waste after being ravaged by the ‘army of the earl of Desmond’ in *COD* ii §316. For Nenagh, see Dermot F. Gleeson & H. G. Leask, ‘The castle and manor of Nenagh’ in *JRSAI* lxvi (1936) 247–69.

⁹⁷ These Tipperary lands had once belonged to the Burgh family, who came to Ireland with John, lord of Ireland, in 1185. The first of them, William Burgh (†1205), may have erected a motte at Kilfeakle as early as 1192 (Orpen, *Normans* ii 146, 147 n2, 166). The lands were returned to the crown by William’s great-grandson, Walter Burgh (†1271), in exchange for the earldom of Ulster in 1263. Shortly afterwards they were granted to Sir Otto Grandison (†1328), and this grant was confirmed in 1281 (Orpen, *Normans* iii 266

came of age, it seems that Desmond repudiated the palatine jurisdiction that Ormond theoretically exercised over these lands. A royal letter of 6 July 1351, sent presumably at the urging of Ormond, ordered Desmond to be ‘intendent and respondent’ to Ormond for his holdings in Tipperary.⁹⁸ Desmond was, however, impervious and must have appealed the matter for, on 14 August the same year, decision on the case was deferred until it had been discussed in the king’s court.⁹⁹ Desmond’s claim was that he held not of Ormond but immediately of the king. He had forfeited his Tipperary lands to the crown, along with the rest of his estates, during his rebellion of 1344–5.¹⁰⁰ Clonmel, Kilfeakle and Kilsheelan, therefore, had been in the king’s hands when Ormond was granted the liberty of Tipperary in 1347. But because Desmond’s outlawry had later been annulled and his lands restored, Ormond sought the same rights over the Geraldine lands in Tipperary that his father, the first earl, had exercised.

By 1354, the case had scarcely progressed. Ormond, it seems, persevered in his attempts to compel the tenants of Desmond’s lands to recognise his jurisdiction and the authority of his ministers, presumably by entering Desmond’s lands and enforcing his rights. By March 1354, no doubt in response to Desmond’s petitions, the king ordered the chief governor and escheator of Ireland to investigate the matter.¹⁰¹ It must have been of some concern to Ormond that in July

n 2; *CDI* ii §§1520, 1548, 1847). An inquisition from 32 Edw I details the services owed by the tenants Otto Grandison in Tipperary is *pr* James Hogan, ‘Miscellanea of the chancery, London’ in *AH* 1 (1930) 207–09 (TNA C 47/10/17). Otto, in turn, granted the lands to his younger brother William (†1335) in a charter dated 16 July 1290 (*CChR* 1257–1300, 366). In 1331, William was summoned to join Edward III’s putative expedition to Ireland (*Fœdera* [RC] ii pt ii 825). This expedition never occurred and within a few years the Grandisons had cut their ties with the lordship. In 1339, William’s son and heir, Peter Grandison, received a licence to sell ‘his manors of Kilsylan, Kilsokele, and his town of Clon [*sic*] in Ireland ... as they are wasted by the king’s Irish enemies, and Peter receives little or nothing therefrom’ (*CCR* 1339–41, 180). Clyn records that they were bought by the first earl of Desmond for 1,100 marks, although his identification of the seller as William Grandison is a blunder (*AClyn* 29; Frame, *Eng lordship*, 59).

⁹⁸ *COD* ii §8.

⁹⁹ *CCR* 1349–54, 319.

¹⁰⁰ *AClyn* 31. These Geraldine lands in Tipperary were still contentious in the sixteenth century. In 1532, they passed into Butler hands as part of dower of Joan Fitzgerald, granddaughter of Maurice, tenth earl of Desmond, at her marriage to James Butler, soon-to-be ninth earl of Ormond. They were later the subject of competing claims. See George Butler, ‘Saltair of MacRichard or Laud Misc 610’ in *JBS* iii 1 (1987) 24; Anthony McCormack, *The earldom of Desmond, 1463–1583: the decline and crisis of a feudal lordship* (Dublin 2005) 91; *idem*, ‘Sleeping with the enemy: intermarriage between the Butlers of Ormond and the Fitzgeralds of Desmond’ in *JBS* iv 3 (2003) 471–5.

¹⁰¹ *CCR* 1354–60, 7–8.

the following year Desmond was appointed chief governor of Ireland.¹⁰² Ormond may have thought it expedient to attend upon the king in England. He was present at the Michaelmas parliament at Westminster 1355 and served Edward III in Scotland 1355–6.¹⁰³ During that period, his Irish concerns were treated favourably. On 10 January 1356, ‘for the good service done and to be done’ by Ormond, the king conceded to his wishes. Clonmel, Kilfeakle and Kilsheelan were to be held no differently from any other lands in the liberty of Tipperary.¹⁰⁴ Whether Desmond would have let the matter rest there is impossible to tell. He died in Dublin castle two weeks later, on 25 January, seemingly never having admitted Ormond’s authority.¹⁰⁵

It seems unlikely that this dispute was restricted to the civil matter that emerges from the records and that it signifies no real fall-out between the two earls.¹⁰⁶ Admittedly, Ormond’s entry onto the lands was part of a process of ensuring that his claims did not lapse.¹⁰⁷ But it may have gone beyond the perfunctory. Clonmel, Kilfeakle and Kilsheelan were all situated near the border between the supremacies of Desmond and Ormond, a region that was particularly sensitive to both earls. Outposts of Desmond influence in Butler territory can only have been irksome. The issue was evidently still grating on Ormond in 1372, when he had his authority confirmed by the king.¹⁰⁸ While there is no evidence of raids or plundering between the two earls, it is worth noting that in the comparatively peaceful setting of England, the principal cause of what John G. Bellamy has called the ‘gentlemen’s wars’ was property.¹⁰⁹ When references to a serious Geraldine–Butler feud emerge in the 1380s, they are sparse in the extreme. Given this, it may be that we should read more into the complaint that Ormond was compelling Desmond’s tenants to recognise the authority of his ministers than

¹⁰² *CPR 1354–8*, 266–7. Desmond was given a protection during pleasure on 13 May (*CPR 1354–8*, 221).

¹⁰³ *RP ii* 264, item 4; Frame, *Eng lordship*, 298.

¹⁰⁴ *CPR 1354–58*, 328; *COD iii* §348.

¹⁰⁵ *AHib* 392.

¹⁰⁶ For a different view, see Waters, *Earls of Desmond* (PhD), 91–2 & 170–71, although Waters elsewhere agrees that it may have become contentious by 1372 (at 129).

¹⁰⁷ For the legal context, see Donald W. Sutherland, *The assize of novel disseisin* (Oxford 1973) 110–18, 151–66; John G. Bellamy, *Criminal law and society in late medieval and Tudor England* (Gloucester 1984) 66–7.

¹⁰⁸ *COD iii* §348.

¹⁰⁹ Bellamy, *Criminal law & society*, 70; Bellamy, *Bastard feudalism and the law* (Portland OR 1989) 8. Cf. the critique of the phrase by Michael Hicks, ‘Bastard feudalism: society and politics in fifteenth-century England’, *Richard III and his rivals: magnates and their motives in the Wars of the Roses* (London & Rio Grande 1991) 17–18.

mere legal tokenism. Compulsion may have been brought about forcibly or with the threat of force.

The dispute in Tipperary, which is prominent in the records of the period, was probably only the most obvious of many tensions that sprang up between these two great lordships. Another source of contention may have been even more disconcerting to the earl of Ormond. As part of Desmond's restoration in 1349, a marriage had been contracted between his son and heir, Maurice fitz Maurice, and Beatrice, daughter of Ralph, earl of Stafford.¹¹⁰ Beatrice brought to the marriage joint control of the Stafford lands in Kilkenny for a period of ten years.¹¹¹ A Geraldine presence in Kilkenny, hemming Ormond in on two sides at precisely the time when he was increasing his activity in this region, was again unlikely to make for harmonious relations. At the very least it would have motivated Ormond to continue bolstering the strength of his earldom.

Desmond's death in 1356 marked a reversal of fortune. It was the Munster Geraldines who now suffered from mischance and biological accident. Maurice fitz Maurice, son of the first earl of Desmond, was still under age when his father died. Although he was granted custody of the Geraldine lands prematurely, Maurice did not prove his age until August 1357,¹¹² and by the following summer he was dead. Despite orders prohibiting any lord of Ireland going to England, the new second earl of Desmond attempted to cross the Irish Sea in 1358 and was drowned near Wales.¹¹³ He had no son. His younger brother Nicholas was an 'idiot', and the land of idiots was entrusted to the crown.¹¹⁴

None of this, however, signalled a reversal of policy for Ormond. Widespread disturbances across Munster followed closely upon the deaths of both the Desmond earls.¹¹⁵ Ormond's primary task was to shield himself from this turmoil. A series of treaties and indentures of retinue made with both Gaelic and English lords dates from the period immediately following the death of the first earl of Desmond.¹¹⁶ It seems he was anxious to consolidate his power in the confusion that was spreading across the south of the country in early 1356. Among these contracts is one made with Oliver Howell which, as we have noted, contains

¹¹⁰ Frame, *Eng lordship*, 290.

¹¹¹ *RCH* 69 §56.

¹¹² He was twenty-one on 31 July 1357, as was attested to by members of the Munster nobility at an inquisition held at Limerick on 4 August 1357 (*CIPM* x §397).

¹¹³ *RCH* 71 §§94–5, 100; *ANenagh* 161; *ALC* ii 17; *AC* 1357.4.

¹¹⁴ Nicholas was to be brought to be examined in October 1358 (*CCR* 1354–60, 467).

¹¹⁵ *CPR* 1354–8, 449; *RCH* 72 §11.

¹¹⁶ *COD* ii §§33–9; Jones & Walker, 'Private indentures', §§43–5.

the interesting proviso that Howell would serve with Ormond against everyone 'saving however the king and his heirs and the Earl of Desmond'. It was an indication that conflict between the two comital houses was conceived as possible, and even likely.¹¹⁷

Ormond's activities were not, however, simply defensive. During the confusion that followed the second earl of Desmond's drowning in 1358, there is some evidence that Ormond's power was spreading into Geraldine territories. The Dublin and Westminster administrations responded differently to the problem of the idiot heir, Nicholas fitz Maurice. In Dublin, custody of the Desmond lands was granted to the third son of the first earl, Gerald fitz Maurice.¹¹⁸ Westminster entrusted the inheritance to the second earl's father-in-law, the earl of Stafford.¹¹⁹ But meanwhile there is fragmentary evidence that Ormond was exerting influence across Munster. In the autumn of 1358, Ormond was given the unusual office of chief keeper of the peace in all Munster and was ordered to bring the other keepers before him and array men against the diverse confederacies of both English and Irish nations that were incessantly committing depredations and homicides.¹²⁰

On 18 March 1359, the earl of Ormond took up office as justiciar,¹²¹ and he used this position as an opportunity to emphasise his authority over the young Gerald of Desmond. In the early summer he warned Gerald not to launch an attack against the Poers in retaliation for a transgression they had committed against some of Gerald's men in the Dungarvan area of Waterford.¹²² Ormond was, however, also anxious to see a satisfactory resolution, as he saw it, to the problem of the Geraldine inheritance. What he required was security for himself. Immediately upon taking up office, Ormond summoned Gerald of Desmond, along with other Munster nobles, to his first general council to be held at Waterford in early April, under pain of a punitive £200 amercement for non-attendance.¹²³ Quite

¹¹⁷ COD ii §33; Jones & Walker, 'Private indentures', §43. See above 31–2.

¹¹⁸ RCH 71 §101; *ibid.* 72 §11; *ibid.* 75 §88.

¹¹⁹ CFR 1356–68, 65; RCH 69 §54. For these arrangements see Frame, *Eng lordship*, 297–8.

¹²⁰ RCH 73 §37. This is the only surviving example of a commission of the peace for all Munster. See Frame, 'Commissions', 35.

¹²¹ His appointment was 16 February 1359 (CPR 1358–61, 176; *Fœdera* [RC] iii pt i 419). He took up office after the departure of Amaury Saint Amand on 17 March (*Admin Ire* 89).

¹²² RCH 80 §135.

¹²³ RCH 77 §22. This sum was twice the standard amercement of £100 for the absence of an earl from parliament. See the calendared list of fines collected by J. F. Ferguson from IrMR 1374–83 (NAI Ferguson Coll i ff 343–4, 346–7, 348–351). For comment, see *Ir parl* 137–44. Writs of summons were sent to six

possibly he intended to discuss a proposal that received the consent of Edward III in July the same year: a marriage settlement.

On 20 July 1359, the king—presumably at the suggestion of a delegation from Ireland, which would have arrived informed by discussions at the April meetings of the Irish council¹²⁴—confirmed the terms of a marriage settlement between the houses of Ormond and Desmond. Ormond was ordered to deliver possession of ‘all the castles, manors, lands and liberties’ which belonged to the second earl of Desmond to his younger brother, Gerald, ‘to hold without rendering anything therefor, after he has given security to marry James’s daughter, as the king has ordained that Gerald and James’s eldest daughter shall be joined in matrimony’.¹²⁵ The king presumably hoped that the settlement would bring stability to the south of Ireland. It would also provide Ormond with the security he needed to continue rebuilding the earldom that had been so damaged by the father of his new son-in-law.

III

THIS long interlude is a necessary background for interpreting Ormond’s activities in the 1360s. Lionel’s lieutenancy admittedly shifted priorities in the lordship. The lordship became focussed on the progress of his military campaigns and his administrative adaptations.¹²⁶ His presence, however, did not cause all personal considerations to disappear. For Ormond, the determination to bolster his power in the south of Ireland remained a prime concern. The royal lieutenant did not make these ambitions redundant; rather he was an instrument with which to pursue them.

The fruits of Lionel’s good will towards Ormond are clear from the land grants and other favours bestowed upon him. But it would be naïve to assume that

nobles from the south of Ireland, but Richardson and Sayles believe that the ‘penalty of £200 may have been threatened in the case of only one of those summoned by personal writ [i.e. Desmond]’ (*Ir parl* 140 n 26).

¹²⁴ The council was summoned to meet on 1 April 1359 at Dublin and on 8 April 1359 at Waterford (Lynch, *Legal institutions*, 315–17).

¹²⁵ *CCR* 1354–60, 576; *CPR* 1358–61, 246; *Fœdera* [RC] iii pt i 433. It was not the first attempt to bring such a settlement in recent times. A marriage had been proposed by Maurice, first earl of Desmond, between his daughter Joan and James, second earl of Ormond (*CPR* 1354–60, 412). Ormond, however, married Elizabeth, daughter of John, Lord Darcy of Knayth (*Peerage* x 121).

¹²⁶ These concerns are reflected in the writings of the Dublin annalist who discusses the early O’Byrne campaign in Leinster and the transfer of the exchequer to Carlow (AHib 395–6). For a record of 28 October 1363 ordering the common bench to relocate from Carlow back to Dublin because of the attacks of Irish enemies, see NLI (Harris) Ms 3 f 67.

Ormond's ambition was limited to what could be acquired by conventional means. It is certainly possible that lands were acquired by coercion and their holders forcibly ejected. Recourse to such action was common in this period and would explain the hostility of his fellow colonists.¹²⁷ The evidence for violent intervention is lacking, however, and in any case there were more subtle means. The order sent to Ormond in 1364 forbade him from holding sessions or pleas in Munster.¹²⁸ Behind this phrase may lie the concern of the colony about the power that the office of guardian of Ireland would confer on Ormond. It could easily be used for his own profit.¹²⁹ Such a charge would be unwarranted except that just a few years previously, on the occasion of Ormond's last chief governorship, there had been complaints about exactly this type of behaviour. A letter sent to Ireland in the summer of 1360 stated that complaints had reached the king of royal ministers taking 'untrue inquisitions ... procured by malice', and that the justiciar—who at that time was Ormond—had 'not cared to hear their complaints, admit their proofs, or do them justice'.¹³⁰ A particularly vexed case was that of Arnold Poer, whose father, Eustace (ex 1345), had forfeited to the king his lands in Castlewarden and Oughterard (bar South Salt, co Kildare).¹³¹ According to Arnold, these lands were entailed in such a way that they should not have been forfeited, and he accused the justiciar (Ormond) of pretending that he was forbidden by royal ordinance from hearing pleas concerning forfeited lands with the result that he had 'not cared to do anything at his [Arnold's] suit'.¹³² Ormond's lack of official zeal in this case was really no wonder. He had a personal interest in Castlewarden and Oughterard. These lands, along with all the other manors granted to the widow of Eustace Poer as dower, ultimately came into the possession of the Butler family.¹³³ By pursuing Arnold's case he would only have

¹²⁷ 25 Edw III [Ire], c 15 (1351); 40 Edw III [Ire] c 28 (*Statutes John–Hen V* 388–9, 458–9). Forced entry was made an offence in England in 5 Ric II st 1 c 7 (1381), and an act against it was specifically provided for Ireland in 1402 (*Statutes John–Hen V* 514–7). See John G. Bellamy, *Crime and public order in England in the later Middle Ages*, 25–9; idem, *Bastard feudalism & the law*, ch 2, 'The land wars', 34–56; Christine Carpenter, 'Law, justice and landowners in late medieval England' in *Law & history review* i (1983) 205–37, esp her comment at 216 that, 'while the representatives of the gentry condemned [violence] in the Commons, they and the nobility were quite prepared to use it if other methods failed.'

¹²⁸ *CCR* 1364–8, 63.

¹²⁹ For the judicial power of chief governors of Ireland, see Wood, 'Office of chief governor', 214–6; Otway-Ruthven, 'Chief governors', 229.

¹³⁰ *CCR* 1360–64, 42.

¹³¹ See Jocelyn Otway-Ruthven, 'Knight's fees in Kildare, Leix and Offaly' in *JRSAI* xci (1961) 166.

¹³² *CCR* 1360–64, 43–4.

¹³³ David Beresford, *The Butlers in England and Ireland, 1405–1515* (PhD University of Dublin 1998) 28.

damaged his interests.¹³⁴ It may also be significant that Arnold's father, Eustace, had forfeited for his adherence to Ormond's late enemy, the first earl of Desmond, in the latter's rebellion against Ralph Ufford. Eustace was drawn and hanged in 1345 for his trouble and Ormond and several of his associates benefited greatly by the Poers' collapse.¹³⁵ In 1358, John, son of the Fulk Freigne who had fought with Ralph Ufford against Desmond, was granted a Poer manor in county Kildare.¹³⁶ And in 1361, one Peter son of William Poer was complaining to the king that Ormond had removed from his custody certain lands in Kilkenny in order to grant them to his retainer, Oliver Howell.¹³⁷ It seems, therefore, that Ormond was exercising his office to maintain his influence and keep rivals out of power.

It is by no means far-fetched to imagine that fears about Ormond similarly using his office a brief four years on in 1364 caused the king to forbid him from holding pleas or sessions in Munster. It is difficult to tell whether Ormond complied with the order. He spent most of July in the south of the country holding sessions of the chief governor's court in the Waterford area, but thereafter we lose track of his movements until he reappears on 10 September at Tullow, a Butler

¹³⁴ Eustace Poer previously granted Castlewarden and Oughterard to one Thomas Smothe, but they were taken into the king's hand by Ralph Ufford (Jcr 1344–6) regardless (Frame, *Eng lordship*, 274–5, 275 n 53). It was some time before Butler control of these manors was realised. A record from the year 1400 states that Lionel of Antwerp, presumably between 1361 and 1366, granted the lands to his cook, John Bristowe (*CPR 1399–1401*, 419). They were subsequently granted by Edward III to his surgeon, John Leche (*CPR 1377–81*, 603, 606; *CPR 1388–92*, 72; *CPR 1392–6*, 24). Leche was still alive on 1 May 1406, when the king granted the reversion of the manors to his esquire, William Scryvener of Lancaster (*CPR 1405–08*, 169–70). That grant was confirmed by Sir Stephen Scrope (Dep Lt) under the Irish seal on 16 February 1407, but was subsequently declared invalid since Henry IV had delegated to his son, Thomas of Lancaster (Lt 1401–13), the right to grant lands forfeited to the crown. Consequently, on 18 April 1410, they were granted for life to Francis Topesfield, a king's esquire and controller of the household of Thomas of Lancaster (*CPR 1408–13*, 185). The administration in Ireland responded differently and, on 30 June 1410, the letters patent granting the manors to Scryvener were confirmed for a second time (*RCH 195* §22). Shortly afterwards, on 13 July 1410, by the assent of Prior Thomas Butler of Kilmainham (Dep Lt 1409–13), Scryvener's grant was declared invalid and the life grant to Topesfield was confirmed (*CPR 1408–13*, 211; *RCH 195* §56). Early in 1412, Prior Thomas made a new grant of Castlewarden and Oughterard to his half-brother, James, fourth earl of Ormond (†1452), for an annual rose rent (*RCH 198* §26 (c); *ibid.* 200 §76). For a study of the manors in questions, see D. N. Hall, M. Hennessy & T. O'Keeffe, 'Medieval agriculture and settlement in Oughterard and Castlewarden, Co. Kildare' in *Ir Geography* xviii (1985) 16–25. For an extent of the manor attributed to the reign of Edward III, see *CTNA* 267–9.

¹³⁵ Frame, 'Ralph Ufford' in 32. On the Poers generally, see Ciaran Parker, 'Paterfamilias and *Parentela*: The le Poer lineage in fourteenth-century Waterford' in *PRIA* xcv (1995) C2 93–117, and some corrections in the copious notes by Kenneth Nicholls and Paul MacCotter in *PR Cloyne* (see index s. n. 'Power').

¹³⁶ *CFR 1356–68*, 66.

¹³⁷ *CFR 1356–68*, 150.

enclave in county Carlow.¹³⁸ After Lionel's return in December 1364, however, Munster was considered an issue that had to be tackled. The lieutenant spent much of 1365 there. With him went two men who had complained to the king the previous summer, Richard White and Richard Plunket.¹³⁹ In April 1365, at Cork, Lionel pardoned Ormond of all 'confederacies, champerties, allegations, oppressions, extortions, excesses, deceptions, etc, done by him in our land of Ireland, and ... granted him our firm peace.'¹⁴⁰ All Ormond's improprieties of the previous year were washed away. Quite what those improprieties were is impossible to determine in any detail, but an inkling of what had been going on is provided by the fact that Lionel concentrated his activities in county Cork. Cork was an area that had been dominated by Ormond's late guardian, Maurice fitz Thomas, first earl of Desmond, not through landholdings so much as because of a network of clients. Elements among most of the leading Cork families—for instance, the Cogans, Barrys, Cauntons, Barrets and Carews—can be associated with Desmond and his private army that had done much to damage Ormond's earldom.¹⁴¹ Quite possibly Ormond was using his authority in 1364 as he had exercised it in 1360, to settle old scores. It may also have been a time to woo the lesser nobility of the Cork area away from Desmond adherence. Like any confederacy, there were parties opposed to Desmond who would probably have been willing to transfer their allegiance away to a rival power. Ormond's land acquisition in Cork in 1360 had been witnessed by members of the Barry, Rochefort, Roche and Courcy families.¹⁴² There were also factions within and between the Cork families that could be exploited.¹⁴³ Whatever the exact details, it

¹³⁸ Philomena Connolly, 'Pleas held before the chief governors of Ireland, 1308–76' in *Ir Jurist* xviii (1983) 128; Cambridge University Library Add Ms 3104 f 74. See also Connolly's itinerary (Lionel of Clarence (PhD), 322). For Tullow, see Lord Walter Fitzgerald, 'Tullow, county Carlow: its history and antiquities' in *J County Kildare Archaeological Society* viii (1915–17) 51–70.

¹³⁹ Connolly, Lionel of Clarence (PhD), 323; Connolly, 'Pleas before chief governors', 128. For White and Plunket see *IExP* 523. White acted as CJB and itinerated with Lionel from 7 January until 14 July 1365. Richard Plunket, as king's pleader, was in Munster from 15 February until 12 June 1365.

¹⁴⁰ *COD* ii §112.

¹⁴¹ There are discussions of Desmond's clients in Frame, 'Power and society', *Ire & Brit*, 198–9, K. W. Nicholls, 'The development of lordship in county Cork' in *H&S Cork*, 189–90, and a detailed study in Waters, *Earls of Desmond* (PhD), ch 5, 'Retinue and affinity'.

¹⁴² *COD* ii § 63.

¹⁴³ In 1358, there was a feud between the Barrys, Barrets and Courcys in Cork (*RCH* 69 §45; *ibid.* 71 §106). For parties from the south of Ireland opposed to Desmond, see Frame, 'Ralph Ufford', 33. Cf. Simon Walker, *The Lancastrian affinity, 1361–99* (Oxford 1990), esp ch 7, for the constraints on the most powerful of contemporary English aristocratic connections.

seems clear that the concern about Ormond's authority was the legacy of the long-standing tension between him and the earls of Desmond and, more recently, his efforts to consolidate his power in the south of Ireland.

Significantly, this interpretation implicates Ormond in precisely the type of activity that had earned the English-born administrators, Burghley and Dalby, the opprobrium of elements within the Irish colony. If Ormond was deliberately using the favour he carried with Lionel, and his association with Lionel's ministers, to build up his own power, then some residents of the lordship may have considered him an unsuitable candidate to represent the king and preserve justice and good government. Lionel may even have known as much, but found he was constrained by the realities of power from appointing anyone over Ormond's head. It would be a mistake to imagine that Ormond was an isolated figure within the colony. He may appear so because the surviving evidence favours his vocal critics, but a considerable section of the lordship's political community must have supported him and benefited from his relationship with Lionel of Antwerp.¹⁴⁴ It was among those outside Ormond's network that Lionel's intended sojourn in England and Ormond's imminent appointment as guardian would have occasioned concern. This may in part have sparked the mission to Westminster that sought to clip the temporary chief governor's wings.

IV

THERE are probably other ways of reassembling the rather scanty evidence from Lionel's lieutenancy with different results. Many of the suggestions here have been highly conjectural. Nonetheless, they have the immediate significance of forcing some reassessment of Lionel's lieutenancy. To classify what happened merely as an identity crisis between 'hobbes' and 'dogs' is too simplistic. The earl of Ormond was the leading figure in the lordship of Ireland, not an English-born Englishman encroaching on the power of the lordship's nobility. Long-standing rivalries, internal to the colony, provide the subtext to Ormond's activities and explain why representations were made against him. What Lionel's lieutenancy seems to have provided was a means for someone who could rely on royal favour to bolster power at home. Curial politics had become one more arena in which to

¹⁴⁴ It is worth noting that the delegation that appealed to the king in June 1364 was elected only by 'certain of the commons of Ireland', a phrase which may indicate that others among the elected members of the Irish parliament were under Ormond's influence and dissented (*CCR 1364–8*, 58).

play out factional conflicts. As we shall see, it was to be a characteristic feature of late medieval Ireland.

Complicating factors such as these—the politics lurking behind the terms ‘hobbe’ and ‘dog’—do not take away from the suggestion that a distinct identity among the residents of the late medieval lordship of Ireland was a burgeoning reality. Robin Frame, depicting an entire forest of political attitudes rather than just the trees, has written: ‘Like all such constructs, the settler identity has a way of evaporating once exposed to the deeds of real people in specific situations ... This is no more than we should expect; it does not render the words and ideas present in the sources insignificant.’¹⁴⁵ But equally, those very contradictions facilitate a fuller understanding of how power was exercised in the lordship of Ireland. Given that so much of the seemingly-intractable controversy surrounding late medieval Ireland has fixated on the identity of the colonists,¹⁴⁶ an attempt to appreciate the political realities behind the rhetoric may not be the worst approach. To do otherwise is to ignore a rich seam of possibilities, one of which is that people had the capacity to think and act in ways that seem utterly incompatible, even though, given the exigencies of the moment, reconciling actions and attitudes was probably a relatively effortless task.

¹⁴⁵ Frame, “‘Les Engleys néés en Irlande’”, *Ire & Brit*, 147–8.

¹⁴⁶ Steven Ellis, ‘Nationalist historiography and the English and Gaelic worlds in the late middle ages’ in Ciaran Brady (ed), *Interpreting Irish History: the debate on historical revisionism, 1938–1994* (Dublin 1994), 161–80 (1st pr in *IHS* xxv 97 (1986–7) 1–18); Brendan Bradshaw, ‘Nationalism and historical scholarship in modern Ireland’ in Brady, *Interpreting Irish History*, 191–216 (1st pr *IHS* xxvi 104 (1988–9) 329–51); Art Cosgrove, ‘The writing of medieval Irish history’ in *IHS* xxvii 106 (1990–91) 97–111; Ellis ‘Historiographical debate: Representations of the past in Ireland: whose past and whose present?’ in *IHS* xxvii 108 (1990–91) 280–308. The debate entered the popular history sphere with an article in 1999 by Ellis, ‘More Irish than the Irish themselves? The “Anglo-Irish” in Tudor Ireland’ in *HI* vii 1 (1999) 22–6, which was answered by Kenneth Nicholls, ‘World’s apart? The Ellis two-nation theory on late medieval Ireland’ in *HI* vii 2 (1999) 22–6. Steven Ellis has recently returned to the topic: ‘Frontiers and identities in the historiography of the British Isles’ in idem and Lud’a Klusáková (eds), *Frontiers and identities: exploring the research area* (Pisa 2006) 67–85; ‘Integration, identities and frontiers in the British Isles: a European perspective’ in Harald Gustafsson and Hanne Sanders (eds), *Vid gränsen: integration och identiteter i det förnationella Norden* [*At the border: integration and identities in the pre-national Nordic countries*] (Göteborg [Gothenburg] 2006) 19–45.

The Windsor crisis, 1369–1376

THE CRISIS of 1364 saw a section of the political community in Ireland react against what it perceived as an unsavoury combination of corrupt officialdom and factional intrigue. After 1364, Lionel saw out the remainder of his lieutenantancy without experiencing large-scale dissent from English Ireland.¹ His powers over the chancellor and treasurer had been curtailed, and other important offices were more evenly distributed. An indication that the advantage had temporarily shifted away from the Butlers of Ormond is that, for two years after Lionel's departure, the chief governorship of Ireland was held by Gerald, third earl of Desmond (†1398).² On 20 June 1369, Sir William Windsor (†1384) landed in Ireland with a commission as the king's lieutenant.³ His tenure was beset by controversy. The king's council in England was inundated with complaints against Windsor and his administration. The lieutenant was recalled to England in 1372, but returned to Ireland in 1374 with a new commission as chief governor, although now bearing the less exalted title of guardian and keeper of the land. Windsor became associated with Edward III's influential mistress, Alice Perrers, and the couple married c 1376. Consequently, renewed attacks on Windsor after his return to Ireland in 1374 found a receptive audience in the enemies of Edward III's despised clique of courtiers. Windsor was recalled a second time in 1376, and investigations into his administration became entwined with the political machinations of the Good Parliament of 1376 and its aftermath.⁴

¹ Although for a dispute in Meath in 1366, see Brendan Smith, 'Lionel of Clarence and the English of Meath' in *Peritia* x (1996) 297–302.

² *NHI* ix 474 (Jcr 1367–9). Ormond visited England in 1367 (*COD* ii §133). Desmond's tenure as chief governor is examined in Waters, *Earls of Desmond* (PhD), 114–8.

³ For brief biographies, see Philomena Connolly in *Oxford DNB* lix 712–3; Peter Crooks in *Med Ire Encyclopedia* 515–6. For fuller studies, see below 106 n 5.

⁴ Windsor was first appointed 3 March 1369, and he arrived in Ireland on the 20 June that year (AHib 397; ABMV 282; *CPR* 1367–70, 221–2). The date of his arrival is given as 22 June in Clarke, 'Accusementz [1376]', 185 §2. He was recalled in 1372 and left Ireland on 20X21 March that year (*RCH* 82 §53; *ibid.* 84 §131). He was reappointed on 20 September 1373 (*Fœdera* [RC] ii pt 2 990; =*CPR* 1370–74, 340) but did not arrive until 18 April 1374 (*IExp* 528; *RCH* 86 §19; 'IrCR 48 Edw III', 115; Clarke, 'Accusementz [1376]', 192 §26; ABMV 283). He was recalled to England on 16 February 1376 (*CCR* 1364–77, 295). He left the earl of Kildare as justiciar in Ireland from 21 June 1376 (*Admin Ire* 90). Many of the complaints against him have been published (see list below, app 1). For a straightforward chronology of Windsor's chief governorships, see Sheelagh Harbison, *William of Windsor and Ireland, 1369–76* (MLitt University of Dublin 1977) 1–16.

So much is well known. Indeed, Sir William Windsor has been lavished with so much attention from historians that it is difficult to avoid repetition. Scholars of Irish history—perhaps preparing themselves for an on-coming famine of evidence—have feasted on the barrage of complaints concerning Windsor's tenure as chief governor of Ireland.⁵ Moreover, due to his entanglement in the dramatic events of the Good Parliament of 1376, Windsor (unusually for a chief governor of Ireland) has caught the attention of students of English history.⁶ It is very difficult to ascertain at this remove whether or not the charges against him had any basis in fact. Certainly, the grievances show a deficit of substance over quantity. Although complaints were legion, many were expressed in such vague terms that the defendants successfully claimed that they were not bound under the law to answer.⁷ This uncertainty has provided ample room for debate. Historians have divided into two camps: some side with the colonists in their depiction of Windsor as an avaricious knight;⁸ others maintain that, given his financial predicament, Windsor dealt admirably with an obstinate colony that grudged him

⁵ The most thorough treatment of Sir William Windsor's chief governorship is Sheelagh Harbison's excellent MLitt thesis (cited above 100 n 4). Several aspects of Harbison's work have been published (Harbison, 'William of Windsor, the court party and the administration of Ireland' in Lydon, *Eng & Ire*, 153–74; eadem, 'The absentee problem in Waterford and east Cork during William of Windsor's administration, 1369–1376' in *Decies* xxiii (1983) 4–14). Harbison builds on earlier examinations of Windsor's chief governorship, notably Clarke, 'Windsor'; *Ir parl* 80–85; Lydon, 'Windsor'.

⁶ See esp Holmes, *Good Parl*, 90–99; and T. R. Gambier-Parry, 'Alice Perrers and her husband's relations' in *EHR* xlvii 186 (1932) 272–6. There are further comments on Windsor's connection with Alice Perrers in Given-Wilson, *Royal Household*, 142–54; Anthony Goodman, *John of Gaunt: the exercise of princely power in fourteenth-century Europe* (Harlow 1992) 58–9. These accounts arise from the trial of Alice Perrers in December 1377, for which see Geoffrey Martin (ed), 'Richard II: parliament of October 1377, text & trn' in *PROME CD-R*, items 41–2.

⁷ Clarke, 'Answers [1376]', 207, 210–11, 215–17 (Robert Holywood §§I, VI, VII, XII; William Carlisle: §§I, II, V, VI, VII).

⁸ A Dublin annalist describes him as a 'miles strenuus in armis et animosus sed ... nimis cupidus' (ABMV 282). The idea of Windsor as avaricious is taken up by M. V. Clarke, who describes Windsor's policy in Ireland as a 'fiscal Thorough' (Clarke, 'Windsor', 149), an allusion to the seventeenth-century chief governor, Sir Thomas Wentworth (ex 1641), earl of Strafford. Other chroniclers make less of his cupidity, but agree that he was a warrior of some renown. In the *Eulogium Historiarum* it is stated that, at Lionel of Clarence's departure from Ireland, '[d]imisit tamen ibi militem strenuum, bellicosum, in congressu gratiosum, Willielmum de Wyndesor nominatum' (Frank Scott Hayden (ed), *Eulogium (Historiarum sive Temporis): Chronicon ab orbe condito usque ad annum domini MCCCLXVI, a monacho quodam Malmesburiensi exaratum* (RS 3 vols, London 1858–63) iii 241). Thomas Walsingham employs the same vocabulary a decade later, when Windsor took over custody of Cherbourg: 'Circa dies istos rediit de custodia uille de Scherbourghe nobilis miles Dominus Iohannes Harlestone; cui successit ad custodiam dicte uille Dominus Willelmus Wyndeshore, miles strenuus' (Chron Walsingham 342).

financial aid and only exerted itself in an effort to undermine him.⁹ Recently, the historiographical see-saw has swung towards arguments first expressed in 1772: 'It is almost certain that this prosecution carried on against Alice Perrers, and the treatment which her husband Sir William de Windesore met with from the duke of Lancaster and the king's council in England, proceeded from political motives, rather than from any oppressions or other crimes committed by Sir William'.¹⁰ So much for revisionism!

There is at least one area in which it is possible to build on the work of earlier scholars. That is the question of the origins of the opposition that Windsor encountered. Obviously, there was deep hostility from the Irish 'commons'—that is to say, the elected representatives of the counties and liberties, together with the burgesses of the traditionally loyal cities and towns.¹¹ It was upon these groups that the burden of taxation demanded in parliament fell, and it was they who claimed to have been coerced into making grants against their will (a charge that Windsor disputed).¹² It has proved more difficult to show that this opposition was shared, let alone encouraged, by the resident nobility.¹³ Whereas the commons

⁹ This is the view that has gained support since Richardson and Sayles reassessed Maude Clarke's interpretation (*Ir parl* 80–85). In this, they are followed by James Lydon and Sheelagh Harbison, whose assessments are very charitable. They depict Windsor as a 'victim of circumstance', whose crime was really 'excessive zeal' (Lydon, *Lordship*, 159; Harbison, 'Court party', 164). A more balanced view is provided by Otway-Ruthven: 'Few medieval officers conformed to modern standards of official propriety, and there is certainly no difficulty in believing that he acted in a high-handed way, which the Anglo-Irish must particularly have resented from a mere upstart knight. But while he was clearly at best a tactless and heavy-handed governor, it is impossible not to feel some sympathy for him ... it would have taken supreme tact to induce the colonists to pay for it [his military policy], and this Windsor clearly did not possess, while their taxable capacity was probably in any case less than it would have required' (Otway-Ruthven, *Med Ire*, 307–08).

¹⁰ *CAnCh* lxvi.

¹¹ The complaints sent to England talk of 'les povres lieges' of Ireland who suffered under Windsor's rule (e.g. 'Accusementz [1376]', §1; and *passim*). The hostility of urban centres is clear from the inquisitions held by Sir Robert Ashton in 1373 in Dublin and Drogheda (Clarke, 'Inq [1373]'). Both the mayors of Drogheda and Dublin—John Frombold and Walter Passavaunt—were allegedly targetted by Windsor (Clarke, 'Inq [1373]', 225, 230). When Windsor found them recalcitrant, he reputedly had them arrested and pursued them through the courts until explicitly ordered to cease all such actions (*CCR* 1369–74, 265).

¹² Windsor claimed that the grants were made by the communities 'of their spontaneous will' (*Parls & coucils* §28 qtn 45). On 8 August 1369, Sir William Windsor issued instructions for the levying of customs granted to him in the recent Dublin parliament. This letter survives in a transcript (TNA E 101/245/4); IrPR 43 Edw III was no longer extant when *RCH* was published in 1828.

¹³ See the perceptive comments of Harbison, William of Windsor (MLitt), 96–107. She is forced to conclude that, '[w]hile it may be that Windsor's relations with the earls of Desmond, Kildare and Ormond were not of the most cordial type, there is no conclusive evidence to show that [*sic*] exactly those relations were. But we are on much surer ground when it comes to his relations with the Anglo-Irish liege people,

vigorously opposed financial impositions, it has been claimed that the magnates of the colony were willing to assent to them.¹⁴ The response of the magnates to Windsor's government has been presented as withdrawal from the political life of the colony, leaving the initiative for the attacks on the chief governor with the elected representatives.¹⁵

It may be possible to modify this view somewhat. It is true that there is little evidence of open conflict between the colony's comital houses in this period. They were very much preoccupied with wars against the native Irish, particularly in Thomond.¹⁶ Gerald, third earl of Desmond (†1398), was experiencing severe pressure. In July 1370, he and John fitz Nicholas, lord of Kerry, were captured by the Uí Bhriain of Thomond. The city of Limerick was burned and a Gaelic captain was briefly installed, before he was murdered by the citizens.¹⁷ Maurice, fourth earl of Kildare (†1390), was also active in the south of Ireland, protecting his lands in Limerick, and serving generally to protect the colony.¹⁸ This Gaelic threat

whose elected representatives comprised the commons of Ireland' (Harbison, William of Windsor (MLitt), 107).

¹⁴ Professor Lydon has stressed that the commons were summoned to parliament because it was only they who could vote subsidies, but that 'it was these same representatives who resisted the request for subsidies, when the prelates and magnates seemed willing to comply' (Lydon, 'Windsor', 257–8). Such a distinction between the attitudes of lords and commons echoes long-held views, expressed most clearly by Margaret C. Griffith: 'Throughout the period from the Norman invasion to the Tudor conquest resistance to the government was maintained among the settlers themselves, but this resistance found expression in two ways, among different sections of the community. Among the land-owning nobility it was an opposition of the baronial type, and therefore mainly unconstitutional in expression; but besides this an opposition might be aroused among commons and townspeople which was more law-abiding in its form, and based rather on practical grievances than on the sentiment of separatism' (Griffith, *The council in Ireland, c. 1399–c. 1452* (BLitt University of Oxford 1935) 147–8).

¹⁵ Harbison, William of Windsor (MLitt), 99–105; Waters, *Earls of Desmond* (PhD), 119.

¹⁶ For which, see esp Sheelagh Harbison, 'William of Windsor and the wars of Thomond' in *JRSAI* cxix (1989) 98–112.

¹⁷ AHib 397; ABMV 282; Chron Marl s.a. 1370. The Gaelic annals speak of 'indescribable slaughter' (AFM iii 248–9 s.a. 1369). For Gaelic verse composed by Gerald, third earl of Desmond, concerning his time as a prisoner of Brian Sreamhach Ó Briain (†1400), see Gearóid Mac Niocaill (ed), 'Duanairé Ghearáid Iarla' in *Studia Hibernica* iii (1963) 22, 35 (§§VII, XX). Sir William Windsor is said to have responded by going to Adare for twenty-two weeks and making 'une false pees' (Clarke, 'Accusementz', 189 §16). A marginal note in AFM s.a. 1371 indicates that Desmond was released after being ransomed: 'Comes Desmoniae redemptus' (AFM iii 654 n o). For these events, see Waters, *Earls of Desmond* (PhD), 119–22.

¹⁸ For a taste of Kildare's extensive military activity in this period, see 'IrCR 48 Edw III', 111 (=RCH 85 §8); 'IrCR 48 Edw III', 141 (=RCH 88 §94); RCH 97 §§233, 237; *ibid.* 99 §285; *ibid.* 100 §39. For Kildare acting as lord of Adare, co Limerick, see RCH 102 §69. The Kildare earls held the manors of Adare and Croom, which were only lost in the aftermath of the Silken Thomas rebellion in 1534 (Gearóid Mac Niocaill, *Crown surveys of lands, 1540–41, with the Kildare rental begun in 1518* (IMC Dublin 1992) 177–9; Steven G. Ellis,

necessitated a concerted response from the colony; but this does not foreclose on the possibility that factional undercurrents influenced noble attitudes to the king's representative. James Butler, second earl of Ormond (†1382)—who had been so prominent in the colony's politics since the 1350s—emerges as a likely opponent. If Ormond can be shown to have been active in the character assassination of Sir William Windsor, then a new and very rich seam in colonial politics can be tapped. These years would then be witness not only to a tax revolt by the Irish commons, but also to a magnate protecting his private interests and power by harnessing the resentment of the political community at large. If this were the case, then the colony's response to Windsor's tenure as chief governor would anticipate trends that only come into clear focus in fifteenth-century Ireland, when parliament was repeatedly the forum for factional power struggles.

I

Lords and commons

A STARTING point may be the supposed divergence in the concerns of the lords and the commons in the Irish parliament. In the 1370s, at least, there is a strong case for arguing that such a strict demarcation of interests hampers our understanding. Of course, each group held its place in parliament for different reasons. The 'lords' were summoned individually by writ to parliament; the 'commons' were elected by the communities. As the lists of the major landholders who were individually summoned became standardised over time, a parliamentary peerage that held a traditional right to a seat in parliament crystallised. The process in Ireland was similar to that in England;¹⁹ but it was nowhere near completion in the 1370s. The list of those who received writs of summons to the Dublin parliament of 1375 is enormous. Some forty-two lay nobles were summoned.²⁰ Within a few years this number dropped to about twenty-eight. By the end of the middle ages the average number of peers summoned was twelve.²¹ Many of those who received a personal summons in the 1370s must, therefore,

Tudor frontiers and noble power: the making of the British state (Oxford 1995) 124; Anthony McCormack, 'Internecine warfare and the decline of the house of Desmond, c. 1510–c. 1541' in *IHS* xxx 120 (1997) 510.

¹⁹ *Irish parl* 119–36. For England, see G. L. Harriss, 'The formation of parliament' in R. G. Davies & J. H. Denton (eds), *The English parliament in the middle ages* (Manchester 1981) 29–60.

²⁰ Lynch, *Legal institutions*, 323; =*RCH* 90 §132. The writ of summons from *RCH* is reproduced in full in *Irish parl* app v 302–05. In an extraordinary editorial decision, the English reconstruction of this close roll omits the names of those summoned ('*IrCR* 48 Edw III', 154).

²¹ *Irish parl* 130–34. For lists of writs of summons, see Lynch, *Legal institutions*, ch 11, 288–360. There are lists for the parliaments of 1489, 1490 and 1541 in *Peerage* i app A 457.

have been relegated to the status of elected representatives within a few short years. Roger Gernoun and Richard Vernon of Louth, Richard Whittey of Wexford, William London of Meath, and Nicholas Houth of Dublin were all *elected* to attend the famous parliament of 1376 to be held before the king in England. Just the previous year, they had been *summoned* to parliament in Dublin.²² It is also likely that the knights elected by the counties were commonly junior members of families whose head was a 'parliamentary peer'. This suggests that even as the two groups were becoming ever more clearly defined, their interests, far from being entirely distinct, must to some extent have overlapped.²³

What of the assertion that the magnates and prelates assented to Windsor's financial regime, while the commons repudiated it? In fact, the situation was more complex than this. The prelates, for instance, were not a monolithic body. Not all the bishops supported Windsor's administration. The bishop of Lismore–Waterford, Thomas Reve (1358–94) was active in auditing the account of his fellow bishop, Stephen Valle of Limerick (†1379).²⁴ Valle was treasurer of Ireland in Windsor's administration,²⁵ and the bishop of Lismore–Waterford charged him with irregularities in his account in 1372.²⁶ Alexander Balscot, bishop of Ossory (†1400), also had reason to oppose Windsor's chief governorship. A prominent member of Windsor's administration, the second baron of the exchequer, William Carlisle, was accused of having taken some of the king's men-at-arms and archers from their ward and using them to attack Balscot's residence with the intention of capturing and killing him. Carlisle was further accused of bribing Sir William Windsor with one hundred marks to disturb the free election of Balscot as bishop of Ossory, and to prevent him from travelling to the Roman curia concerning this election.²⁷ Carlisle vigorously denied the charges, stating that they were unfit to be

²² Compare, for instance, the list of those summoned in 1375 (*Irish parl* 303–04) and the returns in February 1376 of the sheriffs of counties and seneschals of liberties to the writs of summons (*CAnCh* 454–5, 457–8; Clarke, 'Summons [1375–6]', 234–6).

²³ This is not, of course, to suggest that the commons did not have some concerns particular to themselves.

²⁴ Stephen Valle [Wall] was dean of Limerick before becoming bishop of that diocese in 1360. In 1369 he was translated to Meath. A Dublin annalist records his death in at Oxford. The dating in the annal is unclear, but the year must be 1379. His successor was the English Dominican William Andrew, bishop of Achonry, who received his temporalities in November 1380 (*NHI* ix 285, 302, 321; *ABMV* 284).

²⁵ *Admin Ire* 104 (T 1368–72). His enrolled account is *IExp* 527–8 §91.

²⁶ *Parls & councils* §28.

²⁷ Clarke, 'Accusementz [1376]', §§82, 86. The second event is supposed to have taken place on 29 April 1370. The charge relating to it occurs again in the testimony given to Sir Robert Ashton at an inquisition held in Dublin on 13 June 1373 (Clarke, 'Inq [1373]', 231). Alexander Petit *alias* 'Balscot' was canon of

answered in law, but that in any case he was innocent.²⁸ There were certainly suspicious circumstances surrounding Balscot's election. In 1371, he procured a pardon from the king because he had travelled, 'for the sake of promoting his election ... from Ireland to England with great sums of money, and went thence to the Roman court without the licence of the King or of his Lieutenant in Ireland.'²⁹ It was an extraordinary admission, and it may be that it is Balscot's paranoia about losing his bishopric, rather than attempted murder, that lurks behind the charges levelled at Carlisle. Nonetheless, a rivalry between the two men is clear. Balscot, as bishop of Ossory, therefore, was another spiritual peer opposed to Windsor. When Windsor's administration collapsed in 1376, Balscot was one of the beneficiaries: he was appointed as treasurer of Ireland.³⁰

The magnates, from the glimpses we get of the proceedings of parliament, were also fiscal recusants. A letter to the justiciar of Ireland, written in response to complaints about customs imposed by Windsor during his first tour of duty, provides some illumination. It states clearly that:

[...] although the greater part of the prelates, lords and other the king's lieges being in the said parliament *expressly gainsaid the grant* ... certain prelates being of the counsel and assent of the said lieutenant and other individual persons of the lesser part being in the said parliament came together in a certain chamber and without the assent of the greater part granted the custom and charges aforesaid for three years and no longer, the said lieutenant and others of his council caused it to be enrolled and registered upon the rolls of the chancery of Ireland.³¹

Ossory before being elected bishop of the same diocese in December 1370. In March 1386 he was translated to the diocese of Meath (*NHI* ix 317, 286). Carlisle was 3rd BEx in 1364–5 (*IExp* 514, 525) and was appointed as one of the barons of the exchequer in 1367 (*CPR* 1367–70, 14). He was 2nd BEx by 1372 (*RCH* 81 §4) and still in that post in 1376 (*IExp* 539), when he was summoned to England to answer before the king (*CCR* 1374–77, 295). He was the subject of numerous allegations (Clarke, 'Accusementz [1376]', §§79–87), and the answers he made at his trial have survived (Clarke, 'Answers [1376]', 215–19).

²⁸ Clarke, 'Answers [1376]', 217–8 §§IV, VII.

²⁹ *CPR* 1370–74, 87.

³⁰ *CPR* 1374–77, 303; *Admin Ire* 104 (T 1376–84).

³¹ *CCR* 1369–74, 380 (my emphasis). The Ms reads: 'licet prelati magnates et alii ligei nostri pro maiore parte in dicto parlamento nostro existentes concessionem levationi et solutioni custume et onerum predictorum expresse contradixerunt et quidam prelati de consilio et assensu prefati Willielmi existentes et alie singulares persone in minori parte eiusdem parlamenti in quadam camera congregati custumam et onera supradicta absque assensu majoris partis dicti parlamenti per tres annos tantum et non ultra concesserunt' (TNA C 54/210, m 25). The Latin text is pr *Fœdera* [RC] iii pt 2 942; Rowley Lascelles (ed), *Liber munerum publicorum Hiberniae ab an. 1152 usque ad 1827; or the establishments of Ireland from the nineteenth of King Stephen to the seventh of George IV., during a period of six hundred and seventy-five years* (2 vols, London 1824–30) i pt IV 41. The tolls were said to have caused widespread disturbances (Clarke, 'Accusementz [1376]', 188–9 §14).

The opposition, therefore, was not restricted to the elected representatives; it embraced lords spiritual and temporal as well. Parliamentary procedure was, however, amorphous enough to enable Windsor to meet with a select group of supporters (presumably the prelates included men like his treasurer, Bishop Stephen Valle) and still claim to have been voted a legitimate subsidy. Evidently, the ‘greater part’ of the parliament disagreed, thus causing the complaint.

II

Parliamentary management

IF THE attitude of the magnates as a body should not be prised apart unnaturally from that of the representatives, is it possible to go further, and to see noble influence—specifically that of the colony’s pre-eminent magnate, James, second earl of Ormond³²—in the complaints sent to England about Windsor? The answer is emphatically in the affirmative.

Ormond’s involvement has left a somewhat shadowy impression on the records. He is not specifically mentioned as an aggrieved party in the lists of complaints. Quite possibly, however, this is because he remonstrated on his own behalf before the king in person. Certainly he was in no way disinterested in the grievances drawn up by the commons.³³ The first charge but one levelled by the Irish commons against Windsor states that after the lieutenant’s arrival he plundered the tenants of the earl of Ormond.³⁴ Perhaps more significantly, Ormond had connections with several of those sent by the commons to plead before the king. In 1372, one of those who came before the English exchequer to give evidence about Windsor was William Sandhull, a citizen of Waterford.³⁵ Ormond

³² Ormond’s status is indicated by the fact that his name appears first in the writs of summon to the parliament in 1375 (Lynch, *Legal institutions*, 323; *Irish parl* 303).

³³ Ormond travelled to England after Windsor was recalled both in 1372 and in 1376. Cf. the situation in 1421–2, when the complaints of James, fourth earl of Ormond (†1452), against Sir John Talbot were presented separately from those of Irish parliament (Griffith, ‘Accusations’; *Statutes John–Hen V* 562–85).

³⁴ ‘Item, le dit monsieur William ... desroba les tenantz del conte Dormonde ... al mountance de CC marcz, de queux ils ne purroient avoir remedie’ (Clarke, ‘Accusementz [1376]’, 185 §2).

³⁵ *Parls & councils* §28. Sandhull may originally have been from Bristol and settled in Waterford because of the two cities’ trading connections. In 1376, ‘William Sandhull of Bristol’ was nominated by Nicholas Chapman of Bristol as the latter’s attorney in Ireland (*CPR 1374–77*, 301). Sandhull was very much integrated into the community. ‘William Chaundhull’ was elected as a representative of the city of Waterford in 1376 (*CAnCh* 460). M. V. Clarke renders the name as ‘William Shaundhull (?)’ (‘Summons [1375–6]’, 236). The heirs of William Sandhull held the fee of Ballifistlan (bar Forth, co Wexford) c 1425 (Eric St John

and Sandhull knew each other well. Sandhull was one of the earl's creditors, and lent him eighty pounds sometime before December 1370; and the year before he travelled to England to testify against Windsor, Sandhull quitclaimed his lands at Polroan (bar Iverk, co Kilkenny) to Ormond.³⁶ Another example dates from 1376. In the period between Windsor's second recall to England and his departure from Ireland, the chief governor attempted to prevent members of the 'liege people of Ireland' leaving the lordship, no doubt in order to plug the flow of grievances reaching the king's ears at Westminster. Among them was one John Mauclerk, who had been chosen by the commons of Ireland to give evidence in England. To prevent him testifying, he was 'imprisoned for certain alleged evildoings for which he is indicted'.³⁷ His release was ordered with immediate effect, so that he could travel to England and give his evidence. Mauclerk also had connections with Ormond. He was subject to the earl's liberty court in Tipperary;³⁸ he served as sheriff of the crosslands there in 1372;³⁹ and in a minor case in 1378, the executors of the will of Sir Peter Rede, vicar of Kilsheelan, remitted before 'John Mauclerke' all their actions against Ormond for his taking of a chalk pit.⁴⁰ It is not unreasonable to suspect, then, that Mauclerk was an agent of the Butler family, and that it was James, earl of Ormond—who was in England in the first half of 1376—who complained about Mauclerk's unlawful detention and procured the writ commanding his release.

Others escaped Windsor's net, and eighty-five accusations were presented at court on behalf of the Irish commons in the summer of 1376.⁴¹ These charges were subsequently returned to Ireland to be investigated by James, earl of

Brooks, *Knights' fees in counties Wexford, Carlow and Kilkenny (13th–15th century), with commentary* (IMC: Dublin 1950) 118).

³⁶ COD ii §§164, 167. In 1355, he was granted half the manor of Polroan by Stephen Marreys [Marisco], a distant kinsman of Ormond's (COD ii §25; for Marreys, see below 204 n 22).

³⁷ CCR 1374–77, 304.

³⁸ COD ii §192.

³⁹ RCH 84 §130.

⁴⁰ COD ii §228. One Nicholas son Thomas Mauclerk served as a keeper of the peace in the crosslands of Tipperary in 1404 (Frame, 'Commissions', §179; RCH 178 §84).

⁴¹ These are the charges contained in the chancery roll C 49/74 (pr Clarke, 'Accusementz [1376]'). The subsequent history of the charges, explaining their survival, is recorded in a memorandum on the English close roll of 1376: '[T]he council ordered a copy to be made of the said inquisitions and of the roll, and taking the copy delivered the inquisitions and rolls aforesaid under the king's seal to Nicholas de Daggeworth knight, with a commission of the king, to be taken to Ireland and there debated and duly determined; and after the said clerk delivered the copy of the roll and inquisitions to the custody of John de Hermesthorp one of the chamberlains of the exchequer to be kept in the treasury' (CCR 1374–77, 368).

Ormond, and Sir Nicholas Dagworth (†1402).⁴² Dagworth had been sent to Ireland as the king's special agent in the autumn of 1375, when he announced at a Kilkenny parliament that elections were to be held for the Irish commons to come to England.⁴³ It has long been suspected that Dagworth and Ormond were in league together, and that Dagworth was sent for political reasons by enemies of the 'court party' in England to gather damaging evidence against Windsor that could be used to attack Edward III's mistress, Alice Perrers. We know that Dagworth and Windsor were enemies, because Alice Perrers told Edward III as much in the autumn of 1376. Despite his dotage, the king reputedly gave a response well-grounded in common sense as well as civil and canon law, to the effect that it was unfair for a man to act as his enemy's judge (F: *qe ne lui sembla mye resoun q'un enemy deust estre juge d'autre*).⁴⁴ Given this enmity between Dagworth and Windsor, it is surely significant that Ormond and Dagworth had a family connection.⁴⁵ Ormond's mother, Eleanor, had married as her second husband Sir Thomas, Lord Dagworth, before 1344. The issue of their union was Sir Nicholas. Earl James II of Ormond and Sir Nicholas Dagworth were, therefore, half-brothers.⁴⁶

A fact that has not previously been emphasised is that they were both closely associated with the very accusations whose veracity they were supposed to be dispassionately investigating. The eighty-five charges against Windsor's administration were presented on behalf of the commons of Ireland by two men called Richard Dere and William Stapolyn who, it is stated in the charges, had 'for a long time pursued for right and profit of the king concerning the land of Ireland'.⁴⁷ The evidence points to a close connection between these representatives of the Irish commons and the earl of Ormond. As early as March 1376, about the time Ormond must have travelled to England, a protection was issued to Richard

⁴² *CPR 1374–77*, 416. For Dagworth's other commissions, see *ibid.* 394, 396.

⁴³ The king commissioned Dagworth to go to Ireland in June 1375, entrusting him with special letters that urged the Irish parliament to provide a subsidy (*CPR 1374–77*, 120). These were enrolled in the Irish chancery after the Kilkenny parliament of 6 October 1375 (*RCH* 93 §139). Dagworth's subsequent commission—held, as it were, in reserve—to summon the commons to England is recorded in *CAnCh* 444.

⁴⁴ Geoffrey Martin (ed), 'Richard II: parliament of October 1377, text & trn' in *PROME CD-R*, item 42. Edward III's response led to orders to stay processes against Windsor (*CCR 1374–77*, 469). For the legal significance of 'enmity', see Robert Bartlett, *"Mortal enmities": the legal aspect of hostility in the middle ages* (T. Jones Pierce Lecture Aberystwyth 1998) 8–9.

⁴⁵ *CAnCh* lxiii; Harbison, 'Court party', 165.

⁴⁶ *Peerage* iv 27–9; *ibid.* x 118. See below app 3, genealogy A3.1.

⁴⁷ Clarke, 'Accusementz [1376]', 201 §71.

Dere.⁴⁸ In May 1376, an order was issued for the payment of Richard Dere and William Stapolyn from Ireland, ‘for their trouble in lately coming from Ireland and residing at London, to inform the King’s Council of the defective government of the aforesaid land’.⁴⁹ That September, when Ormond was returning to Ireland, John atte Halle, a member of Ormond’s retinue, appointed Richard Dere (who is referred to as a clerk) as his attorney in England, along with John Kingsfeld.⁵⁰ Kingsfeld had been Ormond’s attorney in England since at least 1364, and so it seems likely that Dere was also well-known to Ormond.⁵¹ In December 1376, when Ormond was commissioned to investigate the charges presented by Richard Dere and William Stapolyn the summer before,⁵² those same two men—Dere and Stapolyn—were appointed as the king’s special attorneys to aid Ormond in speedily taking inquisitions into ‘all felonies, seditions, deceptions, falsities, false alliances and maintenances, champerties, ambidextries, forestalleries, regrateries, contempts, trespasses, damages, grievances and excesses in Ireland’.⁵³ If these men were known to Ormond, then it is possible that the earl requested their aid in his investigations. At the very least, their association indicates that the commons’ charges against Windsor and the role of the earl of Ormond were not independent movements but part of a whole.

There is no reason to suppose that Ormond coerced or duped a ‘credulous’ commons into making their complaints, let alone ‘packed’ parliament with his supporters.⁵⁴ Due to the deficiency of our sources, we cannot hope for a truly detailed study of the commons of the Irish parliament. Nonetheless, Linda Clarke’s conclusion, arising from the intensive prosopographical examination of the English commons, has a good deal of application to Ireland: ‘What these volumes⁵⁵ reveal above all is the interdependence of lords and commons, and the

⁴⁸ CPR 1374–7, 251.

⁴⁹ Devon, *Issues*, 199 (Issue roll, Easter, 50 Edw III).

⁵⁰ CPR 1374–77, 338.

⁵¹ For the repeated appointment of John Kingsfeld (Kyngsfeld, Kyngesfeld, Kyngesfold) as the attorney of James, second earl of Ormond, see CPR 1361–4, 462; CPR 1364–7, 123, 259; CPR 1370–74, 16; CPR 1374–7, 2, 185.

⁵² CPR 1374–7, 416.

⁵³ CPR 1374–7, 394.

⁵⁴ Such an interpretation would owe much to the influence of H. G. Richardson and Helen Cam, whose views on this issue were long ago challenged by K. B. McFarlane, ‘Parliament and “bastard feudalism”’, *England in the fifteenth century: collected essays (introduction by G. L. Harriss)* (London 1981) 1–21, esp 2–3 (1st pr TRHS ser 4 xxvi (1944) 53–79).

⁵⁵ *House of commons* i–iv. These volumes are the subject of an important review article by G. L. Harriss, ‘The medieval parliament’ in *Parliamentary History* xiii 2 (1994) 206–26.

need for management, whether orchestrated behind the scenes or directed centre-stage by articulate Speakers'.⁵⁶ The key elements of interdependence and orchestration are clearly present in the power struggle during the chief governorships of Sir William Windsor. Ormond and the Irish commons shared a desire to have Windsor superseded. The close association between the earl and the two men who purveyed the complaints of the Irish commons to Westminster—Dere and Stapolyn—is indicative of orchestration. This was a situation that worked to their mutual advantage. In the grievances presented to the king's council, it is explicitly stated that fear of Windsor and his cohorts prevented even more lurid complaints being made by the commons.⁵⁷ This hint of intimidation points to why the commons found the support of the colony's premier magnate, Earl James II of Ormond, so valuable. Equally, the credibility of Ormond's complaints was bolstered because he appeared before the king confident of the backing of the elected representatives of the colonial community. The crucial point is that while Ormond may have channelled colonial resentment, he did not invent it.

This suggestion of a joint stock enterprise is confirmed by other evidence. On 25 July 1376, one day after Ormond was appointed justiciar of Ireland and two weeks after the close of the Good Parliament,⁵⁸ Ormond arranged for expenses to be paid for those members of the Irish commons who had travelled to England, for

⁵⁶ Linda Clarke, 'Magnates and their affinities in the parliaments of 1386–1421' in R. H. Britnell & A. J. Pollard (eds), *The McFarlane legacy: studies in late medieval politics and society* (Stroud 1995) 147.

⁵⁷ Clarke, 'Accusementz [1376]', 206.

⁵⁸ The Good Parliament ended on 11 July 1376. The *Anominalle Chronicle* records that a great banquet was held to celebrate at which the earl of March and Ulster, Edmund Mortimer (†1381), was present (V. H. Galbraith (ed), *The Anominalle chronicle, 1333–81, from a MS. written at St. Mary's abbey, York* (Manchester 1970) 94). There is circumstantial evidence that Mortimer was involved in the collapse of Windsor's administration in Ireland. A number of offices in Ireland went to men with whom he was connected. Stephen Bray, who was appointed CBEx, was one of Mortimer's attorneys in Ireland (*CPR 1374–77*, 335, 432). James Bois, who was appointed chamberlain of the Irish exchequer, was also parson of Carrickfergus in Mortimer's earldom of Ulster (*Fœdera* [RC] iii pt 2 1059; = *CPR 1374–77*, 303). It is worth noting that Mortimer, who had hoped to come to Ireland around 1373 (*CPR 1370–74*, 353), seems to have been reviving an interest in Ulster, which he had inherited by right of his wife, Phillipa, daughter of Lionel of Antwerp. He received livery of his Irish lands in 1369 (*CCR 1369–74*, 56). In 1375, there was a good deal of contact between the earldom, particularly the mayor and town of Carrickfergus, and the central government in Dublin (*RCH 95* §191). Mortimer was licensed to export goods to provision his castles and fortalices in Ulster during 1375, and customs ordered were to be collected from Carrickfergus, Coleraine and Down (*RCH 97* §230; *RCH 91* §§64, 65). This may have been part of a general trend of resuscitating all the former Burgh inheritance that had passed to the earls of March through Lionel of Antwerp. A sheriff of 'county Clare' in *Connacia* (Connacht) was appointed in 1375 (*RCH 97* §230).

their journey, the time they spent at court, and for their return home.⁵⁹ He was in effect rewarding the commons for bringing evidence against Windsor. There are other signs that Ormond was using his influence to help his allies. Richard White and Nicholas Howth, two representatives from Dublin, whose disputed election had caused some commotion in the spring of 1376, were rewarded in August with licences to export goods from Ireland.⁶⁰ In other words, the rout of Windsor's administration in 1376, achieved by cooperation between Ormond and the representatives of the Irish commons, was followed by the bestowal of favour on those who had supported the movement.

III

Ormond and Windsor

THE QUESTION that remains unanswered is why did James, second earl of Ormond involve himself in the clamour for Windsor's removal? After all, in the first half of the 1360s, Ormond had turned the intervention of Lionel of Antwerp to his advantage. Sheelagh Harbison has suggested a number of reasons for Ormond's hostility to Sir William Windsor. The first concerns a property called Blackcastle, county Meath.⁶¹ On 6 March 1369, Edward III granted Windsor the manor of 'Le Blakcastel' in part satisfaction of 1000 marks annually that he had been promised at the time of his appointment as king's lieutenant of Ireland.⁶² Harbison proposes that Ormond's hostility to Windsor stemmed from the fact that Blackcastle 'was in fact Ormond property', having been granted to the second earl by Sir John Stanley on 6 July 1349.⁶³ Harbison's second suggestion concerns the prestigious office of constable of Dublin castle. According to Harbison, Ormond resigned the constableness in 1370 after Windsor's arrival in Ireland, and only

⁵⁹ Ormond's appointment was 24 July 1376: Lascelles, *Liber munerum publicorum Hiberniae*, i pt IV 41; *Fœdera* [RC] iii pt 2 1058 (=CPR 1374–77, 304). For his powers as justiciar see CPR 1374–77, 303, 305; COD ii §§214–15; IHD 61–2. He was ordered to provide for the commons' expenses on 25 July 1376: Lascelles, *Liber munerum publicorum Hiberniae*, i pt IV 41; *Fœdera* [RC] iii pt 2 1059 (=CCR 1374–77, 373).

⁶⁰ CPR 1374–77, 303. The detailed account of their disputed election is calendared by Clarke, 'Summons [1375–6]', pt B 237–41.

⁶¹ Blackcastle is in the parish of Donaghmore (bar Lower Navan, co Meath). See *General alphabetical index to the townlands and towns, parishes, and baronies of Ireland based on the census of Ireland for the year 1851* (Dublin 1861; repr Baltimore 1984) 153; Samuel Lewis, *A topographical dictionary of Ireland, comprising the several counties, cities, boroughs, corporate, market, and post-towns, parishes, and villages [...]* (2 vols, London 1837) i 468–9.

⁶² CPR 1367–70, 222.

⁶³ Harbison, William of Windsor (MLitt), 103; eadem, 'Court party', 165, citing COD ii §68.

resumed it after Windsor was recalled from Ireland for a second time in 1376. In the interim, she argues, it was held successively by two of Windsor's retainers, John Compton and Simon Iver.⁶⁴

Neither of these arguments withstands scrutiny. To begin with the manor of Blackcastle. The supposed grant of 1349, cited by Harbison, survives as a transcript in a skin containing copies of a total of twelve documents.⁶⁵ Edmund Curtis, editor of the Ormond deeds, misread the regnal year in the dating clause of the transcript relating to Blackcastle as 23 Edward III (1349–50). The true date is 6 July 1399 (23 Richard II), exactly half a century later.⁶⁶ As it happens, the original charter has survived to confirm this. On 6 July 1399, Sir John Stanley (†1414)—a man who served several terms as chief governor between 1386 and his death in Ireland in 1414—granted the manor of 'Blake Castell' to the son and heir of the second earl of Ormond, Earl James III (†1405).⁶⁷ The Butlers do not seem to have been associated with the manor before this. It was originally the property of the Mandeville family,⁶⁸ but by the 1360s it had come into the possession of the crown. Consequently, it became an item in the repertory of royal patronage. In 1363, for instance, the king granted Blackcastle to one William Spigurnel, an exchequer official.⁶⁹ Edward III's grant to Sir William Windsor in 1369 was of this kind.⁷⁰ It may well be that the manor became a source of aggravation for Windsor himself. In the hiatus between his two chief governorships, it was seized into the king's hands and only restored to him on 24 June 1374, after his return to Ireland.⁷¹ Nonetheless, Windsor's possession of the manor cannot serve as an explanation for the hostility of the second earl of Ormond.

Similar misapprehensions surround the second case, that of the constablenesship of Dublin Castle. It is clear that Ormond did not resign his office

⁶⁴ Harbison, William of Windsor (MLitt), 102–03; Harbison, 'Court party', 165.

⁶⁵ NLI D 1044; =COD ii §68. The documents are copied in a late hand and all concern Blackcastle, co Meath, and Little Island (or Malure Island), co Waterford. It seems possible, then, that the transcript of these deeds relates to the release and quitclaim of exactly these same lands by Sir Edmund Butler of Cahir in the early sixteenth century (NLI D 2013; =COD iv §26, where the quitclaim is dated to 1515–27 or 1537–9).

⁶⁶ NLI D 1044^v: 'anno regni regis Ricardi secundi' is clear in the Ms; cf. COD ii §68 (x).

⁶⁷ NLI D 1384/1; =COD ii §340 (i).

⁶⁸ J. T. Gilbert (ed), *The register of the abbey of St. Thomas, Dublin* (RS London 1889) 27–8 §XXI; COD i §720; Kenneth Nicholls, 'Abstracts of Mandeville deeds' in *AH* 32 (1985) 4, 18 (§39).

⁶⁹ *CPR* 1361–64, 392. William was appointed by William Depenham as his deputy in the office of usher of the Irish exchequer (*ibid.* 429).

⁷⁰ So also was Richard II's grant of Blackcastle to Sir John Stanley for life in 1389, for which see below 198 n 167.

⁷¹ *IExp* 531; TNA E 101/245/7, m 6.

between 1370 and 1376, because he was paid the constable's fee from 1372 to 1375.⁷² The two men mentioned by Harbison as holding the custody of Dublin castle held the office of subconstable (L: *subconstabularius*).⁷³ During 1374, a third man, a long-serving colonial administrator by the name of William Ilger, was appointed as Ormond's subconstable of Dublin castle.⁷⁴ Indeed, it was the fact that Ormond still held the office of constable, rather than his resignation, that led to a confrontation with Windsor. During Windsor's first lieutenancy, Dublin castle was the forum for a power struggle between the two men over the custody of Sir Richard and Meiler Burgh. Sir Richard Burgh was in prison by August 1371 when Windsor was ordered to do justice 'touching certain treasons' committed by him.⁷⁵ On 3 February 1372, the earl of Ormond as constable of Dublin castle was expressly ordered not to release the Burghs into the custody of the lieutenant. Windsor, the king had been told, was planning to free the Burghs in return for a fine. The king wanted to see them tried and punished and Ormond was forbidden to deliver them 'unless you hear otherwise from us'.⁷⁶ It is a sign of the insecurity of Windsor's position in the early months of 1372 that Dublin Castle, the stronghold of the colonial capital, could be held against him.

In fact, this was only one symptom of a thoroughgoing breakdown in the relationship between earl and lieutenant. A crisis point was reached early in 1372, at about the time of the struggle for custody of the Burghs. Mandates restricting Windsor's powers and countermanding his orders had been arriving in Ireland since the previous September.⁷⁷ It may be that Windsor saw the hand of Ormond in these and saw attack as the best form of defence. In mid-February, he summoned a great council to Dublin to convene on the twenty-fifth of that month. The earl of

⁷² *IExP* 529. An exchequer record shows Ormond holding the office of constable from 2 April 1372 until 20 June 1377, and he continued to hold it during the opening years of the reign of Richard II (TNA E 101/246/2/145). The transcript of the journal of Richard Walsh, chamberlain of the Irish exchequer, also records payments to James, earl of Ormond, as constable of Dublin castle (E 101/245/7, mm 2–3, 5–6).

⁷³ TNA E 101/245/3/167–8.

⁷⁴ *RCH* 96 §217. Since 1363, William Ilger had been deputy to Sir Richard Stury, who held the office of escheator of Ireland. In 1371, he was appointed escheator in his own right. Stury was reappointed in 1372, but resigned the office in November 1374. On 12 February 1375, Ilger returned to the office (*Admin Ire* 128–30).

⁷⁵ *CCR* 1369–74, 327. On 20 February, a sum of money was paid to Roger Levenes for expenses incurred in keeping Sir Richard and Meiler Burgh in Dublin castle (NLI (Harris) Ms 3 f 80; the calendared version (*RCH* 81 §6) is fragmentary).

⁷⁶ NLI D 1183; =*COD* ii §176 (qtn).

⁷⁷ *CCR* 1369–70, 246, 256, 259, 265.

Ormond was expressly forbidden from making any excuses for non-attendance.⁷⁸ In the course of that meeting, Ormond swore to accompany Windsor to England on the condition that some soldiers from England remain garrisoned at the king's wages at Nenagh, Ormond and Cashel to repel invaders.⁷⁹ Harbison has suggested that Ormond retired from Ireland to join the English campaign in France being prepared in 1372. The timing of his departure coincides neatly with the English preparations, and she concludes that, '[t]here seems little doubt that Ormond was reluctant to stay in Ireland while Windsor held office as governor and took this opportunity to absent himself.'⁸⁰ But is this convincing? Ormond was under oath to leave Ireland by the feast of Saint Patrick, 17 March 1372. A man who is eager to escape the country would hardly need to be compelled to swear to do so. Is it not more likely that the departure of Windsor was exactly the moment that Ormond was waiting for, and that he only went under enormous pressure and on his own terms, namely that his lands would be defended in his absence by professional soldiers paid for by the king? If anything, it seems as though Windsor deemed it unsafe to leave Ormond behind him in Ireland in 1372, and therefore compelled him to travel to England.

Some light is shed on the background to this dramatic situation by what has the appearance of a deal struck perhaps at that meeting of the council and put into effect shortly afterwards. On 17 March 1372, William Hampsterley, a squire of Thomas, Lord Ros of Hamelak, granted Windsor his share of the manor of Inchiquin and the town of Youghal in east county Cork.⁸¹ The next day, William Carlisle—the much-maligned exchequer official intimately bound up in Windsor's administration—granted Ormond, 'a hundred marcates of annual rent from one messuage, two curtilages and one dovecot in le Yoghill'.⁸² Within a matter of days, both Windsor and Ormond had left the country.⁸³ Coming so soon after the general council and before the withdrawal of the two protagonists from Ireland, it is unlikely that this is all just coincidence. The grants appear to be something of a compromise, each designed to counteract the effect of the other. The more

⁷⁸ *RCH* 84 §§110–18; Ormond's summons is §112.

⁷⁹ *RCH* 84 §119.

⁸⁰ Harbison, William of Windsor (MLitt) 104–5, qtn 105.

⁸¹ *COD* ii §179 (i–iii).

⁸² *COD* ii §180 (qtn 126). Carlisle was rector of Youghal (*del Yoghyl*) and also prebend of Beaver in the diocese of Cork (*COD* ii §180; *CPR* 1367–70, 25).

⁸³ Ormond was arranging shipping for his departure on 9 March 1372 (*RCH* 81 §19); P. H. Hore misdates this event to 9 March 1371 (Hore, *Wexford* v 119, citing the original IrCR 46 Edw III). Windsor left on 20X21 March (see above 105 n 4).

significant grant was that of the manor of Inchiquin to Windsor. It placed him at the heart of Ormond's interests. Carlisle may have been requested or pressured by Windsor to make the grant of rent in Youghal to balance his own acquisition.

The significance of the east Cork region is twofold. Firstly, it shows how incompatible were the respective conceptions of Ormond and Windsor concerning how Ireland should be governed. Stemming from this, it explains why Ormond was so virulently opposed to Windsor and determined to be rid of him. Ever since coming to Ireland in 1369, one of Windsor's principal concerns was the defence of the south coast. A treaty between France and the naval power Castile was causing invasion jitters in England, and Windsor's task was to provide for the defence of Ireland.⁸⁴ Part of his strategy involved personally acquiring lands along the south coast and granting them to his principal retainers, including his nephew, John Duket, and one of his men-at-arms, Thomas Holhirst.⁸⁵ Unfortunately for Windsor, this policy brought him into collision with the aspirations of the earl of Ormond to control the same area.

The manor of Inchiquin and town of Youghal had long before been divided among the four co-heirs of Giles Badlesmere (†1338).⁸⁶ In the late 1360s, the rights to the four purparties of Inchiquin and Youghal were held by four absentee families: the de Vere earls of Oxford; the Lords Ros of Hamelak; the Lords Tiptoft; and the Mortimer earls of March.⁸⁷ Within a few months of Windsor's arrival in Ireland in 1369, the earl of Ormond had gained the rights to two of these shares.⁸⁸ It was evidently Ormond's ambition to capitalise on the measures against

⁸⁴ Harbison, 'Court party', 154.

⁸⁵ Harbison, William of Windsor (MLitt), 86–9; *COD* ii §187 (i–ii). These two men acted as Sir William Windsor's attorneys (*COD* ii §179 (iii)). For John Duket, see Sir G. F. Duckett, *Duchetiana; or historical and genealogical memoirs of the family of Duket, from the conquest to the present time in the counties of Lincoln, Westmoreland, Wils, Cambridge, and Buckingham, comprising the houses of Grayrigg, Hartham, Steeple-Morden, Aylesbury, and Wycombe, with the several ancient families from whom they descend* (London 1869) 8, 93–7.

⁸⁶ The descent of the lands of Thomas Clare (†1321) to the Badlesmere and Clifford families, and thence to the four co-heirs of Giles Badlesmere (†1338) is traced in detail by A. F. O'Brien, 'The territorial ambitions of Maurice fitz Thomas, first earl of Desmond, with particular reference to the barony and manor of Inchiquin, co. Cork' in *PRIA* lxxii (1982) C3 59–88; idem, 'The settlement of Imokilly and the formation and descent of the manor of Inchiquin, Co.Cork' in *JCHAS* lxxvii 245 (1982) 21–6; idem, 'Medieval Youghal', esp 356–63; idem, 'Politics, economy and society: the development of Cork and the Irish south-coast region, c. 1175 to c. 1583' in *H&S Cork* 107–29.

⁸⁷ *PR Cloyne* 6–7; Frame, *Eng lordship*, table 3, 'The greater absentees', 56–7.

⁸⁸ These were the de Vere and Tiptoft purparties (*COD* ii §§134, 151; *CCR* 1364–67, 113). Tiptoft's share came to Ormond via John Hankyn, who had been granted it in February 1369. Margaret, the widow of Sir

absentees that had been taken by the government since the early 1360s, and particularly since an ordinance made at Guildford in 1368.⁸⁹ Those absentee lords who failed to undertake the defence of their Irish lands were to forfeit them. In an effort to avoid this fate several English lords were pulling out of Ireland altogether.⁹⁰

The importance of the Youghal–Inchiquin region to the earl of Ormond comes into focus when put in the context of his whole career. The town of Youghal and the manor of Inchiquin, as A. F. O'Brien has meticulously demonstrated, were part of the Clare inheritance claimed by Maurice fitz Thomas, first earl of Desmond (†1356), and forfeited in 1346.⁹¹ It was this earl of Desmond who, as we have seen, caused the second earl of Ormond a great deal of trouble in the 1340s and 1350s. In the face-off between Desmond and Ormond, the region was of key strategic importance. The Butlers dominated the liberties of Tipperary and Kilkenny and their influence in the city and county of Waterford was strong. Neighbouring county Cork was typically within the region dominated by the Munster Geraldines. If Ormond could control Youghal and the surrounding territory, located between these areas of influence, he would be successfully encroaching on Desmond territory. In acquiring shares of Inchiquin and Youghal in the late 1360s, Ormond was merely acting in accord with the policy that dominated his career: to expand the Butler lordship and strengthen his power in the south of the country. The acquisitions can, therefore, be seen as the legacy of tensions with the Desmond earls dating back to the 1340s, and were designed to limit the potential of the Geraldines to damage Ormond again.⁹² Ormond's acquisitions and his general conception of himself as the dominant force in the south of Ireland were, however, at odds with Windsor's policy of defending the colony from naval attack. It was this that lay behind their fraught relationship.

Robert Tiptoft, released and quitclaimed her rights to Ormond in 1372 (*COD* ii §§145, 184). See O'Brien, 'Territorial ambitions', 81–2.

⁸⁹ *Statutes John–Hen* V 470–71; *IHD* 59–60. For the later statute concerning absentees of 1380, see *Statutes John–Hen* V 476–7.

⁹⁰ Frame, *Eng lordship*, 59–60; A. J. Otway-Ruthven, 'The partition of the de Verdon lands in Ireland in 1352' in *PRIA* lxvi (1968) C5 417; Harbison, 'Absentee problem', 4–16. For this phenomenon in an earlier period, see a recent essay by Beth Hartland, 'Reasons for leaving: the effect of conflict on English landholding in late thirteenth-century Leinster' in *J Med History* xxxii 1 (2006) 18–26.

⁹¹ O'Brien, 'Territorial ambitions', 66–74. See also Waters, *Earls of Desmond* (PhD), 46–7, 67, 75–8, 165.

⁹² The same policy may have been behind the marriage that was proposed in 1374 between Joanna, daughter of James, second earl of Ormond, and John fitz Nicholas, lord of Kerry (*COD* ii §189). Fitz Nicholas died c 1378, so the marriage settlement may not have been put into effect (K. W. Nicholls, 'The FitzMaurices of Kerry' in *JKAHS ser1* iii (1970) 23–42).

Just over a decade earlier another chief governor—John Bolton—had been insensitive to Ormond’s pretensions in Munster and had consequently been arrested by the earl. In the early 1370s, a more sophisticated means of attack was employed. Windsor’s financial impositions were widely unpopular. Ormond sought to channel that resentment to the detriment of the lieutenant and thereby forced Windsor’s recall in 1372.

Windsor, of course, returned to Ireland in 1374 brandishing royal letters of support for his policies during the years 1369–72. His relationship with the earl of Ormond became, if anything, more acrimonious during his second chief governorship. Already in the autumn of 1373, before he returned to Ireland, Windsor had complained to the king that members of the king’s council in Ireland were not fit to ordain for the safe governance of the land.⁹³ This may have been a swipe at Ormond, who held a seat on the council as a matter of course. Windsor’s arrival was followed by a full-scale assault on the earl’s authority and interests. The process was underway in the early spring. In February 1374, William Carlisle and Robert Holywood⁹⁴—two of Windsor’s despised ministers—were ordered to inquire by jury in Dublin into Ormond’s right to the prisage of wine.⁹⁵ William Carlisle subsequently received a sizeable reward of twenty pounds for various services, including the discovery that Ormond took £200 from the prisage of wine for which he should have answered to the king.⁹⁶ In March 1374, Windsor acquired the Mortimer purparty of the manor of Inchiquin and Youghal. This meant that he and Ormond held two shares each. Matters came to a head on Ascension Day, 11

⁹³ ‘Item come ceux du conseil nostre dit seigneur le roi es dites partie en partie ne soient my sachantz et suffisantz pur la sauve governance de la dite terre ordeiner’ (TNA SC 8/257/12849; pr *Affairs Ire* §242).

⁹⁴ Robert Holywood was one of the Irish administration’s survivors. He began his rocky career in 1356 with an appointment as remembrancer of the exchequer, but was accused of various misdeeds in 1357 and investigated (*Affairs Ire* §228; *CCR* 1354–60, 276, 340). He was granted lands of Elias Asshebourne in 1358, but later, in 1361, forfeited all the lands gained while in office (*RCH* 69 §30; *CCR* 1360–64, 182). In 1362, he was appointed CBEx and he held this position until 1376 (*Admin Ire* 113–14). In January 1373, he was sufficiently trusted by the representatives in the Irish parliament to be sent to court to request the intervention of Edmund Mortimer, earl of March, in Ireland. His critics alleged that he had not delivered this message, thereby facilitating the return of Sir William Windsor to Ireland. This Holywood denied (Clarke, ‘Accusementz [1376]’, 203 §78; ‘Answers [1376]’, 213–14 §XI). In 1374, he ‘gained the ingratitude of the people’ for enacting Windsor’s financial policy, and he was the subject of eleven accusations in 1376 (*RCH* 89 §111; ‘IrCR 48 Edw III’, 147; Clarke, ‘Accusementz [1376]’, §§68–78). He was summoned to answer these at court and the record of his testimony survives (*CCR* 1374–7, 298; Clarke, ‘Answers [1376]’, 207–15).

⁹⁵ ‘IrCR 48 Edw III’, 96. Payments of rewards to Holywood and Carlisle are recorded in TNA E 101/245/7, m 2 (5 June 1374).

⁹⁶ *RCH* 86 §30; ‘IrCR 48 Edw III’, 118.

May 1374, less than a month after the governor's arrival in Ireland on 18 April. Ormond was forced to bring his kinsman Edmund son of Edward Butler, of the cadet Butler house of Slieveardagh or Lismallon, tenants of Inchirourke in Tipperary, before the chancery at Kilkenny and leave him, 'as a hostage for making restitution and amends for transgressions made by the said commons of Tipperary against the commons of Kilkenny'.⁹⁷ Although Edmund Butler was surrendered to Bishop Stephen Valle of Meath and William Tany, prior of the hospital of St John of Jerusalem and chancellor of Ireland, it is almost certain that Sir William Windsor was behind the scheme. After landing at Waterford, he had gone to Kilkenny, where he met his ally, the bishop of Meath, and held a privy council. They then resolved to go to Dublin, reaching the city on 15 May.⁹⁸ Windsor can, therefore, be placed with reasonable certainty in Kilkenny to witness the surrender of Ormond's kinsman on Ascension Thursday, 1374. This episode, played out at the heart of Butler territory, must have been an extraordinary humiliation for the earl. The implication was that he was incapable of keeping his own affairs in order. Windsor was stamping his own authority on the south of Ireland.

Ormond continued to be aggravated by Windsor for the next two years. The earl may, for instance, have had difficulty in realising a grant of lands formerly held by the traitor, Eustace son of Arnold Poer.⁹⁹ Another source of concern stemmed from a royal commission granted to Ormond in February 1375 to search for mines in Ireland on the understanding that the king would receive half of any gold, silver and copper discovered.¹⁰⁰ In 1376, once Ormond was in England, he procured letters from the king discharging him from the commission and stating that he was not to be held to account for the issues of his searches.¹⁰¹ Evidently, the earl was concerned that official scrutiny of his mining activities—

⁹⁷ 'IrCR 48 Edw III', 144; =*RCH* 89 §104. This branch of the family was descended from John, younger son of Edmund Butler (†1321), 'earl of Carrick', and held Inchirourke and Lismallon in Tipperary ('IrCR 48 Edw III', 137; =*RCH* 88 §78). In 1367, Ormond promised to attempt to establish good accord between this Edmund Butler and one William son of Richard Warnel of Slieveardagh, 'because William fears the ill-will of Esmond Botiller' (*COD* ii §133). In the seventeenth century, the head of this family was created viscount Ikerin (*Peerage* vii 43). See also *The great book of Irish genealogies, compiled (1645–66) by Dubhaltach Mac Fhirbhisigh*, ed & tr Nollaig Ó Muraile (5 vols, Dublin 2003–04) iii 140–41 §813.1.

⁹⁸ Clarke, 'Accusementz [1376]', 192 §27. The bishop of Meath was placed on Windsor's council on 10 February 1374 and granted forty pounds from the farm of Dublin and twenty marks from the farm of Cork (*CPR* 1370–74, 413; *CCR* 1374–7, 5).

⁹⁹ *CPR* 1374–7, 70; *RCH* 91 §50; *COD* ii §199.

¹⁰⁰ *COD* ii §200.

¹⁰¹ *CCR* 1374–7, 323, 355.

much like the examination of his right to the prisage of wine—would reveal irregularities and provide a desperate Windsor with ammunition. These aggravations help account for the vigour with which Ormond joined the clamour for Windsor's removal in 1375–6. He and the Irish commons had a common interest in bringing down the chief governor and their joint venture found an appreciative audience at court. In July 1376, Windsor's administration collapsed. Ormond returned from court as the king's representative and preparations for new investigations into Windsor's misdeeds were soon underway.

IV

TAKEN together, the chief governorships of Lionel of Antwerp and William Windsor reveal a great deal about factional politics in Ireland. At least three times between 1361 and 1376, delegations made the journey from the colony to court to remonstrate about the policies of the king's ministers in Ireland. These missions tell us much about the ever more confident colonial community and its ambivalent attitude to interventions from England. Yet, perhaps more is revealed about the day-to-day exercise of power in the colony by the seemingly contradictory behaviour of James, second earl of Ormond. In Lionel, Ormond saw an opportunity to get close to court. He exploited his favour with the king's son to pursue his private concerns. Sir William Windsor, by contrast, represented a challenge to Ormond's status. English intervention, which had once been a buttress of Butler power, now became a threat. Ormond consequently spurred on the Irish commons in their attacks on Windsor and thereby forced the latter's recall. It is significant that these mechanisms of maintaining power, which would become commonplace in the fifteenth century, can already be detected as early as the 1360s and 1370s. On the one hand there was exploitation of curial connections; on the other, destruction of rivals by alliance with the colonial community. On a more immediate level, it is important that the politics of the colony in the widest sense could be influenced by the agenda of one magnate. Ormond's residual insecurity about the power of the Geraldines in Munster was the most influential factor determining his attitudes in the 1360s and 1370s. Whether or not the colony greeted English intervention with favour or distain could be determined as much as anything by the local politics of Irish factions.

Recuperation, reaction and the exercise of power,
1376–82

‘THERE are two in Munster who destroy us and our goods’, intoned the bishop of Cloyne in a high voice at a mass on 13 December 1380, ‘namely the earl of Ormond and the earl of Desmond with their followers, whom in the end the Lord will destroy, through Jesus Christ our Lord, amen.’¹ As a publicist intent on slandering the earls of Desmond and Ormond, the bishop in question, a Carmelite named Richard Wye (1376–94),² was singularly successful. His ‘damnable words’ were ‘so notorious and public that they could not be concealed by any artifice’.³ Venue, audience and occasion were chosen to generate the maximum impact. The king’s lieutenant of Ireland, the illustrious Edmund Mortimer, earl of March and Ulster (†1381), together with his household and family, had congregated in the chapel of Dublin castle for a mass in memory of Mortimer’s deceased wife, Philippa.⁴ The liturgical tinkering of the celebrant, Richard Wye, scandalised them and caused an ‘unheard of schism among the clergy and people’.⁵ Despite, or perhaps because of the outcry, Bishop Wye not only refused to abandon his new preface, but openly admitted the deed, defended it and said ‘he would add more when the time came’.⁶

This bishop’s aim of tarnishing noble reputations seems ultimately to have foundered, but the colourful episode has continued to catch the attention of many historians, providing them with evidence of a debilitating faction fight between the two comital houses of Desmond and Ormond in the south of Ireland.⁷ The

¹ COD ii §245, qtn 169.

² NHI ix 294; *Cal papal letters, 1364–1404*, 480.

³ COD ii §245 (qtms 169).

⁴ The more important members of Mortimer’s household present are listed: Sir John Lovell, Sir John Bromwiche, Sir Richard Talbot, Sir Thomas Mortimer, Sir Ralph Lynglyn, Sir Henry Coneweye, Sir Richard Smythefelde and Sir Hugh Cheyne; William Bromwiche, Henry Cornewayle, Leonard Hachyt [Hakeluyt], William Bewre (esquires); and a number of chaplains (COD ii §245, list at 171).

⁵ COD ii §245, qtn 180.

⁶ Ibid. ii §245, qtn 171.

⁷ The episode is reported in Otway-Ruthven, *Med Ire*, 314–5; Lydon, *Lordship*, 131–2; Tuck, ‘Anglo-Irish relations’, 16–19; Cosgrove, *Late med Ire*, 81; A. F. O’Brien, ‘Medieval Youghal: the development of an Irish seaport trading town, c. 1200 to c. 1500’ in *Peritia* v (1986) 363–4 n 60; idem, ‘Politics, economy and society: the development of Cork and the Irish south-coast region c. 1170 to c. 1583’ in *H&S Cork* 136; Denis G. Marnane, *Land and settlement: a history of West Tipperary to 1660* (Tipperary 2003) 202–3;

bishop's determination to blow the whistle on disturbances in Munster makes it clear that the tensions which had informed colonial attitudes to the English interventions of the 1360s and early 1370s were now being openly expressed. Regional rivalries were naturally at work here. Where the shifting boundaries of lordship over men and land converged or intersected, friction was the inevitable result. The most severe fault lines during this period appeared in counties Cork and Limerick. From his diocese located at the cross-current of Geraldine and Butler interests, Bishop Wye was well-placed to witness such events. His timing was also impeccable: he had received the temporalities of Cloyne late in 1376,⁸ at much the same time as James, second earl of Ormond, was returning to the colony from Westminster bearing a commission to serve as justiciar of Ireland. Yet, we must be careful not to overstate the level of strife. The bishop of Cloyne's pronouncement was more histrionic than it was detailed. Clearly, there were limitations to the conflict, parameters outside which neither party was willing to move. There were, for instance, no high-profile casualties within either comital family comparable to the death of the earl of Louth in the Braganstown 'massacre' of 1329,⁹ or the murder of William Burgh, the 'brown' earl of Ulster, in 1333.¹⁰ The shedding of blood was a development of the later 1390s, when the conflict was markedly more intense.¹¹ Furthermore, there is little sign that either Desmond or Ormond set out to provoke each other deliberately. On the contrary, while the Butlers' political success may have been anathema to the Geraldines, Ormond sometimes showed himself to be aware of the need to sweeten the pill. He presumably discovered that an occasional concession could serve Butler interests better than a costly private conflict.

The antagonism was, moreover, greater than the sum of local tensions. The issues at stake transcended the provincial and had a relevance in much broader contexts. Lessons learned in the previous two decades of vigorous politicking were recited to good effect once more. Ormond found himself the target of

Waters, *Earls of Desmond* (PhD), 131–2; Robin Frame, 'Butler, James, second earl of Ormond' in *Oxford DNB* ix 145–6; Gearóid Mac Niocaill, 'FitzGerald, Gerald fitz Maurice, third earl of Desmond' in *ibid.* xix 812.

⁸ The temporalities of Cloyne were released on 9 November 1376. Richard Wye's predecessor, John Swaffham, another Carmelite, was translated to the diocese of Bangor in Wales on 2 July 1376 (*CPR* 1374–7, 363; *NHI* ix 294).

⁹ James Lydon, 'The Braganstown Massacre, 1329' in *J County Louth Archaeological & Historical Soc* xix 1 (1977) 5–16; Frame, *Eng lordship*, 190–91; Brendan Smith, *Colonisation and conquest in medieval Ireland: the English in Louth, 1170–1330* (Cambridge 1999) 113–21.

¹⁰ Frame, *Eng lordship*, 144–6.

¹¹ See below 165.

precisely the kind of court-centred intrigue that he had recently channelled against Sir William Windsor. It was in his ability to combat such attacks successfully that Ormond proved himself to be the master of the colony's political life. The power that accompanied high office—for instance the ability to distribute patronage and manipulate the colony's administrative machinery—were weapons as potent in their own way as any private army. When Ormond's activities provoked complaint, he countered his vocal critics by soliciting the aid of the Irish parliament and bolstered his power by seeking favour from a court receptive to his policies. Even after 1379, when Ormond was discharged at his own request from the chief governorship, his predominance was assured by the support of the new lieutenant, Edmund Mortimer, earl of March. Had Mortimer's untimely death late in 1381 and the ensuing crisis not forced the Irish administration to adopt a more consensual approach to governance, Ormond's supremacy would have lasted until his death in the autumn of 1382. This chapter is an attempt to examine the issues at stake and the conduct of the conflict from Ormond's return to Ireland in 1376 until his death in 1382.

I

Recuperation: Ormond and Desmond

THE appointment of Earl James II of Ormond as justiciar of Ireland in July 1376 was a mark of favour and confidence.¹² It was the first time he had been entrusted with high office since 1364, when he had served as guardian of Ireland during the lieutenancy of Lionel, duke of Clarence. His tenure on that occasion had been contentious, as he had attempted to use the favour he carried with Lionel to extend his power in the south of Ireland. That controversy had done little long-term damage to Ormond's career. Twice in the early 1370s, the earl had led the opposition to the king's representative, Sir William Windsor, a man whose policies ran counter to Ormond's conception of his own authority in the south of Ireland. Twice the collapse of Windsor's administration had brought Ormond reward. In 1372, the liberty of Tipperary, which had been granted to the first earl of Ormond (†1338) for life, was confirmed to the heirs male of the second earl;¹³ on 24 July 1376, within a fortnight of the close of the Good Parliament, Ormond was appointed chief governor of Ireland. From the autumn of that year, Ormond

¹² Ormond's retinue arrived in Ireland on 4 October 1376 (*COD* ii §238). He received protections within the realm of England during his service in Ireland on 26 August and 26 September 1376 (*CPR* 1374–77, 336, 342). The earl of Kildare was paid as justiciar of Ireland from 20 June until 20 September 1376 (*IExP* 533).

¹³ *Peerage* x 120 n c; *CPR* 1494–1509, 26; *COD* iii §348.

was able to pursue his private interests free from the trammels of Windsor's administration. Little wonder, then, that the relationship between the Butlers and the Munster Geraldines soon soured. The fact that it was the bishop of Cloyne who upbraided the colony's comital élite may help us to pinpoint at least one source of the antagonism. Within the bounds of the diocese of Cloyne lay one of the regions most contested by Desmond and Ormond: the port of Youghal and the manor of Inchiquin. As we have seen, the first earl of Desmond (†1356) had vigorously attempted to gain control over this territory, but his claims had been dismissed and it had been descended to four co-parceners.¹⁴ By 1372, the earl of Ormond was in possession of two of these purparties, while his rival, Sir William Windsor, held the other two. Windsor's forced withdrawal from Ireland in 1376 provided Ormond with a long-delayed opportunity to enforce his authority on the area.

Ormond began the year 1377 by holding a parliament at Dublin in January and making preparations for an expedition to Munster.¹⁵ Gerald, third earl of Desmond did not attend the Dublin parliament and consequently he was fined and distrained in the sum of one hundred pounds by Ormond, an act which in itself may have been antagonising.¹⁶ In April, Ormond began a southbound itineration. By 1 May, the government was at Youghal,¹⁷ where, on 3 May, Ormond ordered the division of the Cork lands of Peter Cogan (†1371).¹⁸ These were reported to be worth only £4 5s per year because of destruction by the Geraldines.¹⁹ A week and a minor mishap later, the court had reached the city of Cork where it remained for over two months.²⁰

¹⁴ See above 121 n 86.

¹⁵ *Ir parl* 343.

¹⁶ *Ir parl* 141; NAI Ferguson Coll i 343, 351. Ormond's harsh attitude towards absentees from parliament is clear from his amercement of the bishop of Cork, despite the fact that the bishop sent proctors to parliament (*Parls & councils* §47).

¹⁷ The itinerary is indicated by the dating of the Irish chancery records, e.g. *RCH* 100 §18 (1 April, Dublin); *ibid.* 102 §77 (4 April, Kilkenny); *ibid.* 101 §49 (10 April, Cork); *ibid.* 100 §16 (18 April, Waterford); *ibid.* 103 §85 (24 April, Clonmel); *ibid.* 100 §26 (1 May, Youghal).

¹⁸ For Cogan, see Kenneth Nicholls, 'The development of lordship in county Cork, 1300–1600' in *H&S Cork* 171.

¹⁹ *RCH* 100 §37.

²⁰ *RCH* 100 §§38–9; *ibid.* 101 §§40–41, 47–8, 50–51, 54–8, 60–63; *ibid.* 103 §§81–2, 86–7, 92 (10 May–16 July). At least one member of the administration ran into difficulties during this itineration. John Brettan, remembrancer of the exchequer, was travelling to Cork from Youghal, when he found that there was no ferry service. In an attempt to cross the river at Youghal on horseback, he lost a horse worth 100s (*RCH* 101 §61). For this ferry as a landmark, see the reference to *le Very de Yoghille* in 1420 (*Parls & councils* pt 2 §7, qtn 136).

Desmond may have found vexatious the justiciar's extended residence in an area that was traditionally within his sphere of influence. It was some decades since the Geraldines had laid claim to Inchiquin and Youghal, but their interest in the region generally, both directly and through their extended kin and clients, had not waned. Desmond's distant kinsman, Sir Maurice fitz Richard of the Geraldine knights of Kerry, was chief sergeant of county Cork in 1377, an office that was in the gift of the earl of Desmond. As sheriff of Cork in the 1360s, Maurice had held the custody of Inchiquin, then in the king's hands, and in the course of his career he acquired lands in the manor, for which he owed homage to Sir William Windsor.²¹ As recently as 1375, the town of Youghal itself was reported to have come under attack from a Geraldine sept, the 'Glengibbons' (FitzGibbons), together with their allies, the Roches.²² The next year, 1376, Gerald, third earl of Desmond, had one 'Geoffrey Mor fitz Henry Migiboun' and a number of other malefactors in custody. They had been arrested for 'certain contempts and evildoings in Ireland'. Presumably, Desmond wished to exercise his right to punish his own kinsmen, because in April 1376, a letter addressed to Desmond under the English seal commanded him to 'cease all excuse' and deliver the offenders to the municipal officers of Waterford.²³ It was possibly Ormond, who had travelled to England in the spring of 1376, who brought the matter to the king's attention.²⁴ In 1382, after the death of the earl of March, there were further complaints that the Geraldines led by the earl of Desmond were engaged in a feud with the Barry family that had destroyed Munster.²⁵ The long-term interest of the main branch of the Desmond Geraldines in the area is demonstrated by the fact that, in 1404, the third earl of

²¹ *PR Cloyne* 248 n 325. Maurice fitz Richard owed homage for half a knight's fee in 'Kylmadymok' (*RCH* 129 §57). A pedigree of this branch of the Geraldines begins, 'Richard fz. Morris, sonne to the Knight of Kerry, was the first man that ever came to the barony of Imokilly of the fitz Geraldts [...]' (Richard Caulfield (ed), *The council book of the corporation of Youghal: edited from the original, with annals and appendices compiled from public and private records* (Guildford 1878) x). This Richard fitz Maurice is probably Maurice fitz Richard's father. The origins of the knights of Kerry have been examined for the first time by Paul MacCotter, 'Lordship and colony in Anglo-Norman Kerry, 1177–1400' in *JKAHS* ser2 iv (2004) 69–71.

²² *RCH* 96 §§223–4. The petition is recited but misdated to 1376 in 'Annals of Youghal' in Samuel Hayman, *The handbook for Youghal* (Youghal 1896) 9.

²³ *CCR* 1374–7, 304.

²⁴ See above 113.

²⁵ TNA SC 8/118/5889. The petitioned is damaged and illegible in places. It is calendared in Philomena Connolly, 'Irish material in the class of ancient petitions (SC8) in the public record office, London' *AH* 34 (1987) 41–2, where it is dated to 1381–2. The request for a 'wise and discreet lieutenant (F: *sage et discret*)' suggests that it refers to the period after the death of the king's lieutenant, Edmund, earl of March and Ulster, on 26 December 1381.

Ormond settled his moiety of the manor upon his would-be spouse, Katherine of Desmond, and in a further agreement of 1429, his son the fourth earl granted custody of it outright to James, seventh earl of Desmond.²⁶ It was an acknowledgement that Cork truly lay within the Geraldine network.

Before bowing to this reality, however, the Butlers seem to have made a determined effort to assert their lordship in Inchiquin and expand their holdings in Cork generally. In October 1378, Ormond had his title to the Tiptoft purparty of Inchiquin shored up when one of the co-parceners, Margaret, wife of Robert Tiptoft, having remarried one John Cheyne, once again quitclaimed her rights to the land to Ormond.²⁷ At around the same time, Ormond was acquiring new lands in county Cork. In December 1379, Thomas son of John son of Piers Butler, lord of Akkill and Owles, conveyed 'Ilane Mollashe', near Carrigtohill, county Cork, together with an adjoining weir, to his distant kinsman, the earl of Ormond.²⁸ The Butlers of Owles had held the island by a grant from John son of David Barry, and Ormond soon forestalled any challenge to the grant by having the Barry's charter inspected and confirmed by Edmund Mortimer in November 1381 at Clonmel.²⁹ This was one of a number of small islands that had come into Ormond's hands along the south coast during his career.³⁰

With these territorial footholds came local influence. In February 1377, Bishop Richard Wye of Cloyne, by virtue of his recent advancement to the bishopric, was ordered to grant a pension to a clerk named John Hunt,³¹ a man who by 1388 had come into Ormond's service and occupied a living as vicar of St Mary's church, Youghal.³² After Earl James III of Ormond (†1405) became justiciar of Ireland in 1392, he presented this 'John Hunt, vicar of Youghal' to the prebend of St Maul in the diocese of Ossory, and also granted him a general pardon.³³ Evidently, such benefices provided the Butlers with choice rewards for a trusted servant. Ormond's power may also have swayed appointments in local government. The shrievalty of Cork had been granted to Maurice fitz Thomas when he had been advanced to the earldom of Desmond in 1329. Despite forfeiting

²⁶ *COD* iii §51, 88; TNA C 47/10/26/4; James Hogan, 'Miscellanea of the chancery, London' in *AH* 1 (1930) 200.

²⁷ *COD* ii §231–2.

²⁸ *COD* ii §243 (i–iii). See also Kenneth Nicholls, 'The Butlers of Aherlowe and Owles' in *JBS* ii (1969) 126.

²⁹ *COD* ii §249

³⁰ *COD* ii §§63 (i–iv), 68 (i–ix).

³¹ *RCH* 101 §44.

³² *Ibid.* 138 §32; *ibid.* 141, §195.

³³ *PKCI* 22 §15; *ibid.* 174–5 §146.

the shrievalty in 1331, Desmond had been able to see to it that his own allies occupied the post.³⁴ Several decades on, with Butler power growing apace, it is likely that Ormond was attempting to insinuate his own candidates into positions of local power.³⁵ In 1377, a request was made at court that a recent commission to one John Warner to act as sheriff of Cork be withdrawn because it is 'to the damage and loss of our said lord the king'.³⁶ The petitioner was the current treasurer of Ireland, Alexander Balcot, bishop of Ossory, an ally of Ormond's in the opposition to Sir William Windsor.³⁷ Ormond may also have wished to foster good relations with the local urban oligarchy. On 12 May 1380, the sovereign and burgesses of Youghal received a confirmation of a grant dating from 1374 exempting them from paying subsidies, or 'finding horsemen or footmen, called "kernes", unless they consent'.³⁸ The original grant had been made during the second chief governorship of Sir William Windsor, probably as part of his strategy of strengthening the south coast of Ireland.³⁹ Ormond, lord of half of Youghal, may now have wished to reap the goodwill of this valuable town for himself. Some of the earl's private concerns were dealt with at court in 1380, and it is conceivable that Ormond or his agents acted as a patronage broker on behalf of the community of Youghal.⁴⁰ The charter represented a considerable concession. Such

³⁴ Ciaran Parker, 'Local government in county Waterford in the thirteenth and fourteenth centuries—pt 2' in *Decies* li (1995) 84–5; Frame, *Eng lordship*, 189, 220 n 95.

³⁵ The evidence is not conclusive, but a later sheriff of Cork, Robert Thame (1385–6) had served in Ormond's retinue (*COD* ii §237 (at 160); *TNA* E 101/246/1/21), while another sheriff, William Ilger (1367–8), held property in Kilkenny and was appointed deputy constable of Dublin castle by Ormond (Henry F. Berry, 'Sheriffs of the county Cork—Henry III to 1660' in *JRSAI* xxxv (1905) 50 nn 11, 13). Ormond himself acted as sheriff of Cork in 1399–1400.

³⁶ *Affairs Ire* §252. Since 1355, it had been the official practice to cause the election of sheriffs, but the central government still took an interest in appointments, e.g. the appointment of John of Desmond as sheriff of Waterford in 1393 (*PKCI* 155–6 §133). See Ciaran Parker, 'Local government in county Waterford in the thirteenth and fourteenth centuries' in *Decies* i (1994) 17–25; li (1995) 79–81. On the various means of appointing and electing sheriffs, see Otway-Ruthven, *Med Ire*, 176–7; and on local government in an earlier period, A. J. Otway-Ruthven, 'Anglo-Irish shire government in the thirteenth century' in *IHS* v 17 (1946) 1–28; Gerard McGrath, 'The shiring of Ireland and the 1297 parliament' in Lydon, *Law & disorder*, 107–24.

³⁷ For Alexander Balcot's service (T 1376–84), see Johnston, 'Chief governors', 108–9.

³⁸ *CPR* 1377–81, 489.

³⁹ Caulfield, 'Annals of Youghal' in *Council Book of Youghal* xxvi; the grant is quoted in O'Brien, 'Medieval Youghal', 358–9; Sheelagh Harbison, 'William of Windsor, the court party and the administration of Ireland' in Lydon, *Eng & Ire*, 166–7; eadem, 'The absentee problem in Waterford and east Cork during William of Windsor's administration, 1369–76', 10–12.

⁴⁰ On 5 June 1380, the king assented to a petition from Ormond for a grant of lands in co Kilkenny (*COD* ii §246; *CPR* 1377–81, 502). Ormond was returning to Ireland in October 1380 (*CPR* 1377–81, 547). For a

local subsidies for private mercenary forces were precisely of the type that the Butlers were voted by another town over which they came to have enormous influence: Kilkenny.⁴¹

It may, in part, have been the funding of private armies that caused Bishop Wye of Cloyne to vent his spleen and accuse Desmond and Ormond, ‘with their followers (L: *cum eorum sequacibus*)’, of destroying ‘us and our goods’.⁴² The bishops of Cloyne were in fact nominal lords of the manor of Inchiquin, which was held, ‘by service of six knight’s fees, and by homage, fealty and common suit to the castle of Cloyne, and by service of 2s yearly, and 3 lbs. of wax and 2 lbs. of cummin’.⁴³ Future earls of Ormond found it expedient to cultivate good relations with the bishops of Cloyne, taking them under their special protection and exempting them from illegal exactions.⁴⁴ The second earl of Ormond’s relationship with Bishop Richard Wye was significantly less convivial.

Given Ormond’s growing tenurial base and influence in an area of Geraldine influence it is little wonder that his relationship with Desmond was fraught. Yet lordship over land was but one source of dispute; lordship over men was another. In April 1377, when Ormond began his journey southwards from Dublin, he had immediate business to transact with Gerald, third earl of Desmond. Sometime before 20 April, news had reached the itinerant justiciar’s court that Desmond was embroiled in a struggle with Sir Richard and David Burgh of Clanwilliam, grandsons of Richard, the ‘red’ earl of Ulster (†1326).⁴⁵ The resultant upheaval was grave enough to prompt both the treasurer and the chancellor—Bishop Alexander Balcot of Ossory and Prior William Tany of the hospital of St John of Jerusalem—to cancel a visit to England on behalf of the Irish council to inform the king about the state of Ireland.⁴⁶

later charter witnessed by James Butler, third earl of Ormond, as justiciar of Ireland, on 12 May 1404, see Caulfield (ed), ‘Annals of Youghal’ in *Council book of Youghal*, xxvii. Cf. the petitions of James, fourth earl of Ormond, on behalf of Youghal in 1415 (*RCH* 208 §§143, 149–50). He also petitioned on behalf of the town of Gowran, co Kilkenny (*RCH* 208 §153).

⁴¹ Otway-Ruthven (ed), *Liber primus Kilkenniensis* (Kilkenny 1961) 50–51.

⁴² *COD* ii §245, qtn 169; the Latin text is *pr* *ibid.* ii 172–9.

⁴³ *PR Cloyne* 6–7. In a grant of 49 Edward III (1374–5), the municipal officers of Youghal were required to render account for a murage grant before the bishop of Cloyne, who was in turn to ‘transmit the said account to the Treasurer and Barons of our Exchequer of Ireland’ (Caulfield, ‘Annals of Youghal’ in *Council book of Youghal*, xxvi–xxvii).

⁴⁴ See below 276.

⁴⁵ For genealogies, see *NHI* ix 170 (genealogical table 38); below app 3, genealogy A3.3.

⁴⁶ *RCH* 102 §75; *ibid.* 103 §91.

It seems unlikely that Ormond had a personal stake in the Burghs' clash with Desmond, which probably stemmed from a territorial dispute in the Limerick area. Nonetheless, Ormond could not pretend to be an entirely disinterested party. Sir Richard Burgh was his retainer. In 1356, Richard entered into an indenture of retinue with Ormond, by which he promised to serve the earl with his retinue for life, 'in peace and war against all men'. Ormond promised to pay Sir Richard the lump-sum of one hundred pounds by instalments and, 'to aid, protect and maintain Richard in all his just quarrels (L: *querelis*) as a lord ought to maintain his knight or vassal'.⁴⁷ Richard's anxiety to remain in Ormond's favour is shown by a second agreement, of 1360, by which the former swore not to inflict, 'any injury loss or damage upon the Earl ... by way of revenge for any action of law'. Ormond was justiciar at the time, and in that capacity had taken legal action against two felons, Richard's brother, David, and a second member of Burgh's affinity, Walter Caly. Sir Richard's decision to support the king's representative (Ormond) over his own kinsmen was taken at some risk to himself. His agreement with Ormond stipulated that the earl would, 'maintain him against all malefactors of his name [Burgh], as long as he observes peace towards the Earl'.⁴⁸

In 1377, Ormond's obligations to the Burghs placed him in an invidious position. Within two months of hearing of the commotion, Ormond ordered the earl of Desmond to come to Cork to discuss various pieces of business, among them quite likely the latter's quarrel with the Burghs. Desmond and his affinity had reached the city before 10 June, when the earl was granted two marks in compensation for a horse forfeited after a riding accident in the river nearby.⁴⁹ In light of Ormond's own recent activities at Youghal and the clash between the Geraldines and the Burghs, this very modest concession may have been intended to mollify Desmond and prevent a serious break down of relations. Not that Ormond would necessarily have wanted to shield his retainers from the consequences of their actions. In 1360, Ormond had shown himself willing to prosecute those of Burgh's men who had broken the king's peace. While the Burghs may have been emboldened by the fact that Ormond held the chief

⁴⁷ *COD* ii §37. The translation is that of Curtis, which he provides along with the original Latin. There is now a better edition of the Latin text in Jones & Walker, 'Private indentures', §44. This new version corrects the discrepancy between Curtis' calendared version (which reads, 'in all his just quarrels [*querelis*]') and his Latin text, which runs, 'in omnibus iustis guerris suis'.

⁴⁸ *COD* ii §61. For commentary, see Frame, *Eng lordship*, 45–6.

⁴⁹ It is stated in this grant that Desmond came to Cork 'ad tractandum super diversis negociis mandato justiciarii Hibernie' (*RCH* 101 §51).

governorship in 1377, they could scarcely have expected that he would relish the news that they were embroiled with the earl of Desmond. On the other hand, it is likely that Ormond was jealously protective of his right to chastise his own retainers, and he may have been affronted when Desmond took matters into his own hands. Efforts to compose later outbreaks of the quarrel in 1380–81 suggest Ormond's close involvement. Sometime before 2 May 1381, a squire by the name of William Cokesy was sent from Dublin to mediate between the earl of Desmond and Sir Richard Burgh.⁵⁰ The arbitration took place at Clonmel in Ormond's liberty of Tipperary. Another indication that Ormond was involving himself in the dispute is that in November 1380, he was holding one 'Walterum filium Ricardi de Burk, militis' as a hostage of the king, presumably in order to guarantee the good behaviour of the Burgh family. Ormond seems to have been reluctant to relinquish possession of his retainer's son.⁵¹ Just as Desmond, a few years earlier, had been forced to deliver a troublesome kinsman to the mayor and bailiffs of Waterford, Ormond was now ordered to deliver Walter Burgh into the custody of the municipal officers of the same city.⁵²

II

Reaction: the court connection

THESE many strains on the relationship between the Butlers and Geraldines from 1376 serve to explain the clamour raised by Bishop Wye in December 1381. Yet in its attention only to local sources of discord, the discussion so far has been decidedly blinkered. In fact, Ormond's provocation of Desmond needs to be set in a broader context. His self-interested actions were part of a much larger policy of recuperation after the chief governorships of his predecessor, Sir William Windsor; and in this respect, Desmond's adversarial relationship with Ormond was only one part of a widespread opposition that encompassed not only Geraldines, but elements at the heart of the colonial administration, and indeed key players at the English court itself. The collapse of Sir William Windsor's administration in 1376 had been achieved by bringing a vocal Irish opposition to the attention of the English political community. Ormond's role as a conduit supplying the grievances of the Irish commons to their receptive audience was vital. His appointment as justiciar of Ireland in July 1376 is a sign of the esteem in

⁵⁰ The arbitration had taken place by 2 May 1381, when the government ordered that Cokesy be granted fifty-six shillings as a gift (*RCH* 108 §46).

⁵¹ For Walter (†1432) as son of Sir Richard Burgh, see Marnane, *Land & settlement*, 201.

⁵² *RCH* 109 §98.

which he was held following the Good Parliament. Given the importance of court connections in bringing about Windsor's destruction, it is not surprising that during the sequel to those events—the controversies of Ormond's chief governorship (1376–9)—the route from the colony to court was well-travelled. In this sense, local clashes in Ireland were dependent upon the vicissitudes of curial politics. It is to the connection between metropolitan developments and opposition to the earl of Ormond that we now turn.

The controversies of Ormond's tenure as justiciar 1376–9 were bound up with the investigations into Windsor's administration that were set to get underway within a few months of Ormond's return to Ireland in the autumn of 1376. Shortly after the close of the Good Parliament in July 1376, Sir Nicholas Dagworth, later a chamber knight of Richard II, was commissioned to travel to Ireland in the king's service.⁵³ As we have seen, Dagworth was identified by Edward III's mistress, Alice Perrers, as the enemy of her husband, Sir William Windsor. He was also Ormond's half-brother. In November 1376, Ormond and Dagworth, together with the earl of Kildare (who had served as justiciar of Ireland at Windsor's recall in 1376)⁵⁴ and two royal justices,⁵⁵ were issued with a commission of oyer and terminer to investigate the inquisitions taken by Sir Robert Ashton in 1373 and the charges made by the Irish commons in June 1376.⁵⁶ It is clear from this appointment of a coalition hostile to Windsor that it was not intended that the inquiries into Windsor's administration be impartial.⁵⁷ Yet, the investigation soon ran into trouble as the victories of the previous summer ebbed away. During the autumn of 1376, Edward III's son, John of Gaunt, duke of Lancaster (†1399), reasserted royal authority. In this new atmosphere, Edmund Mortimer, earl of March and Ulster, who had opposed Edward III's clique of

⁵³ *CCR 1374–77*, 368. For Dagworth's service as a knight of Richard II's chamber, see Given-Wilson, *Royal household*, app v 283.

⁵⁴ *NHI* ix 474.

⁵⁵ *CPR 1374–7*, 416. The two others were John Keppok and Richard White.

⁵⁶ A reference to Clarke, 'Cal Inq [1373]'; and eadem, 'Accusementz [1376]'.
⁵⁷ As well as Dagworth and Ormond, one of the investigating justices, Richard White, had brought

damaging information about Ormond to Westminster, and had been rewarded for doing so by Ormond (see above 117). A petition from another anti-Windsor man, Bishop Thomas Reve of Lismore–Waterford, which has been dated to 1376, requests the reopening of the inquisitions taken by 'monsire Robert de Assheton' et monsire Robert de Preston' (*Affairs Ire* §245, qtn 233); Philomena Connolly, 'Irish material in the class of ancient petitions (SC8) in the Public Record Office, London' in *AH* 34 (1987) 41. The wording of this commission of oyer and terminer, which ordered investigation of 'all indictments lately taken there before Robert de Assheton and Robert de Preston', shows it to be the response.

courtiers, was deprived of his office of marshal of England.⁵⁸ Mortimer's steward, Peter de la Mare—famous as the speaker of the commons during the Good Parliament—was placed under arrest.⁵⁹ In January 1377, a parliament allegedly packed with Gaunt's supporters reversed many of the restrictions imposed by the Good Parliament of the previous summer.⁶⁰ Within a few days of the summoning of this parliament on 1 December 1376,⁶¹ an order was issued under the great seal of England commanding that all processes against Sir William Windsor be stayed.⁶² The command was made at the instance of Alice Perrers, who had informed the king of Sir Nicholas Dagworth's enmity to her husband.⁶³

The consequence of these contradictory orders, not to mention the king's incapacity, was confusion at court. Some arrangements for Dagworth's investigation continued to be implemented. On 17 December, Richard Dere and William Stapolyn—the two men who had presented the grievances of the Irish commons to the king in the summer of 1376⁶⁴—were preparing to go to Ireland as special attorneys to assist Ormond and Dagworth in their investigations.⁶⁵ On 20 December, Dagworth was appointed to arrest shipping for his expedition, and on 22 December he received a commission with even broader powers from the king 'to survey lands in Ireland' and investigate royal rights pertaining to them.⁶⁶ There is, however, no evidence that Dagworth came to Ireland in the first half of 1377. Given Gaunt's successful assertion of royal authority, it is likely that Edward III's order to suspend the proceedings was enforced and that the investigation into Windsor's administration did not get underway.

After the death of King Edward III on 21 June 1377, the political mood in England changed again. The king's passing, however, was not followed by a

⁵⁸ Holmes, *Good Parl*, 183.

⁵⁹ J. S. Roskell, 'Sir Peter de la Mare, speaker for the commons in 1376 and 1377' in *Nottingham Medieval Studies* ii (1958) 30–31.

⁶⁰ *Chronicon Angliae* 1328–88, ed E. M. Thompson (RS London 1874) 112. The allegations of 'packing' have been discounted by historians (e.g. Holmes, *Good Parl*, 184–5), but note new evidence adduced by Mark Ormrod to suggest that 'the assembly was carefully managed' (Mark Ormrod, 'Edward III: parliament of January 1377, introduction' in *PROME CD-R*, n 9).

⁶¹ *HBC* 564.

⁶² *CCR* 1374–5, 469.

⁶³ Geoffrey Martin (ed), 'Richard II: parliament of October 1377, text & trn' in *PROME CD-R*, items 41–2.

⁶⁴ Clarke, 'Accusementz [1376]', 184.

⁶⁵ *CPR* 1374–77, 394, 396, 416.

⁶⁶ *CPR* 1374–77, 396, 415; *CCR* 1374–7, 368 (first commission dating from August). M. V. Clarke hoped to deal with this sequel but did not (Clarke, 'Windsor', 161 n 1).

resurgence of suppressed hostility to the court *covyne*.⁶⁷ Rather, the period was characterised by a spirit of compromise. The continual councils appointed to govern the realm for the boy-king Richard II (1377–99) were deliberately balanced so that, ‘estates rather than factions might be represented’.⁶⁸ Nonetheless, there was unmistakably a shift in emphasis. None of the three councils that ruled from 1377–80 included John of Gaunt. On the other hand, Edmund Mortimer, earl of March, was a member of the first and second councils (July–October 1377; October 1377–October 1378).⁶⁹ Mortimer was both Gaunt’s former adversary and, in all likelihood, well-disposed towards James, earl of Ormond, who had facilitated the colonial aspect to the opposition of 1376.

It has been said that, ‘it is doubtful whether the Earl of March ... saw himself in any sense as a leader of an opposition or popular faction. The issues on which he had opposed the court in the previous year [1376] were dead’.⁷⁰ Yet, it seems likely that Mortimer’s ear was still attuned to the politics of the Butler ‘party’ in Ireland. Mortimer’s interest in the lordship in 1377–8 was probably heightened by a dispute between his trusted servant, a clerk named Walter Brugge (†1396), and one John Carlisle (†1393). Brugge and Carlisle each boasted long connections with Ireland, both having been in the service of Lionel, duke of Clarence.⁷¹ In 1377–8, the two clerks were in competition for a valuable Irish benefice: the chancellorship of St Patrick’s Cathedral, Dublin, with the prebend of Finglas attached.⁷² Their contest reflects the rival parties that had sprung up in Ireland during Sir William Windsor’s chief governorships. John and his brother, William Carlisle, held the important posts of chancellor and second baron of the

⁶⁷ For an analysis of the ‘court *covyne*’, see Given-Wilson, *Royal household*, 146–54.

⁶⁸ Tuck, *Ric II & Eng nobility*, qtn 37. See also, N. B. Lewis, ‘The “continual council” in the early years of Richard II, 1377–80’ in *EHR* xli (1926) 246–51; Tout, *Chapters* iii 326–9; Saul, *Ric II*, 28–31; Anthony Goodman, ‘Richard II’s councils’ in Anthony Goodman & James Gillespie (eds), *Richard II: the art of kingship* (Oxford 1999) 65–6. Chris Given-Wilson notes that from 1378 there was a movement to ‘eliminate the influence of those responsible for policy in Edward III’s declining years’ (Given-Wilson, ‘Royal charter witness lists, 1327–99’ in *Medieval Prosopography* xii (1991) 58).

⁶⁹ Lewis, ‘“Continual council”’, 248; Tuck, *Ric II & Eng nobility*, 36.

⁷⁰ Tuck, *Ric II & Eng nobility*, 36.

⁷¹ For Carlisle’s first arrival in Ireland in 1361, see *CPR* 1361–4, 225. He was dead by 15 April 1393, and his brother William was one of his executors (*PKCI* 226–7 §192). For a study of the career of Walter Brugge, see Rees Davies, ‘The life, travels, and library of an early reader of *Piers Plowman*’ in Andrew Galloway (ed), *The yearbook of Langland studies* xiii (1999) 49–64; R. R. Davies, *The revolt of Owain Glynn Dŵr* (Oxford 1995) 42–3.

⁷² *Affairs Ire* §§249, 253 (i–v); *CPR* 1377–81, 60, 75 (John Keppok here should read John Karlell [Carlisle])

Irish exchequer respectively under Windsor⁷³ and were members of the Irish council.⁷⁴ As such they were enemies of the party opposed to Windsor that crystallised around the earl of Ormond. William Carlisle was charged with various offences and extortions by the Irish commons,⁷⁵ among them accepting a bribe from the Geraldine, Sir Maurice fitz Richard,⁷⁶ a man whose connections with Youghal and Inchiquin may have earned him Ormond's hostility.⁷⁷ This was a minor affront to the earl's dignity compared to some of Carlisle's other deeds. He had been a zealous investigator of Butler private affairs, including the prisage of wines in Ireland;⁷⁸ more dramatically he was said to have plotted the death of Alexander Balscot, whose election as bishop of Ossory he reputedly attempted to confound.⁷⁹ After the Good Parliament, Balscot was appointed treasurer of Ireland.⁸⁰ Unsurprisingly, the new head of the Irish exchequer found that he did not require the services of his putative murderer, and both William Carlisle and his brother John lost their jobs in the administrative reshuffle of July 1376.⁸¹ Yet the Carlisle brothers went on to have lucrative, though turbulent, careers in the king's service,⁸² where they continued to clash with long-time enemies.⁸³ Balscot's

⁷³ *IExp* 539.

⁷⁴ Being 'de consilio regis', the Carlisle brothers received writs of summons to the Hilary parliament of 1375 (Lynch, *Legal institutions*, 324; *Ir parl* app v 304).

⁷⁵ Clarke, 'Accusementz [1376]', 204–6 §§79–87.

⁷⁶ Clarke, 'Accusementz [1376]', 205 §84.

⁷⁷ See above 131 n 21.

⁷⁸ *IExp* 534.

⁷⁹ Clarke, 'Accusementz [1376]', 204 §82; *ibid.* 206 §87.

⁸⁰ *CPR* 1374–7, 303.

⁸¹ *CPR* 1374–7, 335.

⁸² William Carlisle became a king's clerk and was granted the archdeaconry of Meath (*CPR* 1381–5, 301). He served as attorney to Queen Anne in Ireland where he was commissioned to levy the 'queen's gold' (*CCR* 1381–5, 313; *NAI* Ferguson Coll ii 46; *NLI* (Harris) Ms 4 f 12). John Carlisle was a pluralist on a grand scale. In 1389, he was stated to have possession of the chancellorship of St Patrick's Cathedral, Dublin, with the prebend of Finglas connected thereto; prebends in the dioceses of Limerick and Ferns; and the farm of the deanery of Dublin (*RCH* 142 §247). He had also recently been presented to the chapel of 'Culfachtur' (*CPR* 1389–92, 2). 'Culfachtur' (Ir: *Cuil eachtrann*; 'Kilfeutre' in the papal taxation of 1306) is now the parish of Culfeightrin, diocese of Connor. See William Reeves (ed), *Ecclesiastical antiquities of Down, Connor and Dromore consisting of a taxation of those dioceses compiled in the year MCCCVI* (Dublin 1847; facsimile repr 1992) 79, 282–4. In addition, John Carlisle held the wardship of Roland fitz Maurice, baron of Burnchurch, county Kilkenny (*RCH* 142 §247; Geo. Dames Burtchaell, 'The Geraldines of county Kilkenny: pt 1—Barons of Burnchurch' in *JRSAI* xii (1892) pt 4 365). Walter Brugge's career was similarly 'punctuated by the award of largely non-residentiary ecclesiastical pickings—prebends at York, St Patrick's Dublin, St David's in Wales, archdeacon successively of Kells and Meath in Ireland, and parson of St Patrick's, Trim' (Davies, 'Life, travels, & library', 61).

⁸³ For another dispute over a Meath benefice involving William Carlisle, see *Affairs Ire* §§268–72.

hostility to William's brother, John Carlisle, is clear from a later judgement, made when he was justiciar of Ireland,⁸⁴ in which John was condemned in the sum of seven hundred marks for his account as dean of the diocese of Dublin.⁸⁵ If the Carlises represented a party closely associated with Windsor and the royal household, Brugge spent a life dedicated to the earls of March. After the death of Earl Edmund in 1381, Brugge was given a series of important posts in the Mortimer estates in Ireland,⁸⁶ and as late as 1393, he and Alexander Balscot were acting as guardians of the young Earl Roger of March (†1398) in Ireland.⁸⁷

The earls of March and Ormond, therefore, had a mutual enemy in 1377–8. This may suggest that Mortimer—the man on the first two continual councils whose opinions must have dominated any discussion of Ireland—was sympathetic to entreaties to have the inquiries into Windsor's administration reopened. A first mark of confidence was Ormond's reappointment as justiciar on 21 July 1377, less than a week after the continual council was formed on the morrow of Richard II's coronation.⁸⁸ The following month, the government turned its attention to the highest positions within the Irish administration: the chancellorship and treasurership. On 20 August, the council decided to replace Alexander Balscot as treasurer with the abbot of St Thomas the Martyr, Dublin. Balscot was not dismissed, but was rather shifted sideways into the Irish chancery.⁸⁹ Within a month, the idea had been shelved. Instead, on 26 September 1377, Robert Wikeford, archbishop of Dublin, was granted the chancellorship of Ireland⁹⁰ and Balscot was left ensconced in the treasury.⁹¹ Amid this vacillation a constant thread of policy can be detected: a determination to remove the chancellor, William Tany, prior of St John of Jerusalem. Tany was one of the last veterans of Windsor's administration still holding office in Ireland.⁹² An attempt had been made to discharge him during the general rout of Windsor's ministers in July

⁸⁴ *NHI* ix 475 (Jcr 1387–9).

⁸⁵ *Parls & councils* §71; *CCR* 1385–9, 626; *CCR* 1389–92, 57.

⁸⁶ *RCH* 118 §§98–101; *ibid.* 115 §220; *ibid.* 113 §137; *ibid.* 112 §86; *CPR* 1381–5, 222.

⁸⁷ *CPR* 1391–6, 304. The other guardians were Robert Euere and Earl Roger's uncle, Sir Thomas Mortimer.

⁸⁸ *CPR* 1377–81, 14; *Fœdera* [RC] iv 11. For the coronation of 16 July, see Saul, *Ric II*, 24–7. The continual council responsible for Ormond's appointment was elected at a great council held the day after the coronation (Tout, *Chapters* iii 326, 327 n 1).

⁸⁹ *CPR* 1377–81, 18; *Fœdera* [RC] iv 18; *CFR* 1377–83, 8. Both appointments were ineffective.

⁹⁰ *CPR* 1377–81, 27.

⁹¹ *CFR* 1377–83, 11.

⁹² He had been chancellor since 1372 (*Admin Ire* 97). For complaints against him, see Clarke, 'Accusementz [1376]', 199–200 §§59–65.

1376, but it had miscarried when the archbishop of Dublin, Robert Wikeford, failed to take office.⁹³ Behind these machinations of August–September 1377 was probably the treasurer, Alexander Balscot himself, who seems to have arrived in England around this time. In order to be rid of Tany, Balscot was willing to be transferred to the Irish chancery. By mid-September 1377, this was no longer necessary, as Wikeford had been prevailed upon to accept the office.⁹⁴

Balscot's appearance at court also heralded a thorough examination of the Irish administration that took place in the weeks following his renewed appointment as treasurer. Between 5 and 9 October 1377, important positions in the Irish chancery, judiciary, escheatorship and exchequer were all reviewed.⁹⁵ It was, therefore, probably also Balscot who broached the topic of reopening proceedings against Sir William Windsor. If so, he found the political climate pleasingly clement. On 1 October 1377, a general commission was issued to hear and determine, 'all indictments lately before Robert de Assheton and Robert de Preston by command of the late king, and of all accusations exhibited by the king's lieges in Ireland before the late king's council'⁹⁶—a reference to the inquiries into Windsor's administration of 1373⁹⁷—as well as the grievances brought to England in 1376.⁹⁸ The new panel of judges was as overtly anti-Windsor as the team of investigators appointed the previous autumn.⁹⁹ As well as the blatantly partisan earl of Ormond and Sir Nicholas Dagworth, it included

⁹³ Wikeford had been appointed chancellor the previous year, on 18 July 1376, but the appointment was ineffective (*CPR* 1374–7, 300; *Fœdera* [RC] iii pt ii 1057; *Fœdera* [RC] iv 20). For lists of chancellors of Ireland from 1377, see A. J. Otway-Ruthven, 'The mediæval Irish chancery' in *Album Helen Maud Cam* (2 vols, Paris 1961) ii 131–5; *NHI* ix 500–08.

⁹⁴ His arrival must be inferred. Unfortunately, no letters of protection, nominations of attorneys, or other evidence survives. Balscot, however, was intending to leave for England in April 1377, when he was delayed by the dispute between the earl of Desmond and the Burghs (*RCH* 102 §75; *ibid.* 103 §91). He was certainly in England during 1377, when he presented a petition to the king's court concerning the sheriff of Cork (*Affairs of Ire* §252), and the administrative appointments of August–October 1377 seem to bear his imprint. The new policy had been finalised at least one week before the actual appointments were made, because Wikeford was already being referred to as chancellor on 17 September, when he was ordered to receive the great seal from William Tany, prior of the hospital of St John of Jerusalem (*CCR* 1377–81, 21). On the same day Wikeford was ordered to have the name Richard engraved on the great Irish seal in place of Edward (*Fœdera* [RC] iv 19).

⁹⁵ *CPR* 1377–81, 27, 31.

⁹⁶ *CPR* 1377–81, 52. The wording shows it to be a restatement of the original commission of 1376 (*CPR* 1374–7, 416).

⁹⁷ Clarke, 'Cal Inq [1373]', 220–32.

⁹⁸ Clarke, 'Accusementz [1376]', 182–206.

⁹⁹ *CPR* 1377–71, 52. The two others were John Cusak and John Napton. Being from Edmund Mortimer's lordship of Meath, it may be suspected that they were also of the party hostile to Windsor.

Stephen Bray, who had replaced Windsor's despised official, Robert Holywood, as chief baron of the Irish exchequer,¹⁰⁰ and had acted as an attorney for the earl of March in Ireland.¹⁰¹ Soon after this, on 12 November 1377, the king's two special attorneys, Richard Dere and William Stapolyn, also had their appointments renewed and were ordered to prosecute the business of Ormond and the other judges.¹⁰² The new mood in England was made clear by the announcement made on 19 November 1377, one week after the appointment of Dere and Stapolyn, that petitions against Windsor's wife, Dame Alice Perrers, were welcome.¹⁰³ On 22 December 1377, Perrers was brought before parliament and the record of the trial gives a detailed account of her successful attempt the previous autumn to have the investigation by Dagworth into her husband's affairs dropped.¹⁰⁴ Events in England, therefore, were having a profound effect upon the course of politics in Ireland.

The Dagworth investigation was pursued vigorously and it very rapidly provoked a violent response. On 30 October 1377, Dagworth was paid £182 10s for his wages in going to Ireland, 'to inquire concerning the estate and government of the same land',¹⁰⁵ and he was making final preparations for his journey on 18 November.¹⁰⁶ He had probably reached the colony by the start of 1378, when a great council met at Castledermot c 14 January 1378.¹⁰⁷ On 22 January, due to the parlous state of the government's finances, writs of summons were issued for a parliament to convene at Castledermot on 8 March.¹⁰⁸ In February 1378, before this parliament convened, Dagworth took two inquisitions at Dublin. The accusations made by the jurors were highly scandalous. They alleged that Bishop Stephen Valle of Meath and Robert Holywood had conspired with Sir William Windsor to receive the land of Ireland from the king for life without paying

¹⁰⁰ His appointment as CBEx was made on 12 August 1376, and was part of the general rout of Windsor's administration (*CPR 1374–7*, 335). It had recently been confirmed on 6 October 1377 (*CPR 1377–81*, 27). For the hostility to Robert Holywood, see Clarke, 'Accusementz [1376]', 201–3, §§68–78; Clarke, 'Answers [1376]', 207–15.

¹⁰¹ *CPR 1374–7*, 432.

¹⁰² *CPR 1377–81*, 87.

¹⁰³ *CCR 1377–81*, 112.

¹⁰⁴ Geoffrey Martin (ed), 'Richard II: parliament of October 1377, text & trn' in *PROME CD-R*, item 41.

¹⁰⁵ Devon, *Issues*, 205 (Issue Roll, Michaelmas, 1 Ric II).

¹⁰⁶ *CCR 1377–81*, 26.

¹⁰⁷ *Ir parl* 343. The date of 14 January is given by *Parls & councils* §51; the council was evidently still in session on 20 January 1378, when the paltry size of Ormond's retinue was discussed (*Affairs Ire* §255).

¹⁰⁸ Two days later on 22 January, writs of summons were issued for a parliament at Castledermot on 8 March 1378 (*RCH 104* §§71–81; Lynch, *Legal institutions*, 325–8).

anything for it. They added that Prior William Tany of the hospital of St John of Jerusalem in Ireland and John Colton, dean of St Patrick's in Dublin, had been sent by Windsor to England to conduct the negotiations for this transfer.¹⁰⁹ The reason why these particular individuals were targeted is not particularly perplexing. They formed a party that was intimately associated with Windsor's administration and each of them had been attacked in previous investigations. Bishop Stephen Valle had served as Windsor's treasurer;¹¹⁰ Prior William Tany (only recently discharged from office) was his chancellor;¹¹¹ Sir Robert Holywood was chief baron of the exchequer during Windsor's administration and once before, in 1376, had come before the king to confute the invective of his critics;¹¹² while Master John Colton had briefly served as treasurer of Ireland and was maligned for his trouble.¹¹³

As the heat of the inquiries grew, so too did the opposition to Dagworth, who was forced to attempt to plug the flow of grievances back to Westminster. Besides the usual writs of summons to the Castledermot parliament, a number of people were enjoined not to attempt to leave the lordship, among them Bishop Stephen Valle of Meath and the earl of Kildare. A similar directive was issued, on 6 February, to one Nicholas Moenes, a royal official, who was explicitly ordered not to leave Ireland pending the investigations of Sir Nicholas Dagworth.¹¹⁴ On 14 March, a few days after the Castledermot parliament met, the bishop of Meath was again ordered not to leave Ireland. Similar mandates were directed to William Tany, Robert Holywood and William Carlisle, a former baron of the exchequer in Windsor's administration.¹¹⁵ Despite these orders, Robert Holywood had reached England by 3 June, where the following day he was granted an audience with the council.¹¹⁶ Holywood was not alone in traversing the Irish Sea: by August 1378 at

¹⁰⁹ TNA E 368/157, Recorda, Hilary, m 23; the text of the inquisition is repeated in TNA E 368/157, Recorda, Hilary, m 24.

¹¹⁰ Clarke, 'Accusementz [1376]', 194–99 §§37–58 (subtitled, 'Evesque de Mithe').

¹¹¹ Clarke, 'Accusementz [1376]', 199–200 §§59–65 (subtitled, 'Chauncellor').

¹¹² Clarke, 'Accusementz [1376]', 201–3 §§68–78 (subtitled, 'Holiwode'); Clarke, 'Answers [1376]', 207–15.

¹¹³ Clarke, 'Accusementz [1376]', 200 §§66–7 (subtitled, 'Tresorer').

¹¹⁴ *RCH* 104 §§67–8 (orders to bishop of Meath and earl of Kildare dated 22 January 1378); *RCH* 104 §69 (order to Nicholas Moenes dated 6 February 1378). Only the third order specifically mentions the investigations of Sir Nicholas Dagworth, but the fact that they were placed together on the chancery roll may indicate a common purpose.

¹¹⁵ *RCH* 105 §§88–9. For the earlier complaints about William Carlisle and his association with Windsor see Clarke, 'Accusementz [1376]', 204–06 §§79–87 (subtitled, 'Carlille').

¹¹⁶ *CPR* 1377–81, 225; *Affairs Ire* §263.

the latest, the earl of Kildare,¹¹⁷ Dean John Colton, William fitz William, John Cruys and Richard Netterville had all reached court.¹¹⁸

The purpose of this panel of men seems to have been to protest vigorously about the activities of Dagworth and Ormond. In their appeal to the king, it was stated that indictments and impeachments arising from Dagworth's inquiries put them in danger of forfeiting their lands to the king.¹¹⁹ In this company, the earl of Kildare, who seems to have retained the confidence of the court throughout this episode,¹²⁰ is something of an odd man out. He is not listed with the other complainants as having suffered any ill-effects from the Dagworth inquiry,¹²¹ and his dealings with Windsor's administration had in any case been few.¹²² He had, however, acted as guardian of Ireland, 'with the assent of Sir William [Windsor]',¹²³ at the latter's departure in 1376, and since then had had trouble collecting arrears of his fee. His petition to the king on this matter survives and, on 12 August, Bishop Alexander Balcot of Ossory was ordered to account with him.¹²⁴ As well as this, there are other indications that Kildare was associated with the opposition to Ormond and Dagworth. It may have been because he left Ireland in defiance of explicit orders that the issues of Kildare's lands were taken into the king's hands around this time.¹²⁵ Moreover, John Cruys, one of the complainants, had travelled to England in the company of the earl of Kildare.¹²⁶ In the case of William fitz William, a connection to the Windsor era is easier to pin-point. He had served as constable of Wicklow castle¹²⁷ and sheriff of Dublin under Windsor,¹²⁸ and he was also one of those whose election as a representative of county Dublin had been contested in November–February 1375–6.¹²⁹ The election

¹¹⁷ *Affairs Ire* §256; *CPR 1377–81*, 267; *CCR 1377–81*, 149–50, 228.

¹¹⁸ *Affairs Ire* §263. It seems likely that Colton was in England by 10 June 1378, when he was given a licence to export eight hundred quarters of wheat. His mainpernors included Richard Netterville of Dublin (one of his fellow complainants) and Thomas Nugent of Meath (*CPR 1377–81*, 237).

¹¹⁹ *Affairs of Ire* §263.

¹²⁰ See, for instance, *Parls & councils* §60

¹²¹ *Affairs Ire* §263.

¹²² Sheelagh Harbison, *William of Windsor and Ireland* (MLitt), 101–2.

¹²³ *Affairs Ire* §267.

¹²⁴ *Affairs Ire* §267; *CCR 1377–81*, 149–50.

¹²⁵ *IExp* 541.

¹²⁶ *RCH* 106 §25.

¹²⁷ *IExp* 530–31, 533–4

¹²⁸ *IExp* 531, where he is seen cooperating with Sir Robert Holywood, chief baron of the exchequer.

¹²⁹ For the proceedings, see Clarke, 'Summons [1375–6]', pt B, 237–41; the Ms sources and other editions are listed in below app 1 373 §5. For a discussion, see Lydon, 'Windsor', 266.

was held in response to the extraordinary demand of Edward III that representatives from Ireland should come before him in England to consult upon the business of Ireland and to grant a subsidy.¹³⁰ The community of county Dublin was divided in its response to that request. William fitz William may have represented a party that was amenable to Windsor and the king's demands: among his electors was Robert Holywood.¹³¹ Moreover, fitz William's rival for election, Richard White, travelled to Westminster in 1376 to present information damaging to Windsor. He was rewarded by Ormond for his trouble¹³² and later, in November 1376, he was commissioned to investigate Windsor's misdeeds.¹³³

As well as appealing to court, an attempt was made to quash Dagworth's investigation at the grass roots by a campaign of intimidation and coercion. The strategy is clearest in Dublin where informants ran the risk of being arrested and indicted of serious crimes. As a result, severe disturbances broke out in the capital. If the county of Dublin had been divided in the election of 1375–6, by the first half of 1378 Dublin city was riven by faction. A significant section of the population had facilitated Dagworth by providing him with damaging information against Windsor.¹³⁴ Their eagerness to help cost them dearly. A large number of Dubliners found themselves in custody and indicted 'for felonies and treasons whereof they are not guilty'.¹³⁵ Among those arrested were some of Dublin's most important citizens, for instance three former mayors, Edmund Berle, John Passavaunt and Robert Stakpolle.¹³⁶ Also in custody were Richard White (the disputed representative of county Dublin who had brought evidence to England in 1376) and William Stapolyn (one of the king's special attorneys).¹³⁷ Worse still was to come as, in angry response to the inquiries, blood was spilled. Richard Dere, the second of the king's special attorneys charged with aiding the Dagworth investigation, was killed in Dublin during 1378.¹³⁸

The murder of one of the king's attorneys, and the illicit detention of a second, represent dramatic defiance of royal authority in the colonial capital. The

¹³⁰ Clarke, 'Summons [1375–6]', 232–3.

¹³¹ Clarke, 'Summons [1375–6]', 239. On the other hand, Richard Netterville and John Cruys, both of whom turn up in England in 1378, were electors of Richard White (Clarke, 'Summons [1375–6]', 240).

¹³² *CPR 1374–7*, 303.

¹³³ *CPR 1374–7*, 416.

¹³⁴ TNA E 368/157, *Recorda*, Hilary, m 23.

¹³⁵ *CCR 1377–81*, 172–3.

¹³⁶ *NHI* ix 550.

¹³⁷ *CCR 1377–81*, 172.

¹³⁸ *Affairs Ire* §257.

arrest of so many of Dublin's citizens, however, required the connivance of someone within the administration who was willing and able to bring judicial pressure to bear upon those who had aided Dagworth. The obvious candidate is the archbishop of Dublin, Master Robert Wikeford, recently appointed chancellor of Ireland in September 1377.¹³⁹ As chancellor he exercised considerable judicial competence.¹⁴⁰ Moreover, Wikeford had reason to oppose Dagworth's investigation, which had caused him to forfeit his profitable manor of Swords in north county Dublin.¹⁴¹ His petition to the king for its restoration may have been conveyed by John Colton, dean of Dublin, during the latter's mission to England of 1378.¹⁴² Rigging charges against Dublin's citizens was not the only accusation levelled at Wikeford. He was also accused of releasing Nicholas Moenes from prison, thereby provoking rebellion in Dublin. Moenes had acted as a justice for gaol delivery in 1375–6.¹⁴³ Seemingly he had made himself unpopular. In February 1378, he came to the attention of the Dagworth inquiry and was ordered not to leave Ireland. He must have been arrested shortly after this, but Wikeford, in his capacity as chancellor, saw to his delivery from prison, an act that infuriated many of the citizens of Dublin. Their opposition to Wikeford, and the help that they provided to Dagworth, accounts for the chancellor's arrest of so many of them and the indictments he laid at their doors.¹⁴⁴

Formidable obstacles, therefore, confronted Dagworth and Ormond in 1378. The murder of Richard Dere and the arrest of William Stapolyn; the legal manoeuvres of the chancellor of Ireland to impede Dagworth's investigations; and the presence, in defiance of explicit orders, of an embassy complaining against Dagworth: all this seems to point to the impotence of Ormond's government. Certainly, they are the signs of a concerted effort to scupper Dagworth's investigation and to discredit Ormond and have him dismissed from the chief

¹³⁹ *CPR 1377–81*, 27. He had previously been appointed chancellor on 18 July 1376 but the appointment did not take effect and William Tany had continued in office (*CPR 1374–7*, 300). For a biographical sketch, see D. B. Johnston in *Oxford DNB* lviii 864–5, which expands considerably upon the older biography by W. E. Rhodes in *DNB* xxi 200.

¹⁴⁰ Otway-Ruthven, 'Mediæval Irish chancery', 130.

¹⁴¹ *Affairs Ire* §264 (i).

¹⁴² On Colton, see John Watt, 'John Colton, justiciar of Ireland (1382) and archbishop of Armagh (1383–1404)' in Lydon, *Eng & Ire*, 196–213. Dagworth took an inquisition on the forfeiture of Swords on 17 September 1378. See TNA SC 8/212/10579; pr *Affairs Ireland* §264 (ii). There is an abstract of the case in NLI (Lodge) Ms 20 f 12^v.

¹⁴³ *IExp* 537. Moenes received a reward of 66s 8d on 22 January 1375 (TNA E 101/245/7, m 4). He is listed as JJB in 1374 (F. Elrington Ball, *The judges in Ireland, 1221–1921* (2 vols, New York 1927) i 39).

¹⁴⁴ *Affairs Ire* §257.

governorship. Given the determination and influence of his opponents, what is remarkable is that not only did Ormond remain unscathed but, if anything, his position was strengthened during 1378. The government at Westminster clearly saw little amiss in his activities. On 20 August 1378, amid a storm of complaints, Ormond was reappointed as justiciar for a further year.¹⁴⁵ By December, the opposition to Dagworth and Ormond had been completely vanquished. Their enemies swore under pain of five hundred pounds to answer the indictments of Dagworth;¹⁴⁶ it was ordered that others who had been indicted in Ireland by Dagworth should not to be released until the arrival of justices from England;¹⁴⁷ the forty-four unfortunate Dubliners who had aided Dagworth's investigation and who had been falsely indicted were ordered to be set free;¹⁴⁸ and Robert Wikeford, the controversial archbishop of Dublin, was dismissed from the chancellorship,¹⁴⁹ the great seal being entrusted to Robert Sutton,¹⁵⁰ a clerk who was clearly in royal favour as he was soon to be presented by the crown to St Patrick's church of Trim.¹⁵¹

III

The exercise of power

SO convincing was Ormond's ability to withstand the abrasive assault of 1378, that the episode provides an invaluable opportunity to assess the nature and extent of his influence. By examining the political struts and braces that sustained the Butler edifice and the sophisticated diplomatic armaments that were mobilised to counter any attack, we can hope to understand better the exercise of power in the lordship of Ireland. In doing so, it also becomes clear that the Dagworth investigations into Sir William Windsor's administration were only one component of a much larger policy on Ormond's part of promoting his private concerns. Among those whose interests were threatened by that policy were the Geraldines of Desmond.

¹⁴⁵ *CPR 1377–81*, 269.

¹⁴⁶ *Ibid.* 224. The men who entered the mainprise were Master John Colton, Robert Holywood, William fitz William, Richard Netterville and William Bedlewe. With the exception of the last named, these are the persons who petitioned against Dagworth to the king (*Affairs Ire* §257).

¹⁴⁷ *CCR 1377–81*, 171–2.

¹⁴⁸ *CCR 1377–81*, 172–3.

¹⁴⁹ *CCR 1377–81*, 168; *Fœdera* [R] iv 53.

¹⁵⁰ *CCR 1377–81*, 168; *Fœdera* [R] iv 53

¹⁵¹ *CPR 1377–81*, 525 (28 June 1380); *RCH* 117 §§71–2. See Michael Potterton, *Medieval Trim: history and archaeology* (Dublin 2005) 273; *ibid.* app xii, 'List of rectors of St Patrick's Church, Trim (c.1283–c.1600)', 393.

Underpinning all of Ormond's success was the fact that he held the trust of the English court. Ormond's rank and wealth within the lordship of Ireland in part account for that confidence, but more immediately it sprang from connections forged in England, notably, in the 1370s, with the Mortimer family. The outward sign of this was that, since 1376, Ormond had been entrusted with the chief governorship of the land of Ireland. Historians have often pointed out that Irish nobles in this period—seemingly, in sharp contrast to the fifteenth century—were anxious to avoid high office.¹⁵² Certainly, the chief governorship was onerous.¹⁵³ The native Irish, in particular the Uí Bhriain of Munster¹⁵⁴ and the Mic Mhurchadha of Leinster,¹⁵⁵ presented a continual threat to the colony, and as chief governor, Ormond was responsible for organizing campaigns and negotiating truces with them. Moreover, the earl found it extremely hard to extract sums he was owed by the English exchequer and he ended up lending the king money.¹⁵⁶ Yet, for all this, we should be careful not to exaggerate the ill-effects of office. In counting the royal exchequer as a debtor, Ormond found himself in good company. Edmund Mortimer, earl of March, likewise lent the king large sums and, as guarantee for the loan, was placed in possession of some of the king's jewels and plate.¹⁵⁷ Moreover, in 1379 the government in England attempted to make good with Ormond by assigning him 1000 marks, 500 to be paid from Irish sources, and the remainder from English.¹⁵⁸ Ormond's more dramatic pleas that continuation in office would lead to the nullification of his poor estate, therefore, need to be treated gingerly. It is clear that he was able to turn the chief governorship to his own advantage and to the detriment of opponents. Indeed, the extremes to which Ormond's enemies were driven to undermine his judicial inquiries are indicative of the threat that he posed as chief governor. Proof of Ormond's mastery is the ease with which he out-manoeuvred his critics when they went over his head and appealed to the king's council at Westminster.

¹⁵² Otway-Ruthven, *Med Ire*, 313, 315; Lydon, *Lordship*, 164–5, 167; Tuck, 'Anglo-Irish relations', 19; Watt, 'The Anglo-Irish colony under strain, 1327–99' in *NHI* ii 364–5.

¹⁵³ In 1379, James, second earl of Ormond, who had held office since 1376, travelled to court to demand his own dismissal and he later showed some reluctance in accepting the burden again: *CPR 1377–81*, 385; *Parls & councils* §66 (at 117–8). His son, the third earl of Ormond (†1405), likewise expressed some dismay at being appointed justiciar in 1392 (*PKCI* xvi–xvii n 1).

¹⁵⁴ *Parls & councils* §57; TNA E 101/246/5/38.

¹⁵⁵ TNA E 101/246/5/3–8.

¹⁵⁶ *COD* ii §§237–8.

¹⁵⁷ *CPR 1377–81*, 390; *Affairs of Ire* §265. The financial problems of Ormond and Mortimer are discussed in Tuck, 'Anglo-Irish relations', 18–9.

¹⁵⁸ *CPR 1377–81*, 382; *CCR 1377–81*, 264–5; *COD* ii §237.

One great appeal of high office must have been the fact that Ormond was able to bolster his local influence and provide ‘good lordship’ through the distribution of rewards.¹⁵⁹ A flurry of writs, coinciding with the arrival of Sir Nicholas Dagworth at the great council and parliament of January and March 1378, provides a glimpse into the patronage system that lay at the justiciar’s disposal. Ormond’s general intention seems to have been to reward supporters, particularly those who had been hostile to Windsor. A number of key members of the administration, including Ormond himself, were issued with letters granting increments in pay and arrears of fees.¹⁶⁰ One of the recipients was Bishop Alexander Balscot of Ossory, who had received his commission as treasurer shortly after Windsor’s administration collapsed in 1376. In January 1378, he was granted double the usual treasurer’s fee of forty pounds per annum, and in March he was granted his arrears of his fee.¹⁶¹ The remuneration of other officials working in the king’s exchequer—which was still based at Carlow since being moved there by Lionel of Antwerp—was also increased around the same time.¹⁶² As innocuous as these pay hikes may seem, they were somewhat ironic. One of the complaints lodged against Balscot’s predecessor as treasurer, Bishop Stephen Valle of Meath, was that he and other royal officers had taken twice the normal fees ‘to the great damage’ of the king.¹⁶³ After the parliament at Castledermot in March, a number of close associates of Ormond’s received rewards, among them members of the Freigne family of Kilkenny, whose service in the Butler household went back many decades. On 24 March, Ormond responded favourably to the petition of Sir Robert Freigne and granted him ten pounds,¹⁶⁴ and later both Robert and Patrick Freigne were rewarded for service against the Uí Bhriain and Mic Mhurchadha.¹⁶⁵ A former royal justice, John Lumbard, later described as a ‘servant of the earl of Ormond’, was granted one hundred shillings.¹⁶⁶ Another man within Ormond’s circle was the controversial Sir Nicholas Dagworth. On 23 May 1378, Ormond ordered the treasurer to deliver wages to Dagworth towards two archers

¹⁵⁹ It was no doubt partly for this reason that Ormond had his power to pardon amplified in early 1378 (*RCH* 103 §21; cf. *COD* ii §215).

¹⁶⁰ *RCH* 103 §11 (20 March 1378: arrears of fee as constable of Dublin castle); *ibid.* 104 §62; *ibid.* 106 §§117–8 (28 January & 29 May 1378: arrears of fee as justiciar of Ireland).

¹⁶¹ *RCH* 103 §§19, 11, 32.

¹⁶² *Ibid.* 105 §§105, 96; *Parls & Councils* §51.

¹⁶³ Clarke, ‘Accusementz [1376]’, 196 §47.

¹⁶⁴ *RCH* 103 §27.

¹⁶⁵ *Ibid.* 104 §§44, 61.

¹⁶⁶ *Ibid.* 103 §27. He is named as the third earl of Ormond’s servant in 1388 (*RCH* 141 §195).

the latter had retained to accompany him during his investigation in Ireland.¹⁶⁷ Dagworth also acted as a patronage broker for one John Asshewell, controller of customs in Drogheda, when he advised Ormond to grant Asshewell two vacant plots of land in the town of Drogheda.¹⁶⁸ Asshewell had previously been a member of a jury that provided information against Windsor during inquisitions taken in Drogheda in June 1373.¹⁶⁹ Once again, therefore, the administration was rewarding those who had been hostile to Windsor.

Ormond's use of office to build up supporters helps to fill out the context in which appeals against him were made at Westminster in the summer 1378. Yet, telling tales at court was a game that two could play. What gave Ormond a competitive edge was his ability to harness domestic support and thereby persuade the umpire to look on him favourably. By purporting to have the support of the political community of the lordship, Ormond could hope to rebut his detractors. A petition presented in England around this time, although it may post-date the crisis of 1378, shows how this might be done. The 'seignurs et comuns d'Irlande' wrote to the king seeking ratification of an ordinance of 1357 that sought to protect royal officials, especially the justiciar, chancellor and treasurer from legal actions springing from imputations made at court.¹⁷⁰ Under the provisions of the 1357 ordinance, all such charges were to be sent back to the Irish chancery to be investigated, and if it were found that they were unsound, those who had made the accusations were to 'suffer due punishment, that such punishment may afford a warning to others to abstain from such things.'¹⁷¹ It was a measure that obviously favoured the sitting administration rather than the complainant. Answer to the petition was only made in 1380, after Edmund Mortimer, earl of March, had been appointed lieutenant of Ireland.¹⁷² Nonetheless, the repeated references to a justiciar rather than lieutenant suggest that the concern to counter 'false suggestions' may have dated back to the previous justiciarship of the earl of Ormond. If so it shows that, just as in Sir William Windsor's lieutenancy, Ormond

¹⁶⁷ TNA E 101/246/6/21; =*RCH* 103 §13. Dagworth's receipt of 26 May 1378 shows that he received fifty-one shillings from Bishop Alexander Balcot of Ossory, treasurer of Ireland, towards the wages of these archers from 1 April to 22 May 1378 (TNA E 101/246/6/11).

¹⁶⁸ The grants were made by Ormond at Castledermot on 26 March 1378, but are only recorded in an *inspeximus* dated at Westminster on 28 October 1381 (*CPR* 1381–5, 49).

¹⁶⁹ Clarke, 'Inquisitions [1373]', 227.

¹⁷⁰ *Affairs Ire* §267.

¹⁷¹ The statute in question was 31 Edward III [Ire], c 12 (*Statutes John–Hen V*, 413–4, qtn 414).

¹⁷² See, for instance, the answer issued on 26 April 1380 (*CPR* 1377–81, 255).

was able to marshal the lords and commons sitting in the Irish parliament so as to protect his power.

Even if this petition was a later development, a similar policy was at work in 1378, when Ormond made efforts to ensure that his voice was heard above the cacophony of complaint at Westminster. Preparations for an embassy to court had been underway for some time. At the Castledermot parliament of March 1378—while attempting to prevent Windsor's associates from leaving Ireland—the treasurer, Alexander Balscot, was elected to travel to England.¹⁷³ Balscot was charged with expounding to the council on the grave state of the wars in Ireland and the shortage of money;¹⁷⁴ but he no doubt also served as a counter-poise to the denunciations of Sir Robert Holywood, Master John Colton and the other complainants. It is likely that it was Balscot who presented the petition detailing the malfeasance of the Irish chancellor, Archbishop Robert Wikeford,¹⁷⁵ and provided the English chancery with the long catalogue of Dubliners who had been imprisoned.¹⁷⁶ Petition and counter-petition were heard by the court in August.¹⁷⁷ Balscot seems to have been the more persuasive. On 18 August, the council—outraged by the disturbances—wrote, in the name of Richard II, that the king had:

heard of the divisions amongst them [the colonists], and the absence of mutual good will and of any effort to provide in common for the safety of the state against the common enemy, whereat he marvels, and commands them straitly upon their allegiance to desist from mutual strife, in view of the present perils.¹⁷⁸

The king also promised that in the forthcoming English parliament, due to assemble at Michaelmas,¹⁷⁹ the Irish matter would be addressed and an ordinance would be provided to remedy the current situation. Meanwhile, a writ of aid was to be sent to Sir Nicholas Dagworth and the mayor of Dublin, in case Ormond was

¹⁷³ He was later given a generous grant of one hundred pounds as a reward 'by the unanimous consent of the council in Ireland' (*Parls & councils* §52).

¹⁷⁴ *Affairs Ire* §255.

¹⁷⁵ *Affairs Ire* §257.

¹⁷⁶ Such a list must have been provided for the English chancery, because it was transcribed into the writs commanding their delivery issued on 15 December 1378 (*CCR 1377–81*, 172–3, 225).

¹⁷⁷ Colton and the other complainants against Dagworth sought hasty remedy because of the danger of their crops perishing during the August harvest time (F: *cest temps daugst si que lours blez ne soient periez*): *Affairs Ire* §263. It was also on 12 August that the earl of Kildare's petition for his arrears was answered: *CCR 1377–81*, 149–50 (in answer to *Affairs Ire* §256).

¹⁷⁸ *CPR 1377–81*, 271; *Fœdera* [RC] iv 48.

¹⁷⁹ The parliament was summoned on 3 September and convened at Gloucester on 20 October 1378 (*HBC* 564; Chris Given-Wilson, 'Richard II: parliament of October 1378, introduction' in *PROME CD-R*).

away from the capital fighting in Munster.¹⁸⁰ The government's confidence in Ormond was demonstrated when, two days after this statement, he was appointed as justiciar for a further year with an injection of cash to pay for an enlarged retinue.¹⁸¹ Having completed his mission, Alexander Balscot almost immediately began to prepare to return to Ireland.¹⁸² The orders sent to the lordship in December 1378 dismissing the chancellor and supporting the policies of Dagworth and Ormond marked the total collapse of the opposition. So secure was the power of the Butler party that, when Ormond travelled to Westminster himself to request his own discharge from office in the summer of 1379, he was able to leave his son, James III, in his stead as deputy justiciar of Ireland.¹⁸³

The power of high office, the distribution of patronage, and canny political manoeuvres were the mainstays of Ormond's power from 1376–9. The Desmond Geraldines cannot have viewed Ormond's success with much enthusiasm. Neither Desmond nor his supporters were among those rewarded by Ormond in 1378, indicating that the Geraldines were effectively excluded from Ormond's circle of patronage. Moreover, the Dagworth investigation, which dominated that year, was only the most obvious part of a general policy of capitalising on the downfall of Sir William Windsor. Ormond's assertion of authority in Inchiquin and Youghal in 1377, which probably antagonised the Geraldines and provoked Bishop Richard Wye's famous denunciation, was motivated by a similar desire on Ormond's part to leave his mark on a territory where his authority had been contested by Sir William Windsor. That Ormond was still concerned with this region at the height of the Dagworth controversy in 1378 is shown by the fact that it was in October of that year that he received a quitclaim of the Tiptoft purparty of Inchiquin and Youghal.¹⁸⁴ County Cork, however, was only one region where the intersection of Geraldine and Butler influence may have led to friction. County Limerick, a region typically dominated by the earl of Desmond, was another. There are signs that the Butlers' interest in the area was growing. What is significant is that the

¹⁸⁰ *Affairs Ire* §257.

¹⁸¹ *CPR 1377–81*, 269; *Parls & councils* §60.

¹⁸² An order to arrest shipping for Balscot was issued on 3 September (*CPR 1377–81*, 272).

¹⁸³ James, son of James, earl of Ormond, is seen acting as lieutenant of the justiciar of Ireland in *Parls & councils* §60; TNA E 101/246/5/70; E 101/246/5/120. In February 1380, he was paid arrears of his fee in that capacity (*RCH* 106 §18). This is not listed in *NHI* ix 474 or *Peerage* x 122 note (f), although it is noted in Woods, 'The office of chief governor', 229, and Johnston, 'Chief governors', 102. It foreshadows the 'ascendancy' of the earls of Kildare in the later fifteenth century. The fourth earl of Ormond (†1452) also took on the chief governorship despite his youth in 1407–8 (*NHI* ix 476).

¹⁸⁴ *COD* ii §231–2.

well-disposed English council facilitated the Butlers in this, making clear the value of having friends lodged in exalted places. In the summer of 1378, just as complaints were being made against Ormond at Westminster, the council showed its favour by granting the young James III Butler custody of the royal fishery at Limerick, together with all profits accruing from it for ten years, paying twenty-five marks annually to the exchequer. The second earl's long-time attorney in England, John Kingsfeld, was one of the mainpernors for the young James Butler.¹⁸⁵ Another grant made two years later is even more important in terms of connecting Ormond's policy to his strained relations with Desmond. In 1380, Thomas Asteley of Hullemorton granted Ormond lands in 'Fedmer', county Limerick, forever.¹⁸⁶ It is significant, then, that Fedamore (bar Smallcounty, co Limerick) had previously been the subject of a complaint made against the bishop of Meath, Windsor's treasurer, in 1376. Although it was said to be worth twenty marks per year, the bishop was accused of acquiring it for nothing, 'to the damage of our lord the king'.¹⁸⁷ The fact that just a few years later, Ormond—who had led the opposition to Windsor's administration—acquired the same piece of land is highly significant. It shows both how Ormond capitalised on Windsor's downfall, and allows us unequivocally to connect those activities to the resurgence of hostility between himself and Desmond. Geraldine interest in Fedamore is clear since, by the end of the fourteenth century, the manor was in the hands of the earls of Desmond.¹⁸⁸

When Ormond resigned the justiciarship in August 1379, he did so confident that he was not compromising his interests. By that time, Edmund Mortimer, earl of March, had already been engaged to serve as lieutenant of Ireland.¹⁸⁹ Indeed, the arrangements for Mortimer's deputy, Sir John Bromwiche,

¹⁸⁵ *CFR* 1377–83, 103.

¹⁸⁶ *COD* ii §244.

¹⁸⁷ Clarke, 'Accusementz [1376]', 195 §42.

¹⁸⁸ *COD* iii §45 (ii). See Anthony McCormack, *The earldom of Desmond, 1463–1583: the decline and crisis of a feudal lordship* (Dublin 2005) 32–3; Waters, *Earls of Desmond* (PhD), 173.

¹⁸⁹ Mortimer had entered an indenture to serve in Ireland on 28 June 1379. By a second indenture of 20 August 1379 it was agreed that John Bromwiche could act as his deputy until he arrived in Ireland (Johnston, 'Chief governors', 113–5; *Affairs Ire* §265). Johnston prints Mortimer's indenture of 28 June 1379 in an appendix to eadem, 'Chief governors', 113–5. Mortimer's official appointment was made on 22 October 1379 (*CPR* 1377–81, 383, 392). His powers were augmented by his request on 25 April 1380 (*CPR* 1377–81, 483, 485). He landed at Howth on 15 May 1380 (*ABMV* 284). Before Mortimer's arrival in May 1380, Sir John Bromwiche acted as his deputy. He held lands in Wexford, but these lands were seized by Sir William Windsor while Bromwiche was acting in the service of Lionel, duke of Clarence, in Lombardy. After Lionel's death, Bromwiche entered the service of Edmund Mortimer, earl of March (*CPR* 1370–74,

and for Ormond's payment and release from office, were all finalised within a matter of days of each other, between 19 and 24 August 1379.¹⁹⁰ This coordinated effort to bring about a smooth transfer of power meant that Ormond could be sure of a chief governor who was amenable to Butler concerns. It was, after all, Mortimer who had cooperated—if not connived—in the reopening of the proceedings against Sir William Windsor in late 1377. Mortimer's tenure as lieutenant was absorbed by his efforts to bludgeon the Gaelic leaders of Ulster and revivify the ailing earldom he had inherited there.¹⁹¹ Unsurprisingly, Mortimer's priorities and affiliations did not coincide precisely with Ormond's.¹⁹² But clearly Ormond and his associates were very much in favour. It was, for instance, during Mortimer's period in office that Ormond's son, James III, was granted an annuity of fifty pounds and was also granted arrears of his fee as justiciar.¹⁹³ Shortly after this, Alexander, bishop of Ossory, was rewarded for his labours with a grant of twenty pounds.¹⁹⁴ Ormond also continued to court the favour of the English council. In June 1380, he secured a grant of 'Athbiller' in the barony of Overk, county Kilkenny, which had once belonged to one John Kermerdyn, a tenant of Ormond's grandfather, Edmund Butler, 'earl of Carrick',¹⁹⁵ who had forfeited his lands to the crown for adhering to the Scots during the Bruce invasion, 1315–8.¹⁹⁶

87). He was appointed justiciar of Ireland on 22 September 1379, pending the arrival of Mortimer (*CPR* 1377–81, 380).

¹⁹⁰ *CPR* 1377–81, 382, 385; *CCR* 1377–81, 264–5; *COD* ii §237; Johnston, 'Chief governors', 100.

¹⁹¹ *AFM* iv 666–7 s.a. 1380; *AU* iii 4–5 s.a. 1380. For his efforts to rebuild the earldom with supplies from his marcher lordships in Wales, see Chron Wigmore 353; Davies, *Lordship & society*, 236–7. See also notices in Gilbert, *Viceroy*s, 245, 549–50.

¹⁹² For instance, Master John Colton, a victim of the Dagworth investigation, acted with Peter de la Mare, Mortimer's steward, as a mainpernor for John fitz Rery—a man who was soon to act as escheator of Ireland (*CCR* 1377–81, 361). For fitz Rery as escheator in 1380, see e.g. *RCH* 108 §§36–8.

¹⁹³ *NAI* Ferguson repertory i 177 (from *IrMR* 3–4 Ric II); *RCH* 106 §18 (dated 10 February 1380, when Sir John Bromwiche was justiciar).

¹⁹⁴ *TNA* E 101/246/5/20 (copy of writ from *IrPR* 3 Ric II tested by John Bromwiche (jcr) on 6 May 1380 at Tristledermot); Bishop Alexander's receipt for this twenty pounds survives and is dated 12 June 1380 (*TNA* E 101/246/5/21).

¹⁹⁵ This is now Aghaviller (bar Knocktopher, co Kilkenny). For John Kermerdyn, see Seán Duffy, 'The "continuation" of Nicholas Trevet: a new source for the Bruce invasion' in *PRIA* xci (1991) C12 309 n 31, 315. For the 'earldom of Carrick', see *Peerage* iii 60; *ibid.* x app B 32–4. The second earl of Ormond was styled 'earl of Ormond and Carrick' on a number of occasions.

¹⁹⁶ The petition for this grant seems to have been lodged the previous summer. On 19 August 1379, instructions were issued for the taking of an inquisition *ad quod damnum* regarding Aghaviller. This writ was returned to the English chancery along with the inquisition taken by Robert Sutton, deputy of the escheator, Robert Lughteburgh (*TNA* C 143/396/25), and consequently the grant to Ormond was made on 5 June 1380 (*CPR* 1377–81, 502; *COD* ii §246).

Ormond visited England in the latter half of 1380, and after returning to Ireland in late October or November,¹⁹⁷ he had his grant exemplified by the lieutenant, Edmund Mortimer.¹⁹⁸

It was within a matter weeks of this, on 13 December 1380, that Ormond and Desmond were publicly defamed by Bishop Richard Wye of Cloyne before the lieutenant and his household in the chapel of Dublin Castle. As bishop of Cloyne, Richard Wye may have been personally affected by the antagonism between Geraldines and Butlers in Munster. But his ploy to discredit Ormond by bringing his ‘misdeeds’ to the attention of the king’s representative in Ireland was misguided given the part that curial backing had played in bolstering Ormond’s power, and doubly so in view of the long affiliation between Ormond and Mortimer. This may explain why the bishop’s denunciation so misfired. Even though Richard Wye was clearly a supporter of the Mortimer family,¹⁹⁹ and trusted enough to celebrate the memorial mass for the earl of March’s wife,²⁰⁰ there is little sign that Mortimer lost faith in Ormond as a result. Ormond won his suit of slander against the bishop,²⁰¹ and Mortimer’s unshaken confidence in the earl was demonstrated clearly two months later, when in February 1381, he issued the earl and a number of Butler adherents—including Sir Robert Freigne and Walter Coterel—with a judicial commission regarding a case in the liberty of Wexford.²⁰² Later that year, in November, when Mortimer was at Clonmel in Tipperary, he confirmed a charter that granted Ormond lands in the sensitive region of county Cork.²⁰³

It was only with Mortimer’s sudden death at Cork on 26 December 1381, that there was a clear change of policy and a more inclusive approach to governance was adopted.²⁰⁴ The Geraldines, who had previously featured little in

¹⁹⁷ Ormond was at Carrick-on-Suir on 10 July 1380 (Jones & Walker, ‘Private indentures’, §68, tr *COD* ii §247), but he clearly set out for England shortly afterwards as, on 16 October 1380, he was preparing to return to Ireland and nominated John Kingsfeld and William Rikhill as his attorneys in England (*CPR* 1377–81, 547).

¹⁹⁸ The grant was exemplified by Mortimer at Dublin on 24 November 1380 (*COD* ii §246).

¹⁹⁹ See Richard Wye’s encomium for Sir Thomas Mortimer after the earl of March’s death in December 1381 (*Parls & councils* §66). I am grateful to Prof. Robin Frame for bringing this point to my attention.

²⁰⁰ *COD* ii §245.

²⁰¹ *COD* ii §245.

²⁰² *RCH* 108 §43.

²⁰³ *COD* ii §249.

²⁰⁴ For Mortimer’s death, see ABMV 285; Chron Marl s. a. 1381; ADowling 25; Chron Westminster 22–3; Chron Walsingham 580–81. Cork is mentioned in the commemorative verses from Wigmore Abbey recorded in the Wigmore chronicle and repeated by the chronicler, Adam Usk, whose patron was Edmund

terms of local appointments or as recipients of patronage, suddenly reappear in the records. This change may have been brought about by necessity. Mortimer's death threw the administration into a crisis. The chancellor, John Colton, immediately summoned a council at Cork for the purpose of selecting a temporary chief governor. The ensuing discussions of the council, which met at Cork on 9 January, are well documented and have been described many times.²⁰⁵ Both the earls of Desmond and Ormond rebuffed demands that one of them should assume the chief governorship. Eventually, it was agreed to ask March's half-brother, Sir Thomas Mortimer (†1400), to take up the office.²⁰⁶ In the mean time, Master John Colton reluctantly agreed to be sworn in as justiciar,²⁰⁷ so long as he could retire at the next parliament, which was to be held at Naas on 3 March 1382.²⁰⁸

During Colton's brief two months as justiciar, an attempt seems to have been made to rule the land by consensus and significant powers were delegated to the earl of Desmond and his adherents. Upon hearing of Mortimer's death, Ó Briain of Thomond is said to have arisen and attempted a general conquest of Limerick, Kerry and Cork.²⁰⁹ Therefore, on the 22 January, the earl of Desmond, Patrick Fox, Walter Coterel and William Bernard were given a commission as

Mortimer: 'Vir constans, gratus, sapiens, bene nuper amatus, / Nunc nece prostratus, sub marmore pudret humatus; / Hic jacet Edmundus, moriens Cork, corpore mundus, / Sisque pius, Christe, sibe quem lapis opprimit iste!' (Chron Wigmore 353; Chron Usk 46). The Tresham calendar (*RCH*) cannot be used to trace Mortimer's itinerary because the place at which documents were tested in 1381–2 is omitted. Fortunately, several letters issued under the Irish seal during 5 Ric II are included among the particulars of the account of Bishop Alexander Balscot of Ossory as treasurer of Ireland, later rendered at the English exchequer (TNA E 101/246/1–7). Mortimer was already at the city of Cork on 3 December 1381 (TNA E 101/246/3/61; =*RCH* 116 §14) and he remained there over Christmas. On 23 December, at Cork, he issued writs commanding that arrears of his fee due from the English exchequer should be paid from the Irish exchequer (TNA E 101/246/3/48; there is a transcript of this writ in BL Add Ms 4798 f 21^v; cf. *RCH* 116 §21, where it is badly mishandled). The next day, 24 December 1381, Mortimer acknowledged receipt of £375 15s 10d from the treasurer (TNA E 101/246/3/49). Two days after this, he was dead.

²⁰⁵ See, in order of declining detail, Watt, 'John Colton', 198–200; Otway-Ruthven, *Med Ire*, 315–6; Tuck, 'Anglo-Irish relations', 20; Gilbert, *Viceroy*, 247–8; J. A. Watt, 'The Anglo-Irish colony under strain, 1327–99' in *NHI* ii 363–4; Lydon, *Lordship*, 165. For an abstract of the document, see William Betham, *Dignities, feudal and parliamentary [...]* (London 1830) 329–31.

²⁰⁶ For a genealogy, see below app 3, A3.1.

²⁰⁷ Colton took the oath of office on 10 January 1382, but his official appointment is enrolled in the chancery under 20 January (*RCH* 111 §75). He continued to act and receive his fee as chancellor of Ireland until 15 February, when William Tany took the oath as chancellor in the chamber of Alexander, bishop of Ossory, at Kilkenny. Colton delivered the great seal of Ireland to Tany on 19 February (*RCH* 111 §83–5; *ibid.* 117 §36).

²⁰⁸ Writs of summons were issued on 17 February 1382 (*RCH* 118 §§92–7).

²⁰⁹ *RCH* 114 §§189–90; *Parls & councils* §66.

justices to inquire into seditions and other offences, and also to hold possessory assizes, in the counties of Cork, Limerick and the crosslands of Kerry.²¹⁰ In April, Desmond was given a further commission of oyer and terminer for the same counties.²¹¹ This was official recognition of Desmond's natural authority in the counties where he was traditionally most powerful. But significantly, Cork and Limerick were precisely the areas in which Ormond had recently been attempting to extend his power. Another sign of this new approach was the appointment a week later of the lord of Fermoy, Sir John son of David Roche, as sheriff of Cork.²¹² A few years earlier Ormond had shown interest in controlling the shrievalty of Cork.²¹³ Now someone with distinct Geraldine connections was being installed by the central government. Sir John Roche was a grandson of the first earl of Desmond by the latter's daughter Amy or Anne, who had married David IV Roche around 1342.²¹⁴

The earl of Ormond was not, of course, entirely excluded. His old ally, Alexander, bishop of Ossory, was still treasurer of Ireland, and on 11 January—the day after Colton was elected justiciar—Ormond was granted ten marks for travelling to the council at Cork.²¹⁵ Nonetheless, a new attempt to include Desmond is clear and it seems likely that this was an effort, during a moment of potential crisis for the colony, to govern sensibly and avoid any renewal of the Geraldine–Butler antagonism. Clearly, factionalism was a sensitive point at the council of January 1382. As Otway-Ruthven noticed, perhaps with a touch of understatement, the council 'must have been attended by certain embarrassments'.²¹⁶ Dominating the proceedings was the same Bishop Richard Wye of Cloyne who, only twelve months before, had accused both Ormond and Desmond of destroying Munster, and who had four times in the last year failed to appear in court to face Ormond's charge of slander against him.²¹⁷ Now, in January 1382, undaunted by the presence of Desmond and Ormond, he showed equal temerity when he suggested that Ireland would be better governed by a vigorous

²¹⁰ *RCH* 115 §204. William Bernard was also appointed as a receiver of fines and amercements before Desmond and the other aforementioned justices (*RCH* 114 §200).

²¹¹ *RCH* 114 §§189–90.

²¹² *RCH* 111 §76. On Sir John Roche, see Eithne Donnelly, 'The Roches, lords of Fermoy: The history of a Norman-Irish family—pt 3' in *JCHAS* xl (1935) 37–8.

²¹³ *Affairs of Ire* §257.

²¹⁴ *PR Cloyne* 183 n 116; Donnelly, 'Roches, lords of Fermoy—pt 2' in *JCHAS* xxxix (1934) 67–8.

²¹⁵ *RCH* 118 §88.

²¹⁶ Otway-Ruthven, *Med Ire*, 315.

²¹⁷ He failed to appear in court on 30 March, 27 April, 14 May and 21 May 1381 (*COD* ii §245).

knight born in England,²¹⁸ and recommended that the late earl of March's half-brother, Sir Thomas Mortimer, who was already in Ireland with the lieutenant's household, be requested to act as justiciar. It may have been this atmosphere of hostility to indigenous noble power, as much as the hackneyed excuses that war was raging in their respective marches, that prompted both Desmond and Ormond to decline the justiciarship. The two earls found themselves in the unexpected position that they shared an enemy, one who was likely to make life as a chief governor unpleasant. Perhaps their common antipathy for the bishop of Cloyne outweighed their suspicion of each other, and that being the case, they both found it expedient to attend to local business rather than assume the wider risks and expense that high office involved.²¹⁹

This chilly atmosphere in the Irish administration in early 1382 may help provide some background to an angry outburst at the Irish parliament in June that year. The English government had responded to the vacancy at the pinnacle of the colony's government by appointing as lieutenant of Ireland, Roger (k 1398), son and heir of the late earl of March, who sixteen years later was to be killed by the Irish of Leinster. Modern historians have deemed the appointment of this boy-lieutenant ludicrous and antagonising to the residents of the colony.²²⁰ An opportunity to express that anger soon appeared. On 29 April, in accordance with instructions from Westminster issued one month earlier, a parliament was summoned to meet in Dublin on 16 June.²²¹ Ormond and Desmond were among

²¹⁸ '[D]ixit quod terra Hibernie per aliquem eiusdem terre natum veresimiliter tam commode gubernari non possit sicut per strenuum militem de regno Anglie oriundum' (*Parls & Councils* §66 qtn 118).

²¹⁹ We must, however, beware of reading too much into such a 'community of interest'. To speculate for a moment, it is perfectly possible that one of the earls (say Ormond) was personally affronted by the bishop of Cloyne's remarks, but felt that they were justified when applied to his rival Desmond. Such an eventuality allows for the complexity of human attitudes and the fact that the Desmond–Ormond rivalry had not evaporated. On the former point, Max Gluckman is particularly illuminating (Gluckman, 'Gossip and scandal: papers in honor of Melville J. Herskovits' in *Current Anthropology* iv 3 (June 1963) 307–16).

²²⁰ *CPR* (1381–5) 88; *RCH* 112 §87. Otway-Ruthven called it an 'absurdity', and James Lydon, 'unsatisfactory' and the 'final blow' (Otway-Ruthven, *Med Ire*, 316; Lydon, *Lordship*, 165). These comments are echoed in Tuck, 'Anglo-Irish relations', 20. This interpretation has brought forth some colourful comments from those relying on standard histories of medieval Ireland: 'Reading the records of the Irish Lieutenancy one cannot help coming away with the impression that English kings whimsically used the highest colonial office to reward precocious children, much to the consternation of the beleaguered Irish governments, cash-strapped, besieged by Irish enemies and English insurgents, and trying to run a colony, not a kindergarten' (Kerby-Fulton & Justice, 'Modus', 163–4).

²²¹ An instruction to summon a parliament was issued at Westminster on 29 March 1382 (*CPR* 1381–5, 111; *RCH* 112 §128). The writs of summons dated 29 April 1382 are recorded in *RCH* 118–9 §§121–31. This list of temporal lords is nearly identical to those summoned on 11 September 1380 to a parliament in

those summoned.²²² On the day that the parliament was to meet, the young lieutenant, Roger Mortimer, was ill and unable to attend, provoking a protest from the prelates, lords and commons who stated that the meeting could not be called a parliament without the presence of the chief governor of the land (F: *saunz presence de principal governour de la terre*). For the good of the land and reverence to the king and lieutenant, they reluctantly agreed that the assembly might be deemed to be a parliament, so long as this did not set a precedent. To make sure of this, their protest was enrolled in the chancery.²²³

It has been assumed that this protest really stemmed from the bitter disappointment and anger of the colony because of the appointment of the seven-year-old Roger Mortimer as lieutenant of Ireland.²²⁴ Yet, on the whole, this seems rather improbable. The Mortimer family was extremely popular in Ireland.²²⁵ The Westminster government must be given the credit for knowing this, and for realising that the young Roger Mortimer was incapable of governing alone.²²⁶ It is, perhaps, worth remembering that at the recent accession of the boy-king Richard II, no regency had been created; instead a series of continual councils had allowed for a fiction to persist that the king was capable of ruling for himself.²²⁷ The reality in Ireland was that the power was vested in Sir Thomas Mortimer. On 3 March, at a council at Naas, Sir Thomas was appointed deputy of his nephew, Roger.²²⁸ He was soon active in protecting Mortimer interests in Ireland.²²⁹ It is

November that year (for which, see Lynch, *Legal institutions*, 328–31; *RCH* 108–9 §§62–72). Lynch therefore does not print the later summons of April 1382 (*Legal institutions*, 331). There are slight differences between the two lists, however. In 1382, for instance, the summons of the earl of Kildare appears before that of the earl of Desmond, whereas in 1380, Desmond took precedence over Kildare.

²²² Ormond's summons, as usual, appears first among the temporal lords, and is given separately in Lynch, *Legal institutions*, 329; *RCH* 119 §124.

²²³ *Parls & councils* §67. Roger Mortimer exemplified the enrolment of the protest on 23 June 1382. Cf. a similar protest made to Richard II in 1386 (Chron Knighton 356–7). In both cases the *Modus tenendi parliamentum* may have provided the theoretical grounds for the protest. See *Parl texts* 26 n 48; Kerby-Fulton & Justice, 'Modus', 164. For the text of IrMTP c 18 see *Parl texts* 134, tr 144; Clarke, *Med representation*, 389–90.

²²⁴ Otway-Ruthven, *Med Ire*, 316–7; Lydon, *Lordship* 165.

²²⁵ J. T. Gilbert recognised this fact. He attributed the appointment to a desire 'to gratify the colonists with the presence of the head of the great house of March, to which so much of the English settlement of Ireland nominally belonged' (Gilbert, *Viceroy*, 249).

²²⁶ Preparations were under way c August 1382 to have Roger and the other children of the late Edmund Mortimer brought back to England by Walter Brugge (TNA E 101/246/14).

²²⁷ On which, see esp Lewis, "'Continual council'", 246–51; Saul, *Ric II*, 27–30.

²²⁸ *RCH* 112 §§90, 93. Thomas Mortimer's powers were supplemented by an appointment as chief justice at pleas.

faintly possible, therefore, that when the ‘lords and commons’ of Ireland made their constitutional protest in June 1382, local politics, rather than hostility to an infirm and juvenile lieutenant, were the operative factor. It may be that elements within the political community felt sidelined and in particular objected to the way in which persons who were manifestly hostile to their interests were gaining the ear of the English court. In the spring of 1382, two men of English origin who were known to be suspicious of resident Irish magnates travelled to England. One was Master John Colton, recently discharged from the chancellorship and chief governorship;²³⁰ the other was Richard Wye, bishop of Cloyne, who travelled to court to report on ‘the peril of ruin to Ireland and the remedy to be applied to the king’.²³¹ Colton was one of those who had protested in 1378 about the activities of the earl of Ormond; and the iconoclastic bishop of Cloyne was an inevitable focus of the resident nobility’s hostility. Given the presence of these men in England in the period before the parliament of June 1382, it may be that there was a desire to present another view to court, and that the protest of the ‘lords and commons’ was bound up with that wish. It is even possible that, since refusing office in January, Ormond had become dismayed at the extent to which power was being delegated to his rival Desmond and so sought to promote his own interests again. One man who may have provided this service was Bishop Alexander of Ossory, the treasurer, who was paid 100 marks on 13 June for travelling to England to inform the king about the state of Ireland.²³² In both 1377 and 1378, Balscot had made the journey to Westminster to promote the fortunes of the Butler family. Certainly, his views on how best to govern Ireland seem to have diverged somewhat from those of Colton. At the great council of January 1382, when Balscot was anxious to evade the justiciarship, he and Colton had been locked in a protracted argument (*L: diutius altercantibus*).²³³ Unfortunately, evidence as to the purpose of Balscot’s mission in 1382 is lacking, as indeed is any further information on the activities of, and relationship between, Desmond and Ormond. It may be that this is because Ormond was already in decline and could not take an active part in government.

²²⁹ See the series of appointments for the Mortimer lands, the orders for the creation of new seals for the liberties of Ulster and Meath, and the continuing efforts to rebuild the earldom of Ulster (*RCH* 112 §§88–9, 100–07; *ibid.* 115 §219; *ibid.* 117 §§41, 48, 50; *ibid.* 118 §102).

²³⁰ He was given an absentee exemption on 6 March 1382 (*RCH* 115 §§217–8). A general prohibition on persons leaving the land of Ireland was issued on 14 March, and on 4 April, Robert, archbishop of Dublin was specifically ordered not to leave Ireland (*RCH* 118 §§104, 111–2).

²³¹ *CCR* 1381–5, 74.

²³² *RCH* 117 §§65–6.

²³³ *Parls & councils* §66 (qtn 119).

Four months after the controversial parliament at Dublin, on 18 October 1382, he died at his castle of Knocktopher, county Kilkenny, and was later buried at Gowran.²³⁴

IV

THE DEATH of both Ormond and Mortimer within the space of one year must have had a momentous impact on power-dynamics in Ireland. The Butler lordship was lucky enough to have, in the person of James III Butler, a successor of age and with some experience of government. Nonetheless, the passing of James, second earl of Ormond, deprived the lordship of the figure who had dominated its political life since the late 1350s. Ormond's concern to rebuild his troubled inheritance had been a shaping influence on the politics of the previous three decades. It had affected his attitude to the English interventions of the 1360s and 1370s. It had also strained his relations with his son-in-law, Gerald, the third earl of Desmond. Their dispute in Munster had given rise to complaints about the unruliness of the lordship's nobility. But it is a mistake to dismiss the tension merely as a local affair, played out far from the centre of power. The constant traffic of personnel carrying petitions and counter-petitions to Westminster demonstrates that winning influence at the centre of power was seen as vital to the success of indigenous power struggles. By capitalising on a favourable environment at court, by courting the favour of the earl of March, by controlling the distribution of patronage to his supporters, and by using parliament as a voice for expressing private concerns, the second earl of Ormond played a sophisticated political game and managed to continue the process of consolidating Butler lordship. His legacy was not only a much-strengthened earldom of Ormond, but also a tradition of vigorous assertion of his rights, bolstered by crown support. The spectacular success that his son achieved in winning the favour of the crown and further expanding Butler power, amid an often bitterly factional climate in England, were to be key factors in the escalation of the Geraldine–Butler antagonism in the 1380s and 1390s.

²³⁴ There is a discrepancy between the date for his death given in the annals (18 October) and the date of 6 November given in the inquisitions *post mortem* conducted in England (ABMV 285–6; Otway-Ruthven, *Liber primus Kilkenniensis*, 129 (s.a. 1381); *CIPM* 1377–84, 281–2). However, an exchequer record dated 23 October 1382 refers to the death of the second earl of Ormond, suggesting that the earlier date of 18 October is correct. The date given in *NHI* is c 1 November 1382, which was presumably reached by splitting the difference (*NHI* ix 234). A facsimile of the annals from *Liber primus Kilkenniensis* is pr Gilbert, *Facsimiles* iii plate XLIII.

‘UNDERSTAND with certainty that if from now on you misbehave towards us or any of our lieges ... we shall inflict such punishment that all of our said land [of Ireland] shall take it for an example in future time’.¹ It was with these stinging words that King Richard II reproved Gerald, third earl of Desmond (†1398), in 1397. The incident that provoked the royal ire was a lethal altercation in 1396 between Geraldines and Butlers, in which Thomas, brother of Earl James III of Ormond (†1405), was cut down at Waterford.² Reprisals followed in the form of a brief but destructive war between the two comital houses. This murder and its aftermath mark the climax of the Desmond–Ormond conflict in the fourteenth century.³ To the king, the violent intercourse must have seemed all the more grievous since he had only recently returned from his expedition to Ireland of 1394–5. Factional conflict in the lordship seemed to be threatening the integrity of the much-vaunted ‘Ricardian settlement’ itself.⁴

¹ Johnston, ‘Interim years’, qtn 183. Johnston provides the full text of the letter in eadem, *Ric II & Ire* (PhD), app ix (2) 571–2. The original is BL Add Ms 24062 f 122^v.

² The slayer is named in the two surviving versions of the annals as ‘Shane [or ‘Johannes’] fitz Thomas’ (AAnon 90, 92 n b). He has been identified several times as John (†1399), the future fourth earl of Desmond, whose father the third earl was Gerald (i.e. *not* Thomas). See Johnston, *Ric II & Ire* (PhD), 326; Ciaran Parker, *The politics and society of county Waterford in the thirteenth and fourteenth centuries* (PhD University of Dublin 1992) 255, 307–8; Waters, *Earls of Desmond* (PhD), 131. It is by no means certain that this identification is correct. There was a contemporary ‘John fitz Thomas fitz John Mac Gybon’ of Kilbolane who did homage to the bishop of Cloyne in 1403 (*PR Cloyne* 128–31, 243–4). It is more probable, however, that ‘Shane fitz Thomas’ came from the branch of the Desmond Geraldines that descended in an illegitimate line from Sir Thomas ‘le Neve’, nephew of the first earl of Desmond; this sept was known as Fitz Thomas (later MacThomas) and had a base in west Waterford (see Paul MacCotter, ‘Lordship and Colony in Anglo-Norman Kerry’ in *JKAHS ser2* i (2004) 76 n 56). I am grateful to Dr MacCotter for alerting me to the existence of this branch of the family. See also T. Blake Butler, ‘Seneschals’ in *Ir Geneal* ii 335, 369.

³ AAnon 90 s.a. 1396. This notice of Butler’s death can also be located in the calendared version of the papers of Dr Meredith Hanmer (*Calendar of the State Papers relating to Ireland 1601–03 (with addenda 1565–1654) and of the Hanmer papers, preserved in the Public Record Office*, ed. Robert Pentland Mahaffy (London 1912) 686). The lost ‘Annals of Lecan’ s.a. 1396 record that Thomas Butler was killed by the Geraldines (AFM iv 746 n q).

⁴ ‘Much vaunted’ by Richard II himself, as well as modern historians. For the royal propaganda on the expedition, see Curtis, ‘Letters’, §§1–5 (=ANLP §§160, 154, 251, 142, 143 & 159, respectively); and also the reports given to the Westminster parliament of January 1395 (Chris Given-Wilson (ed), ‘Richard II: parliament of January 1395, text & trn’ in *PROME CD-R*, item 1). Modern works on Richard II and Ireland are legion and the discussions in most, perhaps understandably, are dominated by the two royal expeditions of 1394–5 and 1399. See Curtis, *Ric II in Ire*; Otway-Ruthven, *Med Ire*, ch 10, ‘Richard II and Ireland’, 309–38; Lydon, ‘Richard II’s expeditions to Ireland’ in *JRSAI* xcii–xciii (1962–3) 135–49; Johnston,

If the bloody events of 1396 represent a high-point of discord, it was the culmination of the antagonism that had been pressing itself upon Irish politics for the past several decades. Rivalries within the colony had shaped the colony's attitudes to the interventions of the 1360s and 1370s. The accession of a new king in 1377 had done nothing to disturb this trend. It was during the first years of Richard II's reign that the first explicit references to a break-down in the relationship between Desmond and Ormond appear. By the 1390s, the conflict, far from being appeased, had escalated. Why this should have been so is not a question that has much exercised historians. The 1380s must be the most neglected decade in the historiography of the colony in the entire fourteenth century.⁵ Granted, there is a quickening of interest from the 1390s, occasioned by Richard II's two visits to Ireland; but the scope of inquiry has mostly been limited to the progress of the royal expeditions and the submissions of Gaelic Ireland. The niceties of the colony's internal politics, including the increasing polarisation of the earldoms of Desmond and Ormond, have received scant attention.⁶ Admittedly, the sources are not very forthcoming. The references to the quarrel are fleeting and do not allow for a truly detailed narrative. The result is that treatment of the problem has been superficial and markedly unsympathetic. Professor J. A. Watt probably spoke for many historians when he wrote that, after the 1370s, the 'colonial government [had] entered a particularly drab phase of its history, with a dreary succession of ineffectual heads [who were] as unable to ward off the hostile Gaelic Irish as to suppress Anglo-Irish marauding and the debilitating feuds among the magnates, of which that between Ormond and Desmond is the most scandalous'.⁷

Ric II & Ire (PhD); eadem, 'Richard II and the submissions of Gaelic Ireland' in *IHS* xxii 85 (1980) 1–20; Johnston, 'Interim years', Johnston, 'Ric II's departure'; Johnston, 'Chief governors'; Saul, *Ric II*, ch 12, 'Richard in Ireland', 270–92.

⁵ The only detailed study of the period 1382–93 is that provided in Tuck, 'Anglo-Irish relations'. Dorothy Blane Johnston's thesis on Richard II and Ireland rarely strays outside the period 1394–9, although her article, 'Chief governors', covers the entire reign, 1377–99. Standard texts provide a rough index of this neglect. Professor Lydon devotes two pages to the twelve years from 1382 to 1394 (*Lordship*, 165–7) and ten to the remaining five years of the reign, 1394–9 (*ibid.* 167–77). Elsewhere, Lydon gives over five pages to the period 1376–94, and fourteen to 1394–9 (*idem*, *Ireland in the later middle ages* (Dublin 1973) 102–24). Following this trend, Duffy dispenses with the period 1376–94 in one sentence, and then provides eight pages on the period 1394–9 (Seán Duffy, *Ireland in the middle ages* (Dublin 1997) 158–66). Otway-Ruthven's relentless narrative is rather more even in its treatment (Otway-Ruthven, *Med Ire*, 317–38).

⁶ Although the dispute is examined briefly in Waters, *Earls of Desmond* (PhD), 127–33.

⁷ J. A. Watt, 'The Anglo-Irish colony under strain, 1327–99' in *NHI* ii 390–91; see also his comments at *ibid.* 378.

This assessment is unduly pessimistic. The fact that there were deep political fissures between the two most important resident magnates in Ireland is not open to dispute, but the extent to which the quarrel was bloody and violent is easily exaggerated. Periods of open belligerence were brief and not without parallel in England.⁸ When violence did occur, there were, as we have seen, mechanisms for taking the heat out of the conflict. Moreover, although the king might fulminate, he too played a part in creating the problem. The Desmond–Ormond rivalry descended into violence at precisely the moments when the king was paying the greatest attention to Ireland. There had, in fact, rarely been a time when the crown had displayed a keener interest in the colony or, conversely, when English politics had been more heavily influenced by affairs in Ireland. The personal presence of Richard II on Irish soil twice in the 1390s is dramatic proof of this; but there are also other indicators. The Irish interests of one of the foremost magnate families in England, the Mortimer earls of March, expanded enormously in 1368 when Edmund Mortimer, the third earl, inherited Lionel of Antwerp's earldom of Ulster and lordship of Connacht. Death intervened and curtailed the Irish lieutenancies of both Edmund (†1381) and his son, Roger (k 1398). Yet, however brief, the commitment of the Mortimers to Ireland was sincere. The point is made in a startling way by Iolo Goch, the Welsh bard of Earl Roger Mortimer, who displays a detailed knowledge of Irish topography and the challenges facing the Mortimers in Ireland:

Through confidence from the height of breeding
 Boldly wilt thou conquer Connacht [*Gonnach*].
 Go over the sea, and destroy Meath [*Mydd*]
 To the furthest parts of the unruly country;
 The town of Trim [*Trum*] is from thine own father:
 Thine are castles fair of shape [...]
 Make an ambush—may 300 be struck down—
 Mighty lad, upon Mac Murchadha [*Mac Morwch*].
 Cut, rend and strike, straight ahead,
 Yonder to Kellistown [*Galys*] through its heart.
 Make haste, and claim completely
 The land of Ulster (*Wlster*), thou of Elystan's fame.⁹

⁸ No comparison is perfect, but the killing of Thomas Butler in 1396 has parallels with the murder in 1385 of Sir Ralph Stafford—heir of Hugh, second earl of Stafford (†1386)—by Richard II's half-brother, Sir John Holand (†1400), later earl of Huntingdon and, briefly, duke of Exeter (*Peerage* xii 179; Saul, *Ric II*, 120).

⁹ E. I. Rowlands, 'Iolo Goch' in James Carney & David Greene, *Celtic studies: essays in memory of Angus Matheson, 1912–1962* (London 1968) qtn 124–5. The interest of the Mortimers in their Irish estates is also

The involvement of such a powerful magnate as the earl of March in colonial affairs served to bridge the chasm of the Irish Sea and forge or revive links between the colony and court.¹⁰ Nor were the Mortimers the only high-profile chief governors of the period. Two of Richard II's favourites occupied the post in the late 1390s: William Scrope (ex 1399), soon-to-be created earl of Wiltshire, was granted the honorary position of chamberlain of Ireland and served as justiciar in Leinster, Munster and Louth, 1395–7;¹¹ while in 1398–9, the king's half-brother, Thomas Holand—by then duke of Surrey (†1400)—acted as lieutenant of Ireland.¹² Another important figure was Archbishop Robert Wikeford of Dublin (†1390), who reputedly leaked the information regarding Richard II's questions to the judges in August 1387 and thereby provoked the chain of events that led to the battle of Radcot Bridge (December 1387) and the Merciless Parliament (1388).¹³ At that very parliament, Richard II's unfortunate judges were forced to abjure the realm of England. They were exiled to different towns throughout Ireland.¹⁴ Given this intimate relationship, events in England must surely have had an influence on the fate of parties in Ireland. A Dublin-based chronicler, Henry Marlborough, later acknowledged this fact when he provided a sketch of events in England in order to fill out his annals of Ireland for the 1380s.¹⁵

demonstrated by the important collection of charters concerning *Ultonia* and *Connacia* compiled probably by Earl Edmund (d. 1381). See TCD Ms 2149 (Curtis Papers, Box 2).

¹⁰ Note, for instance, the Savages of the Ards peninsula. Their relationship with the central government was not always amicable, but they acted intermittently as the Mortimer's seneschal of the earldom of Ulster and transacted business at court—including a spectacular marriage with the lords of the Isles—during the 1380s and 1390s (*RCH* 132 §48; *ibid.* 139 §80; *ibid.* 146 §198; *CPR* 1385–9, 435, 438; *CCR* 1391–6, 20–21). On the Savage family, see notes by K. W. Nicholls, 'Anglo-French Ireland and after' in *Peritia* i (1982) 386, 386 n 3.

¹¹ *NHI* ix 475; Johnston, 'Chief governors', 107. He was created earl of Wiltshire in September 1397 (Tuck, *Ric II & Eng nobility*, 192; Saul, *Ric II*, 383). For a brief biography, see *Oxford DNB* xlix 567–8.

¹² *NHI* ix 475; Johnston, 'Chief governors', 107. Holand's indenture is *pr* Gilbert, *Viceroy*s, 560–61. He was created duke of Surrey in September 1397. Previously, he held the title earl of Kent (Tuck, *Ric II & Eng nobility*, 192; Saul, *Ric II*, 383).

¹³ Chron Westminster 206–07. For the questions, see S. B. Chrimes, 'Richard II's questions to the judges' in *Law Quarterly Review* lxii (1956) 365–90; D. Clementi, 'Richard II's ninth question to the judges' in *EHR* lxxxvi 338 (1971) 96–113.

¹⁴ Chris Given-Wilson (ed), 'Richard II: parliament of February 1388, text & trn' in *PROME CD-R*, pt 3, 'Attainders'; =*RP* iii 243–4 §6. See also *CCR* 1385–9, 515–6; Chron Knighton 502–5; Chron Walsingham 852–3; Chron Westminster 336–7; Chron Usk 12–13; Charles Lethbridge Kingsford (ed), *Chronicles of London* (Oxford 1905) 16–17.

¹⁵ Chron Marl s.a. 1387–8.

Another form of entanglement came by way of Richard II's constitutional inventiveness. Although Robert de Vere never visited the marquissate of Dublin (1385) and duchy of Ireland (1386) that Richard II created for him, his involvement drew the colony to the centre of the most dramatic episode of Richard's reign, the Appellant crisis of 1387–8.¹⁶ More than one rumour had it that Richard intended to elevate Ireland still further to the supreme dignity of a kingdom. The report, which occurs in two independent chronicles as well as in the appeal of treason of 1388, cannot be dismissed lightly.¹⁷ Richard might well have found that a kingdom of Ireland under his suzerainty coincided well with his imperial pretensions.¹⁸ Previous kings—most recently Edward III—had conceived of Ireland as a forum for the activities of their sons.¹⁹ Royal protégés, such as Robert de Vere and Thomas Holand, may then have served as surrogates for the childless Richard. The alienation of Ireland from the English crown would have been a novelty, to be sure; but in this field of endeavour, novelty was the distinctive mark of Richard II.²⁰ Sinister reports concerning Ireland appear in the

¹⁶ See below 187–8.

¹⁷ The claim was made by Thomas Walsingham in respect of Robert de Vere in 1386 and recurs in the eleventh article of the appeal of 1388 (*Chronicon Anglie, 1328–1388*, ed G. W. Thompson (RS London 1874) 359; Chron Westminster 248–9; Chris Given-Wilson, 'Richard II: parliament of February 1388, text & trn' in *PROME CD-R*, pt 2, 'Appeal of treason', article 11). Adam Usk makes a similar claim in respect of Thomas Holand in 1399 (Chron Usk 76–7). For some morsels of supporting evidence, see (i) for de Vere: Chron Westminster 248 n 1; (ii) for Holand: Alastair Dunn, 'Thomas Holand—Richard II's king of Ireland?' in *HI* xi 1 (2003) 19–23, which summarises research *pr idem*, 'Richard II and the Mortimer inheritance' in Chris Given-Wilson (ed), *Fourteenth century England II* (Woodbridge 2002) 168–9.

¹⁸ For Richard's imperial ambitions, see Michael Bennett, 'Richard II and the wider realm' in Anthony Goodman & James Gillespie (eds), *Richard II: the art of kingship* (Oxford 1999) esp 197; Saul, *Ric II*, 291–2.

¹⁹ For the putative kingdom of Ireland that King Henry II (1154–89) considered creating for his fourth son, the future King John (1199–1216), see Marie Therese Flanagan, *Irish society, Anglo-Norman settlers, Angevin kingship: interactions in Ireland in the late twelfth century* (Oxford 1989) 276–81. In 1254, Henry III (1216–72), granted Ireland to his son, the future Edward I (1172–1307), though he reserved the 'lordship' of Ireland to the English crown (James Lydon, 'Ireland and the English crown, 1171–1541' in *IHS* xxix 115 (1995) 282). For the place of Lionel of Antwerp and Ireland in the family enterprises of Edward III, see W. M. Ormrod, 'Edward III and his family' in *J British Studies* xxvi 4 (1987) 398–422, esp 408–10. Stephen Boardman has suggested to me that Lionel, rather than John of Gaunt, may fleetingly have been contemplated as a successor to King David II of Scotland during the Anglo-Scottish negotiations of the 1360s. I am grateful to Dr Boardman for allowing me to see a portion of his forthcoming work on this subject. Richard II's successor, Henry IV also appointed his favourite son, Thomas of Lancaster, as lieutenant of Ireland in 1401, a position that Thomas retained until his father's death (*NHI* ix 475).

²⁰ For Richard's new creations in England, see Chris Given-Wilson, *The English nobility in the late middle ages: the fourteenth-century political community* (London & New York 1987) 47–53. A full comparison between the duchy of Ireland and Richard's principality of Chester (1397–9) should yield interesting results

late 1390s, to the effect that the king intended to fortify the colony as a royal base from which he could tyrannise England and avenge himself upon his enemies.²¹ Groundless or not, the gossip conveys the urgency with which Ireland was impinging on the English political consciousness.

The central place of Ireland in the reign of Richard II has not been lost on students of English history,²² but the full implications of this for political dynamics within the lordship have not yet been exhausted by their Irish counterparts. Perhaps this is because of an assumption that at the rotten core of factionalism lay the problem of disengagement from central affairs.²³ In fact, it is the intimate association between colony and metropolis that provides the most useful context for interpreting the Desmond–Ormond quarrel. During the 1380s and 1390s, the third earl of Ormond expanded the Butler lordship and exercised ever more influence in the south of Ireland, often at the expense of the earls of Desmond. The process was not always smooth, but from 1389, with Richard II's entrenchment in power, Butler fortunes were in the ascendant. In the late 1390s, their influence was fortified by a close alliance with the Mortimer family. The earls of Desmond, by contrast, found themselves increasingly isolated. Given that the Butlers were scaling new heights of influence and power, and thereby blocking off political avenues by which grievances might be redressed, the fact that the earls of Desmond resorted to the sword is not in the least bit surprising. In its own way, the cycle—so visible in England—of overt favour and patronage engendering disgruntlement and violent reaction was replicated across the Irish Sea.

(R. R. Davies, 'Richard II and the principality of Chester, 1397–9' in F. R. H. du Boulay & Caroline M. Barron (eds), *The reign of Richard II: essays in honour of May McKisack* (London 1971) 256–71). Note, for instance, the palatine jurisdiction and the emphasis on heraldry in de Vere's Ireland (*CPR 1385–9*, 78; Gilbert, *Viceroy*, 550–51; Chris Given-Wilson (ed), 'Richard II: parliament of October 1385, text & trn' in *PROME CD-R*, item 17). The monk of Westminster reports that Richard conferred the duchy of Ireland on his uncle, Thomas of Woodstock, in 1389: this is untrue, but the persistence of such rumours is instructive in itself (*Chron Westminster* 378–9).

²¹ ARicardi Secundi 239–40. For Richard's 'tyranny', see esp Caroline M. Barron, 'The tyranny of Richard II' in *BIHR* xli 103 (1968) 1–18.

²² See esp the important article by Michael Bennett, 'Richard II and the wider realm' in Goodman & Gillespie, *Ric II: the art of kingship*, 187–204.

²³ See, e.g., the comment of J. R. S. Phillips on the nobility of the late medieval period that, '[a]t times, as in the 1320s, English and Irish politics became intertwined, but usually they seem to have gone their separate ways' (Phillips, 'The Anglo-Norman nobility' in Lydon, *Eng in med Ire*, 103).

THE 1380s witnessed a marked intensification of the conflict between the Geraldines and Butlers in Ireland. The Irish chancery records tell us that twice—in the autumn of 1384 and again in the spring of 1387—the third earls respectively of Desmond and Ormond had become embroiled with each other.¹ The central government was forced to intervene and arbitration was deemed necessary to end the 'great discords' that had arisen between them and restore order to the south of Ireland. Among those entrusted to mediate between the two earls were some of the most important political figures in Ireland. The panel included Maurice, fourth earl of Kildare (†1390)—whose career of over four decades must have marked him out as something of an elder-statesman²—and two experienced bishops, Alexander Balscot of Ossory and Thomas Reve of Lismore–Waterford. The issues at stake seem to have been rather involved, and bringing about a settlement required time and patience. The arbitration that took place at Clonmel in 1384 lasted over a week.³ One of the mediators claimed that he had helped bring an end to the discords between the two earls and thereby restored the king's lieges of Munster to tranquillity.⁴ Yet peace was ephemeral. Two-and-a-half years later, Kildare was again commissioned to intervene and conduct new negotiations.⁵

Given the seriousness of the problem, it is somewhat disquieting to find that these brief references represent almost the sum-total of our present knowledge of the conflict. Nothing in the way of annalistic accounts survive, and other administrative documents shed almost no direct light on the antagonism. With so little evidence, there can be no definitive answers to a whole range of crucial questions. The immediate cause of the dispute; the flash-points in the struggle; the form that the violence took; the impact of the disturbances: these basic factual ingredients of any narrative are virtually unobtainable due to the absence of evidence. All this sounds rather unpromising; but if the minutiae are likely to be permanently elusive, it may still be possible to reconstruct a plausible background

¹ *RCH* 121 §77; *ibid.* 137 §220.

² Kildare was granted livery of his lands in 1342. His career is summarised in *Peerage* vii 223–5. For a brief biography, see Robin Frame, 'Fitzgerald, Maurice fitz Thomas' in *Oxford DNB* xix 838–9.

³ Sir Patrick Freigne laboured for fifteen days upon this arbitration, but this included the time it took him to travel from Kilkenny to Clonmel and back again (TNA E 101/246/6/32).

⁴ TNA E 101/246/6/33; = *RCH* 122 §28.

⁵ *RCH* 137 §220.

to the conflict by shifting the emphasis. Rather than examining the Geraldine–Butler antagonism simply in terms of the local tensions between the two earls, it may be more fruitful to explore the political patterns that are illuminated by the abundant documents showing how the nobles interacted with the central government.

A first pattern concerns the influence of colonial faction on noble attitudes to the king's representative in Ireland. Sophisticated political manoeuvres—rather than raiding, harrying or killing—were the principal threat to those unfortunate chief governors who found themselves mired in factional controversy. A recent comment on this period aptly describes how a newly appointed king's lieutenant may have viewed his commission, 'with all the trepidation of an Englishman venturing among not only the "wild Irish", but into the Byzantine factionalism of colonial Ireland'.⁶ Indeed, the politics are somewhat reminiscent of the Tudor age, when royal administrators discovered that the response of the colonial nobility to their reform initiatives was dictated not by inborn distrust of royal government, but by what Ciaran Brady calls the 'complex and delicate calculus of faction'.⁷ Brady's evocative phrase is, however, also useful when its sense is inverted, and we examine how the 'calculus of faction' at the court of Richard II could affect the fortunes of the resident lords of Ireland. As we shall see, political waves created in England had the power to rock Irish boats. It is testimony to Ormond's political skill that he managed to ride out the storm without permanent damage. This chapter examines these two political patterns in turn.

⁶ Kathryn Kerby-Fulton and Ruth Horie, 'The French version of the *Modus tenendi parliamentum* in the Courtenay Cartulary: a transcription and introduction' in Kathryn Kerby-Fulton and Maidie Hilmo (eds), *The medieval reader: reception and cultural history in the late medieval manuscript* (Studies in Medieval & Renaissance History ser3 i New York 2001) 227.

⁷ The phrase that of Ciaran Brady, *The chief governors: the rise and fall of reform government in Ireland, 1536–88* (Cambridge 1994) 176: the whole of his ch 5, 169–208, esp 169–78, is essential reading. See also idem, 'Faction and the origins of the Desmond rebellion of 1579' in *IHS* xxii 88 (1981) 289–312; and David Edwards, 'The Butler revolt of 1569' in *IHS* xxviii 111 (1993) 228–55. A medievalist surveying the literature on faction in Tudor England is likely to be struck by the continuity of experience there too, despite the fact that matters are sometimes presented otherwise. See E. W. Ives, *Faction in Tudor England* (London 1979); David Starkey, 'From feud to faction' in *History Today* xxxii (Nov 1982) 16–22; Simon Adams, 'Faction, clientage and party: English politics, 1550–1603' in *History Today* xxxii (Dec 1982) 33–9; Joseph S. Block, *Factional politics and the English reformation, 1520–1540* (RHS Studies in History 66 London 1993); Steven Gunn, 'The structures of politics in early Tudor England' in *TRHS* ser6 v (1995) 59–90; R. W. Hoyle, 'Faction, feud and reconciliation amongst the northern English nobility, 1525–1569' in *History* lxxxiv 276 (1999) 590–613.

I

Courtenay, 1383–5

THE DEATH of the second earl of Ormond in the late autumn of 1382 deprived Ireland of a powerful and politically shrewd leader who had dominated colonial politics for almost three decades and had rubbed shoulders with some of the leading figures on the English political stage. It was a situation upon which enemies of the Butlers would no doubt have liked to capitalise. Fortunately, for the integrity of the Butler inheritance, Ormond died leaving a mature and capable heir. James III Butler (c 1360–1405) was at least twenty-two years old when his father died.⁸ His career was already well-advanced. Three years previously, in 1379, he had served as deputy justiciar to his father during the latter's absence at court.⁹ Before that he had been a beneficiary of the king's patronage when he received a grant of the profits of the royal fishery at Limerick.¹⁰

The young James Butler was, therefore, a man well able to assume the mantle of his father. In this, the government seems to have been eager to facilitate him. His father's estates were released to him with minimal delay on 2 March 1383.¹¹ His two mainpennors were his father's old ally, Sir Robert Ashton (†1384) of Pitney, Somerset—a former chief governor of Ireland,¹² who had helped the second earl of Ormond accumulate damaging information on Sir William Windsor¹³—and the archbishop of Canterbury, William Courtenay (1381–96).¹⁴ The archbishop of Canterbury's involvement may be significant in terms of the court's long-term plans both for Ormond and Ireland. Three months later, on 20 June 1383, the archbishop's nephew, Sir Philip Courtenay (†1406),¹⁵ uncle of

⁸ James III was stated to be 'twenty-two years and more' in most of the inquisitions *post mortem* taken after the death of his father (*CIPM* 1377–84, §§696–706, 708–09); one inquisition gives his age as '24 years or more' (*ibid.* §707). See also *Peerage* x 122, n a. A biography is supplied by C. A. Empey, 'Butler, James, third earl of Ormond' in *Oxford DNB* ix 146–7.

⁹ See above 153 n 183.

¹⁰ *CFR* 1377–83, 103.

¹¹ *Ibid.* 352.

¹² *NHI* ix 474 (Jcr 1372–3).

¹³ Clarke, 'Inquisitions [1373]'. Sir Robert Ashton held the manor of Brean (Somerset) by demise of the second earl of Ormond (*CCR* 1381–5, 459; *CCR* 1385–9, 209).

¹⁴ On Archbishop Courtenay, see J. Dahmus, *William Courtenay, archbishop of Canterbury, 1381–1396* (Philadelphia 1966).

¹⁵ On the Courtenay family in this period, see M. Cherry, 'The Courtenay earls of Devon: the formation and disintegration of a late medieval aristocratic affinity' in J. R. Lowerson (ed), *Southern History: a review of the history of southern England* i (1979) 71–97. There is a biography of Sir Philip Courtenay in *House of Commons* ii 670–73, and some details of his earlier military career are provided by Tuck, 'Anglo-Irish relations', 21; *idem*, *Ric II & Eng nobility*, 80–81.

Edward Courtenay, earl of Devon, entered into an indenture with the king to become the king's lieutenant of Ireland on generous terms for a period of ten years.¹⁶ His official appointment followed soon after on 1 July.¹⁷ During the spring, the appointment of the king's favoured candidate to serve as lieutenant—his half-brother, Sir John Holand (†1400)—was cancelled.¹⁸ Sir Philip Courtenay, evidently, was hit upon as Holand's replacement. He was, however, far less exalted a figure than the English of Ireland had come to expect since the time of Lionel, duke of Clarence, and difficulties in persuading the colonial community to accept him were anticipated.¹⁹ It may have been envisaged that the influence of the young James III Butler—whose lands had only recently been released by the mainprise of Archbishop William Courtenay of Canterbury—could help smooth over any such difficulties.

Courtenay landed at Waterford on 11 September 1383.²⁰ The evidence shows that he and Ormond did indeed cooperate.²¹ Yet, the new lieutenant was no Butler lackey and—displaying some sensitivity to the subtleties of the colony's domestic politics—he seems to have striven to avoid antagonising the Geraldines by overtly favouring the new earl of Ormond. In February 1384, he addressed a grant made of lands in royal hands at Knockgraffon, in the liberty of Tipperary, to 'our [Richard II's] dear cousin, James le Botiller, Earl of Ormond'. The grant contains the proviso that should Ormond lease the lands to 'any one of the nation of the Bourkeyns [Burghs]', they would automatically revert to the lieutenant.²² Courtenay, here, was showing himself to be aware of the recent conflict between the earl of Desmond and the second earl of Ormond's retainer, Sir Richard Burgh, that had blown up in 1377 and required government intervention again in 1381.²³

It is possible, however, that Courtenay was simply unprepared for the extent of Ormond's drive and ambition. Already, in August 1383, before Courtenay had even arrived in Ireland, James 'now earl of Ormond' had

¹⁶ TNA E 101/68/9/221. The terms of the indenture are discussed in Johnston, 'Chief governors', 103–4.

¹⁷ *CPR* 1381–5, 291. An earlier appointment was made on 23 June 1383 (*CPR* 1381–5, 291, 293).

¹⁸ See Johnston, 'Chief governors', 103 n 32; Tuck, 'Anglo-Irish relations', 20. This Sir John Holand was later earl of Huntingdon (1388) and duke of Exeter (1397–9).

¹⁹ His indenture contains guarantees should any accusations be made against him (TNA E 101/68/9/221; see above 54, n 144).

²⁰ Gerrard, 'Notes', 200; TNA E 101/246/6/100.

²¹ Although Ormond did not appear when summoned to render royal service in the army of Kilmallock, May 1384 (NAI Ferguson Coll ii f 43–43^v; Gerrard, 'Notes', 289–90; Jocelyn Otway-Ruthven, 'Royal service in Ireland' in *JRSAI* xcvi (1968) 45).

²² *COD* ii §271.

²³ See above 134–6.

successfully concluded negotiations under which his mother, Elizabeth, and her new husband, Robert Herford, surrendered to him all the Irish estates she held as dower, as well as all goods and chattels, gold and silver, except some manors in north county Dublin, four hundred marks and one third of the prisage of wines in Ireland.²⁴ By November 1383, Butler had solicited a writ from England ordering Courtenay to give him permission to travel to England to render homage to the king in person.²⁵ The young earl did not set out for Westminster immediately; nonetheless, he was already associating himself indirectly with some of those who were cutting fine figures in the court of Richard II. One of his pledges for his grant of lands at Knocktopher, Tipperary, had been Sir Thomas Clifford the elder, recently appointed escheator of Ireland,²⁶ and a relation of Sir Thomas Clifford, one of Richard II's 'young knights'.²⁷ Another broker of patronage, high in royal favour, was the king's half-brother, John Holand, whose appointment as lieutenant of Ireland had been cancelled in 1383. Although Holand fell from grace in July 1385 after murdering Ralph, son of Hugh, second earl of Stafford, he had previously been a great favourite of the king.²⁸ In July 1384, Holand petitioned on behalf of Robert Herford, who had entered his service, for a pardon in the latter's account as the king's seneschal of Tipperary after the death of the second earl of Ormond.²⁹ This was the same Robert Herford who had since taken as his wife Elizabeth, mother of the third earl of Ormond. He was soon to return to Ireland and become closely associated with Butler fortunes.

It may have been Ormond's assertiveness and his blatant ambition that brought him to blows with the earl of Desmond in the autumn of 1384 and forced Courtenay to send the earl of Kildare, Bishop Alexander of Ossory and Bishop

²⁴ *COD* ii §265. The 'Robert Loukyn' of this quitclaim is certainly identical with the Robert Herford who married the second earl of Ormond's widow, Elizabeth Darcy. She was pardoned for marrying Robert Herford on 30 March 1384, and on the same day she was granted livery of her lands in Herefordshire, Oxfordshire and the march of Wales (*CPR* 1381–5, 403; *CCR* 1381–5, 372). Robert Herford may have originated in England. He was already seneschal of Tipperary in November 1381 in time of the second earl of Ormond, and during the brief interregnum between James II's death and the delivery of the Butler estates to James III, he acted as the king's seneschal of Tipperary (*COD* ii §§254–5; *CPR* 1381–5, 467). For a catalogue of his career, see Butler, 'Seneschals' in *Ir Geneal* ii 332–3.

²⁵ *CPR* 1381–5, 330; recorded in *COD* ii §266.

²⁶ The appointment was made on 8 March 1383 on condition that Clifford reside in Ireland personally (*CPR* 1381–5, 232). In December 1385, two deputy escheators—John Brekdan and John fitz Rery—were appointed at the request of Clifford (*RCH* 125 §§134–5).

²⁷ Given-Wilson, *Royal household*, 163; Saul, *Ric II*, 122.

²⁸ Saul, *Ric II*, 120, 243–4; Tuck, *Ric II & Eng nobility*, 79–80.

²⁹ *CCR* 1381–5, 467.

Thomas of Lismore–Waterford on a mission to Munster in late October to restore order.³⁰ The outbreak of discord did not, however, cause Courtenay to lose confidence in Ormond. On 26 November 1384, the lieutenant issued Ormond with a pardon.³¹ Two days later, as Courtenay prepared to return to England, he appointed Ormond in his stead as justiciar of Ireland.³² Ormond took office on 30 November 1384.³³

Courtenay's return to England in December 1384 was, at least in part, a defensive response to a challenge to his authority that had been mounted during the autumn. The source of the attack was Robert Wikeford, the troublesome archbishop of Dublin who had agitated against the authority of the second earl of Ormond in 1378, but had been dismissed from the chancellorship of Ireland in December of that year. In 1384–5, a similar sequence of events was played out. In March 1384, Archbishop Wikeford sought and received a royal licence to cross to England for the purpose of discussing 'certain matters of advantage to the king', as well as to transact some private business relating to his archdiocese.³⁴ Wikeford's motivation is somewhat mysterious, but by September, he seems to have won the king's confidence, for he was appointed as chancellor of Ireland with the provision that 'all impeachments and complaints brought against him' in Ireland would be reserved to the king.³⁵ The archbishop was back in Ireland by 8

³⁰ *RCH* 121 §77.

³¹ *RCH* 121 §85.

³² Ormond's appointment is referred to in a transcript of a writ of *liberate* dated 26 January 1385 (TNA E 101/246/6/97). The original letter was damaged by 1828 when the Tresham edition of the Irish chancery rolls was published, but it is likely that the letter in question is from IrCR 8 Ric II (*RCH* 122 §1). Ormond's letter of appointment stipulated that he was to receive 200 marks per quarter so long as he held office. His receipt of £101 18s survives, dated 30 January 1385 (TNA E 101/246/6/99).

³³ TNA E 101/246/6/97, 99. The information in *NHI* ix needs to be amended to take account of this document. The justiciary rolls (no longer extant) showed that Ormond held pleas from 1 December until 28 April (Wood, 'Office of chief governor', 230). Wood's list of chief governors often cites sources, such as the justiciary rolls, that are no longer extant. These references are sometimes not included in subsequent lists, such as those in *HBC* and *NHI* ix. As he remarked: 'I regret that many of my references to the Government records must be taken on trust, as the originals have been destroyed by the fire and explosion which occurred in the Four Courts on 30th June, 1922' ('Office of chief governor', 206–7).

³⁴ *CCR* 1381–5, 356; *CPR* 1381–5, 383.

³⁵ *CPR* 1381–5, 455; enrolled *RCH* 120 §§41–4. Tuck mistakenly states that William Chambers, archdeacon of Dublin, was appointed treasurer at this time (Tuck, 'Anglo-Irish relations', 22). In fact, Chambers' appointment was made six months later, on 8 March 1385 (*CPR* 1381–5, 537), and an indenture records that he received the writs and rolls of the Irish exchequer from the outgoing treasurer, Bishop Alexander Balscot, on 13 April 1385 (TNA E 101/246/6/1). Wikeford was superseded as chancellor of Ireland around this time, and his protection from impeachment was withdrawn on 28 March 1385 (*CCR* 1381–5, 550).

November, when Ralph Cheyne, his predecessor as chancellor, was ordered to release the great seal to him.³⁶ Archbishop Wikeford seems immediately to have begun to foment trouble. Within less than a month, Courtenay had decided to leave Ireland and remonstrate personally at Westminster, leaving Ormond as his deputy on 30 November. Clearly Courtenay's aim was to be rid of the troublesome chancellor. At court, he told the king that Wikeford had summoned councils and parliaments without the lieutenant's permission, had laid imposts upon the people, and had taken fines and granted pardons for his own use. The king was outraged and on 30 December he wrote to Wikeford, 'marvelling not a little, that by colour of his office the chancellor after his last coming has done all those things, for which he has no authority'.³⁷

It is difficult to find much supporting evidence for Courtenay's assertions. Wikeford's parliament of late 1384 has left no trace on the records, and there is no mention of other assemblies before his dismissal from the chancellorship in March 1385.³⁸ Nonetheless, there was clearly a great power-struggle in the Irish administration during November 1384. Suggestions about what sparked it are necessarily conjectural. The most plausible explanation is that the conflict was somehow connected with events of 1378 when Wikeford was last embroiled in controversy. That episode had been bound up with the efforts of Wikeford to foil the investigations of Sir Nicholas Dagworth and Earl James II of Ormond into the administration of Sir William Windsor. Some forty-four citizens of Dublin had been indicted on trumped-up charges for assisting Dagworth in his inquiries.³⁹ It is significant, then, that a large number of the pardons granted in late 1384 were issued to Dubliners.⁴⁰ Several of the recipients can be identified as people who either provided information against Windsor, travelled to England to coincide with the Good Parliament of 1376, or were arrested for aiding Dagworth in 1378. The pardons, then, may have been designed to protect the recipients from the

³⁶ *RCH* 120 §43. On 10 November 1384, Sir Philip Courtenay ordered that arrears of £14 11s 10½d of Sir Ralph Cheyne's fee as chancellor from 26 June to 7 November 1384 be delivered to the former chancellor (TNA E 101/246/6/92; the calendared entry (*RCH* 122 §2) is fragmentary). Cheyne's receipt for fourteen pounds, dated 12 November, is TNA E 101/246/6/98. For a biography of Cheyne, see *House of Commons* ii 554–5.

³⁷ *CCR* 1381–5, 500.

³⁸ Although the earl of Kildare and bishops of Ossory and Lismore–Waterford were authorised to hold councils and convocations of prelates, magnates, peers and commons in Munster on 25 October 1384 (*RCH* 121 §77).

³⁹ See above 146–7.

⁴⁰ *RCH* 121 §§1–9, 63–6; *ibid.* 122 §14.

indictments that the chancellor might bring against them. Among those pardoned were the prominent Dublin citizens, Nicholas Howth,⁴¹ Walter Passavaunt⁴² and Robert Stakeboll,⁴³ each of whom had played a part in the opposition to Sir William Windsor. Another Dubliner who received a pardon in November 1384, one Thomas Babe,⁴⁴ had a kinsman John Babe, who had been indicted by Wikeford in 1378.⁴⁵ A later record connects this John Babe, and a second man, 'Ralph Herdman', with Courtenay, in that they owed the lieutenant the sum of sixty pounds.⁴⁶ Two members of the Hardiman family—Simon and William—were arrested for assisting the Dagworth inquiry,⁴⁷ while another, 'John Herdeman', had testified against Sir William Windsor at Drogheda in 1373.⁴⁸

The revival of the Dagworth controversy helps explain why Courtenay put his trust in the earl of Ormond so soon after the outbreak of discord in Munster and appointed him as justiciar at his departure for England in late November 1384. The archbishop was their mutual enemy. This community of interest provides the context both for the many pardons to Dubliners issued in November 1384 and a series of grants made on the eve of Courtenay's departure, whose purpose seems to have been to reward his supporters and bolster Ormond's authority. Ormond himself, as we have seen, was pardoned on 26 November.⁴⁹ On the same day, a payment of one hundred shillings was authorised to Sir Patrick Freigne, a close supporter of the Butler family, for his travails earlier that month at Clonmel attempting to arbitrate between the Butler and Geraldine factions.⁵⁰ Rather more munificent was the extraordinary show of favour to Sir Ralph Cheyne, whom Wikeford had superseded as chancellor. On 22 November, Cheyne was

⁴¹ *RCH* 121 §65 (IrPR 8 Ric II pt 1). He was elected by the county of Dublin to travel to England in 1375–6 (Clarke, 'Summons [1375-6]', 237–41).

⁴² *RCH* 121 §3 (IrPR 8 Ric II pt 2). He was one of those indicted for aiding Dagworth (*CCR* 1377–81, 172), as was a kinsman, John Passavaunt, who served two terms as mayor of Dublin, 1369–71, during which time Windsor, reputedly, extorted money from him (*NHI* ix 550; Clarke, 'Inquisitions [1373]', 230).

⁴³ *RCH* 121 §2 (IrPR 8 Ric II pt 2). Stakeboll served as mayor of the city 1378–9, during which time he was arrested for aiding Dagworth (*NHI* ix 550; *CCR* 1377–81, 172).

⁴⁴ *RCH* 121 §7.

⁴⁵ *CCR* 1377–81, 172.

⁴⁶ *RCH* 130 §70.

⁴⁷ *CCR* 1377–81, 172.

⁴⁸ Clarke, 'Inquisitions [1373]', 222.

⁴⁹ *RCH* 121 §8.

⁵⁰ TNA E 101/246/6/33; =*RCH* 122 §28. Freigne's receipt for this sum, dated 30 November 1385, survives (TNA E 101/246/6/32). It shows that he received 66s 8d in part payment of one hundred shillings for his labours in treating between the two earls.

handsomely compensated for his ejection from office with a grant of the wardship of the Hastings liberty of Wexford for the sum of £160.⁵¹ A point of interface between Cheyne and Ormond was Sir Robert Ashton, who had acted as one of James III's mainpernors in 1383. After Ashton's death in January 1384, some of his Dorset estates descended to his cousin, Sir Ralph Cheyne.⁵² Courtenay's grants and pardons of late November 1384 were enrolled in the Irish chancery, and would normally have required the authorisation of the chancellor, Wikeford, who had custody of the great seal of Ireland. It is possible, however, that Courtenay circumvented this problem by issuing grants and pardons under the lieutenant's privy seal. The original rolls of the Irish chancery have been lost, but the use of the lieutenant's privy seal is recorded after one grant—dated 23 November—in Tresham's calendared edition of 1828.⁵³ It may be no accident, then, that after Ormond took up office in December there is a considerable lacuna in the records of the chancery lasting until the end of December.⁵⁴

It is also no surprise to find that Ormond was bound up with Courtenay's successful attempt to bring down the chancellor. Theirs was a joint enterprise to destroy the archbishop of Dublin. One tactic was to hurt the archbishop in his pocket. Accompanying the lieutenant to England in 1384–5 was the treasurer of Ireland, Alexander, bishop of Ossory, a long-time ally of the Butlers and, formerly, an adversary of the Windsor administration.⁵⁵ His account as treasurer was being audited in late 1384.⁵⁶ One of the sums of which he was discharged

⁵¹ *RCH* 119 §22. Cheyne later had the grant confirmed on 27 October 1388 (*CPR* 1385–9, 523).

⁵² *House of Commons* ii 555. Ashton appointed Cheyne as his deputy when he left Ireland in 1373. See *NHI* ix 474 (Dep Jcr 1373).

⁵³ *RCH* 120 §30. Courtenay also used his privy seal when he granted the manor of Crumlin to his wife, Anne on 12 July 1384 (*RCH* 119 §17). References to the use of the privy seal of chief governors become more frequent from the fifteenth century. See Jocelyn Otway-Ruthven, 'The mediæval Irish chancery' in *Album Helen Maud Cam* (2 vols, Louvain & Paris 1961) ii 128. For instance, a record of 24 May 1410 states that the chief governor (in the absence of the chancellor) wishes his privy seal to be as firm as though it were the great seal (*RCH* 194 §5). For the use of the privy seal as a politicised act, see Steven Ellis, 'The privy seals of chief governors in Ireland, 1392–1560' in *BIHR* li (1978) 187–94, esp 191–2. Cf. the growing dependence on the king's signet in late fourteenth-century England (Tout, *Chapters* v 207, 229–30; *Cal Signet Ltrs* 1–2; Saul, *Ric II*, 127).

⁵⁴ No documents were enrolled from 1–28 December 1384. Yet the chancery records are more than usually comprehensive for the regnal year 8 Richard II (1384–5). Two parts of IrPR 8 Ric II, and a portion of the IrCR 8 Ric II are calendared in *RCH* 119–23.

⁵⁵ John Brettan was acting as lieutenant of Bishop Alexander Balscot in the post of treasurer of Ireland on 18 March 1385 (TNA E 101/246/6/7).

⁵⁶ The counter-rolls of the Irish treasurer were brought to England sometime before 16 November 1384 by Richard Walsh, second chamberlain of the exchequer (TNA E 101/246/6/34; =*RCH* 122 §21).

from account early in 1385 was a grant of expenses made to the archbishop of Dublin in 1378 for attending a parliament. Since the archbishop had been a member of the Irish council at the time, he was deemed to have been obliged to attend parliament and consequently not entitled to the expenses.⁵⁷ This must have been a deliberate attempt to discredit the archbishop, as rewards such as these were commonplaces at the time. A second aim was to have Wikeford deprived of office and the king's support for Courtenay affirmed. This was achieved on 1 March 1385, when Courtenay received a new appointment as lieutenant of Ireland.⁵⁸ This was followed a week later, on 8 March, by the appointment of Alexander, bishop of Ossory, as chancellor of Ireland. The admiral of the West was ordered to deliver a ship to Balscot at Bristol, 'as the chancellor must needs depart thither upon urgent business'.⁵⁹ On the same day, 8 March, Courtenay was ordered to rectify, by the advice of the chancellor (Balscot), 'judgements rendered in error, liveries of lands unduly given, charters under the seal used in Ireland improperly granted and sealed, and other things whatsoever done and attempted since his departure from Ireland to the prejudice of the king and of his lieges there, calling before him at set days parties who may reap advantage or disadvantage thereby, and causing them to have speedy remedy and full justice'.⁶⁰ To aid them in this work, new chief justices of both Irish benches were appointed.⁶¹ Ormond's involvement in this enterprise is also clear. The visit to court was an opportunity to have business transacted on his behalf, and his concerns were treated favourably.⁶² On 10 March, the king respited Ormond's homage 'for good service in Ireland' until Michaelmas 1386, and ordered the

⁵⁷ *Parls & Councils* §59.

⁵⁸ *CPR 1381–5*, 540. He received a protection on 10 March 1385 (*ibid.* 543).

⁵⁹ *Ibid.* 518, 532.

⁶⁰ *Ibid.* 532–3.

⁶¹ John Penros was appointed CJB (*CPR 1381–5*, 534; *RCH* 124 §36) and Edmund Clay CJC (*RCH* 123 §18). Penros and Clay did not reach the colony for several months. Clay was preparing to leave for Ireland in June, when he and his retinue received protections, and on 6 November 1385 he was paid his fee for a quarter of a year, as well as supplementary pay for eighty-six days' work as a justice of oyer and terminer in Meath. This places his arrival in early August 1385 (*CPR 1381–5*, 572; *CPR 1385–9*, 12, 41; *RCH* 129 §§36–7). Penros was likewise preparing to leave England in June 1385, and he landed at Dalkey on 25 September (*CPR 1385–9*, 8; *RCH* 124 §35). For a biographical sketch of Penros' career, see Ralph A. Griffiths, *The principality of Wales in the later middle ages: the structure and personnel of government, 1277–1536* (Cardiff 1972) 125.

⁶² On 27 February, he nominated William Rykulle, Edmund Brucknell, Thomas Forde and Walter Knolle as his attorneys in England (*CPR 1381–5*, 534).

sheriffs in a number of English counties to grant the earl immediate seisin of his lands.⁶³

II

The calculus of colonial faction, 1385–6

IF THIS reading of the evidence is correct, then the third earl of Ormond emerges from the episode as a startlingly mature and successful politician. In the two years since receiving livery of his inheritance, he had faced serious local and curial challenges to his career. Yet neither his feud with the earl of Desmond nor the revival of Wikeford's hostility had inflicted any permanent damage. Rather, Ormond had been entrusted with the chief governorship of Ireland for over five months while the lieutenant and treasurer of Ireland had travelled to court to tackle the problem of the archbishop of Dublin. The result of that embassy was a new commission for Courtenay to act as lieutenant for ten years, the dismissal of Wikeford from the Irish chancellorship, and the appointment of Alexander Balscot, an old Butler ally, in his place. This outcome seems to have represented a victory for Butler interests. It is difficult to account, then, for a change of mood in the period after the lieutenant landed at Dalkey on 6 May 1385.⁶⁴ The return of the lieutenant, far from ushering in a second period of close cooperation, seems to have brought about a souring of relations between Courtenay and Ormond.

Certainly, a general hostility within the colony to the king's lieutenant is plain. In the second half of 1385, councils were held at Dublin and Kilkenny at which the ills besetting the colony were discussed, in particular the 'great power of the Irish enemies and English rebels' who, rather ominously, were said to be confederating with the king's 'other enemies of Scotland and Spain', such that 'at this next season, as is likely, there will be made a general conquest of the greater part of Ireland'.⁶⁵ It was decided that the only remedy was the personal presence of the king in Ireland and messengers were sent to England to solicit a royal expedition. This crisis of confidence was putting Courtenay on the defensive. At a great council on 23 October, he challenged anyone who felt aggrieved 'by reason of any extortion, oppression, unjust seizure, or imprisonment by the said

⁶³ CCR 1381–5, 536–7.

⁶⁴ RCH 128 §15. Bishop Alexander Balscot, the new chancellor, arrived in Ireland before him. The great seal of Ireland was delivered to him by the outgoing chancellor, Archbishop Wikeford of Dublin, on 12 April 1385 (RCH 129 §21). For Balscot's handover of the treasurership of Ireland to William Chambers, archdeacon of Dublin, see above 176 n 35.

⁶⁵ The complaint is recorded in on IrCR 9 Ric II (*Statutes John–Hen V*, 484–5; =RCH 128 §18).

lieutenant ... [to] speak, confess or show it, and he would immediately amend and remedy it'. The assembled prelates, magnates and commons were presumably intimidated into submissiveness rather than overcome by sycophancy. They at once, 'declared, confessed and said that they were aggrieved in none of the premises'.⁶⁶ Courtenay, having received the all clear, had it recorded and enrolled in Irish chancery, no doubt in anticipation of future attacks on him.⁶⁷ This precaution did him little good. In January, two messengers elected 'at the councils at Dublin and Kilkenny'—the chancellor, Bishop Alexander Balscot of Ossory, and Archbishop Robert Wikeford of Dublin—left Ireland bound for court. Balscot and Wikeford made an odd couple given their adversarial past, and it is possible that they represented divergent bodies of opinion within the lordship. They travelled separately. The archbishop of Dublin landed in England on 14 January 1386.⁶⁸ Balscot set sail on 20 January.⁶⁹ He probably took with him a copy of the grievances presented at the assemblies held at Kilkenny and Dublin.⁷⁰ Those complaints were exemplified on 14 January,⁷¹ the very same day that the chancellor nominated a series of attorneys,⁷² and appointed Thomas Everdon keeper of the rolls of the chancery during his absence.⁷³ Balscot's aim was clearly to attack Courtenay and force his dismissal. In this he was successful. Courtenay was accused of 'intolerable oppressions, duresses [and] excesses', and on 26 March 1386, Balscot was issued with a strict order to place him in custody and keep him under honourable arrest until a new lieutenant was sent to the colony to investigate the matter.⁷⁴

What we know of the complaints made against Courtenay shows them to have been of a general nature and they may represent a highly tendentious attempt to promote a view of the colony that favoured the third earl of Ormond. The earl's

⁶⁶ A similarly 'curious comedy' was played out in the Westminster parliament of January 1390, when the majority of the king's ministers asked to be discharged from office. They then demanded that anyone who bore grievances against them should declare them in parliament. The challenge went unanswered, and the ministers were reappointed. See Chris Given-Wilson (ed), 'Richard II: parliament of January 1390, text & trn' in *PROME CD-R*, item 6. The phrase quoted is that of Tout, *Chapters* iii 460.

⁶⁷ *Statutes John-Hen V* 486–7; = *RCH* 128 §9.

⁶⁸ *CPR* 1388–92, 88

⁶⁹ *RCH* 124 §§79, 82.

⁷⁰ *Statutes John-Hen V* 484–7; = *RCH* 128 §18.

⁷¹ *Statutes John-Hen V* 484 n 1; = *RCH* 128 §18.

⁷² *RCH* 124 §96; *ibid.* 126 §§161–2.

⁷³ *Ibid.* 124 §80. Robert Sutton, previously appointed keeper, was ordered to deliver the rolls to Everdon (*ibid.* 124 §81).

⁷⁴ *CCR* 1385–9, 49.

hostility to Courtenay presumably stemmed from a perception that the lieutenant was less than whole-hearted in his support of Butler interests. On his return in May 1385, Courtenay seems to have been determined to delegate power equitably. This policy was, in fact, less of a dramatic *volte-face* than it may at first appear. Even during his first residency in Ireland (1383–4), Courtenay had shown some reluctance to favour Ormond outright for fear of antagonising Desmond. Despite this, a serious conflict had broken out in the autumn of 1384 and the government had been forced to mediate between the two earls. Worse, Courtenay had been sucked into controversy by Ormond's enemy, Archbishop Robert Wikeford. True, the lieutenant had left Ormond as justiciar in December 1384; but, the realities of power may have dictated that he could not dispense with Ormond's support. At any rate, the unwisdom of the choice was soon manifest. Coming less than a month after the settlement of strife in Munster, the Geraldines must have viewed Ormond's appointment with apprehension. Their fears were soon realised. At his very first opportunity, 1 December 1384, the new justiciar appointed a panel of justices to inquire into seditious in the south of Ireland.⁷⁵ Two of the areas to be covered by the investigation, Kilkenny and Tipperary, lay within Butler country and so were not contentious. The commission, however, also embraced Waterford and Limerick, areas of keen Geraldine interest. This challenge to the authority of the earl of Desmond would have been disquieting in any circumstances. The fact that a number of the justices—Sir Patrick and Sir Robert Freigne, John Lumbard and Walter Coterel⁷⁶—were Ormond's adherents was clearly provocative.

It may have been this tactlessness on Ormond's part that motivated Sir Philip Courtenay to redress the balance during his second lieutenancy. One sign of his even-handed approach is that Courtenay appointed both the earls of Desmond and Ormond to act *jointly* as his deputies at a fateful council held on 17 July 1385 at Kilkenny. The lieutenant could not attend the council because he was campaigning against the Mic Mhurchadha, Uí Nualláin, Uí Bhroin and Uí Thuathail of Leinster.⁷⁷ Ormond may have found Courtenay's appointment of

⁷⁵ *RCH* 121 §86.

⁷⁶ Walter Coterel was soon to be appointed a justice at pleas before the seneschal of Kilkenny (1 August 1385: *RCH* 127 §236); John Lumbard is named as Ormond's servant in 1388 (*RCH* 141 §195).

⁷⁷ *RCH* 123 §1. One biography of Courtenay misdates this nomination of deputies to July 1384, and states that the lieutenant was in England at the time (*House of Commons* ii 671). Possibly there is some confusion with Sir Philip's brother, Sir Peter Courtenay, who attended the Salisbury parliament of April 1384 and was one of those who tortured the unfortunate Irish friar, John Latimer. See Chron Westminster 68–75; Tout, *Chapters* iii 392–3 n 1. For comment on the dating of the latter event, see Chris Given-Wilson (ed), 'Richard II: parliament of April 1384, introduction' in *PROME CD-R*, n 5.

Desmond to act as co-deputy particularly galling given that the council was to convene at Kilkenny in the Butler heartland. It seems likely, therefore, that when Ormond travelled to England in the autumn of 1385 he took a leading part in encouraging the mounting opposition to Courtenay. It was in the earl's absence that Courtenay challenged the magnates, prelates and commons of the land assembled at Dublin to declare their grievances against him. Later, at precisely the time that complainants against Courtenay were setting out for England early in 1386, the earl of Desmond suddenly began to receive significant governmental commissions from the lieutenant. On 4 January 1386, Courtenay nominated Desmond, along with Robert Tame, sheriff of county Cork, as his deputy 'for the defence of Munster'.⁷⁸ Desmond was also granted forty pounds from the farm of the city of Cork for his efforts in this regard.⁷⁹ The appointment gave Desmond authority across the whole of the south of Ireland, in Geraldine as well as Butler territories. Royal authority was further delegated to Desmond when he and his adherent, Patrick Fox, were appointed justices to take assizes in the crosslands of county Kerry.⁸⁰ By the time these grants were made, Courtenay was well aware of the actions being taken against him. Consequently, the lieutenant's reliance on the Munster Geraldines is highly suggestive of Ormond's participation in that movement. In order to demonstrate the nature of Ormond's involvement, however, it is first necessary to scrutinise carefully the chronology of events in Ireland from Courtenay's return in May 1385 until his dismissal the following spring.

The messengers who were elected to travel to court in 1385 were said to have been chosen at councils held 'at Dublin and Kilkenny'.⁸¹ There were, indeed, councils held at both these locations during the second half of the year, but there are some problems in dating them exactly. In October 1385, the great council met on a number of occasions at Dublin.⁸² Richardson and Sayles list only one such convocation, on 23 October. There is, however, a clear reference to an earlier meeting of the 'prelates and nobles, chief men and commons in our great council [L: *in magno nostro consilio*], held at Dublin on the Monday next ... the feast of

⁷⁸ NAI Lodge Mss, vol XVII f 149; =*RCH* 127 §238.

⁷⁹ *PKCI* §113. The grant was made 'in the time of the marquis of Dublin', which could refer to any moment between 1 December 1385 and 13 October 1386, when de Vere was created duke of Ireland (*Peerage* vii 70). Given Desmond's recent appointment as deputy to Courtenay for the defence of Munster, it seems probable that the grant was made before Easter 1386, when Courtenay fled from Ireland.

⁸⁰ *RCH* 127 §242.

⁸¹ *Statutes John-Hen* V 485; *CPR* 1388–92, 88.

⁸² For references to these councils, see *Statutes John-Hen* V 482–3, 487 (= *RCH* 129 §56; *ibid.* 128 §9).

St. Michael last past'.⁸³ Admittedly, the dating clause is tantalisingly incomplete, but from an independent reference it is clear that the Monday *after* Michaelmas, 2 October 1385, must be intended. It was on 2 October that the new chief justice, John Penros—who had landed at Dalkey on 25 September previously—had his patent of appointment examined at Dublin.⁸⁴ The difficulty in dating is resolved, therefore, by allowing for the fact that there were at least two sessions of the same great council held at Dublin during that month. Yet, it was not in October at Dublin that the colonial community began to murmur against Courtenay. The references to a council at Kilkenny indicate that the pressure to petition the king began several months earlier. The only council held at Kilkenny in 1385 was that summoned for 17 July, which Courtenay did not attend. The lieutenant's absence, of course, would have been a prime opportunity for hostility to be expressed.

This would suggest that it was at the July council and not, as is usually assumed, in October⁸⁵ that the idea of electing emissaries to travel to England was first mooted. Although it was many months before the delegation finally set out, traces of their earlier preparations survive. In September 1385, Robert Crull, prebendary of Swords, and John Nestrefeld were granted licences to be absent from Ireland.⁸⁶ Crull was later named as a member of the company of the archbishop of Dublin and bishop of Ossory and it is stated that he had travelled to England at their request to prosecute business with the council.⁸⁷ While there, he was appointed treasurer of Ireland.⁸⁸ The bishop of Ossory's preparations for the journey to Westminster also date from before the October council. As chancellor, he had to nominate a deputy to act in his absence and, on 20 September, William fitz William was appointed keeper of the great seal.⁸⁹ If the messengers were

⁸³ *Statutes John–Hen V*, 482–3. Cf. *Ir parl* 344–5. In this they are followed by *NHI* ix 597. Richardson and Sayles were aware of this reference, but they concluded that, '[t]here is some difficulty in reconciling the dates given to the council, but evidently the same assembly [23 October] is meant' (*Ir parl* 105 n 24).

⁸⁴ *RCH* 124 §§35–6.

⁸⁵ See for instance, Tuck, 'Anglo-Irish relations', 23; Otway-Ruthven, *Med Ire*, 318.

⁸⁶ *RCH* 123 §20.

⁸⁷ *CPR* 1385–9, 91.

⁸⁸ Crull's appointment was not enrolled in the English chancery. His account as treasurer extends from 18 April 1386 to 27 May 1388, but he did not arrive in Ireland until after June 1386. On 12 June 1386, he nominated attorneys in England and on 18 June he is named as going to Ireland in his capacity as treasurer. He was certainly in Ireland by 18 September 1386, as he was present in Dublin Castle when Sir John Stanley took his oath as chief governor (*JExp* 544; *CPR* 1385–9, 155, 163; *RCH* 131 §31).

⁸⁹ *RCH* 123 §26. The appointment was probably ineffective. On 13 November, the bishop of Ossory appointed Robert Sutton his deputy because he was about to travel to England, but his eventual appointee was Thomas Everdon (*ibid.* 125 §136; *ibid.* 124 §§78, 80–81).

indeed elected in July, this may lend an added significance to their remonstrations about the danger posed by the king's 'enemys descocce'.⁹⁰ Early in June 1385, writs were issued in England for what was to be the last summons of the English feudal host. The army, which was to march upon Scotland, met at Newcastle at the end of July and campaigned in Scotland during August.⁹¹ The threat of incursions along the coast of Ireland was by no means groundless.⁹² Nevertheless, the exhumation of Scottish skeletons at the precise moment that the king was marching northwards may, in part, have been a contrivance intended to attract the attention of the court.⁹³

The significance of all this is that it provides a context for the actions of the earl of Ormond in 1385. The Kilkenny council of 17 July, at which grievances were first expressed against the king's lieutenant, was the same meeting over which the third earls of Desmond and Ormond were appointed to deputise jointly for Sir Philip Courtenay. Ormond may have taken umbrage at this recognition of Desmond's importance. He was presumably able to dominate a council held in his home territory without the king's representative, and therefore could have encouraged the attacks on Courtenay. Almost immediately there are signs that Ormond was preparing to leave for England. At the beginning of August, a series of officers were appointed in the liberty of Tipperary, and a seneschal was

⁹⁰ *Statutes John–Hen V* 484.

⁹¹ Saul, *Ric II*, 144–5; N. B. Lewis, 'The last summons of the English feudal levy, 13 June 1385' in *EHR* lxxiii 286 (1958) 1–26; J. J. N. Palmer, 'The last summons of the feudal army in England, 1385' in *EHR* lxxxiii 329 (1968) 771–5; N. B. Lewis, 'The feudal summons of 1385' in *EHR* c 397 (1985) 729–43, with comment by J. J. N. Palmer, *ibid.* 743–6.

⁹² Three citizens of Drogheda were appointed to repel incursions from Scottish ships in 1386 (*RCH* 127 §243), and during the Otterburn war, 1388, Carlingford was attacked by a fleet led by the lord of Nithsdale (*The original chronicle of Andrew of Wyntoun*, ed F. J. Armour (Scottish Text Soc 6 vols, Edinburgh and London [1902]–14) vi 320–25). An expedition from Ireland in 1389 resulted in the capture of certain Scottish prisoners who were led to Dublin (*RCH* 145–6 §175). The colony had also suffered attacks from Spanish and French fleets. Waterford was granted the profits of the cocket seal for three years in 1388 because of 'the capture of ships, barges and other vessels and the ransom of their men by the French and Spaniards' (*CPR* 1385–9, 492; *RCH* 138 §33), and in 1382 Kinsale similarly suffered from attacks from 'Spanish enemies' (*RCH* 113 §§193–4). Thomas Walsingham records how Jean de Vienne, admiral of France, and a number of French leaders, were captured in Ireland in 1380, 'as a result of the courage and spirit of the English and the Irish', after being forced to seek harbour there following an engagement with the English naval forces off Kinsale (*Chron Walsingham*, 368–71, 371 n 443). Henry Marlborough records several engagements with Scottish forces, including attacks on Scotland launched from Drogheda and Dublin (*Chron Marl* s.a. 1400, 1405).

⁹³ For the Scottish invasions of Ireland earlier in the fourteenth century, see Robin Frame, 'The Bruces in Ireland, 1315–18', *Ire & Brit*, 71–98 (1st pr in *IHS* xix 73 (1974) 3–37); Seán Duffy (ed), *Robert the Bruce's Irish Wars: the invasions of Ireland, 1306–29* (Stroud 2002).

appointed for the Butler lands in north county Dublin.⁹⁴ By the autumn, Ormond had reached England, where he rendered his homage to the king and attended the parliament that met at Westminster on 20 October.⁹⁵ He clearly took the opportunity to voice complaints about Courtenay and was concerned about reprisals on his return. On 28 October, the king expressly ordered Courtenay, 'not to impeach or trouble the earl, his men or servants' for travelling to court to pay homage to the king, as 'he [Ormond] fears that the lieutenant ... may try to impeach him'. Ormond also sought a protection for the shipmaster who transported him across the Irish Sea, Walter Spence.⁹⁶

Ormond's visit to court coincided with the most dramatic constitutional development in the lordship's history since 1254, when King Henry III (1216–72) had decreed that Ireland should never be alienated from the English crown.⁹⁷ On 12 October, Richard II announced his intention of elevating his favourite, Robert de Vere, ninth earl of Oxford (†1392), to the dignity of marquis of Dublin and granting him Ireland as a palatinate.⁹⁸ It is tempting to relate this to the arrival of Ormond from the colony seeking either a royal expedition to Ireland, or the appointment of 'le plus graunt et plus foiable seigneur dengleterre'.⁹⁹ It seems almost inconceivable that, with the premier resident lord of Ireland to hand, the king would not have taken his counsel on such a significant matter. There is no need to propose that it was Ormond who had the original idea of creating a marquise for de Vere; yet, the earl's appearance at court may well have made the impressionable king realise that Ireland could be a land of opportunities in terms of rewarding royal favourites.¹⁰⁰ In this respect, the episode is reminiscent of the diplomatic coup of Earl James II of Ormond in soliciting the appointment of

⁹⁴ *RCH* 127 §§204, 223, 235–7.

⁹⁵ *HBC* 565

⁹⁶ *CCR* 1385–9, 22.

⁹⁷ For the 'doctrine of inalienability', see James Lydon, 'Ireland and the English crown, 1171–1534' in *IHS* xxix 115 (1995) 282. The Appellants showed themselves aware of this constitutional relationship in the articles they appealed against Robert de Vere in 1388 (*Chron Westminster* 248–9; Chris Given-Wilson (ed), 'Richard II: parliament of February 1388, text & trn' in *PROME CD-R*, pt 2, 'Appeal of treason', article 11).

⁹⁸ *CPR* 1385–9, 115; *CCR* 1385–9, 70–71. On de Vere, see Anthony Tuck, 'Vere, Robert de, ninth earl of Oxford, marquess of Dublin, and duke of Ireland' in *Oxford DNB* lvi 312–4.

⁹⁹ *Statutes John–Hen V* 484–7, qtn 486.

¹⁰⁰ Cf. the situation in thirteenth-century Ireland, when it has been suggested that John fitz Geoffrey (†1258) may have encouraged King Henry III to view Ireland 'as a place where the demands of *curiales* might be satisfied' (Robin Frame, 'Henry III and Ireland: the shaping of a peripheral lordship', *Ire & Brit*, 52 (1st pr P. R. Coss & S. D. Lloyd (eds), *Thirteenth century England IV* (Woodbridge 1992) 179–202).

Lionel of Antwerp in 1361.¹⁰¹ Unfortunately, there is little beyond the timing to prove Ormond's involvement. It is clear, however, that the king looked on Ormond with great affection. The young earl was knighted by the king himself in full parliament, and he cut a fine enough figure at court to attract the attention of the monk of Westminster, who linked Ormond's name with some of the most illustrious men in England, including three of the king's surviving uncles. This remarkable extract, which seems to have escaped the notice of Irish historians,¹⁰² is worth quoting in full:

On 9 November in full parliament at Westminster, the king raised two of his uncles to the rank of duke, advancing Edmund of Langley, earl of Cambridge, to duke of York and elevating Thomas of Woodstock, earl of Buckingham, to the dukedom of Gloucester.¹⁰³ After being invested with the various insignia befitting their rank and receiving appropriate endowments from the king, they knelt and did homage to him. Sir Michael de la Pole, the chancellor, was also endowed in parliament with land on the same day by the king and raised to earl of Suffolk;¹⁰⁴ whereupon he too assumed the insignia proper to his rank, did homage to the king, and withdrew to his place, according to his degree, among the other earls. On the same day also James earl of Ormond received the belt of knighthood from the king. The ceremonies over, the king and queen joined the newly invested great ones and the other nobles present in attending a banquet arranged for the occasion with great taste and brilliance by the duke of Lancaster.¹⁰⁵

Ormond was subsequently showered with gifts. Sometime before June 1386, when he was returning to Ireland, he married Anne, daughter of John, the late fourth

¹⁰¹ Cf. the petition of 1360 requesting 'un bone chiefteyn suffisant, estoffés et efforcéz de gentz et tresore' (*Parls & councils* §16). For the involvement of James, second earl of Ormond (†1382), see Frame, *Eng lordship*, 322; Crooks, "'Hobbes'", esp 134–7.

¹⁰² It is noticed, however, in James L Gillespie, 'Richard II's knights: Chivalry and patronage', *J Medieval History* xiii 2 (1987) 148–50; idem, 'Richard II: chivalry and kingship' in idem (ed), *The age of Richard II* (Stroud 1997) 126–8.

¹⁰³ These were the king's uncles, sons of Edward III. On Thomas of Woodstock (†1397), see Anthony Goodman, *The Loyal conspiracy: the Lords Appellant under Richard II* (London 1971) 74–104; H. G. Wright, 'Richard II and the duke of Gloucester' in *EHR* xlvii 186 (1932) 272–6.

¹⁰⁴ On Michael de la Pole (†1389), see Saul, *Ric II*, 117–20.

¹⁰⁵ Chron Westminster 140–41. Henry Knighton noted that Richard II created an 'incomparable number of knights', and connects the event with the creation of the marquis of Dublin (Chron Knighton 338–9). For a discussion of the different accounts of the episode, see J. J. N. Palmer, 'The parliament of 1385 and the constitutional crisis of 1386' in *Speculum* xlvii (1971) 477–90; Chris Given-Wilson, 'Richard II and the higher nobility' in Goodman & Gillespie, *Ric II: the art of kingship*, 117–9. The duke of Lancaster was, of course, John of Gaunt (†1399).

lord Welles (†1361).¹⁰⁶ The Welles family may not have been of the first rank, but the marriage was by no means a poor match. Anne's brother, John, fifth lord Welles (†1421), married Eleanor, sister of Thomas Mowbray (†1399), earl of Nottingham (1383) and later duke of Norfolk (1397). Although Mowbray's ambition later caused him to defect to the Appellants, in 1386 he was still a great favourite of the king, who made him Earl Marshal of England during that year.¹⁰⁷ Ormond, therefore, was moving in illustrious circles. As if this was not enough, he was also given material support. On 30 November, the city of Waterford was ordered to pay him forty pounds annually from the farm of the city as Ormond's father, the second earl, had been accustomed to receive.¹⁰⁸ The timing of the grant may be significant. It was the very next day, 1 December 1385, that Robert de Vere was created marquis of Dublin, an event that attracted widespread notice and resentment.¹⁰⁹ The honour was previously 'unknown in England',¹¹⁰ such that the monk of Westminster had to explain that it signified a dignity 'superior to an earl and less than a duke [L: *major comite et minor duce*]; so that the king caused him to be seated in parliament above the earls'.¹¹¹

From the spring of 1386, Ormond was clearly central to preparations for the marquis' ultimately abortive expedition to Ireland. On 12 February, the admirals were ordered to release a ship called *le Gabriel* of Waterford, captained by Walter Spense, for the use of the earl of Ormond.¹¹² By this time, the messengers elected at the great councils in Ireland had reached court. Little is heard of the archbishop of Dublin; on the other hand, Ormond's ally, Bishop Alexander of Ossory, was clearly held in high regard in England. On 10 March

¹⁰⁶ His new wife first appears in the records on 17 June 1386 (CPR 1381–5, 163). For the Welles family, see *Peerage* xii pt 2 441–3.

¹⁰⁷ Goodman, *Loyal conspiracy*, 163; Saul, *Ric II*, 121–3; *Peerage* xii pt 2 442–3.

¹⁰⁸ CCR 1385–9, 22; CPR 1385–9, 68.

¹⁰⁹ Chris Given-Wilson (ed), 'Richard II: parliament of October 1385, text & trn' in *PROME CD-R*, item 17; *Reports from the Lords Committees touching the dignity of a peer of the realm: with appendices* (5 vols, London 1820) v 76–7. For de Vere's patent of appointment, see Rowley Lascelles (ed), *Liber munerum publicorum Hiberniae ab an. 1152 usque ad 1827; or the establishments of Ireland from the nineteenth of King Stephen to the seventh of George IV., during a period of six hundred and seventy-five years* (2 vols, London 1824–30) i pt IV 46–7; =CPR 1385–9, 78. See also a transcript in Walter Harris' *Collectanea de rebus Hibernicis* (NLI (Harris) Ms 4 f 13–13").

¹¹⁰ Chron Walsingham 780–81.

¹¹¹ Chron Westminster 140–41. See also the accounts in John Silvester Davies (ed), *An English Chronicle of the reigns of Richard II, Henry IV, Henry V, and Henry VI, written before the year 1471, with an appendix containing the 18th and 19th years of Richard II and the parliament at Bury St Edmund's, 25th Henry VI and supplementary additions from the Cotton MS Chronicle called 'Eulogium'* (CS lxiv London 1856) 4.

¹¹² CPR 1385–9, 107.

1386, he was translated from his diocese of Ossory to Meath, a move that would certainly have been considered a promotion.¹¹³ He was addressed by his new title on 26 March when the king ordered him to arrest the 'late king's lieutenant', Sir Philip Courtenay.¹¹⁴ Balscot's associate, Robert Crull, as noted, was appointed treasurer of Ireland.¹¹⁵ The complainants against Courtenay seem to have crystallised to form the colonial element in the army that the marquis was to send to Ireland. All three—Ormond, Balscot (the new bishop of Meath), and Crull (the new treasurer)—began to cooperate with the marquis of Dublin's officials, in particular the man de Vere appointed as his lieutenant in Ireland, Sir John Stanley.¹¹⁶ Shipping was arrested along the west coast of England for de Vere's army, and protections were issued to his men.¹¹⁷ Ormond himself was also retained by the marquis, his company consisting of twenty-six men-at-arms and eighty archers.¹¹⁸ Another member of Stanley's retinue was Sir Robert Herford, the earl of Ormond's step-father.¹¹⁹ In June, Alexander Balscot and Robert Crull—fresh from their appointments as chancellor and treasurer of Ireland—likewise brought small companies consisting of eight and six men-at-arms respectively, and twenty-four archers apiece, to the general muster of Stanley's army in the west country.¹²⁰ The king himself displayed an interest in the arrangements and spent some time with de Vere at Bristol in mid-July.¹²¹

¹¹³ *NHI* ix 286.

¹¹⁴ *CCR* 1385–9, 49; *NLI* (Harris) Ms 4 f 15–15^v.

¹¹⁵ See above n 88.

¹¹⁶ He was appointed by de Vere at London on 20 March 1386, but his indenture (which was enrolled in the Irish chancery) is dated 8 June at Kennington (*TNA* C 47/10/24/8; *RCH* 131 §31). On Stanley, see *Oxford DNB* lii 226–7; *House of Commons* iv 455–8; Michael Bennett, *Community, class and careerism: Cheshire and Lancashire society in the age of Sir Gawain and the Green Knight* (Cambridge 1983) 215–23.

¹¹⁷ *CPR* 1385–9, 131, 125.

¹¹⁸ *Ibid.* 157.

¹¹⁹ *Ibid.* 144. Herford had been disadvantaged during Courtenay's lieutenancy. The lands and tenements he held with his wife, Elizabeth, widow of Earl James II of Ormond, were seized into the king's hands c 1384 due to his past debts and accounts and his absence from Ireland. On 21 September 1386, Sir John Stanley, in his capacity as lieutenant of the marquis of Dublin, ordered the treasurer and barons of the Irish exchequer to restore these lands, as Herford had made satisfaction in the chancery of Ireland and was now dwelling in Ireland (*NLI* (Harris) Ms 4 f 23).

¹²⁰ *CPR* 1385–9, 163. Crull nominated attorneys on 12 June 1386 (*ibid.* 155). One of his attorneys, William Rikhill, also served as attorney for the earl of Ormond (*ibid.* 152).

¹²¹ Saul, *Ric II*, 155; see also Saul's itinerary of Richard II at *ibid.* 471.

III

The calculus of curial faction, 1386–9

AS ORMOND set sail for Ireland in the summer of 1386, his close affiliation with a royalist party surrounding the new marquis of Dublin was quite distinct. He was returning to the colony with a knighthood, a wife, and pecuniary reward; he had banqueted with the royal family and entered the service of the king's protégé; and letters had been issued ordering the arrest of the former lieutenant, Sir Philip Courtenay. All this seemed set to guarantee Ormond's pre-eminence within the resident colonial nobility. In this sense, his tactic of abandoning a chief governor lukewarm to his interests in order to seek the greater rewards that could be won at court had proved extremely effective. Yet it was to be a transient victory. The turn of events in England in the autumn of 1386 was to convey a very important lesson. To be the king's friend was not always a blessing; indeed, at times it was decidedly a predicament. The final section of this chapter explores the ramifications across the Irish Sea of factional politics in England.

The 'Wonderful' parliament, which was in session from 1 October to 28 November 1386, was extremely hostile to the king and his ministers.¹²² Amid this charged environment the king acted to inflame feeling and draw Ireland to the centre of controversy once again. On 13 October, Robert de Vere, already marquis of Dublin, was elevated further and granted the title, duke of Ireland.¹²³ This act of bravado on the king's part was followed by an extended period during which his power was constrained. From 19 November, the government of England was entrusted to a new commission that was to hold office for a year. Its composition meant that it was not entirely inimical to the king's interests, but some members—notably Archbishop Courtenay of Canterbury—were likely to be extremely hostile to Robert de Vere and his supporters in Ireland.¹²⁴

The shift in the balance of power was quite distinct. Suddenly, the court, which had been so willing to entertain damaging information about Sir Philip Courtenay in the spring of 1385–6, began actively to support the former lieutenant and thereby attack the king's favourite, de Vere. Courtenay had remained in power

¹²² HBC 565.

¹²³ *Peerage* vii 70. For the reaction to this promotion, see Chris Given-Wilson (ed), 'Richard II: parliament of October 1386, introduction' in *PROME CD-R*.

¹²⁴ Palmer, 'Parliament of 1385 & constitutional crisis of 1386', 488–9; W. M. Ormrod, 'Government by commission: the continual council of 1386 and the English royal administration' in *Peritia* x (1996) 303–21.

in Ireland until Easter 1386.¹²⁵ In late April, he fled 'with his wife, and children, with great difficulty and danger and came to England with great trouble',¹²⁶ thereby evading the order for his arrest that had been issued to Alexander, bishop of Meath. In October 1386 he sat as a knight in the Wonderful parliament.¹²⁷ The appointment of the commission of government in November 1386 provided him with an opportunity to recoup the losses he had sustained following the bilious attacks of Ormond and the other colonial complainants. Courtenay petitioned to the effect that he had been thrust out of office against the terms of his indenture, under which he had been granted the governance of Ireland for ten years.¹²⁸ De Vere's officers were accused of seizing the revenues and profits of Ireland, which were rightfully Courtenay's, and also all of Courtenay's goods and chattels in Ireland. The ministers of the duke of Ireland were now ordered to restore to Courtenay what had been taken, and de Vere himself was compelled to pay Courtenay one thousand marks in compensation.¹²⁹

This anxiety to ensure that Courtenay would receive justice doubtless stemmed from hostility to the new duke of Ireland; but a side-effect was that the authority of de Vere's administration, that should have bolstered Ormond's power, was undermined. It took a number of months for the impact of this reversal of fortune to be felt across the sea. Early in 1387, the sheriffs of Meath, Kildare, Dublin and Louth were being instructed by Sir John Stanley to investigate the

¹²⁵ Courtenay later claimed to have served until Easter 1386, and he made a grant under the Irish seal on 14 April 1386, recorded in an *inspeximus* of 18 April 1388 (*CCR* 1385–9, 232; *CPR* 1385–9, 432). A record from IrPR 10 Ric II states that the land and lordship of Ireland came into the hands of the marquis of Dublin from 19 April 1386 (*RCH* 134 §125). Richard White, prior of the hospital of St John of Jerusalem, served thereafter as justiciar after Courtenay's departure until the arrival of Sir John Stanley on 30 August at Dalkey. Stanley displayed his indenture to the Irish council on 18 September at Dublin Castle (*RCH* 131 §31; *IExP* 535; *NHI* ix 475; *NLI* (Harris) Ms 4 ff 21).

¹²⁶ Devon, *Issues* 241 (Issue roll, Michaelmas 13 Ric II (1389–90)).

¹²⁷ Tuck, 'Anglo-Irish relations', 26; *House of Commons* ii 671–2.

¹²⁸ Courtenay's indenture states that 'le dit monsire Philip est demorez devers nostre dit seigneur le Roy son lieutenant en la terre dirlande par dys anz, commenceantz le jour que le dit monsire Philip serra primierement arrivez en la dite terre dirlande de la quele terre il avera le gouvernement durantz meismes les dys anz ... et outre ce avera le dit monsire Philip pur le gouvernement de la dite terre dirlande touz les profitz et revenues qe purront estre levez et receuz a loeps de nostre dit seigneur le Roy de meisme la terre par les ditz dys anz, sibien de taxes, taillages et subsidies, si aucuns soient grantez durant le dit temps par le clergie et par les leys gentz illoeqes de leur bone voluntés, come dautres profitz et revenues queconques outre les charges de meisme la terre que serront ordenaires et busoignable' (TNA E 101/68/9/221).

¹²⁹ *CCR* 1385–9, 232; Saul, *Ric II*, 165.

'oppressions and extortions' perpetrated by Sir Philip Courtenay.¹³⁰ Seemingly, the party hostile to Courtenay—including the earl of Ormond—still held sway. But on 28 February, the letters commanding restitution of Courtenay's effects were issued in England.¹³¹ Even before this, the mood in Ireland was changing and Ormond's opponents were in favour. On 12 February 1387, the earl of Desmond was granted the lands of his kinsman, Sir John Roche, lord of Fermoy, during the minority of Sir John's son, Maurice.¹³² The Roche lands in county Cork lay in one of the regions in which Butler and Geraldine influence intersected. Ormond's later involvement with these Cork lands suggests that he was disgruntled by this show of favour to Desmond. In December 1390, the year after Richard II had declared himself fully of age, the custody of the Roche lands, together with the marriage of the heir and the reversion of dower of the heir's mother, was transferred to John Elyngham, the king's sergeant-at-arms. Later, in 1397, Ormond, along with the treasurer from de Vere's period, Robert Crull, came to Elyngham's aid by swearing that the latter did not receive a penny from his grant until 20 August 1393.¹³³ Ormond's support for Elyngham is significant. It suggests that he was gratified by the Geraldines' loss of the custody in 1390, and, stretching the evidence further back again, it tends to confirm that he considered the original grant to Desmond in 1387 inimical to his interests.

This grant of the Roche lands to the Geraldines predates by one month a report of 14 March 1387 that great discords had once again broken out in the south of Ireland. The earl of Kildare, for the second time in two-and-a-half years, was ordered to hear all the quarrels between Desmond and Ormond and to seek agreement between them. The grant of the Roche wardship, of course, was hardly the sole cause of the conflict. Nonetheless, the favour shown to Desmond is indicative of the uncertain atmosphere that provides the context for the struggle. At one moment Ormond's fortunes were in the ascendant, bolstered by the favour of the king and his favourite; the next his support base was removed and he found his adversary being cultivated. In this setting, the fact that the tension between the two earls escalated into open conflict should occasion little surprise.

¹³⁰ *RCH* 136 §§205–6. Inquisitions had been ordered concerning Courtenay's goods on 20 September 1386, shortly after Stanley assumed office as lieutenant of the marquis (*ibid.* 136 §184).

¹³¹ *CCR* 1385–9, 232.

¹³² *RCH* 133 §92; *NAI* Ferguson repertory i 84; *PR Cloyne* 183; Eithne Donnelly, 'The Roches, Lords of Fermoy: the history of a Norman-Irish family' in *JCHAS* xl (1935) 38.

¹³³ *CCR* 1396–9, 119.

The result of the arbitration is not recorded, but it is relatively clear that Desmond continued to hold the confidence of the central government. For the next few years, during which Richard II's authority became increasingly uncertain, Desmond received a series of commissions bolstering his authority in the south of Ireland. On 10 April 1387, only one month after Kildare's mediation between the Geraldines and Butlers, Desmond was appointed chief keeper of the peace in county Limerick.¹³⁴ In December 1388, while crown authority was still constrained in the aftermath of the Appellant crisis, Desmond's commission as chief keeper and supervisor was broadened to encompass both Limerick and Kerry, and a further commission was issued on 8 May 1389.¹³⁵ A less conventional show of support was granted to Desmond on 8 December 1388, when the Dublin government issued him with a licence to foster his son, James (†1463), later seventh earl of Desmond, with Conchobair Ó Briain, brother of Brian *Sreamach* Ó Briain of Thomond (L: *ad Okonghir Obreen de Tothemonia mittere possit nutriendum*). The letter granting the licence states that the king had learned of the good place that Gerald fitz Maurice daily held for the king in the parts of Munster.¹³⁶ Desmond's affinity also felt the warm glow of favour. On 3 February 1389, Patrick Fox—a Geraldine adherent who served with Desmond as keeper of the peace in Limerick and Kerry—was granted, in conjunction with the mayor and community of Limerick city, the keeping of the royal fishery in the city for seven years.¹³⁷ This must truly have been an affront to the third earl of Ormond who, a decade previously in 1378, had himself been granted the 'keeping of the weirs, issues and profits belonging to the king's fishery of Lymeryk' for ten years.¹³⁸ The ten year term had only recently elapsed at Michaelmas 1388, and the fact that the fishery should so soon have been granted away to a Geraldine adherent must have grated on Ormond.

In contrast to Desmond, Ormond virtually disappears from the records from 1387. During 1387–8, the conflict in England intensified and transformed from a political struggle into an armed conflict. As the crisis was reaching its most furious point in the winter of 1387, Sir John Stanley had returned to England,

¹³⁴ Frame, 'Commissions' §107; =*RCH* 137 §214.

¹³⁵ Frame, 'Commissions', §58; =*RCH* 141 §217; *ibid.* 142 §239.

¹³⁶ NAI Lodge Mss, vol XXI f 39; =*RCH* 139 §88 (misprinted as §82).

¹³⁷ *RCH* 140 §124. For his commission of the peace, see Frame, 'Commissions', §28; =*RCH* 141 §217.

¹³⁸ *CFR* 1377–83, 103.

leaving Alexander, bishop of Meath, as justiciar of Ireland.¹³⁹ On 20 December 1387, the lords Appellant engaged Robert de Vere, duke of Ireland, in battle at Radcot Bridge and defeated him decisively. De Vere fled, but at the 'Merciless' parliament which met at Westminster on 3 February, he was sentenced to death and forfeiture in his absence.¹⁴⁰ On 6 March, the king's confessor, Bishop Thomas Russhok of Chichester, and six royal justices were condemned to be exiled from England to spend their lives in the Irish coastal towns of Dublin, Cork, Waterford and Drogheda.¹⁴¹ Shortly afterwards, on 20 March, the parliament was prorogued until 13 April,¹⁴² and during this period letters were sent to Ireland commanding the justiciar to cease using the duke of Ireland's seal, banners and pennons, 'as the king is informed that the bishop in error used the seal of the said Robert ... after common knowledge that by reason of a judgement rendered against him in this parliament he forfeited to the king all his lordships etc'.¹⁴³ De Vere had been condemned in early February.¹⁴⁴ The traffic of news back and forth across the Irish Sea was clearly swift. Tidings of de Vere's fate had been brought to Ireland and news of the justiciar's recalcitrance borne back to Westminster, all within the space of two months. Clearly, de Vere's former duchy of Ireland was not isolated from the furore that was engulfing England.

Ormond's attitude to all this activity is hard to assess, but the conclusion that he was considered part of a political out-group is hard to avoid. His interests had been closely tied to the party surrounding the duke of Ireland, and he had served as de Vere's justiciar.¹⁴⁵ The careers of such men were in jeopardy in 1388. By that summer, messengers acting on behalf of the Appellants had reached Ireland. John Horwelle, a sergeant-at-arms, was in attendance at a great council held at Clonmel in July 1388. He supplied the names of some the king's knights who had been put 'beyond the protection of the lord king at the last parliament held in England'.¹⁴⁶ His list included Robert de Vere's chamberlain, Sir John

¹³⁹ Stanley's last recorded pleas were held on 4 November 1387; the bishop of Meath was holding pleas on 13 November (Wood, 'Office of chief governor', 230).

¹⁴⁰ J. N. L. Myers, 'The campaign of Radcot Bridge in December 1387' in *EHR* xlii (1927) 20–33; *HBC* 565.

¹⁴¹ *CCR* 1385–9, 509–10, 515–16. Chron Knighton 502–3; Chron Westminster 336–7; Chron Usk 12–13; Chron Marl s. a. 1388. Saul, *Ric II*, 191–6.

¹⁴² *HBC* 565.

¹⁴³ *CCR* 1385–9, 388; *PKCI* xiv–xv n 3.

¹⁴⁴ Saul, *Ric II*, 193.

¹⁴⁵ *IExp* 545.

¹⁴⁶ They were: 'Henricus Bowet, decanus ecclesie sancti Patricii Dubliniensis, Henricus de Ferrers miles, Iohannes Lancastre miles et alii diuersi, quorum nomina ignorant, ad vltimum parlamentum in Anglia

Lancaster, who had served alongside Ormond in 1386 as a commander of forces that de Vere was supposed to have led to Ireland.¹⁴⁷ Another man closely associated with the Butler family who was arrested early in 1388 was Richard II's chamber knight, Sir Nicholas Dagworth.¹⁴⁸ Like these men, Ormond seems not to have held the confidence of Appellants, who may have recalled the royal favour Ormond had received at the October parliament of 1385. He was not entrusted with the task of seizing offices granted by de Vere or dismantling the symbols of his administration.¹⁴⁹ Moreover, some of those who had connived with Ormond in the attacks upon Sir Philip Courtenay were coming under pressure. The general hostility to the king's justices, for instance, extended to Ireland. In April 1388, orders were issued from Westminster for the arrest of de Vere's chief justice, Edmund Clay. Clay had been appointed shortly after the arrival of Sir John Stanley in 1386.¹⁵⁰ By 1388, complaints against his activities had been made in England, where he was accused of 'various extortions, damages, grievances and excesses against the king and people'.¹⁵¹

Yet, even if Ormond was severely embarrassed by his associations with de Vere, it is still possible that his attitude to the Appellants in general was highly ambivalent. It must have been obvious to Ormond ever since the aftermath of the Wonderful parliament, 1386, that his political affiliations were working against him. Like most of the nobility, he probably had no desire to have his 'head broken for the duke of Ireland'.¹⁵² In 1387–8, there is no evidence that he offered de Vere any support, military or otherwise. Rather, he seems to have spent the time quietly sitting out the storm in Ireland. He appears in May 1388 in the Butler heartland, fulfilling his role as lord of Tipperary.¹⁵³ Indeed, Ormond may even have felt some sympathy for the Appellants. One of their leading supporters was Sir Thomas

tentum positi fuerunt extra protectionem domini regis' (*Parls & councils* §71). Henry Bowet was later archbishop of York, 1407–23 (Given-Wilson, *Royal household*, 176).

¹⁴⁷ Sir John Lancaster brought twenty men-at-arms and sixty archers to a muster of de Vere's army in the summer of 1386 (*CPR 1385–9*, 163). On Lancaster, see Tuck, *Ric II & Eng nobility*, 61, 80.

¹⁴⁸ Devon, *Issues* 234–5 (Issue Roll: Michaelmas, 11 Ric II (1387–8)); Chron Westminster 228–9; Given-Wilson, *Royal household*, 162.

¹⁴⁹ *CPR 1385–9*, 436.

¹⁵⁰ Clay was appointed CJB on 20 September 1386 (*RCH* 132 §49). He was previously appointed as CJB. See F. Elrington Ball, *The judges in Ireland, 1222–1922* (2 vols, New York 1927) i 166.

¹⁵¹ *CCR 1385–9*, 441.

¹⁵² A comment attributed to Ralph, Lord Basset, by Henry Knighton (Chron Knighton 407). See also Chris Given-Wilson's comment that most lords 'were more concerned to avoid trouble than to take a stand' (Given-Wilson, 'Richard II and the higher nobility' in Goodman & Gillespie, *Ric II: the art of kingship*, 116).

¹⁵³ *COD* ii §285; *PKCI* xii.

Mortimer, the former chief governor of Ireland and half-brother of Edmund, earl of March (†1381), with whom Earl James II of Ormond had come into friendly contact. Sir Thomas Mortimer slew the constable of Chester, Sir Thomas Molineux, at the battle of Radcot Bridge, a fact recorded by several English chroniclers.¹⁵⁴ Its contemporary significance in Ireland is suggested by the fact that Henry Marlborough noted in his Irish chronicle that 'Thomam de Molleners' had been killed 'apud Rotcotebrigg' in 1387.¹⁵⁵

Whatever Ormond's private feelings, it is clear that he had been adversely affected by the Appellant crisis, and the atmosphere in Ireland in 1388 did not seem propitious for a recovery of his former status. By the late summer, he had decided to travel to England. On 5 August 1388, Ormond's servant John Hunt, vicar of St Mary's of Youghal, was making preparations for the journey.¹⁵⁶ On 17 August, Ormond obtained licences of absence for himself, Hunt, and another servant, John son of Nicholas Lumbard.¹⁵⁷ Apparently, he had decided that the best way to recover Butler fortunes was to return to court. His timing was good. Richard II's wooing of the commons at the Cambridge parliament of September 1388 had won him support from a political community increasingly disenchanted with the Appellant coalition.¹⁵⁸ Early in 1389, the king won over the two least committed of the Appellants, the earls of Nottingham and Derby.¹⁵⁹ It is in this atmosphere that the appointment on 5 March 1389 of Sir Thomas Mortimer as the king's lieutenant of Ireland should be interpreted.¹⁶⁰ It is difficult to see how, with Appellant influence in England waning, Mortimer could have been convincing as the 'enforcer of Appellant authority in Ireland'.¹⁶¹ Ormond had returned to Ireland before this appointment was made, and a change in the official attitude to him is detectable by mid-February, when he was appointed 'keeper and governor' of Kilkenny and Tipperary.¹⁶² This was no great concession. Tipperary, after all, was

¹⁵⁴ Chron Westminster 222–3; Chron Knighton 422–3. See James L. Gillespie, 'Thomas Mortimer and Thomas Molineux: Radcot Bridge and the appeal of 1397' in *Albion: a Journal of British Studies* vii (1975) 161–73, esp 163–5; Myers, 'The campaign of Radcot Bridge', 20–33; Dunn, 'Ric II & the Mortimer inheritance', 161–3.

¹⁵⁵ Chron Marl s.a. 1387.

¹⁵⁶ *RCH* 138 §32.

¹⁵⁷ *RCH* 141 §195.

¹⁵⁸ Anthony Tuck, 'The Cambridge parliament, 1388' in *EHR* lxxxiv (1969) 225–43; Saul, *Ric II*, 200–02; idem, 'The commons and the abolition of badges' in *Parliamentary History* ix (1990) 302–15.

¹⁵⁹ Saul, *Ric II*, 203.

¹⁶⁰ *CPR* 1388–92, 20.

¹⁶¹ Dunn, 'Ric II & the Mortimer inheritance', 162–3.

¹⁶² NAI Lodge Mss, vol XVII f 149; =*RCH* 142 §226.

a liberty of which the Butlers were lord, and Kilkenny was at the centre of their interests. But the appointment is indicative of a slight warming in the political climate.

The thaw truly arrived after 3 May 1389, the day Richard II declared himself to be of age and letters were directed to the sheriffs of England to proclaim that the king had assumed the governance of the realm.¹⁶³ The monk of Westminster, who had previously made note of Ormond's career, records that Richard removed 'all officers, both greater and less, even those beyond the sea'.¹⁶⁴ And indeed, Richard II was soon attending to the business of making appointments in Ireland. On 31 July, Sir John Stanley—who had acted as de Vere's lieutenant in Ireland, but had fled the colony at the height of the Appellant crisis—entered into an indenture with the king to serve as justiciar of Ireland for three years.¹⁶⁵ On 1 August the patent of his appointment was issued.¹⁶⁶ His powers of patronage were clarified on 13 August,¹⁶⁷ and a week later the appointment was discussed and ratified by the king's council in England.¹⁶⁸ With Stanley's appointment confirmed, the other principal ministers were slotted into place. Alexander Balscot, bishop of Meath—whose administrative experience seems to have made him indispensable to whoever was in power—was appointed as chancellor of Ireland,¹⁶⁹ and Robert Crull was once again appointed treasurer.¹⁷⁰ Crull's appointment, in the event, was not immediately effective.¹⁷¹ Nonetheless, the intention was clearly to reconstitute the Irish administration as it had been under

¹⁶³ *CCR* 1385–9, 671; Saul, *Ric II*, 203, 239; Tout, *Chapters* iii 456.

¹⁶⁴ Tout, *Chapters* iii 456–7; Chron Westminster 390–92.

¹⁶⁵ TNA E 101/68/11/265; enrolled *RCH* 145 §136.

¹⁶⁶ *CPR* 1388–92, 91; enrolled *RCH* 144 §77.

¹⁶⁷ *CPR* 1388–92, 99. Stanley was granted Blackcastle, co Meath, on 23 August 1389 (*CPR* 1388–92, 106; *RCH* 144 §81; *COD* ii §291; BL Add Ms 4798 f 19).

¹⁶⁸ *PPC* 1388–1410, 6–7.

¹⁶⁹ *CPR* 1388–92, 109; enrolled *RCH* 144 §78. The bishop of Meath took the oath of office on 25 October (*RCH* 144 §§78–80).

¹⁷⁰ *CPR* 1388–92, 103.

¹⁷¹ Crull did not take up office as treasurer until 1391. On 28 January 1390, he appointed attorneys in Ireland for one year because he was resident in England (*CPR* 1388–92, 178). He was appointed as treasurer on 26 October 1390, and was preparing to travel to Ireland in February 1391, but he appointed further attorneys in April, and did not finally leave England until late in May, when he was issued with detailed instructions (*CPR* 1388–92, 318, 381, 384, 395, 413; *CCR* 1389–92, 255, 344). In the mean time, Richard White, prior of the hospital of St John of Jerusalem in Ireland, served as treasurer from 27 June 1388 to 20 June 1391 (*IExp* 546; Johnston, 'Chief governors', 109–10). The patent of appointment dated 2 May 1391 of John, bishop of Salisbury, as treasurer of Ireland is a scribal error for treasurer of England (*CPR* 1388–92, 402).

Robert de Vere, when Stanley, Balscot, and Crull had held the three senior posts in the Irish administration.

Even before this reorganisation at the pinnacle of the royal administration, Richard II's assumption of power had affected the distribution of authority at a local level in the colony. At the end of May 1389, Thomas Butler, brother of Earl James III of Ormond, together with Nicholas White of Clonmel, was appointed to investigate seditions in county Cork. The commission was repeated on 1 June.¹⁷² Here was a clear sign that Ormond was flexing his muscles in the south of Ireland again. It was this Thomas Butler who was later to be killed in Waterford by the Geraldines. Other appointments to investigate seditions in counties Kilkenny, Waterford and Wexford are further evidence of the general revival of Ormond's influence. The Kilkenny commission was to be headed by Ormond's retainer, Sir Patrick Freigne.¹⁷³ Other acts of patronage may also be connected with Ormond's rehabilitation. The archdeacon of Ossory—a clerk working at the heart of Butler territories—was ratified in his position as prebend of Beuver, county Cork.¹⁷⁴ Meanwhile in England, Ormond's step-father, Sir Robert Herford—who had travelled back and forth from court to colony during 1388–9, probably representing Butler interests—was appointed chancellor of the green wax of the Irish exchequer.¹⁷⁵

IV

RICHARD II's reassertion of authority in 1389, therefore, seems to have led to an immediate improvement in Ormond's political situation in Ireland. Royal favour was once again demonstrating its capacity to further careers. This, however, was not the only lesson to be learned from the previous six years. The factious environment of Richard's court had taught that the king's favour brought risks as well as rewards. When the fissures in English political life reopened in the late 1390s, Ormond was careful not to thrust all his eggs into the royal basket. The Munster Geraldines also showed themselves to have been diligent students. Gerald of Desmond had challenged Ormond's authority and profited from the Butlers'

¹⁷² *RCH* 142 §242 (25 May 1389); *ibid.* 141 §185 (1 June 1389).

¹⁷³ *Ibid.* 141 §181–2. Walter Coterel, Thomas Swetman and Robert Talbot were also appointed to act in Kilkenny, while Thomas Swetman and Matthew fitz Henry were appointed to investigate seditions in Wexford and Waterford.

¹⁷⁴ *Ibid.* 140 §117.

¹⁷⁵ *CPR* 1388–92, 49. For his movements, see *CPR* 1385–9, 505; *RCH* 141 §202. By May 1390, when he was about to travel to England, he was chancellor of the Irish exchequer (*RCH* 145 §158).

misfortune. The 1380s had proven that Butler hegemony in the south of Ireland could be resisted. The earldom of Desmond was still a vital force in Munster politics with a plausible claim to be an alternative source of regional stability and to share equally in the spoils of royal favour. As these two confident comital houses entered the last decade of fourteenth century, it seemed as though equilibrium might have been achieved. Yet, it was a precarious balance and, when Richard II next turned his gaze to Ireland, it was easily upset by vigorous politicking and the uneven distribution of patronage.

THE EIGHT years following Richard II's resumption of power were the most tranquil of his reign in England. From 1389 until the king's precipitate attack on his enemies in July 1397, the king generally heeded the counsel of his subjects, abstained from extravagant shows of patronage, and in general governed wisely and maturely. As a result, Richard's relationship with the nobility of England was never more harmonious.

In Ireland there are some signs of an equivalent 'age of compromise' and 'appeasement'.¹ The fortunes of the earl of Ormond, which for a time seemed to have gone into abeyance, were somewhat revived as hostility to the king ebbed away in 1388–9. The result was the return of some balance to the colony's politics. It seems that from 1389–91 the central government may have adopted a more even-handed approach to the distribution of patronage and recognised the authority of the two earls in their respective spheres of influence.² In May 1391, for instance, Ormond was granted the Bermingham manors of Donadea and Rathrone in county Kildare, which were worth sixteen pounds a year;³ in August, his retainer Sir Patrick Freigne, along with the bishop of Ossory, was appointed deputy of the justiciar in county Kilkenny.⁴ Another grant with real potential to cause dissension was made on 3 September 1391, when Sir Robert Herford, Ormond's step-father, was granted a parcel of the Courcy lands in Kinsale, county Cork, an area of Geraldine interest.⁵ The previous December, Desmond's control of the Roche lordship of Fermoy had been transferred to the king's sergeant-at-arms, John Elyngham. Taken together, these actions seem to point to a concerted assault on Desmond's interests in county Cork.

Yet it is clear that the Geraldines were not entirely out of favour. On 8 August 1391, Patrick Fox, a Geraldine adherent, was granted a messuage belonging to one John Michel in Kilmallock,⁶ while in September, the government responded favourably to a number of Geraldine petitions. Both Desmond himself,

¹ The phrases are those of T. F. Tout and Anthony Steel respectively (Tout, *Chapters* iii 454; Steel, *Richard II* (Cambridge 1941), ch 7, 'The policy of appeasement', 180–216); noted in Saul, *Ric II*, 236 n 4.

² The third resident earl, Maurice fitz Thomas, fourth earl of Kildare, died c August 1390 (*NHI* ix 232 n 3).

³ *CPR* 1388–92, 403; *COD* ii §296.

⁴ *RCH* 149 §77.

⁵ *RCH* 148 §24. On the division of Milo Courcy's lands, see *PR Cloyne* 165.

⁶ *RCH* 148 §20.

and John, the future fourth earl of Desmond, acted as patronage brokers. John of Desmond petitioned for a pension on behalf of a clerk, 'William Omolcorkeran', which was to be paid by the bishop of Killaloe.⁷ Desmond, meanwhile, successfully solicited a series of pardons for members of the Barry, White, Lees and Mareschall families.⁸ It is conceivable that these pardons were issued for offences committed in the course of the Geraldine–Butler conflict of the past few years, in which case they may be indicative of a new conciliatory attitude.⁹ Certainly, the administration felt able to concede that the Geraldines were natural authority-figures in the sensitive area of county Cork, something that typically would have antagonised Ormond. In October 1391, a commission appointing the earl of Desmond and Patrick Fox keepers and supervisors of the peace was expanded to encompass county Cork as well as their normal territories of Limerick and Kerry.¹⁰

Further signs of a Geraldine–Butler rapprochement are found during Ormond's tenure as chief governor, 1392–4.¹¹ Ormond responded favourably to a number of petitions of Geraldine provenance and delegated power to his rivals in Waterford and Cork. John of Desmond, for instance, was granted a licence to convoy the 'carriers of victuals, corn and other merchandizes' travelling from Limerick to the city of Cork and Ormond's town of Youghal.¹² Geraldine power was further bolstered by a directive to the municipal officers of Cork to pay John's father, the third earl of Desmond, twenty pounds that had been assigned to him in 1385–6 from the fee farm of Cork.¹³ Ormond also facilitated the entrenchment of Geraldine power in county Waterford, a region in which both comital families maintained interests. Late in January 1393, Roger Fraunceys, recently elected sheriff of Waterford, was discharged from office because he was not 'able nor of sufficient power to serve our Lord the King'.¹⁴ The following month, at the request of the commons of the county, John of Desmond was

⁷ *RCH* 149 §§85–6. Mathghamhain Mág Raith, bishop of Killaloe (provided *a* August 1389; *d a* 1400) was granted restitution of the temporalities of Killaloe on 1 September 1391 (*NHI* ix 301).

⁸ *RCH* 148 §§29–32. The pardon to John Mareschall of Kyll was granted on 28 June 1391 at Dublin (*ibid.* 148 §33).

⁹ Waters, *Earls of Desmond* (PhD), 135–6.

¹⁰ Frame, 'Commissions', §18; =*RCH* 149 §94. On 8 September 1391, Desmond and Fox had been appointed keepers and supervisors in Limerick and Kerry alone (Frame, 'Commissions', §59; =*RCH* 149 §87).

¹¹ *NHI* ix 475.

¹² *PKCI* 120–22 §109.

¹³ *PKCI* 126–8 §113.

¹⁴ *PKCI* 98–9 §94.

appointed sheriff of Waterford.¹⁵ Moreover, Ormond issued a general pardon to John of Desmond, ‘for the good service which the said John has done to our Lord the King and will do in time to come’,¹⁶ as well as supporting John’s role as a broker of patronage by acceding to his requests that his servants Richard Mason and Henry Dobbyn of Dungarvan, county Waterford, be pardoned.¹⁷

If these pardons were connected with the discord between the families in the 1380s, then they may represent an effort to bury the hatchet. There were certainly powerful factors that may have urged reconciliation. As we have seen, the two families were intricately entwined with each other.¹⁸ In 1393, Ormond spoke fondly of John, the future fourth earl of Desmond, describing him as his most dear and well-beloved nephew.¹⁹ We should be wary, however, of making the picture too rosy.²⁰ If there is little sign of the open antagonism that had characterised the previous decade, this cannot be thought of as a long-term development. The fissures are plainly evident during the royal expedition of 1394–5, and such was Ormond’s success in winning Richard II’s confidence that a negative reaction from the Geraldines is not surprising. In 1396, Thomas, the third earl of Ormond’s brother, was killed in Waterford by the Geraldines. It is likely, therefore, that the ‘age of compromise’ was more illusory than actual. For a number of years from 1389, the earl of Ormond’s ambitions were diverted away from Munster, as he transacted business in England and negotiated a spectacular accretion to the Butler lordship in 1391–2, the Despenser purparty of Kilkenny. As justiciar from 1392–4, it is true that Ormond was willing to sponsor his nephew and share power with the earls of Desmond in Munster. Perhaps this points to a ‘rapprochement’ between the earls. Such a suggestion must, however, be offered cautiously. The flood of information for the year 1392–3 is a result of a unique accident: the survival of a single roll of council proceedings for the regnal year, 16 Richard II. Any attempt to discern a ‘new’ atmosphere of cooperation in the early 1390s must take this into account.

What the council proceedings of 1392–3 indisputably show is Ormond’s supreme confidence and his dominance of the lordship’s political life. This self-assurance represents a marked change from the insecurity of Ormond’s father, the

¹⁵ *PKCI* 155–5 §133.

¹⁶ *PKCI* 147–8 §125.

¹⁷ *PKCI* 142–3 §122; *PKCI* 151–2 §129.

¹⁸ See discussion above 64–6 and below 242.

¹⁹ *PKCI* §122.

²⁰ Cf. Waters, *Earls of Desmond* (PhD), 137.

second earl, when he had succeeded to the Butler lordship in 1347. Such had been his family's success, in other words, that the third earl of Ormond could now allow himself the luxury of being magnanimous, to the extent that he could attempt to draw the Geraldines within his network of power. For John of Desmond, accepting his uncle's patronage was probably a necessary expedient, but it may also have rankled severely. His father, Gerald, the third earl of Desmond, seems to have been ailing in these years. As the heir to the Geraldine inheritance, John would surely not have wished to find that, on becoming earl of Desmond, he was beholden to his uncle, or worse still a Butler client. The murder of Thomas Butler at Waterford in 1396 was an open challenge to the dominance of Ormond in the south of Ireland. In such a contest, Ormond was likely to be successful: he was experienced at politicking, held the confidence of Richard II, and cultivated excellent relations with the powerful Mortimer family. This is the context for the episode examined in detail at the close of this chapter: the confrontation between Desmond and Ormond that followed the king's second expedition to Ireland in 1399.

I

Patronage, 1392–4

THE self-assurance of James, third earl of Ormond, during his justiciarship of 1392–4 was with good reason. His appointment came after a run of successful years for the earl. Before May 1390, Ormond's mother, Elizabeth, had died and as a result her dower lands in England were released to her son.²¹ Then, early in February 1391, Ormond successfully gained control of the Somerset lands of Sir Stephen Marreys [Marisco], a distant kinsman and former seneschal of Tipperary who had died many years before.²² His most spectacular achievement was, however, his purchase of one third of the liberty of Kilkenny from the Despenser

²¹ *CFR* 1383–91, 327.

²² *CCR* 1389–92, 248–9. It is stated in the order to the escheator of Somerset in 1391 that Ormond's great-great-grandfather, Theobald III Butler (†1248), had married Joan, a sister of John de Marisco, whose grandson, Stephen, died c 1370. This descent is flawed. The English chancery in the late fourteenth century did not have the benefit of the scholarly researches of Eric St John Brooks, who shows that it was a daughter of Geoffrey de Marisco who married Theobald II Walter (†1230) (Eric St John Brooks, 'The family of Marisco—pt 3' in *JRSAI* lxii (1932) 67–8). At an inquisition taken at Clonmel on 3 May 1378, the jurors did not know the precise date of Sir Stephen Marreys' death and stated that he had 'died in England 6 or 7 years ago'. The second earl of Ormond was deemed to be his 'kinsman and next heir', because 'all other persons living of Stephen's race and kindred (*nacione et parentela*) are bastards born out of wedlock' (*CIPM* 1377–84, 28–9). For a catalogue of Marreys' career as seneschal of Tipperary, see Butler, 'Seneschals' in *Ir Geneal* ii 326.

family.²³ Ormond was in England from the summer of 1391,²⁴ negotiating with Despenser²⁵ and spending time on his estates.²⁶ In mid-December, he was preparing to return to Ireland,²⁷ where in the spring the royal administration facilitated Ormond by pardoning his entry of the lands without royal licence.²⁸ Thus by April 1392, Ormond was in possession of Kilkenny castle.²⁹ The sovereign and community of the town of Kilkenny inaugurated their relationship with their new lord by granting him a subsidy to pay for his private army, which was to protect the county of Kilkenny for the following six weeks.³⁰ Ormond's ambitions were not yet exhausted. Late in 1392, he petitioned the Irish council for custody of the 'lands and tenements, royalty and liberty of Hugh, earl of Stafford, in the county of Kilkenny'.³¹ Since Ormond had recently become justiciar of Ireland, it was almost inconceivable that the council would resist his request. Custody of the Stafford purparty was duly granted, and Ormond can be seen exercising his rights in April 1393.³² By virtue of the grant, he came into control of two-thirds of the liberty of Kilkenny, which combined with the Butler liberty of Tipperary, made him indisputably the most powerful and influential resident magnate in Ireland.

These private enterprises and extended absences in England in part account for the lack of contention with the Geraldines, and the government's need to delegate authority to the earls of Desmond in the south of Ireland. They also make the dismay that Ormond expressed upon hearing of his appointment as justiciar in October 1392 less than convincing. In April 1392,³³ in response to petitions from the Irish commons led by Ormond, the king announced his intention to send his uncle the duke of Gloucester to Ireland as lieutenant.³⁴ The plan faltered sometime

²³ COD ii §297.

²⁴ COD ii §296.

²⁵ CPR 1388–92, 516.

²⁶ CCR 1389–92, 525.

²⁷ CPR 1391–6, 31.

²⁸ COD ii §297 (vii). Facsimiles of two of the documents pertaining to the transfer of the Despenser estate in Kilkenny to the Butlers are pr Gilbert, *Facsimiles* iii plates XX–XXI.

²⁹ See C. A. Empey, 'County Kilkenny in the Norman period' in *H&S Kilkenny* 86, 88–9.

³⁰ A. J. Otway-Ruthven (ed), *Liber primus Kilkenniensis* (Kilkenny 1961) 50. The editor translates *les bondys* as 'mercenary soldiers'.

³¹ PKCI 52–3 §47.

³² COD ii §305.

³³ CCR 1388–92, 463.

³⁴ Since 1389, the chief governorship had been held by Alexander, bishop of Meath (Jcr 1388–9; 1391–2) and Sir John Stanley (Lt 1389–91). For the duke of Gloucester's involvement in Ireland, see Dorothy

between May 1392 and 23 July, when the king wrote to the Irish council of his decision to send the young earl of March, Roger Mortimer, to Ireland as lieutenant. Ormond was to act as justiciar of Ireland until Mortimer's arrival, and two thousand marks were sent to Ireland with the king's sergeant-at-arms, John Elyngheam.³⁵ The choice of Ormond was natural in any circumstances, but given his recent aggrandisement, especially appropriate. When writing to Ormond on 25 July 1392 to tell him of his appointment as justiciar of Ireland, Richard II addressed the earl in glowing terms as his 'very dear and faithful cousin' and stated that he had been informed 'by the report of trust-worthy persons' of Ormond's 'labour and diligence and loyal service'.³⁶

Elyngheam reached the earl's castle of Carrick on 8 October 1392, where he presented Ormond with the royal letter of appointment. Ormond immediately wrote to the outgoing justiciar, Bishop Alexander Balscot of Meath, explaining that the king's charge, 'seems to us very difficult, nor are we at all able to undertake it, in the condition that the said land is in at present, neither do we know how we can bear it without great dishonour and destruction to our poor and simple estate'. He told the bishop that he had to attend a parley with Mac Murchadha on the following Monday, and he instructed the bishop to summon a council that would meet at Castledermot to discuss the chief governorship.³⁷ Historians have rightly been slow to accept Ormond's hackneyed excuse about the disturbed condition of the country and his limited means.³⁸ He had been able to afford a protracted residence in England during 1391, the result of which had been

Johnston, 'The draft indenture of Thomas, duke of Gloucester, as lieutenant of Ireland, 1391' in *J Soc Archivists* vii 3 (1983) 173–82 (with two plates). Johnston supplies a critical edition of Gloucester's draft indenture, originally pr Gilbert, *Viceroy*, 552–6. For Gloucester's arrangements for the expeditions, see K. B. McFarlane, *The nobility of later medieval England: the Ford lectures for 1953 and related studies* (Oxford 1973) 26. His appointment was noted by several English chroniclers (Chron Westminster 378–9, 486–7; Chron Walsingham 932–3).

³⁵ *PKCI* 255–60.

³⁶ BL Cotton Titus B XI pt 1 §11. This letter of 25 July 1392 is printed by Graves (*PKCI* app ii 258–9), along with a second letter of 23 July 1392 to Alexander, bishop of Meath (*PKCI* app i 255–60; =BL Cotton Titus B XI pt 1 §15). Graves also prints the Latin text of Ormond's two patents of appointment (*PKCI* xiv–xv n 3). Unfortunately, the year that Graves attributes to these documents (1393) is a year in advance of the true date and consequently the chronology in his introduction is unreliable (*PKCI* xiv–xvi). The king's letter to Ormond of 25 July 1392 accompanies the letter patent of 24 July 1392, now calendared as *CPR* 1391–6, 126. A second discrete letter of appointment was issued on 31 May 1393 (*CPR* 1391–6, 275). A transcript of Ormond's indenture, dated 18 June 1393, is NLI (Harris) Ms 4 ff 43–4. For later references to this indenture, see TNA E 28/26/78; *CTNA* 174.

³⁷ *PKCI* xvi–xvii n 1. The letter is dated 9 October 1392.

³⁸ Otway-Ruthven, *Med Ire*, 325; Lydon, *Lordship*, 167.

an enormous expansion of his 'pauvre et simple estat'. Moreover, Elyngham had brought two thousand marks with him to Ireland from the English exchequer.³⁹ In fact, it is highly improbable that Ormond was attempting to evade the appointment at all. That was the type of cavalier action that would earn him the king's deep displeasure.⁴⁰ The council, certainly, did not entertain Ormond's protest. The chancellor, Archbishop Robert Waldby of Dublin,⁴¹ was unequivocal on the point. He understood that the council at Castledermot had been summoned in order 'to commit the charge of the justiciarship to you [Ormond]'.⁴² Perhaps, then, Ormond was merely dissimulating. The chief governorship offered Ormond an enormous source of patronage. Given how blatantly Ormond turned this power to reward his supporters, it may be that his letter is best interpreted as a tactic designed to make the Irish council as amenable to his wishes as possible by the time he finally met them.

It was, of course, the repertory of patronage under the chief governor's control that forced the earl of Desmond and his son John to seek Ormond's favour in early 1393. Ormond, as noted, responded favourably to these approaches; but, however substantial the crumbs he threw to the Geraldines, they were as nothing compared to the favours he bountifully lavished on his own affinity. Pardons, protections, cash sums, lands, marriages, wardships, appointments in the administration and local government and benefices all went to people who can be shown to have Butler connections. The first such grant was made at Dublin within days of Ormond taking office in late October.⁴³ On 1 November, Ormond rewarded

³⁹ *PKCI* 255–60.

⁴⁰ Sir Richard Pembridge, who refused the justiciarship in 1372, was stripped of the many honours bestowed on him by King Edward III (*CCR* 1369–7, 420).

⁴¹ Robert Waldby was translated to Dublin in November 1390 (*NHI* ix 310; Chron Marl s.a. 1390). He was appointed chancellor of Ireland on 28 February 1392 and the appointment was repeated on 24 July of the same year (*CPR* 1391–6, 51, 126).

⁴² *PKCI* 41–3 §36 (qtn 42). I have avoided Graves' translation of *Justicierie* as 'Justiceship' for purposes of consistency.

⁴³ There is no record of the exact date of this council. Ormond received his patent of appointment on 8 October 1392. He sent instructions to the chancellor, Bishop Alexander Balscot of Meath, to summon a council the next day, 9 October. This letter had to reach the bishop, who would then have ordered writs of summons to be issued to members of the king's Irish council and 'autres des meillours homes des Conties et Cites dycelle parties' to Castledermot (*PKCI* qtn xvii). This would all have taken some days. In the emergency following the death of Edmund Mortimer, earl of March, on 26 December 1381, the council met on 9 January 1382, thirteen days after the writs of summons were issued on 27 December 1381 (*RCH* 111 §39; *Parls & councils* §66). During Sir William Windsor's lieutenancy (1369–72), a great council met at Kilkenny on 25 February 1371 only ten days after the date of the summons (Clarke, 'Windsor', 176; *Ir parl* 342; Lynch, *Legal institutions*, 318–22; *RCH* 84 §§110–18). We know that Ormond was answering petitions

John fitz Nicholas Lumbard for his service as a keeper of the peace in Kilkenny. During an engagement with Mac Murchadha, Lumbard had received a life-threatening wound, but he could report the happy news that ten of the Gaelic Irish had been beheaded (F: *decolles*). Although Lumbard was lucky enough to receive a handsome twenty pounds for his pains,⁴⁴ the real felicity was to have entered the service of the earl of Ormond. He was one of two servants who travelled with Ormond to England in 1388, at a time when Butler fortunes seemed relatively bleak.⁴⁵ Ormond's other servant on that occasion had been Sir John Hunt, vicar of St Mary's of Youghal.⁴⁶ Hunt's service was not forgotten. As befitted a clerk, his reward was a benefice—the prebend of St Maul in the diocese of Ossory—and he was later issued with a general pardon.⁴⁷ Many more Butler servants were similarly rewarded: Roger Dod—who travelled to England on Ormond's behalf in 1393,⁴⁸ and was to act as his bailiff for a land transaction in 1399⁴⁹—with a message of Walter Somery's in Jordanstown and Waspainstown in which he was encouraged to build a tower;⁵⁰ Thomas Gower, a clerk and keeper of writs of the common bench,⁵¹ with lands in Meath and Kildare, as well as an appointment as chief remembrancer of the exchequer;⁵² John Acton, a member of Ormond's company,⁵³ and second chamberlain of the exchequer,⁵⁴ was granted a pardon;⁵⁵ and two other members of Ormond's company, a chaplain by the name of Master Hugh Cheltenham, and another man called William Newbury, were issued with protections.⁵⁶

Ormond's 'good lordship' also had to extend to the personnel with whose support he maintained his dominance of local society in the Butler heartland. Sir

at Dublin on 30 October 1392. According to the archbishop of Dublin the council was held at Castledermot, county Kildare, and lasted for six days (*PKCI* 3–4 §1; *ibid.* 41–2 §36). The various time constraints, therefore, suggest that the council took place some time after 20 October but before 29 October.

⁴⁴ *PKCI* 6–8 §4.

⁴⁵ *RCH* 141 §195. In 1399, Ormond nominated John Lumbard as his attorney in England (*CPR* 1396–9, 514).

⁴⁶ *RCH* 138 §32; *ibid.* 141 §195.

⁴⁷ *PKCI* 22 §15; *ibid.* 174–5 §146.

⁴⁸ *CCR* 1392–6, 52–3.

⁴⁹ *NLI D* 1384/2; = *COD* ii §340 (ii).

⁵⁰ *PKCI* 24–5 §18.

⁵¹ *RCH* 148 §51–2.

⁵² *PKCI* 26 §19; *PKCI* 27 §20. Gower identifies himself as Ormond's servant in *PKCI* 241–2 §205.

⁵³ *CPR* 1391–6, 208.

⁵⁴ *Ibid.* 251.

⁵⁵ *PKCI* 43–4 §37. The pardon was issued at the request of the archbishop of Dublin.

⁵⁶ *PKCI* 93 §89; *ibid.* 71 §67.

Robert Freigne and Walter Cantwell, for instance, were appointed in 1391 as bailiffs for putting Ormond in possession of the Despenser purparty of Kilkenny.⁵⁷ Both were rewarded within a few days of one another in November 1392, giving the impression that there was a scramble to reach Ormond's trough of patronage. Walter Cantwell, who acted as a bailiff to put Ormond in possession of the manor of Blackcastle in 1399,⁵⁸ was granted lands in county Kilkenny.⁵⁹ Sir Robert Freigne was a member of a leading Kilkenny family whose fortunes were closely bound up with the Butlers. A number of Freignes were life retainers of the earls of Ormond, and Sir Robert had recently served as sheriff of Kilkenny. Ormond saw to it that Robert was granted a pardon⁶⁰ and rewarded for his service as sheriff,⁶¹ and that he and his kinsmen, Patrick and Geoffrey Freigne, were given allowances in their accounts at the Irish exchequer.⁶²

Some beneficiaries of Ormond's largesse hailed from England rather than Ireland, their connections with the Butlers coming as a result of military service. The Hertfordshire squire, Edward Perers, was just such a case. Perers' career in Ireland began in the late 1370s during the last justiciarship of Earl James II of Ormond.⁶³ He had continued to serve in Ireland during the 1380s, notably with Sir John Stanley, lieutenant of Robert de Vere in Ireland.⁶⁴ During that time Perers acquired estates in the colony, notably at the heart of Butler interests, Kilkenny.⁶⁵ He was later honoured with knighthood and retained for life by Richard II during his expedition to Ireland of 1394–5.⁶⁶ Yet he was already held in high regard in 1392–3, at which time he held the office of the king's marshal in Ireland.⁶⁷ Ormond referred to him fondly as 'nostre bien ame Esquier',⁶⁸ and his favour was

⁵⁷ *COD* ii §297 (ii).

⁵⁸ *NLI* 1384/2; =*COD* ii §340 (ii).

⁵⁹ *PKCI* 33–4 §29. In April 1394, Walter Cantwell and two other men acted as Ormond's feoffees when he granted them his lands in county Dublin for life (*COD* ii §310).

⁶⁰ *PKCI* 143–4 §123

⁶¹ *PKCI* 10–11 §6.

⁶² *PKCI* 35–6 §32. Sir Patrick Freigne was a former seneschal of the liberty of Kilkenny (*PKCI* 149 §127).

⁶³ *COD* ii §237. Perers' receipt for expenses released to him for his passage in September 1378 from Chester and Liverpool to Ireland with a company of sixteen men-at-arms and forty-nine archers survives (*TNA E* 101/246/1/21).

⁶⁴ *IExP* 545.

⁶⁵ *COD* ii §§292, 321, 375 (i–ii).

⁶⁶ *CPR* 1391–6, 600; *CCR* 1392–6, 432. He was granted an annuity of forty pounds from the fee farm of Montgomery in Wales. For his role as a king's knight, see Given-Wilson, *Royal household*, 234; *ibid.* app v 285.

⁶⁷ *PKCI* 71–2 §69.

⁶⁸ *PKCI* 158–9 §136 (qtn 158).

clearly shown when he answered his squire's petitions favourably: Perers received a series of grants of lands in Meath, including those of John Vernaille in Portlester to farm,⁶⁹ the custody of the Mortimer manor of Castlericard,⁷⁰ and the custody of a portion of the lands of Sir Simon Cusak.⁷¹

If Ormond rewarded his servants and adherents lavishly, neither did he forget his kinsmen. His step-father, Sir Robert Herford, had served as seneschal of Tipperary on several occasions during the last two decades,⁷² and constantly traversed the Irish Sea in Butler's service. He was granted a protection and custody of the inheritance of Sir Robert Berford, a tenant of the earl of March.⁷³ Ormond's brother, Thomas, sought and received the wardship of Elizabeth Netterville, heir to the lands of Richard Netterville,⁷⁴ while his kinsman, Sir William son of Peter Butler of Dunboyne, who had recently acted as seneschal of the liberty of Tipperary,⁷⁵ was granted a pardon for illegal entry onto lands in county Meath.⁷⁶

Ormond's promotion of his supporters, retainers, servants and kinsmen puts into perspective his willingness to look favourably upon the petitions of his rivals. His concessions to Geraldines, while not insubstantial, were certainly not munificent. Not that Ormond's activities were unusual or even inappropriate. A similar pattern of behaviour was evident when his father was last in office, 1376–9.⁷⁷ Patronage was an established part of the system of government.⁷⁸ The king himself acknowledged its importance as a buttress of the chief governor's power when, in Ormond's second patent of appointment of 31 May 1393, he granted the earl power to present to six benefices in Ireland with cures to the value of forty

⁶⁹ *PKCI* 68–9 §63.

⁷⁰ *Ibid.* 86–7 §81.

⁷¹ *PKCI* 158–9 §136. Within a few years, he had also gained custody of the lands of the Husee barons of Galtrim (NAI Ferguson repertory i 138).

⁷² *COD* ii §255–6, 312; Butler, 'Seneshals' in *Ir Genealogist* ii 332–3.

⁷³ *PKCI* 70–71 §66; *ibid.* 72–3 §70. Graves transcribes the petitioner's surname as 'Robert Henford, Chevalier' but this is clearly a misreading of Herford.

⁷⁴ *PKCI* 210–11 §176; *ibid.* 214–6 §180. Elizabeth Netterville's marriage was granted to Sir John Darcy: *PKCI* 176 §150 (misnumbered in the parallel trans as §151); *ibid.* 178–9 §152.

⁷⁵ *COD* ii §268; Butler, 'Seneshals' in *Ir Genealogist* ii 333–4.

⁷⁶ *PKCI* 36–40 §34.

⁷⁷ See above 150–51.

⁷⁸ For patronage, a major in theme of Richard II's reign, see esp J. A. Tuck, 'Richard II's system of patronage' in F. R. H. Du Boulay & Caroline M. Barron (eds), *The reign of Richard II: essays in honour of May McKisack* (London 1971) 1–20; R. A. K. Mott, 'A study in the distribution of patronage, 1389–99' in *Proc Leeds Philosophical & Literary Soc* xv (1974) 113–33.

marks.⁷⁹ It was, however, the way Ormond exercised (or, from another viewpoint, abused) his rights that spawned disgruntlement. By October 1393, the king had received ‘credible reports’ that Ormond had exceeded his authority and collated various ‘persons of Ireland’ to benefices beyond the specified six to which he was entitled, and furthermore issued confirmations in the king’s name to benefices ‘by the crafty suit of those who obtained them’.⁸⁰ The remonstrators in this case were almost certainly members of the administration who, rightly or wrongly, felt Ormond had not allotted them their due. Yet, it is easy to see how Ormond’s sponsorship of his own affinity could provoke dissent in the wider political community.

If the Geraldines were resentful of Ormond’s power in 1392–4, matters were certainly not helped by the fact that, although Ormond was willing to concede a measure of authority to them in Munster, he did not by any means relinquish all his influence. The result was that he created the potential for a clash between Butler and Geraldines parties. John of Desmond, as noted, was appointed sheriff of Waterford in February 1393.⁸¹ This was a considerable concession to the Geraldines in a region in which Butler power had been steadily advancing for over three decades. The significance of the concession is diminished, however, by the fact that the previous month, Thomas Butler, Ormond’s brother, was granted wide-ranging powers in counties Cork and Limerick and the crosslands of Tipperary. Thomas, along with the king’s sergeant Nicholas White, was appointed to hear and determine, ‘all manner [of] treasons, trespasses, felonies, conspiracies, champarties, extortions, oppressions, contempts, deceits, falsities, and all other matters done there contrary to the peace’. They were also appointed as justices of gaol delivery and possessory assizes with power to issue writs in the king’s name.⁸² Limerick and Cork, of course, were areas where the Geraldines were typically dominant, and far more sensitive than Waterford, where Ormond facilitated the appointment of John of Desmond as sheriff. Even in Waterford, however, Thomas Butler’s tenorial base was growing.⁸³ Here was an adversarial environment in the making. The killing of Thomas Butler by the Geraldines at Waterford in 1396 can only be understood in this context.

⁷⁹ *CPR* 1391–6, 275.

⁸⁰ *CCR* 1392–6, 167.

⁸¹ *PKCI* 155–6 §133.

⁸² *PKCI* 108–10 §100.

⁸³ *COD* ii §§306–7.

II

Politicking: king and colony, 1394–9

EVEN before the atrocity at Waterford in 1396, there are signs that the Geraldine–Butler relationship was not so convivial. The strains became very clear during Richard II's expedition of 1394–5. The presence of the king with an entourage including many of the most important magnates and prelates of England was an exceptional opportunity to establish or reinforce contacts between colony and court.⁸⁴ The king's remoteness from Ireland had long complicated the process of seeking royal favour. It required that the colony's nobles either make the journey to the king in person, or else promote themselves through intermediaries bearing testimonials. It was an arduous business, though potentially lucrative as Ormond had discovered in 1385 when he was knighted by the king in parliament.⁸⁵ On the other hand, distance too had its advantages. It gave the colony's resident lords an independence that might have been the envy of their noble counterparts in England. Richard II's arrival in Ireland lent royal authority a new immediacy. Just how potent this force might be was soon demonstrated by the king's capacity to alter the political geography of the lordship. The creation of the earldom of Cork for the earl of Rutland,⁸⁶ the grant of Drogheda and county Louth to the newly created chamberlain of Ireland, William Scrope,⁸⁷ and the grant of Leinster to John Beaumont:⁸⁸ all these were dramatic and possibly unsettling changes. For the resident magnates of Ireland, the king offered both the beguiling possibility of enhancement, and also the troubling prospect of derogation. The result was that politicking became frenetic as Desmond and Ormond each sought both to improve their own standing with the king. An inevitable corollary was that they attempted to discredit each other in his eyes.

A glimpse of their rivalry is found in an attempt during 1394–5 to settle a conflict between two men whose primary interests were in Meath: Geoffrey Cusak

⁸⁴ For the composition of Richard's army see Tout, *Chapters* iv 489–92.

⁸⁵ See above 188.

⁸⁶ See below 217.

⁸⁷ The date of the grant (20 February 1395) is given in the letter by which Scrope surrendered the grant (*CPR* 1396–9, 174; NAI Ferguson repertory i 79, 122).

⁸⁸ See BL Add Ms 4797 ff 63–63^v for the full text of the grant to Beaumont as transcribed in the Mss of Sir James Ware (†1666); see also *RCH* 152–3 §53; NAI Ferguson repertory i 67. For comment, see Eric St John Brooks, *Knights' fees in counties Wexford, Carlow and Kilkenny (13th–15th century), with commentary* (IMC Dublin 1950) 6–7; Billy Colfer, *Arrogant trespass: Anglo-Norman Wexford, 1169–1400* (Enniscorthy 2002) 237–9 (including map at 238, fig 94^b); K. W. Nicholls, 'Anglo-French Ireland and after' in *Peritia* i (1982) 325.

and Sir John Shriggeley. The dispute was evidently serious as they both called on high-profile men to act as sureties for their good behaviour. Cusak's supporters bound themselves in the sum of two hundred marks each to the effect that Cusak would appear before the king and that he would do no evil to Sir John Shriggeley 'or any of his men';⁸⁹ Shriggeley's mainpernors reciprocated with a promise to ensure that no harm would come to Geoffrey Cusak.⁹⁰ The cause of the clash is not specified, but it is likely that it was bound up with the inheritance of Sir Simon son of John Cusak of Culmullin⁹¹ and Belpere. Sir Simon died without male heirs *a* 1385,⁹² and his lands passed to his two daughters, Margaret and Joan and their respective husbands. Meanwhile, Simon's widow Nicola, a daughter of Nicholas Bath, remarried Sir John Shriggeley,⁹³ a man of English provenance whose legal training enabled him to forge a career in the Irish administration.⁹⁴ From 1382–6, Shriggeley acted as second baron of the Irish exchequer,⁹⁵ and he also seems to have served, briefly, as chief justice of the justiciar's bench in 1385.⁹⁶ His continued success was in part due to the influence of Robert de Vere, marquis of Dublin and duke of Ireland. Both Shriggeley and Sir John Stanley, de Vere's deputy in Ireland, originated in the same part of north-west England.⁹⁷ In 1386, Shriggeley was appointed by the de Vere administration as escheator, clerk of the markets, and keeper of weights and measures in Ireland—hitherto royal offices, but now under de Vere's control due to his palatine powers.⁹⁸ In 1388, Shriggeley was appointed as a keeper of the peace for the barony of Deece, county Meath.⁹⁹ His penetration of local Meath society was due to his marriage, now at least three years old, to Sir Simon Cusak's widow, Nicola. In October 1385, they had been

⁸⁹ *RCH* 154 §59; NAI Ferguson Coll ii f 109.

⁹⁰ *RCH* 154 §43.

⁹¹ Bar Upper Deece, co Meath.

⁹² NAI Ferguson repertory i 187.

⁹³ *PKCI* 99–103 §95.

⁹⁴ For Shriggeley, see Michael Bennett, *Community, class and careerism: Cheshire and Lancashire society in the age of Sir Gawain and the Green Knight* (Cambridge 1983) 196, 200.

⁹⁵ *CPR* 1381–5, 168, 495. Shriggeley was ordered not to meddle further in the office after the appointment of John Brekdone as 2ndBEx in 1386 (*RCH* 124 §84; *ibid.* 126 §154).

⁹⁶ *RCH* 127 §202; *ibid.* 129 §20. F. Elrington Ball, *The judges in Ireland, 1222–1922* (2 vols, New York 1927) i 165.

⁹⁷ Shriggeley was one of those rewarded 'by advice and order of the marquis between 1386–8' (*IExp* 545).

⁹⁸ NAI Ferguson repertory i 144; *RCH* 132 §55.

⁹⁹ For this and later commissions of the peace to Shriggeley, see Frame, 'Commissions', §§150, 154, 158; *RCH* 141 §193; *ibid.* 167–8 §§78. For comment, see *idem*, 'Commissions', 5; *idem*, "'Les Engleys nées en Irlande': the English political identity in medieval Ireland", *Ire & Brit*, 138.

granted a pardon for marrying without licence, and writs were issued ordering the release of Nicola's considerable dower.¹⁰⁰ The couple encountered difficulties in gaining possession of these dower lands, however. Several years later, in 1393, Shriggeley and his wife were still complaining to the Irish council that despite several attempts to gain possession, they had been 'delayed for seven years and more'.¹⁰¹ Their dispute was with one Thomas Cusak of Dublin. This was probably the same Thomas who claimed to be a son of Sir John of 'Beaurepaire', Sir Simon Cusak's father, and therefore the rightful heir to the Cusak inheritance. Although Thomas was probably illegitimate, his descendants tenaciously prosecuted their 'rights' to the Cusak lands. Thomas is known to have had a son, Geoffrey (k 1406X07). Geoffrey's claim to be the grandson of Sir John Cusak was later dismissed in court before Henry IV's son, Thomas of Lancaster, lieutenant of Ireland (1401–13), who 'judged that Geoffrey was not the son of Thomas fitz John Cusak, knight of Beaurepiere'.¹⁰² Geoffrey's own son, another Thomas, several years later gathered a posse of men and, 'under cover of night, forcibly entered into the said castle and manor [of Culmolyne] ... causing great tumult and commotion in the surrounding countryside'.¹⁰³ It is likely that a similar struggle lay behind the conflict between this Thomas' father, Geoffrey Cusak and Sir John Shriggeley in 1394–5.

Our real interest in this dispute, however, lies in the two lists of men who acted as mainpernors for the rival parties. Their composition seems to reflect a sectional divide between the earls of Desmond and Ormond. On one hand were John Shriggeley's backers, all drawn from a group with strong Butler connections. They included Sir John Stanley, formerly lieutenant of the marquis of Dublin and duke of Ireland, and soon to be controller and steward of the king's household (1397–9); Sir Robert Herford, Ormond's step-father; and another newcomer to Ireland who had forged a career in the colony, Sir Edmund Perers, who had acted as deputy to the treasurer of the marquis of Dublin.¹⁰⁴ Ormond himself had a connection to Shriggeley in that it was he, in his capacity as justiciar, who had given a favourable answer to the latter's petition to the Irish council in 1393.¹⁰⁵

¹⁰⁰ NAI Ferguson repertory i 187; *RCH* 124 §58; *ibid.* 130 §§60, 66.

¹⁰¹ *PKCI* 99–103 §95, qtn 102.

¹⁰² *CTNA* 179.

¹⁰³ *Ibid.* 179.

¹⁰⁴ *RCH* 154 §43. For Perers as deputy to the treasurer, Robert Crull, see *IExp* 545. Two others also acted as mainpernors: Richard Talbot (who acted as a keeper of the peace with Shriggeley in Meath in 1388) and a kinsman, also called John Shriggeley.

¹⁰⁵ *PKCI* 99–103 §95.

What all these men held in common with one another was their proximity to court and time spent in the service of Richard II's favourite, Robert de Vere. On the other hand was Cusak's party. The political associations of four of his five mainpernors are hard to identify, but there is one element of stark contrast: the presence of John, son of the third earl of Desmond.¹⁰⁶ John of Desmond's involvement in an affair so far removed from the normal sphere of Geraldine interests is highly instructive. It shows that Cusak, faced with the opposition of Shriggeley's well-connected and tightly-knit group, believed that his interests would be best represented by a traditional rival of the earl of Ormond. His choice of a leading Geraldine was surely deliberate, designed to counter-balance Shriggeley's imposing Butler connections.

It was not only members of the English colony who had learned how to play on the factional differences between the two earls during Richard II's expedition. A number of Gaelic Irish leaders also showed well-honed political instincts. Writing to Richard II in March 1395, for instance, Maelsechlainn Ó Ceallaigh wrote that he had been informed that Ormond was 'attempting to take from me, on account of your [Richard II's] power, certain lands which he claims that his ancestors held a hundred years ago, and which have been occupied since then by his enemies, native Irishmen of Connacht, but for the last eighty years have been held by me and my father peacefully and by the assent of your officers.' He therefore sought, 'remedy [L: *remedium*] against the said Earl and others thus greatly troubling me'.¹⁰⁷ Ó Ceallaigh country, in east Galway, bordered with the northernmost limits of Ormond territory. The Butlers' direct control of this area had long since faltered, but they still exercised some control through their retainers, the Uí Cheinnéidigh of Ormond and the Uí Chearrbhaill, with whom Ormond had a marriage alliance. Clearly, then, Ormond was seeking to use Richard's presence to press home ancient territorial claims.¹⁰⁸ Part of Ó Ceallaigh's solution to the problem was to solicit the aid of the third earl of Desmond's son, John. In another letter to the king, Ó Ceallaigh wrote that he had 'revealed all the secrets of my heart [L: *omnia mee mentis secretis*] to Lord John,

¹⁰⁶ Cusak's other mainpernors were Hugh Loterell; Sir Bernard Brocas, junior; John Bermingham of county Dublin; and two men of English provenance, John Oke and John Wadwell (*RCH* 154 §59).

¹⁰⁷ Curtis, *Ric II in Ire*, instr XXXII, 109–11, tr 193–5.

¹⁰⁸ The Uí Bhroin of Leinster similarly attacked Ormond's attempts to claim lands by ancient right (Curtis, *Ric II in Ire*, ltr 19, 141–2, tr 220). Interestingly, Jean Froissart says of Ormond that he 'had inherited property there [in Ireland] from his ancestors, though his claim to it was disputed' (John Jolliffe (ed), *Froissart's chronicles* (London 1967) 352).

son of the Earl of Desmond', and he bade the king, 'please to have perfect faith in him [John] as speaking on my behalf'. The letter continued even more forthrightly, exhorting Richard II to 'impose silence upon the same Earl [Ormond] so that he shall not vex, disturb, or in the future molest me', and he requested that the king communicate with him through the 'Lord John [of Desmond] and my messengers whom I have sent with him, giving implicit trust to the said messengers who shall speak on my behalf'.¹⁰⁹ Clearly, Ó Ceallaigh, finding himself vulnerable to Ormond's ambitions, decided that the best way to promote his own cause was to place his faith in the Butlers' rival, John of Desmond. Presumably, he believed that the earl of Desmond's son would be anxious to rein in Ormond's territorial ambitions, and therefore would be active on his behalf. Since Ó Ceallaigh was far removed from the usual range of Geraldine interests, John of Desmond's meddling on his behalf can only have vexed Ormond.

This insight into the competition between the Geraldines and Butlers as patronage brokers points to a political significance to many of the Gaelic submissions.¹¹⁰ Ormond, for instance, was responsible for organising a series of submissions that may have been sensitive to Desmond. On 1 March 1395, for instance, the earl translated for the former enemy of the Geraldines, Brian *Sreamach* Ó Briain,¹¹¹ whom Jean Froissart claimed was knighted by Richard II later that month at Dublin.¹¹² Ormond's involvement with Ó Briain was close. The two men are reported to have met at Limerick and travelled to Richard II together.¹¹³ Ormond's intimacy with someone so inimical to Geraldine interests may have been aggravating. In another case, the Desmond–Ormond rivalry is explicitly stated. In February 1395, Tadhg *na Mainistreach* Mac Carthaigh Mór, 'prince of the Irish of Desmond', declared his intention to submit to Richard II, but sought the king's pardon for not setting out immediately. He was clearly concerned about the effect this delay would have on his standing at court for, after making reference to 'my lord the earl of Desmond', Mac Carthaigh went on to remark that he knew, 'nothing of the matter moved against me by the Earl of Ormond on the part of your Majesty'.¹¹⁴ Clearly, then, Mac Carthaigh saw the two

¹⁰⁹ Curtis, *Ric II in Ire*, ltr 2, 122–3, tr 203–04.

¹¹⁰ See Johnston, 'Submissions', 9–10.

¹¹¹ Curtis, *Ric II in Ire*, instr XVIII, *Ric II in Ire*, 93–4, tr 181–2. Ormond was also witness to the submission.

¹¹² Jolliffe, *Froissart's chronicles*, 367–8.

¹¹³ Curtis, *Ric II in Ire*, ltr 15, 137, tr 216. See Aubrey Gwynn, 'Richard II and the chieftains of Thomond' in *North Munster Antiquarian J* xii 3 (1956) 1–8, esp 4.

¹¹⁴ Curtis, *Ric II in Ire*, instr VII, 67–8, tr 158–9.

earls as the heads of two discrete and opposing parties, and since Mac Carthaigh was aligned with Desmond, it was Ormond who was inimical to his interests.

The precise nature of the matter being moved by Ormond at court, and how it was intended to damage Mac Carthaigh, is not stated. Mac Carthaigh himself, however, possibly provides a clue when he refers to ‘my lord the earl of Desmond [L: *domini mei Comitis Dessemonie*]’.¹¹⁵ This is significant, in that it could be taken as implicit rejection of the authority of the newly created earl of Cork—Edward, earl of Rutland.¹¹⁶ Few details about the ephemeral earldom of Cork survive, but it seems to have been no mere titular earldom. A record from the autumn of 1399 shows that it was endowed with palatine status, which would have made it equivalent to the Butler and Geraldine liberties of Tipperary and Kerry respectively.¹¹⁷ It must, therefore, have been of intense concern to both Desmond and Ormond. Rutland was also granted the fee farm of the city of Cork.¹¹⁸ Richard II’s agenda is not clear. The new earldom may have been intended simply to reward a favoured courtier. On the other hand, he must have been aware of the past antagonism between the two earls in the south of Ireland. The creation of an earldom of Cork was conceivably a means of altering the balance of power in Munster. Cork was a region highly sensitive to both the Butlers and the Geraldines. Of the two families, however, it is likely that the Geraldines had more to lose by its elevation, and the resistance of Mac Carthaigh Mór indicates that Geraldine adherents were hostile to Cork’s new lord. Mac Carthaigh’s hostility to Ormond is therefore suggestive. Did Ormond play a role in suggesting that Cork should be elevated to an earldom? Ormond’s position as justiciar, and his long relationship with Richard II, lent him an authority at court that Desmond quite simply could not equal. Moreover, it is clear that Rutland cooperated closely with Ormond in gaining the submissions from Munster. The submission of Brian Ó Briain on 1 March, for instance, was witnessed by both Rutland and Ormond.¹¹⁹

¹¹⁵ Curtis, *Ric II in Ire*, instr VII, 67.

¹¹⁶ A point noted by Waters, *Earls of Desmond* (PhD), 141–2. See also Paul MacCotter, ‘Lordship and colony in Anglo-Norman Kerry, 1177–1400’ in *JKAHS ser2* iv (2004) 56, who emphasises that the earls of Desmond were still extracting rents from the Gaelic Irish of Desmond in this period.

¹¹⁷ *PKCI* 266; *IHD* 69.

¹¹⁸ Trinity College, Cambridge, Ms 0.8.13 f 3^v. This fragmentary account of c 1403–05 records that the issues of two parts of this fee farm had been taken in to the king’s hands by reason of Rutland’s absence. The Irish exchequer records concerning Cork fail us in the early fifteenth century, so this does not appear in A. F. O’Brien’s exhaustive survey, ‘Irish exchequer records of payments of the fee farm of the city of Cork in the later middle ages’ in *AH* 37 (1998) esp 188–9.

¹¹⁹ Curtis, *Ric II in Ire*, instr XVIII 93–4, tr 181–2.

Rutland, moreover, had been active militarily against the Mic Carthaigh early in 1395. In a letter to his uncle, the duke of York, guardian of England,¹²⁰ the king described how Rutland had been engaged in a skirmish in which a Mac Carthaigh leader was killed and he had taken the submission of Mac Carthaigh Mór.¹²¹ The Mic Carthaigh were, therefore, the common enemies of both Rutland and Ormond.

Even if the earldom of Cork was no contrivance of Ormond's and its ill-effects totally unintended, it cannot be disputed that the interests of the Munster Geraldines came under close scrutiny during Richard II's expedition. At some point during 1394–5, the king ordered the earl of Desmond to appear before him to account for his possession of the castle and honour of Dungarvan, county Waterford.¹²² The Munster Geraldines had held Dungarvan for well over a century. Their original association was through Margery, daughter of Thomas fitz Anthony, the seneschal of William I Marshal (†1219) in Leinster. Margery had married John fitz Thomas of Shanid (†1261), a grandson of the first of the Irish Geraldines, Maurice fitz Gerald (†1176).¹²³ Dungarvan was in the king's hands from 1232. However, in 1259, the future King Edward I (1272–1307), as lord of Ireland, had granted Desmond and Decies to the Geraldines, and three decades later these rights were clarified by a later charter, granted in 1292. Dungarvan thereby passed to Maurice fitz Thomas, first earl of Desmond (†1356), and thence to his son, Gerald, third earl of Desmond (†1398). Despite this long tenure, in 1394–5 the king informed Desmond that his own progenitors had been seised of the castle and honour of Dungarvan, and that he had been informed that since his coronation the earl of Desmond had seized the profits of the castle and honour.¹²⁴ Richard's charge was not groundless. It seems to have been technically true that Dungarvan castle was held at the king's pleasure.¹²⁵ But Richard's assertion of his legal rights seems a particularly tactless move at a time when he was soliciting the aid of the colonial nobility.

¹²⁰ Edmund, duke of York, was appointed guardian of England during the king's absence on 29 September 1394 (*CPR* 1391–6, 501).

¹²¹ Curtis, 'Letters', §5; *ANLP* §159.

¹²² *RCH* 153 §3; *NAI* Ferguson Coll ii f 117.

¹²³ On Dungarvan, see A. F. O'Brien, 'The development and evolution of the medieval borough and port of Dungarvan, county Waterford' in *JCHAS* xcii (1987) 85–94; Waters, *Earls of Desmond* (PhD), 139–40; Ciaran Parker, *Politics and society in county Waterford* (PhD), app C (i), 'The honour of Dungarvan'; *ibid.* app C (ii), 'Selected charters concerning the custody of Dungarvan', 396–428.

¹²⁴ *RCH* 153 §3.

¹²⁵ Waters, *Earls of Desmond* (PhD), 139.

Why should he have attempted to undermine the Geraldines' authority in this way? One possibility is that the initiative was taken at the prompting of the earl of Ormond. The order to Desmond states that the king had been informed that his rights were being infringed. Ormond, who was the chief governor when Richard II arrived in Ireland in 1394, was well placed to provide this information. Froissart, whose attention was caught by Ormond, the 'valiant English knight', has the earl greeting the king at his arrival in Ireland. Clearly Richard placed great faith in Ormond.¹²⁶ If Ormond had opportunity, he also had motive. Dungarvan lay between Waterford—a city traditionally favourable to the Butlers—and the port of Youghal, the valuable trading town over which the earls of Ormond were lord. Ormond's interest in this area at this time was keen. In the late 1370s and 1380s, the second earl of Ormond's relationship with the overlord of Inchiquin, the bishop of Cloyne, had been severely strained.¹²⁷ By the late 1390s, however, the personnel had changed, and a new bishop of Cloyne was far more receptive to the advances of the third earl of Ormond. By a series of indentures, Ormond swore to be the bishop's protector and to forego all 'illicit burdens'.¹²⁸ If Ormond's grasp on Youghal and Inchiquin was tightening in the late 1390s, then it is possible that he had harboured ambitions to consolidate authority in the area by removing a nearby outpost of Geraldine influence.

Such an aspiration was not beyond the realm of possibility. The Geraldines' dominance of Dungarvan had been challenged within living memory. The first earl of Desmond had forfeited his lands, including Decies, after his rebellion in 1344–6, and as recently as 1369, Sir William Windsor was granted the manor and castle of Dungarvan.¹²⁹ It has been suggested that this grant was intended to provide Windsor only with the fee farm of Dungarvan.¹³⁰ Nonetheless, a precedent had been set, and in 1399, another lieutenant of Ireland, Sir John Stanley, was granted possession of the manor.¹³¹ This is significant, in that Ormond did not need to hold the lands personally in order to have his aspirations

¹²⁶ Jolliffe, *Froissart's chronicles*, 352, 367–8. Froissart, however, places the king's arrival at Dublin; in fact Richard landed at Waterford, where he was received honourably by the citizens (Curtis, 'Letters', §1; *ANLP* ltr 160; Chron Marl s.a. 1394). Richard was resident at Waterford until 19 October 1394, which would have provided the earl of Ormond with ample time to raise the question of nearby Dungarvan (Curtis, 'Letters', §2; *ANLP* ltr 154).

¹²⁷ *COD* ii §245.

¹²⁸ *COD* ii §337.

¹²⁹ *CPR* 1367–70, 222.

¹³⁰ O'Brien, 'Dungarvan', 87

¹³¹ *CPR* 1399–1401, 171.

fulfilled. Stanley's long association with Ormond dated back to their service together under Robert de Vere, marquis of Dublin and duke of Ireland (1385–7). The replacement of the Geraldines with someone of this calibre, who was amenable to Butler concerns, would give Ormond a highly desirable, and potentially lucrative, influence over a string of trading towns from Youghal to Waterford, which would ensure his dominance of the south-east coast of Ireland.¹³²

Unfortunately there is little beyond this circumstantial evidence from the years 1394–5 to indicate Butler involvement in the Dungarvan inquisition. Yet, later events involving the Waterford region generally, and Dungarvan in particular, tend to lend weight to the suggestion that Ormond may have been involved. It was in Waterford in 1396 that Thomas Butler had his fatal encounter with the Geraldines. Even more significant is the tale found in a Latin annal from 1399 that, during the royal expedition of that year, Ormond encouraged certain of the king's magnates to launch an expedition against the 'son of the earl of Desmond'.¹³³ Their objective was the castle of Dungarvan, which they seized, after which they plundered the surrounding countryside. They then returned to the king, who was in the city of Waterford, with their booty. The blame for this act was laid by the Geraldines at the door of the earl of Ormond.¹³⁴ As we shall see in more detail below, John, the new fourth earl of Desmond, retaliated by attacking the Butler stronghold of Cahir, co Tipperary.¹³⁵ Other facts attest to the truth of the annalist's tale. Ormond had been active in Waterford during 1398, and a charter of Waterford lands granted to him in January that year was dated at Dungarvan.¹³⁶ Desmond's reprisal for the seizure of Dungarvan can also be confirmed independently by a report sent by the Irish administration to England in the autumn of 1399.¹³⁷ If a military attack was instigated at Ormond's suggestion in 1399, then it is perfectly plausible that it had been preceded by a legal assault in 1394–5.

If this reading of the evidence can be accepted, the important point is the meddling of Richard II. The involvement of the king continued to be crucial for the pursuit of private interests and, by implication, to outbreaks of violence

¹³² On noble domination of Irish towns, see A. F. O'Brien, 'The royal boroughs, the seaport towns, and royal revenue in medieval Ireland' in *JRSAI* cxviii (1988) 24.

¹³³ Nicholls suggests that this is John, who had already succeeded as fourth earl of Desmond by this point (Nicholls, 'Late medieval annals', 88).

¹³⁴ *AHogain* 92 s.a. 1399.

¹³⁵ *Ibid.* 92 s.a. 1399.

¹³⁶ *COD* ii §§325, 326 (i–ii); *CPR* 1396–9, 272, 364–5.

¹³⁷ *PKCI* 262; *IHD* 68.

between the Butlers and Geraldines. The murder of 1396 had spawned an outburst of conflict between the two comital families, which was only settled when Desmond agreed on behalf of his kin (L: *pro sua nacione*) to pay Ormond 800 marks in compensation for the death of his brother.¹³⁸ Meanwhile, Ormond can once again be seen seizing the political initiative. Ormond was present in Dublin on 26 January 1396 with the lieutenant, Roger Mortimer and other members of the Irish council.¹³⁹ This group may well have been in Dublin to attend a parliament that convened around this time and sent emissaries to England.¹⁴⁰ If so, the Munster Geraldines were conspicuously absent. The two messengers elected by the parliament were well-disposed towards Butler interests. One of them was the chancellor, Alexander, bishop of Meath, whose long associations with Ormond we have traced in detail.¹⁴¹ The result of their journey, as we have seen, was the king's dire warning to the earl of Desmond that if he or any of his kinsmen committed further outrages, 'we shall inflict such punishment that all of our said land shall take it for an example in future time'.¹⁴² For Gerald of Desmond, this must have seemed the nadir of a long political career. He had little time to redeem himself, for he died during 1398.¹⁴³

Just as the Geraldines were becoming increasingly isolated from royal favour, the king's trust in Ormond was, if anything, being reinforced. Richard favourably received the messengers who acted as Ormond's spokesmen at Westminster. One of them, David Wogan (†1417), was shortly afterwards retained for life by the king.¹⁴⁴ Alexander, bishop of Meath, was likewise rewarded with a grant of the alien priory of Fore in Meath.¹⁴⁵ Richard was perhaps even attempting

¹³⁸ Nicholls, 'Late medieval annals', 90.

¹³⁹ *CPR* 1401–5, 86.

¹⁴⁰ *CPR* 1396–9, 340. Johnston favours a date for this parliament earlier than that suggested by Richardson and Sayles (Johnston, *Ric II & Ire* (PhD) 572–4; cf. *Ir parl* 347).

¹⁴¹ BL Add Ms 24062 f 106; pr Johnston, *Ric II & Ire* (PhD), app ix (1) 570–71.

¹⁴² Johnston, 'Interim years', 183; see above 165.

¹⁴³ AFM iv 760–61 s.a. 1398; AU iii 40–41 s.a. 1398; ACLon 319–20 s.a. 1398; S. Hayman, 'The Geraldines of Desmond' in *JRSAI ser4 v* (1879–82) 227 s.a. 1399. For the traditions surrounding his death, see Waters, *Earls of Desmond* (PhD), 143; M. F. Cusack, *A history of the kingdom of Kerry* (1871 edn, repr Dublin 1995) 115–7; Brian FitzGerald, *The Geraldines: an experiment in Irish government, 1169–1601* (New York 1952) 105.

¹⁴⁴ Wogan spent a considerable period between 1396–8 with the king and travelled to Calais. See *CPR* 1396–9, 209, 340; Given-Wilson, *Royal household*, 286; Philomena Connolly, 'Irish material in the class of ancient petitions (SC8) in the PRO, London' in *AH* 34 (1987) 71; TNA SC 8/221/11024. For the career of this Sir David Wogan, see Matthew Devitt, 'The barony of Okethy' in *J County Kildare Archaeological Soc* viii (1915–17) 466–73, which includes extracts from exchequer material destroyed in PROI in 1922.

¹⁴⁵ *CPR* 1391–6, 712. The grant was confirmed on 24 May 1400 (*CPR* 1399–1401, 306).

to build up an affinity in Ireland, just as he was in the outlying regions of England.¹⁴⁶ In 1399, as Richard prepared to return to Ireland taking with him the regalia and crown jewels, Thomas Walsingham claimed that he had turned his back on England forever and that he intended to squander its resources.¹⁴⁷ Whatever his intentions, the king evidently still placed great confidence in Ormond during the preparations for his expedition in Ireland. On 7 February, letters were issued ordering the arrest of shipping for the king's voyage to the lordship.¹⁴⁸ One week later, on 14 February 1399, Ormond was granted a respite of all debts at the English and Irish exchequers until Michaelmas, 'in consideration of his being busy in Ireland on the king's service in resisting the malice of his Irish enemies'.¹⁴⁹ Shortly after this, his old associate, Sir Edward Perers, was granted twenty pounds from the annual fee farm of Leixlip due to the king from the priory of St John of Jerusalem in Ireland.¹⁵⁰ The king disembarked at Waterford on 1 June 1399. By 10 July at the latest news reached him at Dublin that his cousin, Henry Bolingbroke, had landed at Ravenspur to claim the Lancastrian inheritance. Richard was forced to prepare shipping hastily for the return journey across the Irish Sea. He reached Milford Haven around 24 July.¹⁵¹ It is likely that Ormond—who later claimed to have accidentally lost an indenture in Wales after Bolingbroke's landing—followed him there.¹⁵²

¹⁴⁶ A second man whose interests were primarily Irish was retained by Richard II at this time: Stephen Fleming, baron of Slane, who served in the company of the earl of Rutland and Cork in Ireland (*CPR* 1396–9, 2, 14; Given-Wilson, *Royal household*, 284). On the king's growing reliance on the outlying parts of his realm, see R. R. Davies, 'Richard II and the principality of Chester, 1397–9' in Du Boulay & Barron, *Reign of Ric II*, 256–71; Michael Bennett, 'Richard II and the wider realm' in Goodman & Gillespie, *Ric II: the art of kingship*, 197–204; Saul, *Ric II*, 383–4; Given-Wilson, *Royal household*, 215–23.

¹⁴⁷ ARicardi Secundi 239–40. On 21 December 1399, in the early months of Henry IV's reign, the king's newly-appointed lieutenant, Sir John Stanley, was commissioned to inquire concerning 'all treasure, jewels, goods and chattels late of Richard II in Ireland' (*CPR* 1399–1401, 214).

¹⁴⁸ *CPR* 1396–9, 511.

¹⁴⁹ *CPR* 1396–9, 484.

¹⁵⁰ *CPR* 1396–9, 476. The grant was confirmed on 28 May 1400 (*CPR* 1399–1401, 305).

¹⁵¹ J. W. Sherborne, 'Richard II's return to Wales, July 1399' in *WHR* vii (1975) 392; Johnston, 'Ric II's departure', 794; Bennett, *Ric II & 1399*, 160; Saul, *Ric II*, 411.

¹⁵² TNA E 159/178, m 24, *Brevia directa baronibus*, Michaelmas 1401 (F: *casuelment perdue es parties de Gales au temps que nous [Henry IV] venismes darreinement en Engleterre des parties pardela*). Noted in Johnston, 'Ric II's departure', 802; Johnston, 'Chief governors', 106. The indenture in question was that of 18 June 1393 (NLI (Harris) Ms 4 ff 43–4).

III

Butler and Mortimer, 1395–8

ALL THIS evidence of Ormond's involvement with Richard's enterprises gives substance to the story that the king's men attacked the Geraldine stronghold of Dungarvan at Ormond's suggestion in 1399. Perhaps the king consented to the seizure of the castle because of the murder of Thomas Butler at Waterford in 1396, which had so clearly outraged him. Yet the emphasis that this discussion has placed on Ormond's proximity to Richard II creates difficulties later in interpreting the period after the Lancastrian revolution. Within a few short months of Richard II's deposition in September 1399, Ormond had seemingly effected a smooth realignment to the cause of King Henry IV (1399–1413). Was this simply a 'betrayal' of the trust Richard II had placed in him? This language seems rather too dramatic. The extent to which the king was deserted may have been exaggerated,¹⁵³ but, even among those with Irish connections, Ormond was certainly not alone in abandoning Richard's cause. Jean Creton made much of the treachery of the earl of Rutland and Cork, whom Richard II had promoted to be duke of Aumarle in September 1397, but who quickly submitted to Bolingbroke in August 1399.¹⁵⁴ Another key Ricardian—one who had been closely associated with Ormond since the 1380s—was Sir John Stanley, controller and steward of the king's household.¹⁵⁵ He likewise switched his allegiance to Bolingbroke and, in December 1399, he was entrusted with an appointment as lieutenant of Ireland.¹⁵⁶

Yet, however much Ormond may have basked in Richard II's favour before 1399, it would be naïve to assume that he had irreversibly pinned his colours to the king's mast. A more subtle interpretation is required. To achieve this, it is necessary to examine in detail the years after Richard II's first expedition of 1394–5.¹⁵⁷ The years were stormy ones in English politics, witness to Richard II's

¹⁵³ Given-Wilson, *Royal household*, 224–6.

¹⁵⁴ Saul, *Ric II*, 416, 424–5; Creton, 'Metrical history', 45; Douglas Biggs, 'The reign of Henry IV: the revolution of 1399 and the establishment of the Lancastrian regime' in Nigel Saul (ed), *Fourteenth century England I* (Woodbridge 2000) 196.

¹⁵⁵ Stanley acquired land from Ormond in England and, on 6 July 1399, Stanley conveyed Blackcastle in Meath to Ormond. See Bennett, *Community, class & careerism*, 217; NLI D 1384/1 (=COD ii §340 (i)). For the grant of Blackcastle to Stanley in 1389, see above 198 n 167.

¹⁵⁶ Bennett, *Community, class & careerism*, 212–3; G. B. Stow (ed), *Historia vitae et regni Ricardi secundi* (Philadelphia 1977) 155; *NHI* ix 475.

¹⁵⁷ A recital of the events of these years from the Irish point of view is further justified given that recent studies from the English perspective have occasionally fallen into error. See, for instance, the most recent (and very perceptive) examination, in which Alastair Dunn states that Roger Mortimer, earl of March, had been nominally lieutenant of Ireland since his childhood (Alastair Dunn, 'Richard II and the Mortimer

attack on the former Appellants in 1397 and his ‘tyranny’ thereafter.¹⁵⁸ Repeatedly the colony found itself being drawn into the maelstrom. That it did so was due to the presence in Ireland of one of the most powerful magnates on either side of the Irish Sea—Roger Mortimer, earl of March and Ulster (†1398).

Before Richard II’s return to England in May 1395, Mortimer had been appointed as lieutenant of Ireland.¹⁵⁹ The young lieutenant soon found himself drawing on the long experience of James, earl of Ormond. Ormond accompanied Mortimer on his campaign against the Gaelic Irish of Ulster in 1396.¹⁶⁰ For much of 1397, the earl of March was absent in England. Ormond, however, continued to support the Mortimers. He fought on a campaign against the Uí Bhroin (L: *Obryn*) with the earl’s brother, Edmund, who was appointed lieutenant of Ireland in January 1397.¹⁶¹ During Mortimer’s lengthy absence in the first half of 1397, Sir

inheritance’ in Chris Given-Wilson (ed), *Fourteenth Century England II* (Woodbridge 2002) 159–70, 164–7; idem, *The politics of magnate power in England and Wales, 1389–1413* (Oxford 2003) 68). In fact, Roger Mortimer’s nominal lieutenancy of 1382–3 lapsed when Sir Philip Courtenay (Lt 1383–6) took office (*NHI* ix 474). It is also inaccurate to say that Roger Mortimer’s authority was diminished on 25 April 1396 by the appointment of Sir William Scrope as justiciar of Ireland with authority in Leinster, Munster and Louth, and Dunn’s interpretation on the basis of this evidence is, as a result, suspect (Dunn, *Politics of magnate power*, 68–9, 148). The appointment in question was made under the English seal (*CPR* 1391–6, 710–11, 715), and merely confirmed a situation that had already been in effect for exactly one year. Before Richard II departed from Ireland on 15 May 1395, he made arrangements for the governance of the colony. Letters patent appointing Mortimer and Scrope lieutenant and justiciar were made on 25 April 1395. They were doubtless issued under the great seal of Ireland and enrolled in the Irish chancery. Consequently, they are no longer extant. However, William Scrope’s account as justiciar and chamberlain of Ireland survives. It refers to the letters of appointment of 25 April 1395 and records receipts for the following two years until 24 April 1397 (TNA E 101/41/34). William Scrope’s brother, Stephen, deputed for him in Ireland and witnessed Irish letters patent dated 26 January 1396; these were later confirmed and enrolled in the English chancery (*CPR* 1401–05, 86). New indentures for Roger Mortimer and William Scrope as lieutenant and justiciar of Ireland respectively were made in September 1396 (TNA E 101/69/1/292–4). A number of documents relating to Scrope’s justiciarship are *pr* Gilbert, *Viceroy*s, 558–9.

¹⁵⁸ See most recently Dunn, *Politics of magnate power*, ch 3, 53–76; and also Caroline M. Barron, ‘The tyranny of Richard II’ in *BIHR* xli 103 (1968) 1–18.

¹⁵⁹ *NHI* ix 475.

¹⁶⁰ AMisc 157 s.a. 1396.6. The earl of Kildare also accompanied March on this expedition. Kildare and Ormond were witnesses to a charter of liberties granted to Drogheda on 26 January 1396 at Dublin, later confirmed on 12 March 1402 (*CPR* 1401–05, 86).

¹⁶¹ Chron Marl s.a. 1397. ‘Obryn’ here almost certainly indicates the Uí Bhroin of Leinster rather than Uí Bhriain of Munster. Cf. Chron Marl s.a. 1398, where ‘Obryn’ [Ó Broin] reoccurs. Here there is no ambiguity because Marlborough adds ‘et alios Hibernicos Lagenienses’. The Edmund in question was March’s brother, not as Otway-Ruthven suggests, his son (Otway-Ruthven, *Med Ire*, 335; see genealogy A3.1 in app 3 below). Otway-Ruthven also slips when she states that it was the earl of March who campaigned against the native Irish of Leinster in 1397 (*Med Ire*, 338). The confusion is caused by Henry Marlborough, who correctly calls the lieutenant at this time Edmund, but mistakenly gives him the title ‘comes Marchiae’.

Edward Perers—a man with long associations with Ormond—served as Mortimer's deputy.¹⁶² And as Mortimer prepared to leave Ireland again in late November 1397, Ormond and his kinsman, William son of Peter Butler of Dunboyne, entered an indenture with Mortimer, by which they swore 'in peace and war for the term of their lives ... to be of his council and loyally advise him to their full power, and labour in his company or that of his deputies in the wars of Ireland'.¹⁶³ Of all the resident nobility, therefore, Ormond was clearly the man in whom Mortimer placed the greatest trust.

The timing of this development is of the greatest significance. It demonstrates that Ormond was not just a king's man and thereby helps to explain why Ormond was not embarrassed by the Lancastrian revolution of 1399. In November 1397, Mortimer was in hot political water. In July 1397, Richard II launched a pre-emptive strike at those he perceived to be his enemies. On 10 July, Richard ordered the arrest of the three senior lords Appellant: his uncle, Thomas, duke of Gloucester; Thomas Beauchamp, earl of Warwick; and Richard Fitzalan earl of Arundel.¹⁶⁴ Gloucester was sent for safe-keeping to Calais, where he was murdered.¹⁶⁵ His two colleagues were brought to trial at the 'Revenge' parliament of September 1397.¹⁶⁶ Arundel, defiant in the face of his accusers, was executed;

Edmund Mortimer was appointed lieutenant of Ireland on 23 January 1397 until midsummer (*CPR* 1396–9, 58, 62). He served as deputy lieutenant for Earl Roger again in 1398 (Wood, 'Office of chief governor', 231), and an insipid survives of a grant tested by Edmund as lieutenant at Naas on 24 April that year (*CPR* 1399–1402, 81). While in Ireland in 1395–6, Earl Roger had appointed his brother Edmund as his chief forester and warden of his chase (1 November 1395) and had granted him lands in Dorset (1 January 1396). Edmund had these grants inspected and confirmed after Earl Roger died in 1398 (*CPR* 1396–9, 428). Edmund also acted as one of his brother's executors (*CPR* 1399–1401, 227; *RCH* 159 §9).

¹⁶² *CPR* 1396–9, 147.

¹⁶³ *COD* ii §324; Jones & Walker, 'Private indentures', §90. William Butler of Dunboyne was also granted Mortimer's manors of Dunboyne and Moimet, co Meath (*COD* ii §323). Dunn is in error in stating that the recipient was the earl of Ormond himself (Dunn, *Politics of magnate power*, 68). William Butler of Dunboyne was Ormond's seneschal of the liberty of Tipperary from 1399–1405 (Butler, 'Seneschals' in *Ir Geneal* ii 333–4; idem, 'The barony of Dunboyne' in *Ir Geneal* ii (1943–55) 76–9).

¹⁶⁴ The careers of these three are examined in Goodman, *Loyal conspiracy*, 105–52.

¹⁶⁵ H. G. Wright, 'Richard II and the duke of Gloucester' in *EHR* xlvii 186 (1932) 272–6; James Tait, 'Did Richard II murder the duke of Gloucester?' in T. F. Tout & James Tait (eds), *Historical essays presented by members of Owens College, Manchester* (London 1902) 193–216.

¹⁶⁶ The parliament was summoned on 17 July 1397 and convened on 17 September at Westminster; on 29 September following it was prorogued until 27 January 1398, on which date it met at Shrewsbury (*HBC* 566).

Warwick, less manfully,¹⁶⁷ confessed his treason and begged for mercy. Richard banished him for life to the Isle of Man.¹⁶⁸

In more ways than one, Ireland was entangled in this dramatic reversal of the events of 1387–8. It was during 1397, that Richard II recalled the judges who had been banished to Ireland in 1388.¹⁶⁹ It was also in July 1397 that Richard announced his intention of returning to Ireland for a second time.¹⁷⁰ Most urgent, perhaps, was Richard II's desire to lay his hands on the earl of March's uncle, Sir Thomas Mortimer, a former chief governor, who was currently serving in Ireland with his nephew. Sir Thomas had fought with the Appellants against Robert de Vere at the battle of Radcot Bridge, December 1387, where he had killed the constable of Chester castle, Sir Thomas Molineux.¹⁷¹ Richard's memory of that episode was evidently still paining him nearly a decade later, for in 1397 he ordered that the sum of 4000 marks be distributed among the Cheshiremen who had fought for Robert de Vere against the Appellants.¹⁷² On 7 July 1397, Richard II sent his serjeant-at-arms, Edward Dee, to Ireland with a writ issued under the great seal of England summoning Sir Thomas Mortimer to come to London and appear before the king at what was to become known as the 'Revenge' parliament of September 1397.¹⁷³

Roger Mortimer, earl of March and Ulster, was still in England on 23 July 1397, when he nominated attorneys to act for him as he returned to Ireland.¹⁷⁴ He

¹⁶⁷ Note, however, that Adam Usk's version of events has been shown to be an interpolation of a tract written by an eye-witness, and that his famous description of Warwick breaking down 'like a wretched old woman [L: *quasi misera et uetula*]' (Chron Usk 34–5) stems from a misreading of 'vecors' in the original (Chris Given-Wilson, 'Adam Usk, the monk of Evesham and the parliament of 1397–8' in *HR* lxxvi 161 (1993) 329–35, esp 331).

¹⁶⁸ The episode is recounted in *Chronique de la Traïson et Mort de Richart Deux Roy Dengleterre*, ed B. Williams (English Historical Soc 1846) 131–3; Bennett, *Ric II & 1399*, 101–8.

¹⁶⁹ ARicardi Secundi 195–6.

¹⁷⁰ Saul, *Ric II*, 380 n 51.

¹⁷¹ For an account of the killing, see Chron Walsingham, 836–7; and above 191.

¹⁷² Saul, *Ric II*, 367.

¹⁷³ TNA E 403/555, m 14 (7 July 1397); Edward Dee was paid wages and expenses of 66s 8d for the journey. This record is noted in Johnston, 'Interim years', 189 n 87; Bennett, *Ric II & 1399*, 90, 220 n 65. The writ is mentioned in Chris Given-Wilson (ed), 'Richard II: parliament of September 1397, text & trn' in *PROME CD-R*, item 9, which states that, 'le roy, longe temps devaunt [le commencement] de cest parlement, avoit envoie ses maundementz par Edward Dee un de ses serjauntz d'armes en sa terre d'Irland, directz a dit Thomas Mortymer adonques illeokes [esteant, luy] comaundant, sur sa ligeance, et sur tout ceo q'il purroit forfaire au roy, d'estre devaunt le Roy ove tout le hast q'il purroit, a respoundre a ceo qe luy serroit surmys depar le roy'.

¹⁷⁴ *CPR 1396–9*, 185.

must, therefore, have been fully aware of the danger his uncle was in. It is possible that he too was charged with seeing that Sir Thomas be at the Westminster parliament of September 1397. In the midst of that parliament, Richard II, vexed by the absence of Sir Thomas Mortimer, is said to have declared: “‘Perhaps the earl of March is unable to capture him, as he has undertaken to do. I shall wait therefore, for as long as it takes me to be informed of his arrival from Ireland’”.¹⁷⁵ That news did not arrive. It has to be suspected that the earl of March, on returning to Ireland before September, had warned his uncle of the turn of events in England. Adam Usk, a chronicler close to the house of Mortimer, admitted quite readily that Sir Thomas had been, ‘given refuge in Ireland by the earl for a time ... and had been provided with money by the earl before his departure thence.’¹⁷⁶ By the time parliament met in England, it was common knowledge that Sir Thomas had fled. A letter sent to Earl Roger of 24 September threatened him with forfeiture unless he caused Sir Thomas, ‘who is a fugitive, it is said’, to appear before the king in person within three months.¹⁷⁷ The rolls of parliament record that Sir Thomas ‘withdrew into the high lands of Ireland amongst the Irish rebels’, and that neither the king’s messenger, Edward Dee, nor any of the king’s ministers, had been able to reach him and deliver the king’s commandment, ‘through fear of death’.¹⁷⁸ Adam Usk further states that Sir Thomas fled to Scotland, a report confirmed by later inquiries.¹⁷⁹

If the earl of March enabled Sir Thomas to evade the king’s summons, then his concern was well-founded. At the Revenge parliament of September 1397, an appeal of treason was presented in parliament at Westminster against four of the king’s enemies: the duke of Gloucester, the earls of Arundel and Warwick, and Sir Thomas Mortimer. Among the ‘counter-appellants’ were two men who had recently forged Irish connections—the earl of Rutland and Cork, and William Scrope, who from 1395–7 had acted as justiciar of Ireland.¹⁸⁰ The parliament first dealt with the three former Appellants. Then, probably on Monday, 24 September,

¹⁷⁵ Chrons Revolution 60; Bennett, *Ric II* & 1399, 103.

¹⁷⁶ Chron Usk 40–41. For the earl of March as the patron of Adam Usk, see Chrons revolution 6; Chron Usk xvi.

¹⁷⁷ *CCR* 1396–9, 226–7.

¹⁷⁸ Given-Wilson (ed), ‘Ric II: parliament of September 1397, text & trn’ in *PROME CD-R*, item 9.

¹⁷⁹ Chron Usk 30–31; James L. Gillespie, ‘Thomas Mortimer and Thomas Molineux: Radcot Bridge and the appeal of 1397’ in *Albion: a Journal of British Studies* vii (1975) 171.

¹⁸⁰ Chrons revolution 58.

it turned its attention to Thomas Mortimer.¹⁸¹ It was declared that, should he fail to present himself at court within three months, he would be convicted of treason and would forfeit all his lands and tenements to the king.¹⁸² The pressure on the earl of March himself was also mounting. By early November, a second report had reached the king to the effect that March was proving recalcitrant in the endeavour to track down his uncle. The chancellor of Ireland was commanded to issue the earl with a writ ordering him to arrest Sir Thomas, and on 14 November, the king ordered March, for a second time, to have Sir Thomas arrested. He was also to explain, ‘wherefore he would not or might not execute the command to him at other times addressed.’¹⁸³ Meanwhile, Earl Roger had been summoned to appear at the parliament that was to be held at Shrewsbury in January 1398.¹⁸⁴

The earl of March must have greeted his summons to the Shrewsbury parliament with some trepidation. Shrewsbury was to be a continuation of the last session of the ‘Revenge’ parliament—which had been prorogued on 29 September 1397—during which March’s brother-in-law, the earl of Arundel, had been executed, and his uncle, Sir Thomas, had been condemned. Richard II’s attitude to Earl Roger himself is more difficult to discern. One piece of evidence comes from the fateful encounter sometime in December 1397 between the junior Appellants, Thomas Mowbray and Henry Bolingbroke, who were two of Richard’s newly created *duketti* (as Thomas Walsingham caustically referred to the élite group upon whom the king had recently bestowed dukedoms).¹⁸⁵ Mowbray, the new duke of Norfolk, told Bolingbroke, duke of Hereford, that the king wanted to ‘lure the earl of March’ into a plot to ruin the house of Lancaster.¹⁸⁶ Perhaps Richard did attempt to woo March, but Adam Usk protests that the earl was ‘a young man of the highest character, [who] had no part in the king’s schemes, and was quite innocent of any complicity in his evils’. Adam was admittedly a partisan source, but his portrayal of the earl’s arrival at the Shrewsbury parliament of January 1398 suggests that March was indeed seen as an alternative focus of support from

¹⁸¹ The chronology is discussed in Given-Wilson (ed), ‘Ric II: parliament of September 1397, introduction’ in *PROME CD-R*.

¹⁸² Given-Wilson (ed), ‘Ric II: parliament of September 1397, text & trn’ in *PROME CD-R*, item 9; Chrons revolution 58; *CCR* 1396–9, 226–7.

¹⁸³ *CCR* 1396–9, 244.

¹⁸⁴ *Ibid.* 221–2.

¹⁸⁵ ARicardi Secundi 223; Tout, *Chapters* iv 27–8. For the careers of these men, see Goodman, *Loyal conspiracy*, 153–64.

¹⁸⁶ Chrons revolution 86–7, qtn 87; =Given-Wilson (ed), ‘Ric II: parliament of September 1397, text & trn’ in *PROME CD-R*, item 53. For discussion of the plot, see Saul, *Ric II*, 394–8.

the king. He was reputedly greeted by the people, 'warmly and with joyful hearts; twenty thousand of them, wearing parti-coloured hoods of red and white—his [Mortimer's] livery—went out to meet him on his arrival, in the hope that through him they might be delivered from this king's wickedness.'¹⁸⁷ Adam suggests that March attempted to avoid offending the king by pretending to approve of his actions. Nevertheless Richard II remained, 'suspicious and hostile, planning to put him to death ... and continually seeking a chance to destroy him, as did the others who were parties to the conspiracy; hoping as a means of accomplishing their malicious schemes, to exploit the fact that Sir Thomas Mortimer, the earl's uncle, a most vigorous knight, who had been exiled by them and whom they feared greatly,' had been succoured briefly by the earl of March. Adam's account continues:

Thus did they conspire secretly together to condemn the earl, eagerly awaiting the moment when they could destroy him, boasting that once it was done they would divide up his lands between them; and it was to this end that they sent to Ireland as lieutenant the aforesaid lord of Surrey, a most evil man, the brother of the earl's wife, to seize him.¹⁸⁸

Adam Usk's description of Richard II's hostility to the earl of March is not so incredible. In September 1397—amid calls for Sir Thomas Mortimer's body to appear before the king—an old dispute between the earls of March and Salisbury over possession of the Marcher lordship of Denbigh was reopened.¹⁸⁹ Denbigh was immensely valuable to the Mortimers and the investigation represented a direct attack on their interests. As the Wigmore chronicler makes clear, the earl of March was determined to protect his title at the Shrewsbury parliament.¹⁹⁰ Other aspects of Adam's story also ring true. Although March was among the commissioners appointed to consider petitions after the Shrewsbury parliament,¹⁹¹ and later, on 24 April 1398, he was readmitted to the lieutenancy of Ireland,¹⁹²

¹⁸⁷ Chron Usk 39–41.

¹⁸⁸ Ibid. 39–41.

¹⁸⁹ Ibid. 34–7. For discussion see, Given-Wilson, 'Richard II, Edward II and the Lancastrian inheritance', 560; Davies, *Lordship & society*, 50–51; Holmes, *Estates*, 14–6, 19 n 3, 26.

¹⁹⁰ Chron Wigmore 354.

¹⁹¹ Given-Wilson (ed), 'Ric II: parliament of September 1397, text & trn' in *PROME CD-R*, item 72; Tout, *Chapters* iv 31.

¹⁹² *CPR* 1396–9, 336. A protection was issued for March, 'staying in Ireland', on the 1 May 1398 (*CPR* 1396–9, 338). William Forde and Thomas Overton, 'et autres du conseil le treshonours seignur Roger de Mortymer Counte de la Marche et Duluestier' retained Sir Walter fitz Walter to serve in March's retinue for six months in Ireland. The indenture was made at London on 15 May 1398, by which time presumably the

within a matter of months the king had rescinded the appointment and was preparing to send Thomas Holand, the recently-created duke of Surrey, in his place.¹⁹³ By coincidence, four days before this, on 20 July 1398, March had been killed at Kellistown, county Carlow, by the Uí Bhroin of Leinster.¹⁹⁴ If Usk's claim that Richard II had been planning the earl's death can be credited, then the earl's premature demise and the dispersal of his estates was perhaps seen as serendipitous in England.¹⁹⁵ It was that 'most evil man'—to borrow Adam Usk's epithet—the duke of Surrey, who gained possession of the Mortimer estates in Ireland.¹⁹⁶

It was in this context that Earl James III of Ormond and his kinsman, William Butler of Dunboyne were retained by the earl of March on his council for life. The writ summoning March to Shrewsbury was issued on 15 October; it can hardly have reached Ireland earlier than the first week of November.¹⁹⁷ While much of the trouble facing Mortimer was yet to come, what could be predicted with confidence was that the future was uncertain. Ormond must have known that Sir Thomas Mortimer was on the run in Ireland and that messengers were bringing the king tidings of the earl of March's reluctance to arrest him.¹⁹⁸ Meanwhile, in England, Mortimer's council was meeting in early November to discuss the earl of Salisbury's challenge to Denbigh (L: *pro negociis dominii de Dynbegh*), and by December, it was making preparations for the earl's return from Ireland to attend parliament (L: *aduentum domini de partibus Hibernie ad parlamentum*).¹⁹⁹

earl had returned to Ireland (Holmes, *Estates*, 78; text at 130–31). Overton was Mortimer's confidential clerk and executor and received 500 marks on the earl's behalf in August 1397 (Chron Usk xvi).

¹⁹³ CPR 1396–9, 402, 407; CCR 1396–9, 325.

¹⁹⁴ Dowling gives the place of his death as 'Calleston ab antiquis vocat Ardabother', which fixes the location as Kellistown, co Carlow. See also AAnon 90 s.a. 1398; Chron Marl s.a. 1398 ('Kenlis in Lagenia'); ADuisk 97 s.a. 1397 ('Kellasney'); Chron Wigmore 354–5 ('Kenles in Hibernia'); and Chron Usk 40 ('Kenlasoe in Hibernia').

¹⁹⁵ His death was known in England by 11 August 1398 (CPR 1396–9, 408).

¹⁹⁶ Chron Usk 40–41; CPR 1396–9, 429; Dunn, 'Richard II and the Mortimer inheritance', 168–9.

¹⁹⁷ Mortimer was at Conall on 20 October 1397 (Holmes, *Estates*, 129–30). Conall is Great Connell near Newbridge, co. Kildare, the location of an Augustinian priory founded in 1202 as a cell of Llanthony Prima in Wales.

¹⁹⁸ That events in England were being monitored closely in Ireland is suggested by the fact that a Gaelic annalist provides a slightly garbled version of the facts: 'The Duke of Lancaster was ruined by the king of England, i.e. his own father's brother, to avenge the murder he had committed at the instigation of the king when he had ruined the archbishop and others. Thomas Mortimer was banished by the king of England to Scotland for the same reason' (AMisc 161 s.a. 1397.11–12).

¹⁹⁹ Holmes, *Estates*, 78 n 3.

Ormond's indenture, dated at Trim on 23 November 1397, was therefore an act of solidarity at a time of crisis for the Mortimer family.

Ormond's open association with March may seem odd given the course of his career, which to a great extent had been dependent on the goodwill of the king. Yet, the Butlers also had connections with the Mortimer family that extended back several decades. Ormond's father, the second earl, had consorted with Roger Mortimer's father, Edmund (†1381), and before him his grandfather, Lionel, duke of Clarence (†1368). The fact that Lionel was also an uncle of Richard II shows just how tangled was the family network with which Ormond was affiliated.²⁰⁰ This complexity allows us to explain a number of troubling details. Ormond's show of support did not signify open defiance of Richard II. It does, however, suggest that he was not simply a 'royalist', but could, as was quite natural, act according to private interest. Ormond's indenture with the earl of March drew him into the affinity of an immensely powerful magnate. Not only did March control an unparalleled assortment of lands on both sides of the Irish Sea, but he also had a strong claim to be the heir to the English throne. If the succession were to be determined strictly by primogeniture, the Mortimer claim would be superior to that of the nearest rivals in the house of Lancaster. The matter had been raised in the English parliament during Richard II's reign. According to one source, John of Gaunt, duke of Lancaster, had petitioned to have his son, Henry Bolingbroke, recognised as heir. Immediately a counter-claim was brought forward by the earl of March to be the king's 'next heir to the crown by full descent of blood'. Richard II, understandably, was sensitive about the suggestion that he would have no issue, and he ordered the two men to cease their debate.²⁰¹ However, the

²⁰⁰ Something of the complexity of the Mortimer genealogical connections is brought out by Adam Usk on the death of Earl Roger in 1398: '... the aforesaid earl Roger was the son of Philippa countess of March, daughter of Lionel duke of Clarence the second-born son of Edward III king of England and France, the glorious son of Isabella daughter of Philip king of France, and thus his sole heir, and this in each direct line ... Following another line, he was the son of the aforesaid countess Philippa, daughter of the aforeaid duchess of Clarence, daughter of the aforesaid earl of Ulster ... Through this Philippa, [daughter], as already noted, of Lionel the second-born son of England, the earldom of March enjoys and is most splendidly augmented by the lordships of Clare, Walsingham, Sudbury, Whaddon, Cranborne and Bardfield in England, of Usk, Caerleon, and Trelleck in Wales, and by the earldom of Ulster and the lordship of Connaught in Ireland, together with the numerous and diverse appurtenances belonging to these great lordships; and, being united with the royal line, it is in truth worthy to rise to the very highest degrees of honour' (Chron Usk 43–9). Usk's account is derived in large part from the Wigmore chronicle (Chron Wigmore 353–5).

²⁰¹ Chrons revolution 196. On the succession, see Michael Bennett, 'Edward III's entail and the succession to the crown, 1376–1471' in *EHR* cxiii 452 (1998) 580–609; Chris Given-Wilson (ed), 'Richard II: parliament

importance of the question was not lost on the colonial community in Ireland. Richard's wife, Anne of Bohemia, had died leaving Richard II childless in 1394, shortly before the king's first expedition to Ireland;²⁰² and when the earl of March was killed in 1398, one set of Latin annals of Irish provenance optimistically describes him as 'comes Ultoniae et Marchiarum, haeres domini Regis'.²⁰³ Ormond, therefore, cannot have believed he was endangering his interests by being retained by the earl of March in 1397. If anything, he was tying himself in closer to the blood royal.

IV

Making war and making peace, 1399

THIS extended interlude has been useful in illuminating the complexity of affiliations in Ireland. In the event, Mortimer's tenure in Ireland was cut short on 20 July 1398. In the course of the same year, Gerald fitz Maurice, third earl of Desmond, also died. Gerald's son John seems to have been recognised as his heir without difficulty.²⁰⁴ Nonetheless, it was Ormond who remained the dominant force in Ireland and—whatever about his relationship with the Mortimer family—he retained the king's trust. It was inevitable that Richard II would depend on the earl and his affinity in preparing the royal expedition of 1399. Possibly, it was as reward for his efforts that Richard, as we have seen, authorised the seizure of Dungarvan castle, county Waterford, from Geraldine control. That action provoked a reaction from Ormond's nephew, John, the new fourth earl of Desmond. The king's ill-advised support for Ormond, in other words, resulted in a violent backlash from the Geraldine camp.

The resulting campaign allows us a rare glimpse of 'politics bellicose' in the colony.²⁰⁵ Such a study tends to the conclusion that the belligerence of the

of October 1385, introduction' in *PROME CD-R*, item 17. For various descriptions of Richard II's relationship with March, see Tuck, *Ric II & Eng nobility*, 205–7; Chris Given-Wilson, 'Richard II, Edward II, and the Lancastrian Inheritance' in *EHR* cix (1994) 558; Dunn, 'Richard II & the Mortimer inheritance', 164–6; Saul, *Ric II*, 396–8; Bennett, *Ric II & 1399*, 61; Chris Given-Wilson, 'Legitimation, designation, and succession to the throne in fourteenth-century England' in Isabel Alfonso, Hugh Kennedy and Julio Escalona (eds), *Building legitimacy: political discourses and forms of legitimation in medieval societies* (Leiden 2004) 89–96.

²⁰² This event was noted by several sets of Irish annals (Chron Marl s.a. 1394; ADowling s.a. 1396).

²⁰³ ADuisk 98 s.a. 1397.

²⁰⁴ In one set of annals for the year 1399, John is referred to as 'Dominus Johannes, noviter tunc factus per regem comes Desmoniae' (AHogain 92 s.a. 1399).

²⁰⁵ The phrase is borrowed from Oliver MacDonagh, *States of mind: a study of Anglo-Irish conflict, 1780–1980* (London 1983), ch 5, 71–89.

resident nobility—at least towards each other²⁰⁶—has been overstated by historians. Perhaps such exaggeration is understandable given that it merely echoes the hyperbole of contemporary government documents. An oft-quoted excerpt from a report sent by the king's council in Ireland to Westminster in September 1399 is a case in point: 'McMurghe is now at open war, and has gone to Dessemond to aid the Earl of Dessemond to destroy the earl of Ormond, if they can; and afterwards to return, with all the power that they can get from the parts of Munster, to destroy the country'.²⁰⁷ This report has been cited repeatedly as evidence of the disturbed state of the colony at the turn of the fifteenth century. As Dorothy Johnston, the expert on the expeditions of Richard II, comments: '[the] degree of unrest in Ireland ... demonstrated a total reversal of all advances made by Richard'.²⁰⁸ According to such an argument, Desmond's alliance with Mac Murchadha—the *bête noire* of Richard II—should probably be taken as proof of the extent to which royal policy had failed to tame what Johnston elsewhere calls the 'evils inherent in the development of [local] lordship'.²⁰⁹ This chapter has

²⁰⁶ Their belligerence towards the Gaelic Irish has, if anything, been grossly understated.

²⁰⁷ BL Cotton Titus B XI pt 1 §4–4^v (pr & tr *PKCI* app iii 261–9; tr *IHD* §22; and older edition can be found in *Archaeologia* xx (1824) 243). The report cannot be dated exactly, but there are various indications. In Henry IV's reply of 14 December 1399, it was stated that the report arrived as parliament was commencing (*Affairs Ire* §287). This parliament convened at Westminster on 6 October (*HBC* 566). The report also mentions messengers sent from England to collect the royal treasure. These men had been sent to Ireland on 16 August and had arrived back in England by 13 October (Johnston, 'Ric II's departure', 798). The report was also clearly written before news of the earl of Desmond's drowning on 11 October reached the central government in Ireland. Furthermore, had the letter been, as Graves avers (*PKCI* 261 n1), written after news of the deposition of Richard II had reached Ireland, one would expect Richard II to be referred to as the 'late king'. This suggests that the report was composed late in September and that it arrived in England in mid-October. As regards its authorship, the 'guardian of Ireland' referred to was Edmund of Kent, deputy of his brother Thomas Holand, duke of Surrey, referred to in the document as 'Moun Sieur de Surry, Lieutenant Dirlande' (*PKCI* 263). Edmund was still acting as *custos* on 27 October (Wood, 'Office of chief governor', 232). Alexander Balscot, bishop of Meath, who has frequently been identified as the author (e.g. *PKCI* xxviii–xxix; Edmund Curtis, *IHD* 70 n; J. A. Watt, 'The Anglo-Irish colony under strain, 1327–99' in *NHI* ii 392; Cosgrove, *Late med Ire*, 29), and who did indeed act as chief governor a January 1400, bore the title of justiciar rather than keeper, and must have taken up office when Edmund of Kent departed (*RCH* 159^b §11).

²⁰⁸ Johnston, 'Ric II's departure', 805. Johnston elsewhere speaks in terms of 'internecine' rivalries and identifies 'divisions within Anglo-Ireland' as one of the 'dominant forces in the fifteenth-century lordship, [which] continued to accelerate the decay of royal authority in Ireland' (Johnston, 'Interim years', 183, 190–91).

²⁰⁹ Johnston, 'Interim years', 183. On Mac Murchadha, see Robin Frame, 'Two kings in Leinster: the crown and the MicMhurchadha in the fourteenth century' in *Colony & frontier* 155–75; and for the suggestion of a family connection between the earls of Desmond and the Mic Mhurchadha, see Nicholls, 'Late medieval annals', 89 n 7. It may also be significant that the annals identify Ormond as a particular enemy of the king

inclined to the opposite conclusion: that Richard II was himself partly responsible for creating the circumstances in which the nobles of Ireland came to blows. Nor can the warfare be attributed to the ‘wholesale exodus’²¹⁰ of Richard II’s army, which removed a necessary check on the violent tendencies of the colony’s nobles. Conversely, it was in the near-total vacuum of royal power in Ireland, during September and early October 1399, that the two earls came to terms with each other. This prompts a closer examination of the sources for the confrontation of 1399.

Evidence in three discrete classes throws light on the events of 1399. First, there is the ‘government perspective’ provided by the document emanating from the central administration to which reference has already been made. A second group—annalistic accounts, whether of Gaelic or colonial provenance—is more helpful in providing the facts from which we can construct a narrative of events. The third class is the least familiar for historians of English Ireland, but in many ways it is the most intriguing. The Desmond–Ormond conflict of 1399 was evidently the stuff of legend. It was the origin of a tale found in a sixteenth-century Irish genealogy of the Butlers,²¹¹ a tale so scandalous and elaborate that, as one commentator put it, it seems ‘to come from the annals of the Italian Renaissance’.²¹² Central to the story is the liaison between James, third earl of Ormond, and a girl described as the daughter of the earl of Desmond (Ir: *ingen iarla Desmhuman*).²¹³ She is clearly identifiable as Katherine of Desmond, Ormond’s niece, by whom he had a number of children.²¹⁴ The eldest of these, James *Gallda* (†1434), was the progenitor of the barons of Cahir, and it has been

of Leinster, Art Mac Murchadha (†1416) in 1395, stating that after submitting to Richard II ‘he was detained a prisoner, on account of the complaint of the Lord Justice, i.e. the Earl of Ormond’ (AFM iv 732–3 s.a. 1394).

²¹⁰ Johnston, ‘Ric II’s departure’. 804.

²¹¹ Séamus Pender (ed), ‘The O Clery book of genealogies’ in *AH* 18 (1951) §§2108–12. For commentary and translation, see W. F. Butler, ‘An Irish legend of the origins of the barons of Cahir’ in *JRSAI* lv (1925) 6–14. An alternative text is ‘Senchas Buítlérach’, ed S. H. O’Grady in *CT* i app B 163–6. For criticism, see James Carney (ed), *Poems on the Butlers of Ormond, Cahir, and Dunboyne (A.D. 1400–1650)* (DIAS Dublin 1945) x–xii. The story is alluded to in Nicholls, *Gaelic Ire*, 86. On the interpretation of Irish genealogies generally, see K. W. Nicholls, ‘The Irish genealogies: their value and defects’ in *Ir Geneal* v 2 (1974–9) 256–61. Carney, in his commentary, uses the English translation by Standish Hayes O’Grady (*CT* ii 172–6). Where direct quotations are used in the paragraphs that follow, I cite the translation of the superior text in Butler, ‘Irish legend’, except where W. F. Butler omitted passages; here I revert to O’Grady’s translation.

²¹² Butler, ‘Irish legend’, 14.

²¹³ Pender (ed), ‘O Clery book of genealogies’, §2108, line 4; *CT* i 163.

²¹⁴ See below app 3, genealogy A3.2.

suggested that the legend was concocted in the early sixteenth century in order to discredit claims then being pressed by the house of Cahir to certain lands on the basis of grants supposedly made by Earl James III to Katherine of Desmond early in the fifteenth century.²¹⁵

The legend weaves together two interdependent episodes attributable to the year 1399.²¹⁶ The first concerns the murder of Ormond's English-born wife, generally referred to as the 'English countess', by Katherine of Desmond.²¹⁷ Stemming from this is the second episode, a confrontation between the earls of Desmond and Ormond. A brief prologue explains that Desmond charged his daughter (whom, for convenience, we may call Katherine) with 'overfamiliarity with a close relation'. She makes for the house of her kinsman, the earl of Ormond, and lodges with him. There follows a scene set in the Butler castle of Carrick. The earl of Ormond is lying ill in the castle. His wife, the English countess, is not present, and Katherine, with a large company of women, seeks to raise Ormond's spirits 'with pleasant conversations, and playing, and bandying words with him'.²¹⁸ Katherine, much to the amusement of the other ladies present, dons the clothes of the English countess. The jeers of the women disturb the earl. Ormond asks them why they are laughing and Katherine answers indignantly:

'Shouting and mocking at me the women are for seeing me in this English dress in which I am. And, my lord,' said she, 'if it be the English dress which English women wear that renders them pretty, comely and beautiful, methinks I am now so myself; and in my opinion, ye Earls of Ireland imagine that ye could not get women worthy of you in

²¹⁵ Butler, 'Irish legend', 14. For documents relating to the Cahir claim, see *COD* iii §318; *ibid.* iv §26. Carney endorses the suggestion and further points to the fact that the third earl's first-born son, James (later fourth earl of Ormond), from whom the main line of the family descended, is conspicuously absent from the story. On the other hand, the third earl's second son, Richard, does feature. Richard was ancestor of the Butlers of Polestown (later of Pottlerath) who, in the person of Piers Ruadh (†1539), claimed—despite much competition—the earldom in 1515. This suggests a date of composition after 1515. See Carney, *Poems on the Butlers*, xii. On the competition for the Butler inheritance 1515–38, see David Edwards, *The Ormond lordship in county Kilkenny, 1515–1642: the rise and fall of Butler feudal power* (Dublin 2003), ch 2, 81–90. For Pottlerath as the *caput* of this branch of the family from the later fifteenth century, see *ibid.* 82 n 18.

²¹⁶ The exact date may not have been of prime importance to the author of the tale, but it is fixed by the drowning of the earl of Desmond.

²¹⁷ The Irish text has both 'contais gallda' and 'contais Saxanach' (see e.g. Pender, 'O Clery book of genealogies', §2108, line 38 (166); §2112, line 9).

²¹⁸ Butler, 'Irish legend', 10.

Ireland itself, and methinks I am a better countess myself than that English hag [*an chaillech gallda*]²¹⁹ you have'.²²⁰

Ormond laughs off Katherine's comments but, after recovering his health, he recalls her words and resolves to remedy the complaint. Seizing an opportunity when Katherine is 'off her guard, with but a very few women about her', he rapes her and afterwards frequents her 'at his pleasure'.²²¹

News of their intimacy spreads. Both Ormond's English wife and the earl of Desmond are outraged. In the next major episode, the scene shifts to the second strand of the story. The disgruntled earl of Desmond consults with the 'chiefs of his people', who unanimously advise him to challenge Ormond. Desmond sends messengers to Ormond, who responds favourably, promising to render Desmond 'full satisfaction in the misdeed he had done to his daughter'. A parley is arranged at 'Aill na mérog', near the abbey of Inishlounaght, on the banks of the river Suir. The two earls meet on the appointed day on opposite banks of the Suir. Ormond sends a messenger to the Geraldine party asking that Desmond cross to their side of the river. Desmond then attempts to cross the ford and, in doing so, drowns.²²²

The narrative then reverts to the parallel plot concerning Katherine of Desmond. On the very same day as Desmond's drowning, Katherine plans to murder the English countess. She fills a beautiful vessel with wine, laces it with a deadly poison and persuades a chaplain (Ir: *saccart méisi*)²²³ to present the vessel to the countess at Waterford on the pretext that it is sent to her by Ormond. The chaplain acts according to his instructions and the countess drinks the deadly potion. The priest then hastily departs by ferry. Before he is half way across the river, he hears the bells of Waterford tolling and he knows his errand has been successful. He returns to tell a delighted Katherine of the countess' fate. The tale then draws to its dramatic conclusion in which its two strands are drawn together. Katherine, ignorant of her father's drowning, approaches Ormond and seeks a reward in return for her news. He agrees to the bargain and is told of his wife's death. Stricken with grief, he seeks a similar pact from Katherine in return for his own tidings. He then informs Katherine of her father's death. She too is

²¹⁹ Pender, 'O Clery book of genealogies', §2108, line 29 (at 166). *Senchas Builíreach* at this point has 'an chailleach gheraltach', which O'Grady translates as 'yon Geraldine hag' (CT i 164; tr ibid. ii 174). This makes a nonsense of the story.

²²⁰ Butler, 'Irish legend', 10.

²²¹ CT i 164; ibid. ii 174.

²²² Butler, 'Irish legend', 11.

²²³ Pender, 'O Clery book of genealogies', §2111, line 4.

distraught, and sheds 'violent, unanswerable showers of tears until her cheeks and bosom were wet, and grief and melancholy, sickness, and severe illness filled her'.²²⁴

For seekers after truth this story may not inspire confidence. Much of it is demonstrably inaccurate. The most glaring error is that Katherine of Desmond was not the daughter of the earl of Desmond who drowned in 1399: that unfortunate man was her brother, John, fourth earl of Desmond.²²⁵ As to the lurid details regarding Katherine's murder of the English countess, there is nothing to support them whatsoever. Little wonder then that 'record historians' of the English colony have ignored the tale. Yet, the story is not entirely apocryphal. The central character, Katherine of Desmond, was an historical figure. Many other details, particularly those connected with the confrontation between Desmond and Ormond, can be substantiated.²²⁶ Given this, the comments of Katharine Simms seem very much to the point: '[w]ith patience and scepticism it becomes possible to distil a few guarded certainties from a mass of flamboyant uncertainties. The remainder, instead of being discarded totally, can serve as evidence for ideals, aspirations, and attitudes of mind. Where the source material is exiguous, it would be criminal to allow any of it to go to waste'.²²⁷ The best approach, then, may be to reconstruct the encounter of 1399 from the other two classes of evidence, before returning to the legend to analyse the composite picture.

We may begin with the most detailed annalistic account, that of Geoffrey Hogan. As we have seen, Hogan reports that during Richard II's expedition of 1399, certain of the king's magnates attacked the son of the earl of Desmond—presumably a reference to John, who had only recently succeeded Gerald, third earl of Desmond (†1398)—and seized Dungarvan castle from Geraldine hands. After plundering the area surrounding the castle, they returned with their booty to the king, who was then resident at Waterford.²²⁸ Hogan next reports that the Geraldines blamed the earl of Ormond for the seizure of Dungarvan,²²⁹ and in revenge for his traitorous act (L: *[i]n cuius prodicionis vindictam*),²³⁰ Earl John

²²⁴ Butler, 'Irish legend', 12.

²²⁵ This error is not noted by W. F. Butler ('Irish legend,' 14), although he does point out many of the other inaccuracies pertaining to the genealogy (ibid. 8–9, 12–13).

²²⁶ See Carney, *Poems on the Butlers*, esp xi–xii.

²²⁷ Simms, *Kings*, qtn 9.

²²⁸ AHogain 92 s.a. 1399.

²²⁹ 'Et sic depredati imposuerunt domino Jacobo Comiti Ermonie quod fecit prodicionem' (AHogain 92 s.a. 1399).

²³⁰ Ibid. 92 s.a. 1399.

and a great army of the Irish of Munster entered Ormond's lands where they laid waste to the greater part of the barony of Cahir and burned the church of St Mary, Cahir.²³¹ At length the two earls made peace, and while returning with his army, Desmond was drowned in the river Suir near the ford of Ardfinnan.²³²

The striking thing about this account is that the events, expressed so succinctly, in reality stretch over several months. We know from the chronicler Henry Marlborough that Richard landed at Waterford on 1 June 1399.²³³ The eyewitness, Jean Creton, states that the king stayed there for some six days before riding 'boldly in close order to Kilkenny, eighty miles up the country in the neighbourhood of the enemy'.²³⁴ This would date the raid on Dungarvan decribed by Hogan to between 1 and 6 June. The drowning of John, earl of Desmond, occurred on 11 October 1399, some four months later.²³⁵ Clearly, some intermediate happenings have been elided. This raises the possibility that Hogan's account conflates two distinct expeditions by Desmond into Tipperary—one seeking vengeance, the other peace. Another annal provides more details concerning the peace made between Desmond and Ormond. It states that John son of Gerald, earl of Desmond, came with a great army composed of both English and Irish elements to Tipperary and there, near the abbey of Inishlounaght, made peace with the earl of Ormond. On the very same night, while returning with his army, Desmond was drowned at Ardfinnan while crossing the Suir.²³⁶ No mention is made here of any raiding or burning during this expedition. It would seem rather that it was undertaken for the purpose of composing discords that, by 11 October, had been ongoing for some time.

This understanding of a minimum of two expeditions agrees with what we know from other sources of events between June and October. When Richard II moved from Waterford to the Butler town of Kilkenny around 7 June 1399, it is likely that the earl of Ormond travelled in his entourage. The king, Creton tells us,

²³¹ Ibid. 92 s.a. 1399.

²³² Ibid. 92 s.a. 1399.

²³³ Chron Marl s.a. 1399.

²³⁴ Creton, 'Metrical history', 23. The same information is supplied in *Traïson et Mort* (172), but this not an independent authority with regard to the Irish expedition. For a discussion of the relationship between the texts, see J. J. N. Palmer, 'The authorship, date and historical value of the French chronicles on the Lancastrian revolution' in *BJRL* lxi (1978–9) 145–81.

²³⁵ K. W. Nicholls proves that the date of his drowning was Saturday, 11 October 1399, in his introduction to 'Late medieval annals', 88–9. That the correct year is indeed 1399 is confirmed by a record that is no longer extant but cited by William Lynch in 1830 (Lynch, *Legal institutions*, 248).

²³⁶ AAnon 90 s.a. 1400.

remained there for some fourteen days, presumably at Ormond's castle of Kilkenny.²³⁷ On the vigil of St John, 23 June, Richard moved against Art Mac Murchadha,²³⁸ and after a disastrous march through northern Leinster reached Dublin in late June or early July.²³⁹ It was shortly after this that news arrived of Bolingbroke's landing at Ravenspur. On 17 July, Richard left Dublin for Waterford, whence he sailed for Wales landing c 23 July. As we have seen, it is possible that Ormond travelled with the king. If he did so, it is unlikely that he remained there long. Within a matter of days of Richard's arrival, the duke of York, regent of England, ended his resistance to Bolingbroke. On 29 July, Bristol castle capitulated and the king's closest supporters were executed.²⁴⁰ Richard then deserted his army and in the dead of night set out across Wales for his principality of Chester.²⁴¹ At this point, the duke of Aumarle (the earl of Rutland and Cork) joined his father, the duke of York, in supporting Henry IV's forces. By 16 August, Lancastrian messengers were making their way to Ireland.²⁴² Without any good reason to tarry, it is likely that Ormond (assuming that he had indeed crossed to Wales) now made his way back across the Irish Sea.

It is certainly possible that Desmond capitalised on the king's hasty withdrawal and Ormond's absence to launch his vengeful attack on the Butler heartland of Tipperary during which the barony of Cahir was burned. This at least allows for the fact that we know that Geraldine action against Ormond pre-dated the peace of 11 October by some time. The Dublin government was responding with alarm in September, when it sent its report to England to the effect that Desmond was at open war and, allied with Mac Murchadha, intended to destroy first Ormond and then the country generally.²⁴³ That report arrived in England around the time that Henry IV's first parliament was commencing on 6 October 1399. In Ireland, it was another five days before Desmond and Ormond finally came to terms at Inishlounaght.²⁴⁴ All the sources are in agreement that Desmond's

²³⁷ Creton, 'Metrical history', 23–5; *Traïson et Mort*, 172.

²³⁸ Creton, 'Metrical history', 26–7; *Traïson et Mort*, 172–3.

²³⁹ The chronology is painstakingly reconstructed in Johnston, 'Ric II's departure', esp 789. Creton, 'Metrical history', suggests the king arrived in Dublin early in July. Henry Marlborough gives the date as 28 June (Chron Marl s.a. 1399).

²⁴⁰ ARicardi Secundi 246–7; tr Chrons revolution 119.

²⁴¹ Chrons revolution 154; Bennett, *Ric II & 1399*, 159–60; Saul, *Ric II*, 411.

²⁴² Johnston, 'Ric II's departure', 798.

²⁴³ BL Cotton Titus B XI pt 1 §4; *PKCI* 261–9.

²⁴⁴ Peter Harbison, *Guide to the national monuments of Ireland* (1st edn Dublin 1970) 232.

drowning, which occurred while the earl was returning from this negotiation, was entirely accidental.²⁴⁵

From the foregoing, it should be clear that there is a substratum of fact to the 'Italianate' legend of Katherine of Desmond and the murder of the English countess. The Desmond–Ormond confrontation, the negotiation near the abbey of Inishlounaght, and the drowning of Desmond: these events are corroborated elsewhere. Indeed, the account of Earl John's drowning in the genealogy provides a plausible explanation for the otherwise puzzling fact emphasised by two discrete sets of annals that John *alone* died in the Suir.²⁴⁶ Moreover, we know that shortly after John's drowning, on 3 December 1399, Ormond agreed to seek a papal dispensation to marry Katherine of Desmond.²⁴⁷ Clearly, then, we should not dismiss the 'legend' out of hand. Leaving the embellishments aside, it may even contain more 'truth' than a mass of administrative documents. In particular, it provides a wealth of information on dispute resolution and social relationships

What then does a composite picture of the conflict of 1399 look like? Primarily, it is a great deal less blood-spattered than the studied hysteria of the royal administration implies. It would be absurd to believe that Desmond's intention was, as the government report informs us, first to annihilate his uncle, Ormond, and secondly destroy the colony in general. Furthermore, while we must be careful not to underplay the extent to which violence was employed, we must also accept that some degree of force may have been considered an acceptable and appropriate means of remedy.²⁴⁸ Revenge may have been a factor in Desmond's raid into Tipperary, but the burning of Cahir reported by Geoffrey Hogan was a

²⁴⁵ AHogain 92 s.a. 1399; AAnon 90–91 s.a. 1400; AFM iv 760–61 s.a. 1398; *ibid.* 766–7 s.a. 1399; AU iii 42–3 s.a. 1399; ACion 320 s.a. 1398; AMisc 111 s.a. 1398.1; the lost 'Annals of Lecan', recorded in marginal notes to AFM 761 n z s.a. 1399; Pender, 'O Clery book of genealogies', §2135; S. Hayman (ed), 'The Geraldines of Desmond' in *JRSAI ser4 v* (1879–82) 227.

²⁴⁶ AAnon 90–91 s.a. 1400 (L: *solus ... submersus fuit*); AMisc 110 s.a. 1398.1 (Ir: *in tlarla do badhadh 'na aenur a measg an tsluaigh annsa tSiuir*); cf. Butler, 'Irish legend', 11 ('The Earl of Desmond proceeded with his people to come to the Earl of Ormond, and when he reached the ford which was between them on the Suir, the horse, on which the Earl was, stooped to the water of the ford to drink it, and the bridle that was to the steed fell out beyond his head, so that it came about his legs, and threw him in the ford, so that the Earl was thrown off his back and the strong, fierce current swept him into the deep water, so that John, the Earl of Desmond was thus drowned'). AAnon, of course, places the drowning *after* the negotiations, whereas in the legend it precedes it. In Thomas Russell's 'Relation of the fitz Gerald's of Ireland (1638)', Earl John is reported to have drowned 'passeing over the Riuer Suire goeing to Clonmell' (Samuel Hayman (ed), 'Unpublished Geraldine documents, pt 1' in *JRSAI ser3 i* (1868) 364 §5).

²⁴⁷ COD ii §344.

²⁴⁸ See Simon Roberts, *Order and dispute: an introduction to legal anthropology* (Harmondsworth 1979) 33.

calculated act of restraint designed to force Ormond to come to terms. The legend suggests that where an offence was public knowledge, the wrong-doer was ready to make amends; to do otherwise, no doubt, would have damaged the earl's standing in political society. The killing of Ormond's brother at Waterford three years previously tends to confirm this suggestion. The murder resulted in many disturbances between Geraldines and Butlers, but these were composed when Gerald, third earl of Desmond, agreed to pay Ormond eight hundred marks in compensation.²⁴⁹

Warfare, then, had limited objectives. It could also be composed without the intervention of royal authority. In the 1380s, the central government had sent intermediaries to bring Desmond and Ormond to terms. The legend gives some indication of how the administration's aid could be dispensed with. The earls communicate via messengers bearing written letters and they agree to bilateral negotiations. A day and venue are set. The meeting-place given in the legend—situated near a ford at the River Suir—has contemporary parallels. Jean Creton was eyewitness to an encounter in June 1399, earlier the same year, between Art Mac Murchadha and the earl of Gloucester. Their interview took place 'near a little brook', and Creton's accompanying illustration shows that the forces of the two parties were arrayed on opposite banks of a stream.²⁵⁰ Fords and bridges were frequently the meeting points chosen for such negotiations.²⁵¹ They had symbolic significance. The river Suir marked a political boundary between the Ormond heartland of Tipperary and Kilkenny and counties Cork and Waterford. It could, therefore, be considered comparatively neutral territory. The river also served a more practical purpose as a prophylactic. Desmond, according to one of the annalists came to the meeting accompanied by a great force of men.²⁵² Ormond, doubtless, did likewise. Whatever the good intentions of the two principals, there was potential here for the supporters of the two camps to become embroiled with each other. A natural barrier such as the Suir created a no-mans land that prevented hostilities from breaking out. According to the legend, when Ormond

²⁴⁹ AAnon 90 s.a. 1396.

²⁵⁰ Creton, 'Metrical history', 40 (qtn); *Traïson et Mort* 176. An outline of the illustration is provided in Creton, 'Metrical history', plate III. It has been reproduced in many times, e.g. Gilbert, *Facsimiles* iii plate XXXIII; T. W. Moody & F. X. Martin (eds), *The course of Irish history* (Cork 1967) illustration 58; Cosgrove, *Late med Ire*, frontispiece; Katharine Simms, 'The Norman invasion and Gaelic recovery' in Roy Foster (ed), *The Oxford illustrated history of Ireland* (Oxford 1989) 87; Seán Duffy (ed), *Atlas of Irish history* (2nd edn Dublin 2000) 35.

²⁵¹ Davies, 'Frontier arrangements in fragmented societies' in *Med Frontier Societies*, 31.

²⁵² AAnon s.a. 1396.

and Desmond first meet it is standing on opposite banks of the river until Ormond invites his counterpart to come to the parley site. Of course, in the legend, Desmond never reaches the farther bank. But it is clear from the annalistic sources that negotiations did indeed occur at the Cistercian abbey of Inishlounaght. The ecclesiastical setting was clearly intended to be conducive to peace. On this occasion it was successful. By the time the two earls left the abbey they had come to terms.

The most instructive lesson to be taken from legend, however, comes from the sections that are factually the least reliable. The centrepiece of the narrative is Ormond's affair with his niece, Katherine of Desmond. The legend brings home with some force the intricacy of the social relationship between the comital families. The two men who faced each other on opposite banks of the river Suir were not just rivals in an aristocratic élite. They were also uncle and nephew. Granted Ormond's affair with Katherine may, as the legend suggests, have been a source of antagonism.²⁵³ But the dictum of the sociologist Georg Simmel—that 'there probably exists no social unit in which convergent and divergent currents among its members are not inseparably interwoven'—here rings true.²⁵⁴ Desmond may have felt that his honour had been impugned, but he was also the uncle of the off-spring of his sister's tryst. The legend shows quite vividly how the relationship between the houses of Desmond and Ormond was at once antagonistic and intimate. It was precisely these 'conflicts of loyalties' that helped bring about settlement.²⁵⁵

V

THE CLOSE of the fourteenth century is a natural place to pause in this narrative. Counting by centuries has its dangers. Artificial periodisation may result in continuities across the threshold of 1399 being ignored, a risk heightened by the fact that the historiography of English Ireland in the early fifteenth century is more than normally barren. Rather than 'stumbling from reign to reign', there is a strong argument in favour of pressing ahead in order to expose the fifteenth century as one of Marc Bloch's 'arithmetical masks [haunting] the pages of our

²⁵³ Cf. Trevor Dean, 'Marriage and mutilation: vendetta in late medieval Italy' in *P&P* 157 (1997) 16–18, where the author describes how 'the outrage of female sexual honour' was a 'prominent context for vendetta'.

²⁵⁴ Georg Simmel, *Conflict and The web of group affiliations: two major essays on the dynamics of social organization by the great German philosopher and social theorist*, tr Kurt H. Wolff & Reinhard Bendix (London 1955) 15.

²⁵⁵ Max Gluckman, 'The peace in the feud' in *P&P* 8 (1955) 10.

books'.²⁵⁶ Yet the coincidence of the deposition of Richard II and the drowning of John, earl of Desmond, within less than two weeks of each other, makes 1399 a useful vantage point from which to review the previous fifty years.

In 1347, the second earl of Ormond had inherited an earldom that had suffered greatly during two extended minorities. Just over half a century later, the Butlers were unquestionably the most dynamic power in the lordship of Ireland. After Earl John of Desmond's accidental death in 1399, plague, minority and internal division dogged the Geraldine earls of Desmond and assured the Butlers of their predominance. This shift in power had produced many controversies. That much is not open to dispute; it is the nature of the conflict that has been misinterpreted. The second half of the fourteenth century witnessed close contact between colony and metropolis. The administration, far from being 'ineffectual' and unable to 'suppress Anglo-Irish marauding and the debilitating feuds among the magnates',²⁵⁷ was in reality a cardinal feature of the conflict. At times, as during Ormond's justiciarship of 1392–4, the chief governorship was wielded to promote private fortunes. At other moments, for instance during Richard II's expedition of 1394–5, the court was a forum for vigorous politicking and a means of subverting the interests of rivals. It was the earl of Ormond's superior ability to play the political game that consistently gave him an edge over his Geraldine rivals and provoked their physical resistance.

The fourth earl of Desmond's assault on Tipperary in 1399, and his success in bringing Ormond to terms, had proven that the Geraldines remained a potent force in Munster, one capable of challenging Ormond's supremacy. It was cruelly ironic that at the very moment of this victory, the earldom of Desmond was robbed of its leader. In the course of the next twenty years, the dynamic between the Butlers and Geraldines was to alter out of all recognition. When the Butlers next faced a serious threat to their predominance, it came from a family of relative newcomers to Ireland—the Talbots. How that challenge was met, and the continuing strategic importance of the Geraldines of Desmond in determining political attitudes, are issues addressed in the final section of this thesis.

²⁵⁶ March Bloch, *The historian's craft*, tr Peter Putnam (rev edn Manchester 1992) 146, 149–50.

²⁵⁷ J. A. Watt, 'The Anglo-Irish colony under strain, 1327–99' in *NHI* ii 390–91.

Introduction

FACTIONALISM in colonial Ireland was as much a political struggle, reliant on curial connections and the manipulation of the royal administration, as it was violent and based on physical coercion. So, at least, runs the argument in the earlier chapters of this thesis. Whether such a claim can be sustained into the early decades of the fifteenth century may appear doubtful. From 1399, factions seem to ramify and their nefarious consequences intrude ever more rudely upon the historian's consciousness. For Professor Otway-Ruthven, who remains the indispensable guide to the early decades of Lancastrian rule in Ireland, the 'growth of faction' was a trend of sufficient importance to be placed in rubrics.¹

Her emphasis on divisions within the colony is not unwarranted: the Butlers and Geraldines clashed in the opening years of the fifteenth century; from 1411, the earldom of Desmond was racked by internal strife; and most significantly for the future of the colony, it was during the reign of the second Lancastrian king, Henry V (1413–22), that the notorious rivalry between the Butler and Talbot families was born. The result, according to contemporaries and modern historians alike, was negative. The well-known comments of Archbishop Swayne of Armagh, penned in 1428 on the chronological penumbra of our period, are illuminating:

Some Jentylmen of the Contre ben well wyllede to my Lorde of Ormond they hold with hym and lovyen hym and helpyn hym and be nozt well willed to my lorde Talbot nor to none that love hym and they that love my Lorde Talbot done in the same maner to my Lorde of Ormond ... this debate bety[wyxt] these thwey Lordes is cause of the gret harmes that be do in this Contre.²

Factionalism, according to Swayne, permeated political society, reputedly spreading discontent and threatening law and order. Seemingly, it worked in a destructive cycle and was both result and cause of the colony's deterioration. Modern historians concur. The colony's decline, which had accelerated 'with a frightening momentum' since the start of the fifteenth century, facilitated the growth of discord, and this in turn led to 'the distortion of the administration of justice'³ with deleterious consequences for the 'maintenance of law and order'.⁴

¹ Otway-Ruthven, *Med Ire*, ch 11, 'Lancastrian Ireland: the growth of faction (1399–1447)', 339–76.

² *Reg Swayne* 111. I have followed the printed orthography, but see the note by D. A. Chart, editor of the Swayne register, regarding the italic z (ibid. 106).

³ Otway-Ruthven, *Med Ire*, 376.

As one commentator put it with a flourish, there ‘never was a time when Ireland needed a strong, wise, and impartial government more sorely than at this period in Irish history. The descendents of the great Anglo-Norman knights who came over with Henry II had become jealous of each other, and were continually quarrelling among themselves, as well as with the native population.’⁵

It should be sufficiently obvious from the discussion in earlier chapters that factionalism was, in reality, no novelty. But if the phenomenon itself was not new, the volume of evidence documenting it is quite unprecedented. From the early fifteenth century, the trickle of scattered references with which we had previously to be content becomes a torrent. Correspondence public and private, complaints, formal accusations, apologies, local endorsements, conciliar memoranda, government reports, and parliamentary petitions all begin to survive in bulk. Commenting on this, Professor Otway-Ruthven, who edited one of the most detailed government reports extant, wrote, ‘[t]he light thrown on the disorders of fifteenth-century Anglo-Irish society is new in detail, and sadly instructive.’⁶ New in detail indeed; but we must beware of being dazzled by our own good fortune. Politicking was an old game, and there is nothing to suggest the rules changed markedly in the early fifteenth century. In this context, it is salutary to recall K. B. McFarlane’s warning to English historians, who face much the same interpretative difficulty, that ‘as one pushes back out of the well lit fifteenth century into the dark ages before it, it is important not to mistake the decrease in the amount of evidence ... as a decrease in the phenomena evidence illustrates’.⁷ Moreover, the documents, by their very nature, provide evidence of the most lurid

⁴ James Lydon, ‘Harmful effects of factions’, *Ireland in the later middle ages* (Dublin 1973) 139–40. The view is similar to that expressed by Orpen that, ‘[d]uring the reign of the three successive kings of the house of Lancaster, in spite of some active viceroys, the condition of Ireland went in general from bad to worse’ (G. H. Orpen, ‘Ireland, 1315–c. 1485’ in C. W. Previté-Orton and Z. N. Brooke (eds), *Cambridge medieval history*, viii: *the close of the middle ages* (8 vols, Cambridge 1911–36) 461). This interpretation, with its emphasis on decline remains robust, as is clear from some of the most recent comments on the later medieval period. For Thomas Finan, the colony was already in a state of ‘advanced dilapidation’ by 1297 and matters worsened thereafter (Finan, *A nation in medieval Ireland? Perspectives on Gaelic national identity in the middle ages* (British Archaeological Reports British Ser 367: Oxford 2004) 100–01). An alternative approach is suggested in Frame, *Eng lordship*, esp 337–9.

⁵ John Henry Bernard, ‘Richard Talbot, archbishop and chancellor (1418–1449)’ in *PRIA* xxxv (1919) C5 220. Bernard’s arguments are tainted by partiality towards his subject. See, for instance, his naïve remark that opposition to Talbot may have sprung from the archbishop’s attempts ‘to do impartial justice to all classes of the population’ (ibid. 221).

⁶ Otway-Ruthven, ‘Arrest’, 73.

⁷ G. L. Harriss, ‘Introduction’ in McFarlane, *England in the fifteenth century: collected essays* (London 1981) xix (citing McFarlane, *Lords and retainers*: unpublished lecture 3 (1966)).

examples of disorder and corruption. Unless handled gingerly, this very abundance of records can, in short, be our undoing. The more intensively we attempt to study them, the more distorted our understanding can become—an historiographical analogue of the ‘uncertainty principle’.⁸

The bleak picture of disorder and decline can be counteracted to some extent by looking for other types of evidence. Two cases from the end of our period (by which time the discord should presumably have taken its toll) suggest that the contraction in the power of the royal government has been exaggerated. At three successive assemblies during 1420–21, representatives from eleven counties and liberties,⁹ the clergy from their equivalent dioceses,¹⁰ and nine cities and towns,¹¹ granted subsidies to the king’s lieutenant, James, fourth earl of Ormond (†1452).¹² The geographical span is impressive, extending from Louth in the north to Limerick in the south-west. Clearly, the ‘English state’ in Ireland was maintaining its purchase on the farther corners of the colony with some tenacity.¹³ There are some conspicuous absentees from the list, notably the liberty of Kerry and the county of Connacht. But the functionaries of the central administration could penetrate these areas too. The point is amply made by the deputy escheator of Ireland, Henry Stanihurst, who took inquisitions *post mortem* into the earldom of Desmond in the winter of 1420–21. Rumours that Thomas, sixth earl of Desmond, had died in France reached Ireland late in 1420.¹⁴ The administration

⁸ At least in so far as I am competent to understand it. The best explanation for a layman, such as this writer, is Stephen Hawking, *A brief history of time: from the Big Bang to black holes* (London 1988), ch 4, ‘The uncertainty principle’, 59–68.

⁹ *Parls & councils*, pt 2: Meath (§§10, 43, 53), Dublin (§§15, 63), Kildare (§§19, 24, 44, 49), Louth (§§5, 26, 60), Wexford (§§11, 42, 47), Kilkenny (§3, 40, 59), Tipperary (§§22, 25, 51), Cork (§45), Limerick (§§6), Waterford (§§7, 38) and Carlow (§57).

¹⁰ *Parls & councils*, pt 2: Meath (§§12, 34, 54), Dublin (§§9, 55, 64) and the chapter of the prior of Holy Trinity (§§4, 41, 66), Kildare (§§23, 50), Armagh *inter Anglicos* (§§18, 30, 61), Ferns (§§13, 35), Ossory (§§20, 31, 58), Cashel (§52), Cork and Cloyne (§§21), Limerick (§§1, 65), Waterford and Lismore (§§7, 38), Leighlin (§§14, 32, 57).

¹¹ *Parls & councils*, pt 2: Dublin (§§2, 33), Drogheda (§§17, 27, 56), Wexford (§§11, 42, 47), New Ross (§§11, 29, 42, 47), Kilkenny (§§3, 40, 59), Cork (§39, 46), Kinsale (§16, 45), Youghal (§45), Limerick (§§8, 28, 62).

¹² There is detailed analysis in *Parls & councils*, xxvii–xxxix; *Ir Parl*, 234–6; Elizabeth Matthew, ‘The financing of the lordship of Ireland under Henry V and Henry VI’ in A. J. Pollard (ed), *Property and politics: essays in later medieval English history* (Gloucester and New York 1984) 99–101. Facsimiles of some of these documents are pr Gilbert, *Facsimiles* iii plates XXXIV–XXXV.

¹³ A point emphasised in Robin Frame, ‘Exporting state and nation: being English in medieval Ireland’ in L. E. Scales & O. Zimmer (eds), *Power and the nation in European history* (Cambridge 2005) 147.

¹⁴ Chron Marl s.a. 1420.

moved with alacrity. Before the end of the year, the deputy escheator had begun his work in the furthestmost extremes of the lordship. On 23 December 1420, Stanihurst was conducting an inquisition at Ardahan (co Galway) into Geraldine lands in the county of Connacht; he then travelled south, possibly by ship, and by 31 December he had reached Tralee in the liberty of Kerry; from Tralee, he travelled east into county Cork, where he took an inquisition on 4 January 1421. Thereafter the pace, if anything, quickened. Stanihurst was in county Limerick on 7 January; three days later he was at Dungarvan, county Waterford; and by 14 January, he had reached Naas, county Kildare, in the colonial heartland.¹⁵ This display of speed and efficiency is impressive; still more impressive is the vibrancy of communications between local society and the central administration. Stanihurst's rapid itinerary forces us to question the impression given elsewhere that, by the early 1390s, Connacht had fallen entirely outside government control.¹⁶

The network through which Dublin government maintained its authority in the localities was, then, far from moribund. What of our primary themes—factionalism and noble power? Here too, the evidence invites cautious optimism. Reliance on indigenous noble power was, if anything, increasing.¹⁷ The Butler family filled the chief governorship, occasionally in emergency circumstances, for over five years during the reign of Henry IV.¹⁸ Admittedly, that reliance was frequently born of necessity, and the government at Westminster was not always happy with the results; but neither was it entirely satisfied with the rule of the king's son, Thomas of Lancaster. Opinions might be generated by affairs at court and financial exigencies as much as anything else. There is little to indicate a growing suspicion of the resident nobility *per se*, still less to suggest that the imposition of 'impartial' outsiders provided a panacea. Significantly, it was

¹⁵ *COD* iii §45.

¹⁶ See the complaint by Milo Corr, bishop of Clonmacnoise (1388–a.1397), that having been appointed as justice for Connacht in 1391, he found that the sheriff of the county, Walter Bermingham of Athenry, refused to accompany him and the bishop had to pay one of the Uí Cheallaigh to act as escort instead (*PKCI* §194). This has been taken as evidence that Connacht was beyond government control, but in fact these circumstances cannot be assumed to be typical as they were connected with recent events in Galway. See Otway-Ruthven, *Med Ire*, 325; Edmund Curtis, 'The pardon of Henry Blake of Galway in 1395' in *JGAHS* xvi (1935) 186–9.

¹⁷ A trend that has long been recognised by historians. See e.g. Lydon, *Lordship*, 179–80.

¹⁸ *NHI* ix 476: James, third earl of Ormond (Jcr 3 Mar–Oct 1404; Dep 4 Jul–7 Sep 1405); James, fourth earl of Ormond (Dep Jan–2 Aug 1408); Thomas Butler, prior of Kilmainham (Dep Lt 9 Mar 1409–25 Sep 1413).

towards the end of our period that a resident lord, Earl James IV of Ormond, was entrusted for the first time with the illustrious title of lieutenant.¹⁹

We return at last to the question of factionalism. Many of the political patterns of the previous decades persisted into the fifteenth century. The pull of court and search for royal favour continued to be determining factors in power struggles. Likewise, the apparatus of central government retained its potency. Indeed, for the first time the evidence shows that rival parties actively competed for high office.²⁰ Yet there are problems with pressing the continuities too far. A central difficulty concerns the role of two of the principals, Desmond and Ormond. During the first two decades of the fifteenth century, both earls spent a great deal of time either as minors or absentees. In Desmond, matters were complicated from 1411 by the fact that the earldom was in the hands of a usurper. At about the same time, James, the young fourth earl of Ormond, came of age and became active in the Lancastrian dynasty's enterprises in France. His presence in Ireland was intermittent until 1420. Without the presence of these two men, it may seem less meaningful to talk of a conflict between them. This creates further difficulties in interpreting the growth in animosity between the Talbot–Ormond parties. It must be admitted that the most dramatic events during the first lieutenancy of John Talbot, lord Furnival (1414–20), took place in Ormond's absence.

Was this in fact the problem? Were faction fights the symptom of a 'crisis of lordship' brought on by juvenile and absentee nobles? In part perhaps. Minorities were a perilous time and there is evidence that each side in turn capitalised on them to damage their rivals. On the other hand, they could bring benefits. When James, fourth earl of Ormond, became a ward of Henry IV's son, Thomas of Lancaster, he was ushered into the rarefied world of the royal family. *Königsnähe*, proximity to the crown, brought with it material advantages. A marriage between Earl James IV and Joan Beauchamp (†1430), daughter of William, Lord Abergavenny—doubtless arranged by Thomas of Lancaster—reinforced Butler connections across the Irish Sea and attached Ormond firmly to the Lancastrian dynasty.²¹ While the Butlers were becoming more intimately entwined in a curial nexus, the same could hardly be posited of the Desmond earls. After 1399, the earldom was, in Otway-Ruthven's estimation 'now really beyond

¹⁹ *CPR 1416–22*, 256.

²⁰ Lydon, *Lordship*, 193–4; Matthew, 'Financing of the lordship of Ireland' in Pollard, *Property & politics*, 99–100, 108.

²¹ *Peerage* x 125; Matthew, *Gov Lancastrian Ire* (PhD), 110–11.

the control of the Dublin government'.²² Yet, this marginalisation of the Desmond Geraldines distorts our understanding. The earldom of Desmond, and more particularly Munster Geraldines' relationship with the Butlers of Ormond, continued to be a significant shaper of attitudes and actions. Each of the major developments of the period—the strife internal to the Desmond earldom, the development of the Talbot–Ormond antagonism, and most dramatically the newfound alliance between the Geraldines and Butlers—is best explained in the context of the factious politics of the previous decades. By the end of our period, far from being sidelined, the Desmond Geraldines were re-integrating into the political life of the colony. The incipient struggle between the Talbots and Butlers was a factor in soldering the interests of the two resident comital houses together. Consequently, English Ireland at the opening of the reign of Henry VI showed more promise of stability than at any time in the recent past. Factionalism, in this sense, acted as a force for cohesion.

To speak positively of factionalism may seem perverse; but in at least one last regard it is correct to do so. Much of this thesis has been spent examining how the apparatus of central government was used as a tool in factional struggles. However novel these suggestions may be for the later fourteenth century, for the fifteenth they are a threadbare commonplace. It has long been recognised that, although 'constitutional undercurrents [could] cause the occasional eddy', the contest was primarily one for power and patronage at official level.²³ As Margaret Griffith, the author of the only published work dedicated to the Talbot–Ormond feud puts it: 'The feud of Talbot and Ormond, wearisome and sordid as it is in its details, devoid of the enlivening interest of the great conflicts of political principle, is, then, of importance by reason of its destructive effects on constitutional machinery'.²⁴ There is much here with which we can agree. Power struggles were certainly about power. Yet we must not be entirely cynical. There was more to politics than the pork barrel. Ideas were important. The leaders in factional struggles required the support of the political community at large. In particular, it was necessary to work through the voice of that community, the Irish

²² Otway-Ruthven, *Med Ire*, 342 n 9. This opinion is echoed in some of the recent work on Munster. Paul MacCotter states that the colonial government almost completely abandoned Munster early in the fifteenth century ('The Geraldine clerical lineages of Imokilly and Sir John fitz Edmund of Cloyne' in David Edwards (ed), *Regions and rulers in Ireland, 1100–1650: essays for Kenneth Nicholls* (Dublin 2004) 54). Keith A. Waters is likewise rather pessimistic about the earldom in the fifteenth century (Waters, *Earls of Desmond* (PhD), 143–4).

²³ Lydon, *Ire in the later middle ages*, 138.

²⁴ Griffith, 'Talbot–Ormond struggle', 376.

parliament. The same documents that expose in such sensational detail the prevalence of conflict also reveal how deeply those contests were immersed in English governmental ideals. Granted, indignant appeals to abstract notions such as 'righteousness' and 'good governance' may to some extent have been contrived: petitions to court, to be effective, had to employ the language of the audience.²⁵ But this very fact illustrates how faction fights could be said to have had a positive impact. Far from destroying 'constitutional machinery', they gave English political culture an immediacy and relevance that might otherwise have been lacking. Factionalism, then, was one of the factors that made 'Englishness' in late medieval Ireland resilient.

²⁵ The point is well expressed by Katharine Simms with regard to the Talbot–Ormond feud: 'It has to be borne in mind, however, that every single petition, accusation, and counter-accusation generated by this controversy was directed at one audience only, the king and his Council in England, so that, as in the case of bardic praise-poems, the uniformity of sentiments prompted by the desire to win a favourable hearing tells us more about the orthodox policies of the English court towards Ireland than the aims of either Talbot or Ormond' (Katharine Simms, 'Bards and barons: the Anglo-Irish aristocracy and the native culture' in *Med frontier societies* 187).

THE FATE of the Lancastrian dynasty in the opening years of the fifteenth century was far from certain. Between 1399 and 1405, King Henry IV had to withstand repeated rebellions,¹ war with Scotland,² and revolt in Wales.³ Harder still to combat were intangible enemies, such as the spectre of Richard II, who posthumously acted as a focus of rumour and a rallying point for discontent.⁴ In Ireland, these years were also disturbed, and not only by a Gaelic Ireland that was resurgent in the aftermath of Richard II's disastrous expedition of 1399. The earldom of Desmond was in disarray following the drowning of John, fourth earl of Desmond, in October 1399 and the evidence suggests that James, earl of Ormond, used the Geraldines' misfortune as an opportunity to extend his power. A high-point in the conflict came in 1403, when James, third earl of Ormond brought a formidable force to bear against the Geraldines. What is significant is that Ormond's actions do not seem to have been frowned upon. He was in no way considered a renegade. He had effected a smooth realignment to the Lancastrian dynasty and thereafter retained Henry IV's confidence. If anyone was being painted as the enemies of the new dynasty it was the Munster Geraldines. To adopt a concept that has become fashionable in recent English historiography, the third

¹ Peter McNiven, 'The Cheshire rising of 1400' in *BJRL* lli (1969–70) 375–96; idem, 'The men of Cheshire and the rebellion of 1403' in *Trans Historic Soc of Lancashire & Cheshire* cxxix (1979) 1–29; David Crook, 'Central England and the revolt of the earls, January 1400' in *HR* lxiv (1991) 403–10; Alastair Dunn, 'Henry IV and the politics of resistance in early Lancastrian England, 1399–1413' in Linda Clark (ed), *The fifteenth century III: authority and subversion* (Woodbridge 2003) 5–23.

² A. L. Brown, 'The English campaign to Scotland, 1400' in H. Hearder and H. R. Loyn (eds), *British government and administration: studies presented to S. B. Chrimes* (Cardiff 1974) 40–54; Peter McNiven, 'The Scottish policy of the Percies and the strategy of the rebellion of 1403' in *BJRL* lxii (1979–80) 498–530; Stephen Boardman, *The early Stewart kings: Robert II and Robert III, 1371–1406* (East Linton 1996) 226–32, 268–73; Alexander Grant, *Independence and nationhood: Scotland 1306–1469* (New history of Scotland 3 Edinburgh 1984) 43–6; Ranald Nicholson, *Scotland: the later middle ages* (Edinburgh History of Scotland 2 Edinburgh 1974) 219–20.

³ R. R. Davies, *The revolt of Owain Glyn Dŵr* (Oxford 1995); J. E. Lloyd, *Owen Glendower / Owen Glyn Dwr* (Oxford 1931); R. R. Davies, *The age of conquest: Wales, 1063–1415* (Oxford 2000) 443–59 (1st pubd *Conquest, coexistence and change: Wales, 1063–1415* (Oxford 1987)).

⁴ Peter McNiven, 'Rebellion, sedition and the legend of Richard II's survival in the reigns of Henry IV and Henry V' in *BJRL* lxxvi 1 (1994) 95–117; Philip J. Morgan, 'Henry IV and the shadow of Richard II' in Rowena E. Archer (ed), *Crown, government and people in the fifteenth century* (Stroud 1995) 1–31; Simon Walker, 'Rumour, sedition and popular protest in the reign of Henry IV' in *P&P* 166 (2000) 31–65.

earl of Ormond's success until his death in 1405 can be attributed to the extent to which he convincingly 'Lancastrianised' himself.⁵

I

Ormond Lancastrianised, 1399–1405

ORMOND'S swift accommodation to new circumstances may seem surprising. He had no obvious Lancastrian connections before 1399, and the evidence at first seems to suggest that the colony harboured a lingering sentiment in favour of Richard II. In July 1399, amid Henry Bolingbroke's invasion, at least one of Richard II's despised curialist favourites, William Bagot, fled to Ireland, presumably in the vain hope that it would prove to be a Ricardian haven.⁶ A later chronicle tells us that in the immediate aftermath of Richard II's deposition that autumn, 'they of Ireland been in poynte to chose a kyng amonges hem'.⁷ The account may be fanciful in its detail, but record evidence proves the Irish administration was indeed dilatory in according Henry IV his new status. On 15 December 1399, the chancellor and treasurer of Ireland were ordered 'to cause all the seals in Ireland to be amended, namely the name of King Richard to be erased and the name of King Henry to be graven instead ... as by report of many it is now newly come to the king's ears that since 30 September, on which day he took upon him the governance of the realm, divers letters patent ... have gone forth under the name of King Richard'.⁸ Further a field, the earl of Ormond's seigneurial chancery

⁵ This is a subject that Douglas L. Biggs has made his own. See Biggs, 'Sheriffs and justices of the peace: the patterns of Lancastrian governance, 1399–1401' in Michael Jones (ed), *Nottingham Medieval Studies* xl (1996) 149–61; idem, 'A Plantagenet revolution in government? The officers of the central government and the Lancastrian usurpation of 1399' in *Medieval Prosopography* xx (1999) 199–211; idem, 'The reign of Henry IV: the revolution of 1399 and the establishment of the Lancastrian regime' in Nigel Saul (ed), *Fourteenth Century England I* (Woodbridge 2000) 195–210; idem, 'Henry IV and his JP's: the Lancastrianization of justice, 1399–1413' in idem, Sharon D. Michelove & A. Compton Reeves (eds), *Traditions and transformations in late medieval England* (Leiden 2002) 59–79. See also Mark Arvanigian, 'The "Lancastrianization" of the north in the reign of Henry IV' in Douglas L. Biggs, Sharon D. Michelove & A. Compton Reeves, *Reputation and representation in fifteenth-century Europe* (Leiden 2004) 9–38.

⁶ Adam Usk reports that Bagot was brought back to England in chains by Henry of Monmouth, the future King Henry V, who had been imprisoned in Trim castle (Chron Usk 60, 61 n 6). A later report states that 'Sir William Bagotte, knyht, was take in Irlond besyde Develyn, and brouht to London and putte in Newgate into prison, and at last delyuered thurh his ffayr excusacion' (*Chronicles of London*, ed Charles Lethbridge Kingsford (Oxford 1905) 19). For comment, see Johnston, 'Richard II's departure', 799; Michael Bennett, *Richard II and the revolution of 1399* (Stroud 1999) 159.

⁷ *The Great Chronicle of London*, ed A. H. Thomas & I. D. Thornley (London and Aylesbury 1938) 80.

⁸ CCR 1399–1402, 45; *Fœdera* [H] iii pt iv 173.

was still, late in October, dating documents by the regnal year of Richard II,⁹ a fact that one historian tentatively pointed to as ‘evidence of some reluctance to accept the turn in events’.¹⁰

On balance, it seems likely that it was not recalcitrance, but ignorance and confusion that prevented a swifter adaptation to the change of dynasties. News was slow to reach the colony. The order of 15 December 1399, demanding that the great seal of Ireland be amended, explains that the ‘chancellor and treasurer were not certified of the king’s taking upon him the royal estate’.¹¹ The day before this order was sealed, Henry IV composed another letter to the chancellor of Ireland apologising for not addressing Irish business sooner, explaining that he had been distracted by the ‘surplus of business of our parliament ... and other necessary reasons concerning our estate and said realm’.¹² Nothing in the phraseology suggests a reprimand. As for the earl of Ormond’s indiscretion in allowing his letters of 27 October 1399 to be dated by the regnal year of a king who had by then been deposed, this anomaly is sufficiently explained by the irregularity of transmarine communications.¹³ Messengers from Ireland bearing a report from the Irish council had only arrived in London in mid-October.¹⁴ Given that information often took three or four weeks to cross the Irish Sea, the fact that at the end of October the colony was still in a state of ignorance, or at most irresolution and bewilderment, is little to be wondered at.

What is clear is that, from early on, Ormond had gained the confidence of the new regime. The clearest example of this is Ormond’s close association with the new king’s son, Thomas of Lancaster, who was appointed lieutenant of Ireland in 1401.¹⁵ The young lieutenant and the Butlers were to form an intimate connection, an affiliation which flies in the face of the accepted wisdom that the

⁹ COD ii §343.

¹⁰ Johnston, *Ric II & Ire* (PhD), 507.

¹¹ CCR 1399–1402, 45 (qtn); *Fœdera* [H] iii pt iv 173.

¹² *Affairs Ire* §287 (F: *car tant pur surcharge des busoignes de nostre parlement ... come pur autres choses necessairs concernant lestat de nous et de nostre dit roiaume*).

¹³ Frame, *Eng lordship*, table 9, ‘The conveying of commands from England to Ireland’, 117.

¹⁴ See above 233 n 207.

¹⁵ CPR 1399–1401, 507, 524, 529, 530. For Lancaster, see Brian Blacker, *Thomas of Lancaster, duke of Clarence, 1388–1421: the consolidation of the Lancastrian dynasty* (PhD University of Dublin 1996); idem, ‘A Lancastrian prince in Ireland’ in *HI* vi 1 (1998) 22–6; G. L. Harriss, ‘Thomas, duke of Clarence’ in *Oxford DNB*, internet version [www.oxforddnb.com/view/article/27198, accessed 26 March 2006]. Adam Usk reports the departure of Thomas of Lancaster to Ireland, ‘to put down the rebellion of the Irish [L: *Hibernicorum*]’ (Chron Usk 146–7).

Lancastrians deliberately excluded magnate influence 'lest the great offices and the council might easily become the prey of baronial faction'.¹⁶

The Butlers' relationship with Thomas of Lancaster was of great significance for the future. Perhaps more striking in the immediate aftermath of the Lancastrian usurpation was the extent to which Henry IV placed confidence in a group of former Ricardians who were well-versed in Irish affairs. Among them were several with whom the third earl of Ormond would have felt well at ease. Sir John Stanley was a man with long experience of Ireland and his career in Richard II's service culminated with his tenure as controller of the royal household in 1397–9. In August 1399, as Richard II's power was slipping away, Stanley submitted to Henry Bolingbroke. His Ricardian background seems to have done little to stall a promising career, and from 1405–13 he was steward of the royal household.¹⁷ Long before this he seems to have been treated favourably by the new king. Shortly after Henry IV's coronation, an annuity of £100 per annum was confirmed to Stanley,¹⁸ and on 10 December 1399 he was appointed lieutenant of Ireland.¹⁹ Stanley's previous service in Ireland had seen him working in close proximity to the earl of Ormond, and during his lieutenancy of 1399–1401 he treated the earl with favour. On 10 April 1401, Stanley rewarded Ormond for his good service in the wars of Ireland with a licence to acquire freely lands, rents and services in Ireland, whether or not he was serving as justiciar of Ireland or in any other ministerial capacity, 'being as we are unwilling that the earl or his heirs by reason of this grant should in future times be vexed or molested'.²⁰

Stanley's appointment as lieutenant had another effect, in that it 'opened the floodgates to local careerists' from Lancashire.²¹ Ormond was soon consorting with this new blood. On 23 March 1400, Henry IV entrusted Ormond with a commission to investigate the castles and lands of evildoers who had forfeited to

¹⁶ Griffith, 'Talbot–Ormond struggle', 378 (qtn); eadem, *The council in Ireland, 1399–1452* (BLitt University of Oxford 1935) 28. This view was recently endorsed in Brian Blacker, *Thomas of Lancaster, duke of Clarence, 1388–1421: the consolidation of the Lancastrian dynasty* (PhD University of Dublin 1996) 63.

¹⁷ Given-Wilson, *Royal household*, 168; Michael Bennett, 'Stanley, Sir John' in *Oxford DNB* lii 226–7; *House of Commons* iv 455–6; A. L. Brown, 'The reign of Henry IV: the establishment of the Lancastrian regime' in S. B. Chrimes, C. D. Ross & R. A. Griffiths (eds), *Fifteenth-century England, 1399–1509: studies in politics and society* (Manchester 1972) 17, 22–3.

¹⁸ *CPR 1399–1401*, 261.

¹⁹ *CPR 1399–1401*, 92; *RCH* 155 §1.

²⁰ *COD* ii §355.

²¹ Michael Bennett, *Community, class and careerism: Cheshire and Lancashire in the age of Sir Gawain and the Green Knight* (Cambridge 1983) 200.

the king and to arrest victuallers of the king's enemies.²² The order had been issued once before, on 21 February, to an array of men including William and John Mirreson of Lancaster. These brothers were soon to be appointed collectors of the king's customs in Irish ports.²³ They were evidently well trusted, for the commission of 21 February stipulated that at least one of the investigators had to be William or John Mirreson.²⁴ Significantly, when the order was reissued on 23 March, the name of James, earl of Ormond, was included at the head of the list.²⁵ The Mirreson brothers were not the only Lancastrian freshmen in Irish affairs. Ralph Standisshe of Lancaster was appointed escheator of Ireland in May 1400,²⁶ and many others were granted preferments, benefices and annuities from Irish sources.²⁷

A second Ormond supporter who was favoured by Henry IV was Alexander Balscot, bishop of Meath, who was appointed chancellor of Ireland on 18 November 1399,²⁸ and served as justiciar of Ireland from c December 1399 until the arrival of Sir John Stanley in March 1400.²⁹ By this time, Balscot was an elderly man and he died within a year on 10 September 1400.³⁰ When he had last served as chancellor, following Richard II's expedition of 1394–5, safeguards had been put in place lest he was too infirm to travel with the great seal to the chief governors of Ireland.³¹ Notwithstanding these concerns, Balscot was robust enough to journey to England early in 1396 to act as a spokesperson for the Irish parliament and, seemingly, to voice the grievances of the earl of Ormond

²² *Affairs Ire* §288. Ormond later claimed not to have received the writs (Johnston, 'Richard II's departure', 799).

²³ The appointment was made a 22 April 1400, on which day they were given licence to act by deputy provided that they were resident at one of the principal ports, 'as the administration of these offices lies in divers parts among the king's Irish enemies and they cannot continually go thither in person except by sea and this with a force of fencible men' (*CPR 1399–1401*, 257). John Mirreson was dead a 14 March 1405, when William Mirreson petitioned to have one John Kyghley appointed in his late brother's place (*Cal Signet Ltrs* §246).

²⁴ *CPR 1399–05*, 51–2. For their other activities in Ireland, see *CPR 1399–1401*, 462.

²⁵ *Affairs Ire* §288.

²⁶ *CPR 1399–1401*, 294. For Standish, see Bennett, *Community, class & careerism*, 200.

²⁷ Matthew Lappynge of Lancaster was appointed clerk of the works of Dublin castle (*CPR 1399–1401*, 513).

²⁸ *CPR 1399–1401*, 112. Balscot took office on 4 January 1400 (*ibid.* 479).

²⁹ *NHI* ix 475. Stanley witnessed a document as lieutenant on 13 March 1400 at Dublin (*RCH* 155 §6).

³⁰ *NHI* ix 504. Cf. Michael Potterton, *Medieval Trim: history and archaeology* (Dublin 2005) 299, where the date of his death is given as 10 November 1400.

³¹ He was appointed under the English seal on 10 June 1395 and he took office on 1 August 1395, (*CPR 1391–6*, 582, 607; *RCH* 152 §§46–8).

concerning the murder of Thomas Butler at Waterford by the Geraldines.³² The king had received Balscot favourably in 1396, but in the course of the next year he became the focus of criticism. John Melton, deputy treasurer of Ireland, accused the chancellor of administrative obstructionism.³³ Melton prompted Richard II to replace Balscot with a minister from England and he furnished the king with a list of suitable candidates.³⁴ These complaints might have met with less success had the political climate in England not been so frosty to Mortimer interests in 1397. Balscot may have been considered negligent in failing to cause Sir Thomas Mortimer to appear before the 'Revenge' parliament of September 1397. Early in September, he was ordered under pain of forfeiture to command the earl of March under the Irish seal to arrest his uncle.³⁵ On 15 October 1397, Balscot was removed from office.³⁶ In this context, Balscot's re-appointment as chancellor within weeks of Henry IV's coronation appears like a decision to utilise a man of great experience who had been spurned by Richard II's government.

The new regime, therefore, appointed men amenable to Butler interests to two of the principal offices in the Irish administration. The third great office—the treasurership of Ireland—represents something of a contrast. It was entrusted to Robert Faryngton, a king's clerk and holder of numerous benefices on either side of the Irish Sea, including one portion of the prebend of Lusk in the diocese of Dublin.³⁷ Faryngton was one of those who in 1397 had been suggested by John Melton as a worthy replacement for Alexander Balscot, chancellor of Ireland.³⁸ In the event, after an interval of a year, Faryngton was appointed treasurer of Ireland

³² BL Add Ms 24082 f 106; pr Johnston, *Ric II & Ire* (PhD), app ix §1 570–71.

³³ *PPC 1388–1410*, 69–72; *Affairs Ire* §283 (at p. 266). The episode is related in Johnston, 'Interim years', 186–8, although Johnston is unduly negative about 'Anglo-Irish' influence in the administration. Although Melton was clearly in favour of English-trained administrators, the situation in Ireland was more complex than a conflict between English attempts to reform *versus* Anglo-Irish self-interest. This is clear from the earl of Ormond's close association with Roger Mortimer, earl of March, and Melton's equally vociferous complaints about James Cotenham (an Englishman of England), deputy of William Scrope, justiciar of Ireland. The complexities resemble those in Lionel of Clarence's lieutenancy, for which see Crooks, 'Hobbes', 117–48.

³⁴ *Affairs Ire* §284, item 2.

³⁵ *CCR 1396–9*, 244.

³⁶ *CPR 1396–9*, 218, 246.

³⁷ He held also held benefices in the dioceses of Ely and Coventry–Lichfield as well as the archdiocese of York. Some of these benefices were confirmed on 1 December 1399 (*CPR 1396–9*, 375; *CPR 1399–1401*, 135). He nominated attorneys on 2 December 1399 and was issued with a protection on 4 December 1399 because he was going to Ireland in the king's service (*CPR 1399–1401*, 138, 144).

³⁸ *Affairs Ire* §284, item 2.

on 10 September 1398.³⁹ He seems to have held the confidence of the new regime as he was reappointed as treasurer on 29 October 1399 and quite likely advised on the other exchequer appointments.⁴⁰ Faryngton seems to have been reluctant to serve, however, and it seems that early in 1400 he petitioned for an audit of his account so that he might finally be discharged from his duties.⁴¹ On 24 May 1400, he was superseded in office.⁴² His eventual replacement was Laurence Merbury, an esquire of Cheshire origins who was retained for life by the king in 1399 and was granted an annuity of twenty pounds to be drawn from the customs of Drogheda.⁴³ By the time Merbury was appointed treasurer of Ireland on 29 November 1400, he had been knighted,⁴⁴ and he went on to have a long career serving in the Irish administration. Although Merbury was later to be one of the Butlers' bitterest enemies during the Talbot–Ormond dispute, his relationship with the third earl of Ormond in the early years of the reign of Henry IV seems to have been cordial.⁴⁵

Two other members of Henry IV's affinity with whom Ormond cultivated good relations were the king's esquire, Janico Dartasso, and Sir Stephen Scrope, a king's knight. Both these men had previously seen Irish service and both had been ardent supporters of Richard II. Yet both successfully accommodated themselves to service under Henry IV.⁴⁶ Dartasso's connections with Ireland dated from Richard II's first expedition of 1394–5, when the king granted him lands in south Dublin. It was of this grant that Dartasso famously carped that, it 'would be worth more than a thousand marks a year, if it had been near London, but ... I have such trouble keeping it that I would not want to live such a life for long, for a quarter

³⁹ *CPR 1396–9*, 410.

⁴⁰ *CPR 1399–1401*, 112. Robert's brother, Hugh Faryngton, was appointed 3rd BEx (ibid. 113).

⁴¹ Philomena Connolly, 'Irish material in the class of ancient petitions (SC8) in the PRO, London' in *AH* 34 (1987) 38. On 9 April 1400, Thomas Everdon was appointed as Faryngton's lieutenant because the latter could not travel outside Dublin due to infirmity (*RCH* 157 §7).

⁴² *CPR 1399–1401*, 286. Faryngton's immediate replacement was Thomas Bache (T 1400–01). On 4 June 1400, commissioners were appointed to audit Faryngton's account (*CPR 1399–1401*, 314). For a list of the treasurers of Ireland in this period, see *IExp* 548–9.

⁴³ *CPR 1399–1401*, 69. On 9 November 1400, he was given licence to receive this annuity although he was not resident in Ireland (ibid. 378). For Merbury's background, see Bennett, *Community, class & careerism*, 22–4, 197, 200.

⁴⁴ *CPR 1399–1401*, 387; cf. Given-Wilson, *Royal household*, app vi 289.

⁴⁵ See, e.g., a reward of twenty pounds to Merbury in August 1405 when Ormond was justiciar (Gerrard, 'Notes', 206); and also a letter of 25 April 1404, referring to the praise that Ormond and the Irish council lavished on Merbury for his great labours in the king's service in the office of treasurer (NLI (Harris) Ms 4 f 142).

⁴⁶ Given-Wilson, *Royal household*, 165–6, 234.

of the whole land [of Ireland]'.⁴⁷ Dartasso returned to Ireland on the second royal expedition and in July 1399 he crossed with Richard II to Wales. He was arrested at Chester and, according to Jean Creton, stubbornly refused to doff Richard II's livery.⁴⁸ Sir John Stanley, soon to be appointed lieutenant of Ireland, was one of those who offered sureties for his release on 20 August.⁴⁹ Thereafter, Dartasso quickly readjusted to life with the Lancastrian dynasty. He served on the council of Henry IV's son, Thomas of Lancaster,⁵⁰ and forged a successful and lucrative career in Ireland.⁵¹ His marriage to a Meath heiress, Joan Taafe, c 1403, gained him access to the local society of English Ireland and he was appointed to peace commissions in Dublin, Meath and Louth.⁵² Meanwhile, his relationship with Ormond seemed as if it might sour. Both men claimed rights to the same piece of property in Somerset, the manor of Huntspill Marreys. Ormond had been deemed the heir of the property in 1391,⁵³ but in 1397 Richard II granted it to Dartasso.⁵⁴ The result was a protracted legal battle, from which Ormond ultimately emerged victorious.⁵⁵ It is a sign of how much Ormond valued good relations with Dartasso that, on 12 June 1404, he granted him an annuity of forty marks per annum for life to be drawn from the Butler manor of Aylesbury, Buckinghamshire.⁵⁶

⁴⁷ *ANLP* Itr 84 132–3. M. Dominica Legge, the editor of *ANLP*, shows that Curtis misread 'ml' as 50,000 rather than as a contraction of *mille* (Curtis, 'Letters', §6; idem, 'Janico Dartas, Richard the Second's "Gascon esquire": his career in Ireland' in *JRSAI* lxiii (1933) 188); the latter is much more plausible and makes sense of Dartasso's complaint, but Curtis' misreading continues to mislead (e.g. Cosgrove, *Late med Ire*, 30).

⁴⁸ Creton, 'Metrical history', 369.

⁴⁹ See esp Simon Walker, 'Janico Dartasso: chivalry, nationality and the man-at-arms' in *History* lxxxiv 273 (1999) 40–41.

⁵⁰ *RHL Hen IV* i Itr 30; Griffith, *The council in Ireland, 1399–1452* (BLitt) 28–34; Blacker, *Thomas of Lancaster* (PhD) 60, 62.

⁵¹ Among other preferments, he was appointed constable of Dublin castle and deputy admiral of Ireland, received annuities of £100 from the castle and manor of Trim, 100 marks from the fee farm of Drogheda, and £40 from the fee farm of Dublin (*CPR 1300–1401*, 74, 131, 154, 289, 466, 475, 488; *CPR 1401–05*, 162; *CCR 1402–05*, 10; *RCH* 167 §21; *ibid.* 176 §159; *ibid.* 168 §108; *ibid.* 171 §87; Trinity College, Cambridge, Ms 0.8.13 f 1). See also Michael Potterton, *Medieval Trim: history and archaeology* (Dublin 2005) 110–11.

⁵² Frame, 'Commissions', §§124, 134, 155, 162. For his descendants, see Curtis, 'Janico Dartas', 198–202; K. W. Nicholls, 'The descendants of Margaret Dartas' in *Ir Geneal* iv 5 (1972) 392–6.

⁵³ See above 204 n 22.

⁵⁴ *CPR 1399–1401*, 237; *CCR 1399–1402*, 526.

⁵⁵ *CCR 1399–1402*, 526; *CFR 1399–1405*, 300–01.

⁵⁶ The grant was confirmed by the king on 1 November 1405, shortly after the third earl of Ormond's death (*CPR 1405–08*, 101). Aylesbury in Buckinghamshire had been held by the first earl of Ormond (†1328). See

Sir Stephen Scrope was the third son of Richard Scrope, first lord Bolton (†1403).⁵⁷ Like Stanley and Dartasso, Scrope had served Richard II in Ireland. He was the brother of the ill-fated William Scrope, earl of Wiltshire (ex 1399), justiciar of Ireland with authority in Louth, Leinster and Munster in the divided chief governorship of 1395–7. During that period, Stephen Scrope had deputised for his brother in Ireland,⁵⁸ and in Richard II's final year he was appointed under-chamberlain of the royal household.⁵⁹ Scrope's adaptation to the new regime was initially far from smooth. He fell under suspicion in January 1400 at the time of the Epiphany rising, and later in 1400 his loyalties were again brought into question in a case heard before the court of chivalry.⁶⁰ The case went in Scrope's favour, however, and the king's trust was demonstrated the next year when Scrope served as the deputy of Henry IV's son, Thomas of Lancaster, after the appointment of the latter as lieutenant of Ireland in 1401. Scrope's treatment of Butler concerns during his chief governorships seems to have been generally favourable and, on 25 June 1405, as Scrope prepared to take a force from Ireland to attack Anglesey and combat the Glyn Dŵr revolt,⁶¹ he appointed Ormond in his stead as chief governor.⁶²

The close relations that Ormond fostered with those who controlled the Dublin government in the years after 1399 enabled him to bolster his personal power. Ormond did not, however, restrict himself to working through the king's ministers. He also transacted his private business before the king in person. In

CIPM 1377–84, 281 §696; *CIPM* 1405–13, 7 §28; Frame, *Eng lordship*, 48 n 130; Matthew, *Gov Lancastrian Ire* (PhD), app iv 592 n 2.

⁵⁷ *Peerage* xi 539–41; Alastair Dunn, 'Loyalty, honour and the Lancastrian revolution: Sir Stephen Scrope of Castle Combe and his kinsmen, c. 1389–c. 1408' in Mark Ormrod (ed), *Fourteenth Century England III* (Woodbridge 2004) 167–83. For a genealogy, see Brigitte Vale, *The Scropes of Bolton and Masham, c. 1300–c. 1450: a study of a northern noble family with a calendar of the Scrope of Bolton cartulary* (DPhil 2 vols, University of York 1987) 239. The date Vale gives for the death of Scrope here (1409) is incorrect and should read 1408.

⁵⁸ He is not listed in *NHI* ix 475, but see above 223–4 n 157.

⁵⁹ Given-Wilson, *Royal household*, 165–6.

⁶⁰ Alastair Dunn, *The politics of magnate power in England and Wales, 1389–1413* (Oxford 2003) 86.

⁶¹ Davies, *Revolt of Owain Glyn Dŵr*, 188–9.

⁶² *NLI* (Harris) Ms 4 f 153; =*RCH* 179 §29. Henry Marlborough gives the date of Scrope's departure as June (Chron Marl s.a. 1405); but if this is correct, it was clearly at the very end of the month, as Scrope tested letters patent at Drogheda on 26 June and Dublin on 28 June 1405 (*CPR* 1405–9, 87; *NLI* Ms 4 f 154). Ormond took the oath of office on 4 July at Naas (*NLI* (Harris) Ms 4 f 153^v; =*RCH* 179 §29). Ormond also acted as chief governor when Scrope left Ireland suddenly in January 1404, but the circumstances on that occasion were exceptional and he was not appointed to the position by Scrope (*PKCI* xxi–xxii n 2; *ibid.* app iv 269–72).

1400–01,⁶³ Ormond successfully petitioned Henry IV on a number of matters relating to his private concerns. In November 1400, the king responded favourably to a request from Ormond for confirmations of various grants and privileges for himself and his heirs male, among them his rights as butler of Ireland to the prisage of wines; a grant from Richard II of forty pounds annually from the fee farm of the city of Waterford; and his rights in the manors of Donadea and Rathrone, county Kildare, which had been granted to him for life.⁶⁴ In another petition of c 1401, the earl sought payment of arrears amounting to some £1400 from his tenure as justiciar of Ireland in 1393–4,⁶⁵ as well as a pardon of all debts, accounts, fines, amercements, issues, forfeits and other demands at the English and Irish exchequers.⁶⁶ The question of Ormond's debts was more than a matter of passing concern: both his father, Earl James II (†1382), and later his son, James IV, the 'white' earl (†1452), were harassed due to these sums, which dated back to the time of the first earl of Ormond (†1338). Given the general dearth of active magnates upon whom Henry IV could depend in the early years of the reign,⁶⁷ the display of royal favour suggests that Earl James III of Ormond may have been considered the king's man in Ireland.

Ormond's personal contact with the king may have served the earl well; but his influence also depended on his success in acting as a broker for the patronage of his supporters. Two case studies are illustrative of his activities in this area. The first concerns an old associate of the Butler family—Sir Edward Perers.⁶⁸ Their relationship remained close into the fifteenth century. In 1403, for instance, Ormond was granted a licence to convey the reversion of a pasture called

⁶³ TNA E 28/26/66; E 28/27/73–4. The petitions are not dated. In *CTNA* they are listed as 'before 1405', i.e. the year of Ormond's death. However TNA E 28/26/66 must date from before autumn 1401 (see below n 65). Ormond paid another visit to England in 1402–03. For Ormond's appointment of attorneys on 4 November 1402 as he was about to set out for England, see *RCH* 172 §6.

⁶⁴ TNA E 28/8/21; pr *Affairs Ire* §293.

⁶⁵ TNA E 28/26/66. In response to this petition concerning the justiciarship in 1393–4, a draft writ was composed ordering the treasurer and barons of the English exchequer to account with Ormond and to grant him due allowance (TNA E 28/26/78; =*CTNA* 174–5). This writ is recorded among the *brevia directa baronibus* of Michaelmas 1401 (TNA E 159/178, m 24).

⁶⁶ TNA E 28/27/73–4. Ormond's petition seeking a pardon of all debts at the English and Irish exchequers seems to have been deemed insufficient, as it is endorsed, 'Soient les matiere de ceste bille declarees' (TNA E 28/27/73^v).

⁶⁷ Brown, 'Reign of Henry IV' in Chrimes, Ross & Griffiths (eds), *Fifteenth-century England*, esp 7–11.

⁶⁸ For Perers' earlier association with the Butlers, see above 209–10.

le Steyne, near the city of Dublin, to Perers and his wife Joan.⁶⁹ In 1409, the justiciar of Ireland was the third earl of Ormond's illegitimate son, Thomas Butler (†1419), prior of the hospital of St John of Jerusalem in Ireland. Prior Thomas appointed Perers as keeper and supervisor of the peace for all Ireland.⁷⁰ Such a wide-ranging geographical competence in a commission of the peace is unique. In effect, it made Perers deputy chief governor of Ireland. Perers' exceptionally long service with the Butler family was something that struck contemporaries. On being appointed lieutenant of Ireland in 1420, James, the fourth or 'white' earl of Ormond commissioned a prose tract entitled *The Governauce of Prynces*. Its author, James Yonge, punctuated his text with *exempla* from the recent history of Ireland. One of the scenes Yonge describes was a campaign by the white earl's grandfather, Earl James II of Ormond (†1382) against Mac Murchadha. Yonge writes that if the white earl sought confirmation of the exploits of 'youre Same graunde Syre' then it could be provided by 'syr Edwarde Perrers the good knygh[t]', who was still living and had known the second earl of Ormond well.⁷¹

Sir Edward Perers, then, served three successive earls of Ormond. The real value of this affiliation lay in its ability to open doors and further careers. So much is clear from a survey of his career in the opening years of the fifteenth century. From early in 1400, Perers found that his concerns were being treated favourably. He was granted the custody of a portion of the Mortimer inheritance in county Kilkenny, and his position as marshal of the armed militia of Ireland—an obscure post that had first been granted to him in 1387—was confirmed.⁷² It seems likely that Ormond's influence lay behind these grants. At the time of their issue,

⁶⁹ *RCH* 171 §95. This was a large strand-like area on the south bank of the river Liffey to the north of the priory of All Hallows; it took its name from the river Stein and had been held in chief by the Butlers since the time of the first Theobald Walter (†1205). For the river Stein, see H. B. Clarke, *Irish Historic Towns Atlas*, 11: *Dublin part I, to 1610* (RIA Dublin 2002), map 4, 'Dublin, c. 840–c. 1540'. An abstract of the original record survives in a transcript by the antiquarian, John Lodge: 'James le Botiller earl of Ormond by petition set forth that Robert Lughteburgh by grant from him was seized of a certain pasture called the Steyne, *juxta* Dublin, for life, remainder to the Earl and his Heirs which being held of the crown *in Capite* he prayed the king to grant him a licence to convey the Reversion thereof after the said Robert's death to Sir Edward Perers knt. and Joan his wife for their lives which was hereby granted accordingly. Dublin, 26 July 1403' (NLI (Lodge) Ms 20 ff 22^v–23).

⁷⁰ Frame, 'Commissions', §218; = *RCH* 194 §190. For comment, see Frame, 'Commissions', 42 n 64. From an *inspeximus* dated 27 August 1416, we learn of a further show of favour from 10 November 1410, when Prior Thomas Butler granted Sir Edward Perers and his son, John, the office of constable of Wicklow castle for life 'for his good service in the wars of Ireland' (*CPR* 1416–22, 42; *RCH* 251 §21; *CCR* 1419–22, 317).

⁷¹ Steele, *Secreta*, 129.

⁷² *RCH* 159 §§1, 14. The office of marshal of the armed militia of Ireland was confirmed again on 10 January 1402 (*RCH* 162 §88).

an extraordinary degree of official power was concentrated in the hands of his associate, Alexander Balscot, bishop of Meath, who was serving both as interim justiciar and chancellor of Ireland. The arrival of Sir John Stanley, lieutenant of Ireland, in March 1400 did not bring an end to this run of preferment. When Perers complained in September 1400 that the Mortimer lands had been so destroyed that they would not yield even half their value, he was given a new grant of custody, under the terms of which he was to pay only fifty-five marks per year.⁷³ The grant was reissued on 5 May 1401, shortly after which Perers travelled to England. He may have served as an escort for the archbishops of Armagh and Dublin, who had been elected by a parliament at Dublin to 'lay before the king the estate and grievances of Ireland',⁷⁴ a task that they completed with some vehemence.⁷⁵ Perers used his presence at Westminster that summer as an opportunity to have his grant of the Mortimer lands in Kilkenny confirmed again, this time under the English seal.⁷⁶ His sojourn in England coincided with the appointment of the king's son, Thomas of Lancaster, as lieutenant of Ireland. During Lancaster's lieutenancy, Perers' star continued to rise: on 10 December 1402, he was endowed with Castlericard in Meath,⁷⁷ and on 21 April 1403 he received an annuity of twenty marks from the fee farm of the city of Dublin to offset the rent he owed from his property at Bagotsrath near the city.⁷⁸ The favour in which Perers was held is also indicated by his appointment to a number of significant judicial commissions. These brought him into contact with leading members of the Lancastrian administration in Ireland.⁷⁹ In June 1402, he was appointed as deputy of Thomas of Lancaster in counties Kildare and Carlow, along with the treasurer of Ireland, Sir Laurence Merbury, and the steward of the Thomas of Lancaster's household, Edmund Noon.⁸⁰ He was given a yet more sensitive duty on 26 September 1402, when he was appointed to a high-powered panel of justices to investigate an act of treason in county Louth. The gravity of the task is indicated by calibre of the other appointees. They were all leading

⁷³ *RCH* 159 §14.

⁷⁴ *CCR 1399–1402*, 364, 366; *Fœdera* [H] iv pt i 8.

⁷⁵ *Chron Usk* 134–5.

⁷⁶ *CPR 1399–1401*, 446. He appointed attorneys to act for him in Ireland on 6 July 1401 (*ibid.* 507).

⁷⁷ *RCH* 173 §34.

⁷⁸ *CPR 1401–05*, 380.

⁷⁹ The climax of Perers' association with Thomas of Lancaster came after the death of James, third earl of Ormond (†1405) when on 28 June 1407, Perers was appointed under the English seal as Lancaster's deputy in Ireland (*CPR 1405–08*, 337).

⁸⁰ *RCH* 164 §74.

members of the administration, including Sir Stephen Scrope, Sir Laurence Merbury, the chief justice Stephen Bray, and Janico Dartasso.⁸¹ Almost certainly their task was to investigate the death of John Dowdall of Termonfeckin, sheriff of Louth, who had recently been murdered during the Dublin parliament of September 1402.⁸²

The case of Sir Edward Perers demonstrates how well a Butler adherent could fare in Lancastrian Ireland. A second example—this time ecclesiastical—demonstrates Ormond's ability to insinuate his supporters into positions of influence. The early years of the fifteenth century saw a dispute arise over the priorship of the hospital of St John of Jerusalem in Ireland.⁸³ The contest can be interpreted on several levels. In part, it was fuelled by a general resentment towards hospitallers from England being imposed on the priory in Ireland. Matters were further complicated by the Great Schism, which led to a breach within the English *langue* of the knights hospitallers.⁸⁴ The discord, however, also had immediate political implications in Ireland. The priors of St John had long played a significant role in the Irish administration. In the 1360s, Prior Thomas Burghley served a controversial term as chancellor of Ireland during the lieutenancy of Lionel of Antwerp.⁸⁵ More recently, Richard White, prior 1384–c 1392, had served as justiciar for the ill-fated Robert de Vere,⁸⁶ and later treasurer of Ireland.⁸⁷ The origins of the contest for the priorship in the early fifteenth century can be traced back to the death of this Richard White, whereupon the brethren of the Irish priory elected as prior one Robert White, presumably a close relation. Robert White's

⁸¹ *RCH* 166 §254.

⁸² Chron Marl s.a. 1402. Shortly before the appointment of this panel of justices, John Clinton of Keppok was appointed sheriff of Louth, presumably to replace the murdered John Dowdall (*RCH* 165 §215). For an identification of the Dowdall in question, see Charles McNeill & A. J. Otway-Ruthven (eds), *Dowdall deeds* (IMC Dublin 1980) vi.

⁸³ For Kilmainham as the chief house of the hospital of St John of Jerusalem in Ireland, see Charles McNeill (ed), *Registrum de Kilmainham: Register of the chapter acts of the Hospital of Saint John of Jerusalem in Ireland, 1326–1339, under the grand prior, Sir Roger Outlawe, with additions for the times of his successors, Sir John Mareschall, Sir John Larcher and Sir John FitzRichard, Grand Priors of Ireland* (IMC Dublin 1943) iii; Aubrey Gwynn, & Neville R. Hadcock, *Medieval religious houses: Ireland* (London 1970) 334–5; C. Litton Falkiner, 'The hospital of St John of Jerusalem in Ireland' in *PRIA* xxvi (1907) C12 294–305; G. Lennox Barrow, 'The knights hospitaller of St. John of Jerusalem at Kilmainham' in *Dublin Historical Record* xxxviii 3 (1985) 108–12; Eithne Massey, *Prior Roger Outlaw of Kilmainham* (Maynooth Studies in Irish Local History 30: Dublin 2000) 7.

⁸⁴ Charles L. Tipton, 'The Irish hospitallers during the Great Schism' in *PRIA* lxi (1970) C3 33–43.

⁸⁵ Crooks, '"Hobbes"', 126–32.

⁸⁶ *IExp* 545.

⁸⁷ For Richard White (T 1388–91), see *IExp* 546.

claim to the priorship was, however, disputed by Peter Holt, an English hospitaller and turcopolier of Rhodes, who had been appointed prior of Ireland by 1396.⁸⁸

Holt's efforts to gain acceptance as prior have been traced in detail elsewhere.⁸⁹ What is significant to this discussion is that Robert White's success in contesting Holt's claim seems to have depended upon the support of the earl of Ormond. According to Holt's complaints, he had been ousted from office sometime before 1400 while absent at Rhodes,⁹⁰ when Brother Robert White, 'by maintenance of the earl of Ormond did by express rebellion come and intrude thrusting out the prior [Holt]'.⁹¹ Ormond's desire to see White installed in the priorship may be connected to a relationship that Ormond developed with his predecessor, Prior Richard White, as long ago as the 1380s. Prior Richard's service in the Irish administration of Robert de Vere, marquis of Dublin and duke of Ireland, brought him into contact with a group of Ormond adherents, including Alexander Balscot, bishop of Meath (chancellor of the marquis), Edward Perers, and indeed Ormond himself.⁹² In sponsoring Robert White as successor to this Prior Richard, Ormond presumably hoped to keep a position of great influence in the hands of a well-wisher. The trouble that was caused by future priors of Kilmainham, who were inimical to Ormond interests, shows just how wise this policy was.⁹³ Moreover, Ormond's actions were underpinned by the support of the lieutenant of Ireland, Sir John Stanley. In January 1401, Stanley wrote to Henry IV in conjunction with the earls of Ormond and Kildare on Robert White's behalf. This letter dismisses Peter Holt's claims to the priorship and states that the contest had led to the destruction of the castles, fortresses and houses of the Hospitallers in Ireland. It further emphasises the importance of the hospital of St John of Jerusalem in general, and Robert White in particular, as a buttress of English power in Ireland.⁹⁴ White seems to have been grateful for Ormond's support and he facilitated the Butlers by ensuring that the priorship remained in friendly hands. By 1407, he had demised 'by abetment, fraud and covin' the priorship of St

⁸⁸ For Holt's career, see Charles Tipton, 'Peter Holt, turcopolier of Rhodes and prior of Ireland' in *Annales de l'Ordre Souverain Militaire de Malte* xxii (1964) 82–5.

⁸⁹ Tipton, 'Peter Holt', 83–5; idem, 'Irish hospitallers', 40–43.

⁹⁰ Holt's first petitions on the matter date from February 1400 (CTNA 164; *Affairs Ire* §291).

⁹¹ CCR 1405–09, 318–9, qtn 318; CPR 1405–08, 430.

⁹² See IExP 545, where they all appear in the account of Robert Crulle (T 1386–8).

⁹³ 'William Gregory's chronicle of London' in James Gairdner (ed), *The historical collections of a citizen of London in the fifteenth century* (CS new ser xvii London 1876) 186–7; *Chronicles of London*, ed Charles Lethbridge Kingsford (Oxford 1905) 156–7; Matthew, *Gov Lancastrian Ire* (PhD), 373–7, 383–4, 400–01.

⁹⁴ BL Cotton Titus B XI pt 1 §37.

John of Jerusalem in Ireland to one Brother Thomas Butler (†1419).⁹⁵ No one could have been better disposed to Butler interests. This Prior Thomas Butler was an illegitimate son of James, third earl of Ormond. He was to be a vigorous, even bellicose, defender of the interests of the Butler family in the course of the next decade.⁹⁶

II

Tensions, 1399–1403

THE DISCUSSION so far has focussed on the aristocratic connection of James, third earl of Ormond, and his relationship with the Lancastrian administration in Ireland. The emphasis has been placed on continuity, especially continuity in personnel. A large number of Ormond's friends and allies post-1399 were men with whom he had been affiliated during the reign of Richard II. A narrow prosopographical approach, however, does little in itself to explain the burgeoning tension between Ormond and the Munster Geraldines. More illuminating, perhaps, is the way in which Ormond's network facilitated the extension of Butler power into regions that were traditionally zones of Geraldine influence. This next section concentrates on this continuity in policy.

It is necessary, by way of preface, to examine developments in the earldom of Desmond since the drowning of Earl John in October 1399. Investigation of the Desmond earls at this juncture in their history has barely begun. What follows is inevitably a preliminary sketch. The drowning of John, fourth earl of Desmond, left the succession to the earldom uncertain, and as a result the Desmond Geraldines were vulnerable to the political manoeuvres of the earl of Ormond. Earl John of Desmond had a son, Thomas, but he was only around fourteen at the time of his father's death. Not only was Thomas a minor, he may also have been of doubtful legitimacy. A genealogical collection dating from the eighteenth century states that his mother was a daughter of Mac Murchadha.⁹⁷ The claim cannot be substantiated, but it is interesting in light of the recent government report from the autumn of 1399 that John, earl of Desmond, had allied with Mac

⁹⁵ *CCR 1405–09*, 318–9 (qtn 318); *CPR 1405–08*, 430.

⁹⁶ For his career, see T. Blake Butler, 'Thomas le Botiller, prior of Kilmainham, 1403–1419' in *Ir Geneal* i 12 (1937–42) 362–72. T. Blake Butler dates his priorship from 1403; for the correct date of 1407, see Tipton, 'Irish hospitallers', 41; idem, 'Peter Holt', 84. Thomas Butler is described as brother of St John of Jerusalem (i.e. not prior) on 26 January 1406 (*RCH* 182 §79).

⁹⁷ Nicholls, 'Late medieval annals', 89 n 7, citing NLI Ms G 177 f 85.

Murchadha against the earl of Ormond.⁹⁸ The Dublin government was clearly aware that the issue of the Geraldine inheritance was pressing. Shortly after his arrival in March 1400, the king's lieutenant, Sir John Stanley, travelled south, arriving at Clonmel late in the month of May. On 29 May 1400, he granted custody of the Desmond inheritance in Cork, Kerry, Limerick, Tipperary and Waterford jointly to the late Earl John's brother, Maurice fitz Gerald, and his son Thomas.⁹⁹ The following day, instructions were issued for the taking of inquisitions *post mortem*.¹⁰⁰

A decision regarding the rightful heir of Earl John was, therefore, still pending at this point. It has been suggested that John's brother, Maurice son of Gerald, may have been recognised as fifth earl of Desmond. If so, this must have happened shortly after May 1400.¹⁰¹ The evidence in favour of this suggestion comes from two discrete sources. Maurice is styled earl in letters patent under the English seal dated 17 March 1401,¹⁰² and he also appears in the lists of earls of Desmond in the Ó Cléirigh book of genealogies.¹⁰³ On balance, however, it seems unlikely that he gained official recognition.¹⁰⁴ The Ó Cléirigh genealogies are not a reliable guide to the Desmond earls at this period.¹⁰⁵ Historians have traditionally preferred to place their faith in administrative documents, but here too caution is necessary. It is quite possible that the letter's description of Maurice as earl is a blunder caused by unthinkingly regurgitating the language of a petitioner unfamiliar with the niceties of Munster politics. Certainly there was a good deal of confusion in the English chancery regarding the status of the earldom of Desmond itself. A marginal note on the manuscript of the patent roll in question states that the enrolment was amended in December 1402 to read 'county

⁹⁸ See above 233.

⁹⁹ *RCH* 157 §92.

¹⁰⁰ *Ibid.* 159 §8.

¹⁰¹ Nicholls, 'Late medieval annals', 89.

¹⁰² TNA C 66/363, m 10; = *CPR* 1399–1401, 451.

¹⁰³ Séamus Pender (ed), 'The O Clery book of genealogies' in *AH* 18 (1951) §2136; S. Hayman (ed), 'The Geraldines of Desmond' in *JRSAI ser4* v (1879–82) 226–7. The obits that conclude James Grace's annals also mention Maurice, although here his name is inverted so he becomes *dominus Geraldus filius Mauricii* (AGrace 164–5).

¹⁰⁴ K. W. Nicholls places the weight of the evidence in the other direction, stating that 'Maurice would appear to have been regarded as earl, being so styled in the royal letters issued (17 March 1401 NS) on the complaint of a Bristol merchant who had been plundered at Dingle' (Nicholls, 'Late medieval annals', 89).

¹⁰⁵ Nicholls, 'Late medieval annals', 89 n 5.

or lordship of Desmond'.¹⁰⁶ Moreover, in a later document, dating from after 17 June 1401, Maurice is described simply as 'Moryssh de Decymond' without any mention of a comital title.¹⁰⁷ Other evidence suggests that this represents his true status. Maurice's obit in the annals of Connacht describes him simply as 'Maurice son of the Earl of Desmond's son [Ir: *Muris mac meic Iarla Desmuman*]',¹⁰⁸ while the Mac Fhirbhisigh genealogies record that Earl John was succeeded by his son, Thomas.¹⁰⁹ The reference to 'Maurice, earl of Desmond' of March 1401 is, then, probably best interpreted as reflecting his *de facto* position. After the drowning of Earl John in 1399, the leadership of the Desmond Geraldines had clearly passed into the hands of his brother Maurice.¹¹⁰

The two royal letters of March and *c* June 1401 provide a rare insight into the governance of the Desmond earldom during this brief period in which Maurice acted as *de facto* earl. Both letters were prompted by the complaints of merchants who had been attempting to trade in south-west Ireland, and both provide the names of some of the earldom's leading figures. The letter of *c* June 1401 is the more interesting in that it provides a list of men it describes as 'governors of the county of Desmond'. Rather than being censorious, the writ exhorts these 'governors' to aid the merchant in question—John William of Kyngeswere by Dartmouth—in the recovery of his goods. As well as *Moryssh de Decymond*, the letter makes mention of Sir Hugh de Lasshe, Maurice fitz Richard sheriff of

¹⁰⁶ TNA C 66/363, m 10 (italics indicate words interlined). On each of the six occasions when the 'county of Desmond' is mentioned, the words, 'or lordship [L: *sive dominium*]' have been interlined (C 66/363, m 10). These interlineations are not recorded in the calendared version (*CPR 1399–1401*, 451). The fact that the liberty of Kerry would *theoretically* have been resumed into the king's hands during a minority and assumed the status of a royal county may be the source of the muddle. On the other hand, the 'county' of the calendared version could possibly be better translated as 'earldom'. On liberties in Ireland, see esp Otway-Ruthven, *Med Ire*, 181–7.

¹⁰⁷ TNA E 28/27/67; CTNA 175.

¹⁰⁸ AC s.a. 1400.21.

¹⁰⁹ *The great book of Irish genealogies, compiled (1645–66) by Dubhaltach Mac Fhirbhisigh*, ed and tr Nollaig Ó Muraíle (5 vols, Dublin 2003–04) iii 74–5 §§787.5, 787.6. Likewise, a verse genealogy from the Ó Cléirigh pedigrees states that Thomas succeeded his father John: 'Thomas the Earl, who denied not friendship, / In the earlship after John' (Samuel Hayman (ed), 'The Geraldines of Desmond' in *JRSAI ser4 v* (1879–82) 220–221, qtn 221). Thomas Russell's 'Relation of the FitzGerald of Ireland', while hardly a reliable text, also makes no mention of Maurice as earl (Samuel Hayman (ed), 'Unpublished Geraldine documents—pt 1' in *JRSAI ser3 i* (1868) 364).

¹¹⁰ For this reason, it seems sensible to follow the numbering of the Desmond earls in *NHI* ix 233 (in which Maurice is listed as *de facto* fifth earl of Desmond), rather than that in *Peerage* iv 243–8.

Desmond, and a third individual described as *Chevalier Blank*.¹¹¹ From this we may infer that, although in theory the custody of the earldom had been entrusted jointly to Thomas son of Earl John and his uncle Maurice of Desmond, in reality the governance of Desmond was more complicated. Thomas, being a minor, is nowhere mentioned. Instead, the cohorts of his uncle, *Moryssh de Decymond*, were long-standing adherents and Geraldine kinsmen. Sir Hugh de Lasshe¹¹² was a member of the Lacy or Lees family, who had long been supporters of the Desmond earls.¹¹³ A glimpse of their close relationship comes from c 1336 when Thomas Lees had been one of four Geraldine adherents who ‘lifted the said Maurice [the future second earl of Desmond] from the font on the second day after his birth’.¹¹⁴ The second man referred to is Maurice fitz Richard, here described as ‘sheriff of Desmond’. This Maurice fitz Richard, of the Geraldine lineage known as the knights of Kerry, had a long career in Munster dating back to the late 1360s,¹¹⁵ and this entry shows that he was still active at the turn of the fifteenth century. His son John was also active at this time, as he was soon to be appointed sheriff of the crosslands of Kerry.¹¹⁶ The third man, described as *Chevalier Blank* (and elsewhere as ‘Maurice Whyteknyght, chivaler’)¹¹⁷ is Maurice fitz Maurice, head of the Geraldine sept known as the White Knights.¹¹⁸ These men would probably have formed the core of the earl of Desmond’s household. With the earldom in minority

¹¹¹ TNA E 28/27/67 (F: *noz bien amez Moryssh de Decymond, Hugh de Lasshe chivaler, Moryz Fitz Richard visconte de Decymond, et un Chivaler Blank gouvernours du contee de Decymond*); CTNA 176.

¹¹² He is elsewhere described as ‘quidam Ideles chivaler’ (C 66/363, m 10; CPR 1399–1401, 451), the name being a conflation of ‘Áed’ (i.e. Hugh) and ‘Lees’. Henry Marlborough renders the name similarly in 1412 when he calls him ‘Odoles’ (Chron Marl s.a. 1412). See AFM iv 809 n b, where this Sir Hugh is identified as a descendent of William Gorm de Lacy, son of Hugh de Lacy, lord of Meath (†1186) by Rose, daughter of Ruaidhrí Ua Conchobair, king of Connacht; and also *The great book of Irish genealogies, compiled (1645–66) by Dubhaltach Mac Fhirbhisigh*, ed and tr Nollaig Ó Muraíle (5 vols, Dublin 2003–04) iii 154–5 §825.5.

¹¹³ For the Lees family and their relationship with the earls of Desmond in the first half of the fourteenth century, see Waters, *Earls of Desmond* (PhD), 263–4.

¹¹⁴ CIPM x §397. A second member of the family, Maurice Lees, was also present at the baptism.

¹¹⁵ PR Cloyne n 38 (at 165–6), n 325.

¹¹⁶ RCH 162 §§96–7.

¹¹⁷ CPR 1399–1401, 451.

¹¹⁸ This is the first occurrence of the title ‘White Knight’. See PR Cloyne n 127 (at 188); and more generally, Gerard A. Lee, ‘The White knights and their kinsmen’ in Etienne Ryan (ed), *North Munster Studies: essays in commemoration of Monsignor Michael Moloney* (Limerick 1967) 259, 264. Maurice son of Maurice is mentioned in the pedigree of the ‘Whyte Knight’ in James Graves (ed), ‘Unpublished Geraldine documents—pt 3’ in JRSAI ser 4 i (1870) 602, 633 n. On 6 April 1395, one ‘Moris fitz Moris de Geraldons miles anglicus in Hibernia natus’ submitted to Richard II (Curtis, *Ric II in Ire*, instr XXII qtn 72, tr 162).

they presumably took a leading role in the administration of the earldom. The earlier letter of March 1401 recites a complaint from a Bristol merchant that his ship, *la Trinite*, was bound for Limerick when a storm forced it on to the Kerry coast at Dingle, whereupon it was plundered. Three of the plunderers identified are the ‘governors’ of Desmond mentioned above. To these are added some other familiar names,¹¹⁹ including one Patrick Fox and his son John. Patrick Fox had spent long years in the service of the Desmond earls, receiving several appointments as a commissioner of the peace in Limerick and Kerry.¹²⁰ Another man accused of plundering *la Trinite* was Gerald Hiberd. Hiberd was from county Limerick and acted as one of the mainpernors for Thomas and Maurice of Desmond when they were granted custody of Earl John’s lands on 29 May 1400.¹²¹

With Maurice of Desmond acting as *de facto* earl, the earldom might well have prospered into the fifteenth century. It was not to be; before the end of 1401, Maurice had died of plague leaving his nephew still a minor.¹²² Yet we must beware of exaggerating the ill-effects of this double calamity. The snapshot of the ruling elite of the earldom of Desmond provided by the royal letters of 1401—however blurred—suggests that neither the minority of Thomas nor the premature death of Maurice of Desmond resulted in a power vacuum. There were men from the second rank of the Munster nobility upon whom the governance of the region could devolve. Nor should we rush to assume that Munster became totally isolated from royal government. The pattern of appointments in local government from 1400 suggests that the administration was in tune with Desmond politics and was willing to adopt the eminently sensible strategy of harnessing the support of Geraldine adherents. On 28 May 1400, Maurice fitz Maurice—possibly the man we have encountered as *Chevalier Blank*—was appointed sheriff of the crosslands of Kerry,¹²³ while the next month Patrick Fox was appointed a keeper and

¹¹⁹ TNA C 66/363, m 10; *CPR 1399–1401*, 451. I have not positively identified ‘Makarthe Whyte’, described as ‘senescallus’; or Richard Sloboze. The former was presumably from the Mic Carthaigh dynasty, with whom the Desmond earls were traditionally on friendly terms.

¹²⁰ Frame, ‘Commissions’, §§58, 108.

¹²¹ *RCH* 157 no 92.

¹²² The date of his death cannot be precisely ascertained. It occurs in the annals under the year 1400 (AC 1400.21; AC10n 323), but these annals lag a year behind at this point. In the annals, the death of Maurice is placed immediately after the entry recording the arrival of Thomas of Lancaster in Ireland (AC 1400.20; AC10n 323). If the chronology can be taken as reliable, this would place Maurice’s death after 13 November 1401, on which date Lancaster landed near Dalkey, co Dublin (Chron Marl s.a. 1401). He was certainly dead a 19 December 1401, on which date Lancaster granted James, earl of Ormond, custody of the Geraldine lands in Tipperary (*RCH* 161 §58).

¹²³ *RCH* 157 §88.

supervisor of the peace in Cork, Limerick and the county and crosslands of Kerry.¹²⁴ In February 1402, ‘Odo de Lees’—who may be identified with the ‘Sir Hugh de Lasshe’ mentioned above—was appointed a justice and keeper of the peace in the county of Limerick.¹²⁵ At nearly the same time, John son of Maurice of Kerry was appointed sheriff of the crosslands of Kerry, and he was further rewarded with a grant of the fishery on the river Cassan (L: *Kassan*).¹²⁶ Rather than coming from the family of FitzMaurices of Kerry, this John has been identified as the son of Maurice fitz Richard, knight of Kerry.¹²⁷

This series of appointments shows the central government attempting to yoke the power of the Geraldine network in Munster. Delegation to Desmond adherents, however, represents less than half the picture. The influence of the Butlers in Munster was also becoming more pervasive. This no doubt contributed to the tension that erupted in a major confrontation during 1403. Ormond’s influence can be seen by reviewing the patterns of patronage. At precisely the moments when the central government seemed to be smiling on the concerns of the Geraldines, we find that the earl of Ormond was also being treated with favour. In May 1400, as we have seen, custody of the lands of the late Earl John of Desmond had been released to his son, Thomas, and brother, Maurice.¹²⁸ Earlier that same month, Ormond was assigned to an important commission to investigate trespasses and seditions. The appointment demonstrates both Ormond’s proximity to the administration and the preferment that his adherents could expect. Acting with the earl were two Butler supporters, Sir Edward Perers and John Lumbard,¹²⁹ as well as Thomas Everdon, deputy treasurer, and Walter Eure, deputy escheator of Ireland. The geographical competence of the commission was expansive, covering Wexford, Kilkenny, Tipperary as well as the more sensitive counties of Waterford, Cork and Limerick.¹³⁰ There was more at work here than mere insensitivity; Ormond was being actively cultivated. On 28 May 1400, just one day before the release of the Geraldine inheritance, Ormond was appointed as

¹²⁴ Frame, ‘Commissions’, §19 (=RCH 158 §11; *ibid.* 159 §6).

¹²⁵ Frame, ‘Commissions’, §109. Frame, quoting NAI Lodge Mss vol XVII, gives his name as ‘Odo’. The Tresham calendar of the Irish chancery rolls gives his name as ‘Adam de Lees’, which is probably a misreading (RCH 165 §234).

¹²⁶ RCH 162 §§96–7.

¹²⁷ *PR Cloyne* n38 (at 166); K. W. Nicholls, ‘The FitzMaurices of Kerry’ in *JKAHS* iii (1970) 35–6 n 60.

¹²⁸ RCH 157 §92.

¹²⁹ Ormond was soon to appoint Lumbard as his attorney and deputy in the office of ‘constable of Ireland’. See below 282 n 180.

¹³⁰ RCH 158 §113; Wexford is added in RCH 158 §3.

sheriff of Cork.¹³¹ Cork had once been a region in which the Geraldines held sway, but since the earls of Ormond acquired a tenurial base in the county in the 1370s, Butler influence had been on the increase. Given that the lieutenant, Sir John Stanley, was at Clonmel—a Geraldine island in the Butler sea of Tipperary and a venue for arbitration between Desmond and Ormond in the 1380s—this grant takes on the appearance of a settlement. It was, after all, only just over six months since Earl John had drowned in the river Suir. The grant of the shrievalty of Cork may have been intended to mollify Ormond.¹³² It can hardly be supposed that Ormond intended to fill the post personally. Rather the appointment would have enabled him to fill the post with a supporter. It was possibly with his consent that, in 1402, Sir John son of David Barry of Barrymore was appointed sheriff of Cork.¹³³ During 1403, Sir John Barry's authority was supplemented when he was appointed keeper of the peace for Cork.¹³⁴ Although Sir John was married to a daughter of Gerald, third earl of Desmond,¹³⁵ he had also recently been in a land dispute with a Geraldine by the name of Henry MacGybon [FitzGibbon].¹³⁶

There are other signs of Ormond's influence in this region growing during this period. In part this stemmed from his tenurial base in east Cork. Since the 1370s, the Butlers had been lords of a moiety of the barony of Inchiquin and the valuable town of Youghal; by 1403, Earl James III was also farmer of the other half,¹³⁷ effectively giving him control of the entire barony. His ability to flex political muscles worked to the profit of his tenants. In October 1400, 'at the instant supplication of our dear cousin James le Botiller, earl of Ormond', Sir John Stanley granted the tenants of Imokilly and the burgesses of Youghal an exemption from labouring outside their barony and town unless the chief governor, chancellor or treasurer of Ireland should come to county Cork.¹³⁸ Later,

¹³¹ *RCH* 157 §88. See also Henry F. Berry, 'Sheriffs of the county Cork—Henry III to 1660' in *JRSAI* xxxv (1905) 45.

¹³² Shortly beforehand, on 20 May 1400, Stanley had assented to a petition from Ormond for a pardon for one John Nasshe (*RCH* 158 §99).

¹³³ *RCH* 163 §146. Elsewhere, Barry's tenure as sheriff is dated from 1401 (Berry, 'Sheriffs of Cork', 45). On 27 January 1407, Sir John Barry was granted a pardon of debts because he had been sheriff of Cork for many years and had personally borne the costs of war in that county (*RCH* 190 §32).

¹³⁴ Frame, 'Commissions', §20 (= *RCH* 167 §20; *ibid.* 176 §157).

¹³⁵ K. W. Nicholls, 'The development of lordship in county Cork, 1300–1600' in *H&S Cork* 177.

¹³⁶ *RCH* 165 §225. For speculation on the latter's identity see *PR Cloyne* 243–4. See also Rev. Edmond Barry, 'Barrymore' in *JCHAS ser2* v 43 (1899) 165–6.

¹³⁷ *PR Cloyne* 128 (L: *dominus Jacobus le Botyller, Comes Ormond, Dominus medietatis baroniæ de Inchecoyne, et firmarius alterius medietatis dictæ baroniæ*).

¹³⁸ *COD* ii §351.

in May 1404, Ormond used his power as justiciar of Ireland to issue a grant for the relief of Youghal, under which the burgesses received various privileges, including permission to ‘treat with any English as well as Irish malefactors adjacent to the Town, and traffic for victuals and merchandize, and [to] retain in said Town able men, as well English as Irish, horse and foot, although outlawed in our Courts’.¹³⁹

The administrative connections of the third earl of Ormond, therefore, enabled him to exercise ‘good lordship’ and win supporters in east Cork. Another factor that may have strengthened his position in this area is the fact that he seems to have been on increasingly good terms with the bishop of Cloyne. The contrast with his father, Earl James II, who had been slandered by Bishop Richard Wye of Cloyne, is stark. In early 1403, the third earl of Ormond did fealty to Gerald Caneton, bishop of Cloyne (1395–c 1405) and, ‘acknowledged that he [Ormond] holds [Inchiquin and Youghal] of the church of St Colman of Cloyne and the said bishop’.¹⁴⁰ Between 1399 and 1404, he also issued letters of special protection on behalf of the bishop and, in his role as justiciar of Ireland, invoked Magna Carta in order to preserve the church of Cloyne from ‘diversas impositiones, et onera illicita’.¹⁴¹ These signs of friendship were in marked contrast to the fraught relations that the bishop of Cloyne had with a local Geraldine leader, David son of the ancestor of the knights of Kerry, Maurice fitz Richard.¹⁴² In August 1403, David and the bishop of Cloyne entered an agreement whereby each ‘mutually remitted, released and condoned each and every action, dispute and rancour existing between them’. David further promised that ‘from this hour forth [he] will defend, cherish, guard and support the said Bishop ... [and] afford in all things protection and effective assistance against harassment, injuries, plunders and theft and any kind of spoliations on the Bishop or any of his [people], without deceit, fraud, deception, untruth or any other malicious thing, word, work or act’.¹⁴³ Given that Ormond had recently issued commands to the officers and people of the cantred of Imokilly commanding them to ‘support, protect and defend’ the bishop of Cloyne,¹⁴⁴ it is possible that he was instrumental in forcing this Geraldine leader to come to terms.

¹³⁹ Caulfield, *Council book of the corporation of Youghal*, xxvii.

¹⁴⁰ *PR Cloyne* 128–9 (qtn 129).

¹⁴¹ *PR Cloyne* 130–35; *COD* ii §337.

¹⁴² *PR Cloyne* n 325 (at 248).

¹⁴³ *Ibid.* 134–7 (qtn 137).

¹⁴⁴ *Ibid.* 130–31 (qtn 131).

County Cork was, however, only one area where seigneurial geography encouraged the growth of friction. In Waterford, Tipperary and even Limerick, Geraldine adversity proved to be Ormond's opportunity. A flashpoint in the confrontation of the summer of 1399 had been Dungarvan, county Waterford. On 15 December 1399, five days after being appointed lieutenant of Ireland, Sir John Stanley was granted the 'honour of Dungarvan' by letters patent under the English seal.¹⁴⁵ Given the close relationship between Stanley and Ormond, it may well have satisfied the latter to see this Geraldine stronghold pass into 'friendly' hands. A greater coup for Ormond came in December 1401. After the death of Maurice, *de facto* fifth earl of Desmond, the Geraldine inheritance seems to have come back into royal custody. Consequently, Ormond was able to petition for custody of the Geraldine estates in Tipperary, during the minority of Thomas, the future sixth earl of Desmond.¹⁴⁶ These lands—comprising Kilfeakle, Kilsheelan and the town of Clonmel—had been the source of contention fifty years before, after Maurice, first earl of Desmond, had purchased them during the minority of Earl James II of Ormond.¹⁴⁷ Now, half a century later, it was the third earl of Ormond's turn to benefit from Geraldine misfortune.

Even in the heartland of the Desmond Geraldines—county Limerick—there are signs that Ormond may have been pulling strings. On 11 June 1400, Gerald fitz Maurice, earl of Kildare, was appointed keeper and supervisor of the peace along with the Desmond adherent Patrick Fox.¹⁴⁸ How such an appointment worked in Ormond's favour is not immediately apparent. Clearly, the central government hoped to counteract the absence of lordship caused by the drowning of Earl John of Desmond by inserting a great magnate into the region. Limerick was not entirely remote from the interests of the earls of Kildare, who held the manors of Croom and Adare in the county.¹⁴⁹ In Desmond's absence, Kildare power in the region was now being deliberately revived.¹⁵⁰ The same policy

¹⁴⁵ *CPR 1399–1401*, 171.

¹⁴⁶ *RCH* 161 §58; *RCH* 163 §112. The grant was reissued on 15 February 1402 (*RCH* 263 §112).

¹⁴⁷ See above 93–6; Crooks, "'Hobbes'", 140–42.

¹⁴⁸ Frame, 'Commissions', §20; =*RCH* 158 §117; *RCH* 159 §6.

¹⁴⁹ See above 108–09 n 18.

¹⁵⁰ Kildare was being cultivated in other respects too: on 9 April 1403 he received a pardon of all his debts from the delivery to him of his father's lands (*RCH* 175 §145). He paid a hefty £100 for the privilege, but shortly afterwards he was pardoned of the same sum and an exchequer official was ordered to repay it to him (*RCH* 175–6 §146).

presumably lay behind the appointment of Thomas, brother of the earl of Kildare, as sheriff of Limerick on 9 April 1403.¹⁵¹

Whether the policy can also be interpreted as an attempt to maintain political equilibrium by forestalling any ambition harboured by Ormond to assert power in Limerick is more troublesome. Admittedly, Kildare had good credentials for such a task. His father, Maurice, fourth earl of Kildare, had acted as arbitrator between Desmond and Ormond in the 1380s.¹⁵² Yet, given Ormond's good standing with the central government in the years after 1399, it seems unlikely that any appointment could have been made had he voiced explicit objections. Moreover, later evidence, from after the death of the third earl of Ormond in 1405, suggests that the Butlers may have considered the growth of Kildare influence in county Limerick a useful counterbalance to the Desmond Geraldines.¹⁵³ On 31 January 1409, Earl James IV of Ormond and Thomas son of Maurice, late earl of Kildare, entered an indenture under which Ormond granted the manor of Any (Knockainy), county Limerick to Thomas while it was in his hands for ten pounds per year.¹⁵⁴ Thomas son of Maurice is the same man who had recently been appointed sheriff of Limerick. Ormond, in other words, was providing the Geraldines of Kildare with a further tenurial base in county Limerick. Why should he have wished to do so? The manor of Knockainy was part of the inheritance of Thomas Clare (†1321) and had descended to the absentee Clifford family of Westmoreland.¹⁵⁵ Thomas, Lord Clifford, died in 1391, and the third earl of Ormond seems to have acquired the manor during the minority of his son John (†1422).¹⁵⁶ An obstacle arose in 1407, when David son of Sir Maurice fitz Thomas, the White knight, is said to have seized Knockainy.¹⁵⁷ Ormond's grant of 1409 to the earl of Kildare's brother, Maurice, would seem, then, to have been an attempt to displace a recalcitrant Desmond adherent. There is also evidence that the long-term residents of Limerick were not gratified by the influx of Kildare

¹⁵¹ *RCH* 167 §24; *ibid.* 175 §129.

¹⁵² See above 171.

¹⁵³ For an earlier example of the Kildare Geraldines being used as a counterpoise in Kerry to the Geraldines of Shanid (ancestors of the earls of Desmond), see Paul MacCotter, 'Lordship and colony in Anglo-Norman Kerry, 1177–1400' in *JKAHS ser2* iv (2004) 52, 68–9. For a policy of 'counterbalance' in the first century after the English invasion of Ireland, see Peter Crooks, "'Divide and rule": factionalism as royal policy in the lordship of Ireland, 1171–1265' in *Peritia* xix (2005) 263–307.

¹⁵⁴ *COD* ii §398; the central government also facilitated the grant (*RCH* 189 §13).

¹⁵⁵ Orpen, *Normans* ii 169; *ibid.* iv 76; A. F. O'Brien, 'The territorial ambitions of Maurice fitz Thomas, first earl of Desmond' in *PRIA* (1982) C3 67; Frame, *Eng lordship*, 81; *RCH* 141 §171.

¹⁵⁶ *Peerage* iii 292–3.

¹⁵⁷ *PR Cloyne* 188–9.

Geraldines. Both the chronicler Henry Marlborough and the Gaelic annals report under the year 1412 that one ‘Odoles’ and Thomas fitz Maurice, sheriff of Limerick, slew each other at Kilmallock, county Limerick.¹⁵⁸ The sheriff of Limerick in question is, of course, the earl of Kildare’s brother who had recently received the manor of Knockainy. The other man can be identified with the ‘Sir Hugh de Lasshe’ who, as we have seen, was active in the interests of the Desmond Geraldines.¹⁵⁹ Clearly, then, the promotion of the Kildare Geraldines in Limerick had aroused the hostility of their Munster cousins.

Taken together, Ormond’s many activities and associations represent a significant assault on the interests of the Desmond Geraldines. One final factor may have personalised the conflict. This was Ormond’s continuing liaison with his niece, Katherine of Desmond. As we have seen, their relationship became central to the burgeoning mythology surrounding the Geraldine–Butler feud. Later legend suggested that Katherine lay at the heart of the major confrontation between Ormond and Earl John of Desmond in 1399. Other sources provide more urgent explanations for the upheaval of that summer and autumn; but the possibility that Earl John of Desmond strenuously objected to Ormond’s affair with Katherine cannot be ruled out. The drowning of Earl John on 11 October 1399 may, then, have removed an obstacle. One of Ormond’s first actions amid the confusion following Desmond’s drowning and the Lancastrian revolution was, on 3 December 1399, to grant Katherine £200 of annual rent. The grant was to be annulled if Ormond ‘at once with all diligence and at his own costs shall send to the Roman curia to obtain a dispensation between herself [Katherine] and the Earl that he may marry her’.¹⁶⁰ It is unlikely that Ormond and Katherine ever married, but there is evidence that Ormond endeavoured to fulfil his part of the bargain. In April 1400, Prior Adam of St John the Baptist, Dublin, appointed attorneys to act for him in Ireland because he was about to set out for England; at the same time he received a licence to travel to Rome in the service of the earl of Ormond.¹⁶¹ It

¹⁵⁸ AMarl s.a. 1412. AC s.a. 1412.16 (Hugh de Lacy [*Eda a Leis*] and the son of the Earl of Kildare met together at Kilmallock and killed each other there); AU iii 62–3 s.a. 1412; ALC ii 144 s.a. 1412; AFM iv 808–09 s.a. 1412; *Holinshed’s Irish Chronicle 1577*, ed. Liam Miller & Eileen Power (Dublin 1979) 240.

¹⁵⁹ See above 271 n 109.

¹⁶⁰ COD ii §344.

¹⁶¹ RCH 156 §§ 24–7.

has to be assumed that Adam's task was to obtain the necessary dispensation for the marriage of Ormond and Katherine of Desmond.¹⁶²

Even if Prior Adam's mission proved futile, the bond between Ormond and Katherine clearly remained strong and the earl displayed a desire to provide both for her and the children that she had borne him. A string of valuable lands and lordships were granted to Katherine in the early 1400s. In August 1402, Ormond granted her the manor of Blackcastle in Meath with remainder to their four sons, James, Edmund, Gerald and Theobald.¹⁶³ Further efforts to ensure that Katherine and her children would enjoy Blackcastle without disturbance after Earl James III's death were made on 28 July 1405, when the earl enfeoffed a chaplain by the name of Nicholas Wylde with the manor. Shortly afterwards, on 6 August 1405, Wylde granted Blackcastle to Katherine for her life, with remainder to her four children.¹⁶⁴ Blackcastle was far removed from the normal concerns of the Munster Geraldines. Cork, by contrast, was more proximate and inevitably more contentious. On 10 May 1404, Ormond used his tenure as justiciar as an opportunity to grant Katherine a pardon for having acquired from him half of the manor of Inchiquin and the town of Youghal. The grant had presumably been made in the recent past, and Ormond (in his capacity as justiciar) also granted himself a pardon for alienating the lands without licence.¹⁶⁵ On the same day he granted Katherine custody of lands in county Waterford.¹⁶⁶ The fact that these last two grants from 1404 date from shortly after a major confrontation between Ormond and Desmond may be offered as further proof that Katherine of Desmond continued to be a factor working to embitter the conflict between the two comital houses.

III

Conflict and contexts, 1403–05

TENSIONS between the Butlers and Munster Geraldines abounded in the years after 1399. They were soon to explode in a major confrontation. Details about the

¹⁶² The prior of St John without the New Gate of Dublin owed suit of court in the liberty of Tipperary (*COD* ii §45). Katherine of Desmond was witness to an important marriage treaty between Ormond and the Burghs of Clanwilliam in 1401 (*COD* ii §353).

¹⁶³ *COD* ii §368.

¹⁶⁴ *COD* ii §§384 (i–ii), 385 (i–ii). For an explanation of the significance of such a settlement, see Peggy Jefferies, 'The medieval use as family law and custom' in J. R. Lowerson (ed), *Southern History: a review of the history of southern England* i (1979) 51–2.

¹⁶⁵ *RCH* 179 §17 (IrPR 5 Hen IV pt 2).

¹⁶⁶ *RCH* 179 §18 (IrPR 5 Hen IV pt 2).

conflict are sparse in the extreme. Our sole source of information is a laconic entry in the Gaelic annals:

Great war arose between the Earl of Ormond and the Earl of Desmond in this year, and the two Mac William de Burghs with their muster went to assist the Earl of Ormond.¹⁶⁷

Brief though this entry is, it has become encrusted with factual errors. Any discussion, therefore, must begin by attending to the basic tasks of fixing the date and identifying the personnel involved. Such an approach may seem rather pedestrian, but by placing the conflict in its proper context it becomes possible to appreciate the full significance of the confrontation and interpret events until the death of the third earl of Ormond in 1405.

To begin with the date. The confrontation has invariably been assigned to the year 1402.¹⁶⁸ Professor Otway-Ruthven's narrative seems to place it in the summer of that year, during the temporary absence in England of Sir Stephen Scrope.¹⁶⁹ Scrope was the real power behind the young lieutenant of Ireland, Thomas of Lancaster, having been appointed governor of the wars of Ireland in December 1401,¹⁷⁰ shortly after Lancaster's arrival the previous month.¹⁷¹ He was indeed absent in England during the summer of 1402,¹⁷² and Otway-Ruthven presumably would like us to infer from this that Ormond and Desmond used this vacuum in the central administration as an opportunity to indulge in private warfare. Such a suggestion cannot be maintained. In the first place, it misconstrues the close relationship that existed between Ormond and the Lancastrian administration.¹⁷³ More fundamentally, the conflict cannot be assigned to the year 1402.

Several sets of related Gaelic annals do indeed record the 'great war' between Desmond and Ormond under the year 1402.¹⁷⁴ These annals, however, lag

¹⁶⁷ AU iii 49 s.a. 1403.

¹⁶⁸ Otway-Ruthven, *Med Ire*, 342; Art Cosgrove, 'Ireland beyond the Pale, 1399–1460' in *NHI* ii 581 (Cosgrove attributes the conflict to 1402 in his text, but he notes the inconsistencies in the annals at 581 n3); Denis G. Marnane, *Land and settlement: a history of West Tipperary to 1660* (Tipperary 2003) 203.

¹⁶⁹ Otway-Ruthven, *Med Ire*, 342.

¹⁷⁰ *RCH* 162 §84.

¹⁷¹ Chron Marl s.a. 1401.

¹⁷² *CPR 1401–05*, 135.

¹⁷³ It was, for instance, in December 1401, a month after Lancaster's arrival, that Ormond was granted the Geraldine lands in Tipperary (*RCH* 161 §58).

¹⁷⁴ AC 1402.2; ALC ii 100–01 s.a. 1402; AFM iv 774–5 s.a. 1402. There is a lacuna in ACIn for the years 1401–02. For an introduction to the relationship between these sets of annals, see Gearóid Mac Niocaill, *The medieval Irish annals* (Med Ir History Ser 3 Dublin 1975).

one year behind at the turn of the fifteenth century. The annals of Ulster, which draws from a common source, correctly places the confrontation under the year 1403.¹⁷⁵ Another fragment of Gaelic annals from BL Rawlinson B488 is a particularly rich source for the period 1392–1407,¹⁷⁶ and here too a ‘great war between the Earl of Desmond and Earl of Ormond’ is recorded in the year 1403.¹⁷⁷ At what point during 1403, then, did the confrontation take place? In the annals of Ulster, the event appears in the first entry under the year 1403. The Gaelic annals tend to date each year from the kalends of January, and this might seem to suggest that the ‘great war’ took place early in the year 1403.¹⁷⁸ Yet, late in 1402 the earl of Ormond was preparing to set out for England. On 4 November 1402, Ormond nominated William Butler of Dunboyne and John Lumbard to act as his attorneys while he was in England.¹⁷⁹ Two days later, at Ormond’s request, Lumbard was appointed deputy of Ormond in the office of constable of Ireland during the latter’s absence in England.¹⁸⁰ Thereafter, we lose sight of Ormond until March 1403 and it seems safe to assume that he spent the winter of 1402–03 on his English estates.¹⁸¹ The Rawlinson annals suggest a rather later date. Immediately preceding the entry that records the Desmond–Ormond conflict is a reference to a ‘great war among the English [Ir: *Sagsanaibh*], and the king defeated the faction opposed to him’.¹⁸² This is a clear reference to the battle of Shrewsbury of 21 July 1403, at which King Henry IV quashed the rebellion of the son of the earl of Northumberland, Sir Henry ‘Hotspur’ Percy.¹⁸³ If we can depend on the annalist’s

¹⁷⁵ AU iii 48–9 s.a. 1403. I am grateful to Dr Dan McCarthy of the Department of Computer Science, TCD, for sharing with me his expertise regarding the dating of the different compilations of Gaelic annals.

¹⁷⁶ See introduction by Séamus Ó hInnse to AMisc xiv–xviii.

¹⁷⁷ AMisc 170–71 s.a. 1403.10.

¹⁷⁸ AU iii 48–9 s.a. 1403. In this AU is consistent with the other annals that place the entry first under the year 1402.

¹⁷⁹ *RCH* 172 §6.

¹⁸⁰ NLI (Harris) Ms 4 f 113; =*RCH* 172 §15. Some facts as to the early history of the office of constable of Ireland, which was once held by the Lacy and Verdon families, are given in Lynch, *Legal institutions*, 66–71; but as to its later history, Lynch says that, ‘in whom at that period [the fifteenth century] this great office was vested is not stated ... nor has it been discovered by any other records’ (ibid. 70). From this reference in *RCH*, it would seem that the third earl of Ormond gained the title. He may only have held it for life, however, since c 1407 the king granted the constablership of Ireland to Walter de la Pole with licence to execute the office by deputy (NLI (Harris) Ms 4 f 162).

¹⁸¹ *COD* ii §370.

¹⁸² AMisc 170–71 s.a. 1403.9

¹⁸³ James Hamilton Wylie, *History of England under Henry the Fourth* (4 vols, London 1884–98) i 354–65; J. L. Kirby, *Henry IV of England* (London 1970) 156–7; J. M. W. Bean, ‘Henry IV and the Percies’ in *History* xlv (1959) 212–27.

chronology, the ‘great war’ between Desmond and Ormond—which is the very next entry¹⁸⁴—occurred in the second half of 1403.

This conclusion regarding the date is extremely important for the interpretation of the events of 1403. Before exploring its significance, however, it is first necessary to investigate the personnel involved in the conflict. The Gaelic annals state that ‘the two Mac William de Burghs with their muster went to assist the Earl of Ormond’.¹⁸⁵ Ostensibly, this is a reference to the two branches of the Burgh (or Burke)¹⁸⁶ family that came to dominate Connacht after the murder of William Burgh, the ‘brown’ earl of Ulster, in 1333. Connacht in this period has yet to find its historian,¹⁸⁷ and this is not the place to do more than make some preliminary remarks. Both families of Mac William Burghs in Connacht can trace their ancestry back to William Burgh (†1205), progenitor of the Burghs in Ireland, who accompanied the future King John to Ireland in 1185 and from whom descended the main line of the family who became lords of Connacht and earls of Ulster.¹⁸⁸ The Burghs of upper (southern) Connacht, known as Clann Riocaird or Mac William *Uachtar*, were descended from Richard ‘the younger’, an illegitimate son of this William Burgh. Their rivals, the Clann Uilliam Burghs of lower (northern) Connacht, known as Mac William *Íochtar*, were descended from Sir William *Óc* Burgh, a younger son of Richard Burgh (†1240), the conqueror of Connacht. During the later fourteenth century, the relationship between the two branches of the family was fraught and punctuated by warfare as each struggled to attain regional paramountcy. Historians, as a result, have considered it ‘improbable that the Burghs of Connacht would have joined together to aid

¹⁸⁴ AMisc 170–71 s.a. 1403.10.

¹⁸⁵ AU iii 48–9 s.a. 1403. The same information is recorded in AC 1402.2; ALC ii 100–01 s.a. 1402; AFM iv 774–5 s.a. 1402.

¹⁸⁶ ‘Burke’ has become the standard way of rendering the *cognomen* of the Connacht branches of the family and reflects contemporary French and Irish usage, e.g. the following examples from c 1396–7 (F), 1403 (Ir) and 1407 (F) respectively: *Bourkeyns* (*Affairs Ire* §283); *a Burc* (AC 1403.13); *Lez Burkeynis* (*Chron Marl* s.a. 1407). In Latin documents, the name was fossilised as *de Burgo* (e.g. *RCH* 192 §30) or collectively *Burgones* (AAnon 91 s.a. 1407). The following discussion ranges across several centuries, however, so for the purposes of consistency I use ‘Burgh’ throughout.

¹⁸⁷ The best sketch is that provided in Nicholls, *Gaelic Ire*, 170–77. See also Katharine Simms, ‘Burke (de Burgh) in S. J. Connolly (ed), *The Oxford companion to Irish history* (2nd edn Oxford 2002) 67–8; H. T. Knox, ‘Occupation of Connaught by the Anglo-Normans after A.D. 1237—part 4’ in *JRSAI* xxxiii (1933) 183–9; Lambert McKenna (ed), *Aithríoghluim Dána: a miscellany of Irish bardic poetry, historical and religious, including the poems of the Duanaire in the Yellow Book of Lecan* (ITS 2 vols, Dublin 1939–40) i 143–5; John T. Burke, *The murder of the Brown Earl of Ulster: background, motives, and consequences* (MPhil University of Dublin 1997) 159–74.

¹⁸⁸ See below app 3, genealogies A3.3–5.

Ormond' in his confrontation with the earl of Desmond in 1403.¹⁸⁹ Instead, it has been proposed that the annals are referring to a third line of the Burgh family: the Burghs of Clanwilliam of west Tipperary and east Limerick who were descended from Sir Edmund (†1338), a younger son of Richard, the 'red' earl of Ulster (†1326).¹⁹⁰

The evidence adduced in support of this suggestion comes from an agreement of concubinage preserved among the Ormond deeds. On 13 January 1401, Ormond entered an agreement with the Burghs of Clanwilliam 'for fostering the good love and concord' between the two families.¹⁹¹ Under this agreement, Ormond's illegitimate son, Thomas (probably the future prior of Kilmainham)¹⁹² was granted permission to 'communicate and converse ... as long as shall please him' with Johanna, the daughter of the deceased Sir Richard Burgh (*fl.* 1387).¹⁹³ In consequence of this, a number of the Burgh family—Theobald son of Walter, William son of David, Walter son of Richard, David *Gall*, and William *Carrach* and 'others of their nation'—swore to 'aid, maintain, and defend Thomas [Butler] in all his business with all their power against all others, the Earl [of Ormond] and his people excepted'.¹⁹⁴ A few months later, the two families were bound yet more intimately together when a marriage alliance was contracted between them on 30 May 1401. Under its terms, Sir Theobald son of Walter Burgh was to marry Ormond's daughter, Elizabeth.¹⁹⁵ For this privilege, Theobald was to pay Ormond 240 cows and forty stud horses and he promised to aid the earl 'in his wars and disputes ... saving only more ancient friendships'. Ormond reciprocated with a promise to aid Theobald, 'saving only more ancient friendships and the claims of justice' (L: *suis amicis antiquioribus dumtaxat exceptis justicia mediante*).¹⁹⁶

Given this agreement, it is quite possible that the Clanwilliam Burghs aided Ormond in his 'great war' with Desmond in 1403. Their territory lay

¹⁸⁹ Cosgrove, 'Ireland beyond the Pale, 1399–1460' in *NHI* ii 581 n 3 (qtn).

¹⁹⁰ Ibid. 581; Otway-Ruthven, *Med Ire*, 342; Marnane, *Land & settlement*, 203. For a genealogy of the Clanwilliam Burghs, see *CT* ii 169–71. This genealogy does not appear in Ó Raghallaigh, 'Seanchus na mBurchach'.

¹⁹¹ *COD* ii §352.

¹⁹² Butler, 'Thomas le Botiller, prior of Kilmainham', 362, 362 n 2.

¹⁹³ K. W. Nicholls shows that Johanna was daughter of Sir Richard and not Sir Theobald as printed in *COD* ii §352 (K. W. Nicholls, 'A charter of John, lord of Ireland, in favour of Matthew Ua hÉnni, archbishop of Cashel' in *Peritia* ii (1983) 271).

¹⁹⁴ See genealogy A3.3 below, in which those who were party to the agreement are marked with an asterisk (*).

¹⁹⁵ Theobald fitz Walter Burgh submitted to Richard II in 1395 (Curtis, *Ric II in Ire*, instr XVII, 91, tr 180).

¹⁹⁶ *COD* ii §353 (qtn at 250); the translation is that of Curtis.

between Ormond's liberty of Tipperary and the Desmond heartland of county Limerick. In this sense, there were important strategic reasons for Ormond's desire to bring the Clanwilliams within his affinity. Moreover, the previous generation of Clanwilliam Burghs had become embroiled with the third earl of Desmond and the two families had to be brought to an arbitration at Clonmel.¹⁹⁷ This does not, however, foreclose on the possibility that Ormond was also supported by both branches of the Mac William Burghs of upper and lower Connacht. Admittedly, the seemingly inveterate hostility between the two Mac Williams makes this seem rather improbable; but the circumstances of the early fifteenth century were rather special.

In 1387, Richard Óc of Clann Riocaird died.¹⁹⁸ In the decades after his death, neither of the two branches of the Burgh family in Connacht held a clear advantage. This uncertain situation continued until 1402, when Thomas son of Edmund *Albanach* of northern Connacht died. The Gaelic annals describe him as 'lord of the Galls of Connacht and a good part of its Gaels'.¹⁹⁹ They further report that, upon his death, 'two Mac Williams were made'. They were Sir William *an Fhíona*, son of Richard Óc of Clann Riocaird, and Walter son of Thomas son of Edmund *Albanach*.²⁰⁰ The annals add, however, that Walter submitted to Sir William Burgh of Clann Riocaird in recognition of the latter's seniority. It is only in the light of this settlement of 1402—under which two Mac Williams were created but the seniority of Clann Riocaird was acknowledged—that the entry from 1403 recording the 'great war' between Desmond and Ormond becomes comprehensible. When the annals speaks of 'two Mac William de Burghs with their muster' going to assist the earl of Ormond,²⁰¹ they are being entirely consistent in their language. In other words, it is by no means 'improbable' that both branches of the Connacht Burghs could have acted in concert in 1403.

This discussion has shown that Ormond was able to marshal a confederacy of truly formidable proportions against the young Thomas, sixth earl of Desmond, in the second half of 1403. The fact that Ormond could garner support from as far away as northern Connacht is testament to the fact that the Geraldine–Butler conflict was no local squabble, but a major factor influencing the course of

¹⁹⁷ See above 136.

¹⁹⁸ AC 1387.3; ALC ii 64–5 s.a. 1387; AU iii 18–19 s.a. 1387; AFM iv 708–09 s.a. 1387.

¹⁹⁹ AC 1401.3 (qtn); ALC ii 92–3 s.a. 1401; AFM iv 772–3 s.a. 1401. The annals are one year in arrears at this point.

²⁰⁰ AFM iv 772 (qtn) s.a. 1401; AU iii 48–9 s.a. 1402; AC 1401.10 (qtn); ALC ii 94–5 s.a. 1401.

²⁰¹ AU iii 49 (qtn) s.a. 1403.

colonial politics generally. Yet, the conflict needs to be placed in an even broader context. The summer of 1403 was witness to the rebellion of the Percies against King Henry IV. Annalists both from Gaelic Ireland²⁰² and the colony noted these events with interest. Henry Marlborough gives a brief account of the battle of Shrewsbury, noting that Henry Hotspur and Thomas Percy, earl of Worcester, along with some six thousand others, were slain.²⁰³ Marlborough was not the only one interested by these tidings. When the king's son, Thomas of Lancaster, lieutenant of Ireland, heard of his father's triumph at Shrewsbury, he rewarded the messenger who had so speedily brought him the news—a man by the name of Walter Hakelet—with a life annuity of five marks.²⁰⁴ Already by 1 September, preparations were underway for Thomas of Lancaster's return to England.²⁰⁵ He left Ireland on 7 November.²⁰⁶ With Lancaster in England, the government of Ireland was entrusted to his deputy Sir Stephen Scrope. On 2 February 1404, only a matter of months later, Scrope also returned at short notice to England without making any preparations for a deputy chief governor.²⁰⁷ In these emergency circumstances, a council was convened at Castledermot, county Kildare, on 3 March 1404. The assembled prelates, magnates, peers, clergy and commons were informed that the king's enemies, having seen and understood the vacuum in the chief governorship, were preparing themselves to make war upon the faithful lieges of the land.²⁰⁸ The assembly therefore elected James, third earl of Ormond, as chief governor, and the military aspect of his role was emphasised in one title which he was accorded—soldier and governor of the wars (L: *soldario et gubernatori guerrarum*).²⁰⁹

²⁰² AMisc 1403.9.

²⁰³ Chron Marl s.a. 1403.

²⁰⁴ RCH 171 §85: the grant is dated 7 September 1403.

²⁰⁵ A licence for his absence was issued under the English seal on 1 September 1403 (CPR 1401–05, 188).

²⁰⁶ Chron Marl s.a. 1403.

²⁰⁷ Chron Marl s.a. 1403.

²⁰⁸ PKCI app iv 269–72.

²⁰⁹ PKCI app iv, qtn 270, 271; *Affairs Ire* §296; BL Cotton Titus B XI pt 1 §§30, 33. The council was anxious to avoid setting a precedent and stressed that the subsidies it voted to Ormond were in his capacity as 'soldier and governor of the wars' and not as justiciar or any other office (PKCI app iv 271–2). In this role, Ormond seems to have assumed the military responsibilities that Sir Stephen Scrope had previously exercised (cf. Scrope's appointment as 'governor of the wars' on 19 December 1401 (RCH 162 §84)). When testing as chief governor, however, Ormond used the title justiciar of Ireland, e.g. PKCI xxi n 2 (F: *loffice del Justiciarie et la gouvernaunce de la dit terre*); *ibid.* app iv 272 (L: *Teste prefato Comite Ermonie, Justiciario nostro Hibernie*). Richardson and Sayles are at pains to emphasise that justiciar alone is his proper title as chief governor (*Ir parl* 155 n 72): while this is true, it should not be taken to mean that he

Ormond served as chief governor until the autumn of 1404 and during that time he did the Lancastrian dynasty good service. A grave threat to the colony was posed by events in the earldom of Ulster, which had been witness to major upheaval since the early summer of 1403.²¹⁰ In May 1403, Sir Walter Bitterley, seneschal of Ulster, whom Marlborough describes as a ‘strenuus miles’, was killed and the royal stronghold of Carrickfergus was burned by the Irish of eastern Ulster.²¹¹ A second devastating assault was launched early in 1404, and the annals report that the ‘Galls were driven from the whole province [of Ulaídh]’.²¹² In response, a council voted Ormond a subsidy for the sustenance of an army of some eight hundred footmen with whom he laboured upon the recovery of Ulster.²¹³ Ormond, therefore, was instrumental in the attempt to reinstate the rump of the colony in Ulster.

Whether or not this rising in eastern Ulster in 1403–04 was actively incited by the insurgents in England,²¹⁴ the colony must have been sensitive to the point of paranoia about exactly such an eventuality. That paranoia would have been fed by an atmosphere of uncertainty and worrying rumours of a pan-Celtic alliance. Intangible as such factors are, their potency should not be underestimated. The revolt in Wales was nourished on a diet of political mythology,²¹⁵ while rumour and sedition have been shown to be integral to the ‘infrapolitics’ of early Lancastrian England and represented a significant challenge to the inchoate regime.²¹⁶ Adam Usk tells us that in November 1401, the leader of Welsh revolt, Owain Glyn Dŵr, had sent letters to Ireland in which he drew on prophetic literature to exhort the Gaelic chiefs to provide him with military aid in his war

could not also be accorded the title of ‘governor of the wars’. The two offices seem to have been thought of as distinct.

²¹⁰ In what follows, I have benefited greatly from reading Dr Katharine Simms’ forthcoming *Gaelic Ulster in the later middle ages: history, culture and society*; I am very grateful to Dr Simms for allowing me sight of a typescript of a portion of this work.

²¹¹ Chron Marl s.a. 1403; *RCH* 170 §74. Bitterley was replaced by John Liverpole on 29 June 1403 (*RCH* 167 §73; *ibid.* 170 §§67–8).

²¹² AMisc 172–3 s.a. 1404.6 (qtn 173); for description, see Katharine Simms, ‘“The King’s friend”: O Neill, the crown and the earldom of Ulster’ in Lydon, *Eng & Ire*, 219.

²¹³ *RCH* 178 §77 (c); Gerrard, ‘Notes’, 206; NLI (Harris) Ms 4 f 146.

²¹⁴ The chronology makes it difficult to establish direct links: the rising in Ulster dates from c May 1403, whereas the Percy revolt came out of the blue in July that year. Even at the beginning of July 1403, Henry IV seems not to have suspected that the Percies were about to launch a rebellion (see Kirby, *Henry IV*, 154–5).

²¹⁵ Davies, *Revolt of Owain Glyn Dŵr*, esp 88–93.

²¹⁶ Walker, ‘Rumour, sedition and popular protest’ in *P&P* 166 (2000) 31–65 (qtn 33).

with their mutual ‘mortal enemies, the Saxons [L: *mortales inimicos Saxones*]’.²¹⁷ In retrospect, Glyn Dŵr’s attempt to whip up support may seem like a damp squib. Glyn Dŵr himself admitted that he was unknown to his correspondents in Ireland,²¹⁸ and the messengers who bore his letter thither were reputedly intercepted and beheaded before completing their task.²¹⁹ Yet something of the fear generated by the Welsh resurgence is indicated by the fact that the Irish lands of John Wellington, prior of Llanthony Prima in Wales, were seized on the basis of an accusation that he was a ‘rebel and adherent of Owain Glandurdy’.²²⁰ Nor was prophecy the only factor urging contemporaries to the conclusion that King Henry IV’s various tribulations might take on an Irish dimension at this time. In 1400–01, the king’s conflict with the Scots had spilled over into Ulster. Henry Marlborough reports that in early June 1400, shortly before Henry IV’s campaign in Scotland, a naval battle was fought by the constable of Dublin castle at Strangford Lough with the Scots.²²¹ The next summer, 1401, Ulster was subjected to an attack from the Scottish Isles.²²² During the following year, events in Wales took a worrying turn. In June 1402, Sir Edmund Mortimer (†1409) was taken prisoner at the battle of Bryn Glas.²²³ Sir Edmund was a former chief governor of Ireland and uncle of the young Edmund, earl of March and Ulster (†1425). Henry IV refused to contribute to Sir Edmund’s ransom, a fact that riled Henry Hotspur, Mortimer’s brother-in-law.²²⁴ Consequently, in October 1402, Sir Edmund defected to the Welsh cause and married Glyn Dŵr’s daughter, Catrin.²²⁵ The Mortimer connection became yet starker in the summer of 1403. The revolt of the Percies that was crushed at the battle of Shrewsbury in July was launched with the

²¹⁷ Chron Usk 150–53 (qtn 150–51).

²¹⁸ Ibid. 150–51.

²¹⁹ Ibid. 148–9. Although the messengers bearing like letters to Scotland may have completed their task (see Chron Usk 149 n 6).

²²⁰ CPR 1401–05, 455.

²²¹ Chron Marl s.a. 1400. Marlborough also reports Henry’s campaign in Scotland, for which see Brown, ‘English campaign in Scotland, 1400’ in Header & Loyn, *British government and administration*, 40–54.

²²² Chron Usk 130–31. Usk describes the assailant as ‘dominus insularum Orcadum’. G. W. S. Barrow believed this was a mistake for Eóin Mór MacDonald, lord of the Isles, but Given-Wilson suggests that Usk intended Henry Sinclair, earl of Orkney (†1396X1402), or his son Henry (see Barrow, ‘Wales and Scotland in the middle ages’ in *WHR* x (1980–81) 314–5; Chron Usk 131 n 5).

²²³ Davies, *Revolt of Owain Glyn Dŵr*, 179.

²²⁴ McNiven, ‘Scottish policy of the percies’ in *BJRL* lxii (1979–80) 504; Bean, ‘Henry IV & the Percies’ in *History* xlv (1959) 225.

²²⁵ Davies, *Revolt of Owain Glyn Dŵr*, 179–80. For the family connections, see below app 3, genealogy A3.1.

purpose of overthrowing the Lancastrian dynasty in favour of the claim of Edmund Mortimer, earl of March and Ulster.²²⁶

There is a two-fold significance to this wider context for the issue of the Desmond–Ormond conflict in 1403. Firstly, the actions of Earl James III of Ormond, and in particular his response to the revolt in east Ulster in 1404, saw him acting in the guise of a staunch defender of the Lancastrian dynasty; it follows from this that, in picking a fight with the Butlers in the second half of 1403, Desmond could hardly have been more politically maladroit. It is worth noting how the Percy revolt in England and the Desmond–Ormond conflict in Ireland seem to have been linked in the mind of a Gaelic annalist. The two events are recorded in successive entries under 1403, and the annalist even employs the same terminology, describing both as a ‘great war’.²²⁷ We must not attempt to read too much into this. There is no evidence whatsoever to connect Desmond’s actions to the Percy–Mortimer party in England. Nonetheless, by attracting Ormond’s ire in the period of high tension following the battle of Shrewsbury, the Geraldines of Munster were allowing themselves to be depicted as disloyal to the Lancastrian dynasty. This, in turn, enabled Ormond legitimately to bring an enormous force to bear against Desmond without running any risk of tarnishing his own reputation.

There are only a few morsels of evidence to substantiate this reconstruction of events. Records from the Geraldine side are particularly barren. There is, however, a fleeting indication that the earldom of Desmond was considered to be in rebellion around this time. A fragmentary statement of account from the early fifteenth century gives details of the honour of Dungarvan, county Waterford, as well as the other manors, lands and tenements of the earl of Desmond. These estates were in the king’s hands because of the minority of Thomas, earl of Desmond, but the account records that no revenue was generated from them due to rebellion (L: *propter rebellione*).²²⁸ Moreover, almost nothing is heard of the Munster Geraldines for over two years after 1403. When Thomas of

²²⁶ Kirby, *Henry IV*, 156.

²²⁷ AMisc 170–71 s.a. 1403.9 (Ir: *Cogod mor a Sagsanaibh & maighm catha lisan righ foran dreim da bhí in adhaidh díbh*), qtn 170; *ibid.* 170–71 s.a. 1403.10 (Ir: *Cogha [sic] mor ac Iarla Deasmudun & Iarla Urumum re celí*), qtn 170.

²²⁸ Trinity College, Cambridge, Ms 0.8.13 f 3^v. The account is fragmentary, and is bound as three flyleaves at the front of a fifteenth-century manuscript of *Gesta Romanorum* given to Trinity College, Cambridge, by the antiquarian Roger Gale (1672–1744) in 1738. For biographical details of Gale, see Mary Clapinson, ‘Gale, Roger’ in *Oxford DNB* xxi 299–300. This item is listed in Brian C. Donovan & David Edwards, ‘British sources for Irish history before 1485: a preliminary handlist of documents held in local and specialised repositories’ in *AH 37* (1998) 197.

Desmond reappears in 1406, it was to sue for a pardon for treasons.²²⁹ The contrast with Desmond's opponents in the 'great war' of 1403 is stark. Ormond was in high favour both before and after the confrontation. In May 1403, Thomas of Lancaster, appointed Ormond and John Lumbard as his deputies to hold a parliament in Kilkenny on 18 June.²³⁰ After the departure of Lancaster and Stephen Scrope in 1403–4, Ormond served as chief governor of Ireland, and he was appointed to that office again in 1405. In that capacity he was able to promote the interests of his supporters, among them his mistress, Katherine of Desmond.²³¹ Another was John Lumbard, for whom on 12 May 1404 Ormond secured the influential post of second justice of the king's bench.²³² A third man rewarded by Ormond at this time was a Gaelic clerk, Risdéard Ó hÉidigheáin (†1440), archdeacon of Cashel, who was granted the prebend of St Maul's in the diocese of Ossory.²³³ In 1406, Ó hÉidigheáin was to be provided to the archbishopric of Cashel,²³⁴ and during the following decades he proved to be a determined Butler supporter. That support was personal as well as political. Ó hÉidigheáin fostered the third earl of Ormond's grandson, Edmund son of Richard Butler—or *Emunn mac Ruisderd* as we know him from Gaelic sources—of the Polestown (later Pottlesrath) branch of the family.²³⁵ After Ó hÉidigheáin's death, his service was commemorated in the marginalia of the famous manuscript sometimes referred to as the *Saltair* of MacRichard Butler (Oxford, Bodleian, Ms Laud Misc. 610):

A blessing on the soul of the Archbishop of Cashel, Richard O'Hedigan [Risdéard Ó hÉidigheáin], for by him the owner of this book was fostered, Edmund son of Richard son of James son of James! And today is the Sunday before Christmas, and may everyone who shall read this say a prayer for their souls!

(Ir: *Bennacht air anmuin airdescoip Caissil .i. Risderd O hEdigain oir is aigi do hoiled fer in leabair so .i. Emund mac Risderd mic tSemaís mic tSemaís. & domnach roim nodlaic aniu & tabrad gach nech legfes so bennacht ar a n-anmain ar æn.*)²³⁶

²²⁹ *RCH* 182 §66.

²³⁰ *RCH* 169 §25; *ibid.* 174 §100.

²³¹ For the grants to Katherine of Desmond from May 1404, see above nn 163–6.

²³² *RCH* 178 §72.

²³³ *RCH* 179 §14; noted in BL Add Ms 4797 f 138.

²³⁴ *NHI* ix 291.

²³⁵ See below app 3, genealogy A3.2.

²³⁶ Myles Dillon, 'Laud Misc. 610' in *Celtica* vi (1963) §xc (Ir at 150, tr. 151). For further remarks, see Anne O'Sullivan & William O'Sullivan, 'Three notes on Laud Misc. 610 (or the book of Pottlerath)' in *Celtica* ix (1971) esp 135–47; George Butler, 'Saltair of MacRichard or Laud Misc. 610' in *JBS* iii 1 (1987) 21–7.

The grant of a valuable benefice in Ossory to Ó hÉidigheáin in 1404 was a very early sign of the close relationship that was to blossom between the future archbishop and the Butlers during the first half of the fifteenth century.²³⁷

Perhaps more striking than Ormond's success in the last years of his life is the favour that was bestowed upon one of his allies in the 1403 assault on Desmond. On 5 December 1403, Sir Stephen Scrope responded favourably to a petition from Sir William Burgh of Clann Riocaird seeking an appointment as Scrope's deputy as governor of Connacht.²³⁸ Scrope had held the office of governor of the county of Connacht with the towns of Galway and Athenry since December 1401, when they had been granted to him by Thomas of Lancaster during the minority of Edmund, earl of March and Ulster and lord of Connacht.²³⁹ The grant was renewed on 16 November 1402, on which date Scrope is styled 'keeper and governor'.²⁴⁰ On that same day—in what seems to have been an attempt to revive the central government's authority in the region—Sir William Burgh was appointed to serve on a commission of oyer and terminer for Connacht. Assigned to act with him on that occasion were two Lancastrians, William and John Mirreson.²⁴¹ Earlier in 1402, as we have seen, the annals report that this William Burgh of Clann Riocaird had received the submission of his traditional rivals, the Burghs of Mac William *Íochtar*. His judicial appointment in November of the same year can, therefore, be interpreted as an attempt by the central government to harness the power of the real controller of Connacht. Had Scrope disapproved of Sir William's activities during the next year—including his support of Ormond against the Munster Geraldines—he would presumably not have entrusted him with any further commissions. Yet, if anything, Scrope's appointment of Sir William Burgh in December 1403 as deputy governor of Connacht was an augmentation of the latter's official authority. The Clann Riocaird Burghs, in other words, were moving in the same exalted Lancastrian circles as the earl of Ormond.

²³⁷ A (marginally) earlier example of Ormond's favour dates from 24 April 1404, on which date Ó hÉidigheáin received a pardon at the suit of the prior of St John the Baptist, Dublin (*RCH* 179 §11); the prior in question was the same man who, in 1400, was entrusted with the job of obtaining a papal dispensation for Ormond to marry Katherine of Desmond (see above nn 161–2).

²³⁸ *RCH* 177 §37; BL Add Ms 4797 f 138.

²³⁹ *RCH* 162 §85.

²⁴⁰ *RCH* 172 §25^b.

²⁴¹ *RCH* 167 §16; *ibid.* 176 §153.

IV

IN THIS light, it is difficult to escape the conclusion that the Geraldine–Butler conflict of 1403, far from being a private war fought in a vacuum of royal authority, was given official sanction. As under the previous regime, Ormond's dominance was maintained by a combination of physical coercion and political clout. These should not be thought of as alternatives. Rather, they were interdependent: it was Ormond's curial connections that enabled him, in the last resort, to use force legitimately against the Munster Geraldines. Whether or not Butler pre-eminence could survive the death of James, third earl of Ormond, in 1405 is the subject of the next chapter.

THE DEATH of the third earl of Ormond in 1405 altered the balance of power in English Ireland. Briefly, both the earldoms of Desmond and Ormond were in minority and there were efforts to maintain equilibrium between them. In the long term, however, the advantage lay with James IV Butler, later known as the ‘white’ earl of Ormond. He became a ward of Thomas of Lancaster and this copper fastened Butler fortunes to the Lancastrian dynasty. From 1409–13, the chief governorship of Ireland was in the hands of the Butler party, represented by Prior Thomas Butler of Kilmainham. Meanwhile, the earldom of Desmond faced internal crisis when Thomas, sixth earl of Desmond, was expelled from Ireland in 1411 by his uncle, James ‘the usurper’. It is conceivable that Prior Thomas Butler connived, or at least acquiesced, in James’ usurpation. If so, it shows how factionalisation could serve as a weapon in factional conflict. The events of 1411–13 also demonstrate how noble fortunes in Ireland continued to be influenced by the vagaries of English court politics.

I

Minorities, 1405–08

JAMES, third earl of Ormond, died at Gowran, county Kilkenny, on 7 September 1405, while holding the office of justiciar of Ireland.¹ His death prompted a Gaelic annalist to observe that ‘the Galls were very powerless after that [Ir: *amhneart mór ac Gallaibh iar sin*].’² His remark reflects Ormond’s role as a bulwark of the Lancastrian regime in Ireland since 1399. It was also a comment on the potential for crisis that followed his death. The events of the next few years proved the annalist to have been somewhat portentous. Ormond’s son, James IV was around

¹ Two sets of Latin annals record his death ‘in vigilia Nativitatis Beate Virginis [7 September]’ (ABMV 286 (qtn); Chron Marl s.a. 1405). The obits appended to Grace’s annals place it under 20 August (AGrace 162–3). The dates in the English inquisitions *post mortem* vary, but most attribute his death to 7 September (CIPM 1405–13, §§26–30 (7 Sept), §31 (4 Sept), §§32–3 (6 Sept)).

² AMisc 174–5 s.a. 1405.11 (qtn 174). Ormond is described as the ‘head of valour of Ireland [Ir: *cenn crodachta na hErenn*]’ in his death notice in the other Gaelic annals (AC s.a. 1404.15 (qtn); AFM iv 780–1 s.a. 1404; ALC ii 108–09 s.a. 1404; ACLon 324–5).

fifteen years of age in 1405.³ As ever, a lordship in minority was extremely vulnerable to the incursions of its enemies, whether colonial or Gaelic.

The attempt to protect the Butler inheritance took different forms on either side of the Irish Sea, reflecting different conceptions of a practical solution to the problem of a minority in an Irish context. Messengers must have been dispatched from Ireland to Westminster without delay, for less than a month after Earl James III's death, the Butler inheritance, together with the marriage of his son and heir, James IV, had been entrusted to Henry IV's son, Thomas of Lancaster.⁴ Lancaster played an important role as James IV's patron in years to come, especially after 1409 when the young earl of Ormond served in his retinue in France. In the autumn of 1405, however, Lancaster was an absentee lieutenant and would not return to Ireland until 1408.⁵ His custody of the Ormond estates therefore provided no guarantee that they would be protected. Indeed, it was later officially admitted that during Lancaster's custody the greater part of the Butler lordship had been destroyed and wasted to the impoverishment of the young Earl James IV.⁶

Lancaster's absence meant that the person immediately responsible for dealing with the problem of the Butler inheritance was Gerald fitz Maurice, fifth earl of Kildare, who had been elected as justiciar of Ireland in the aftermath of the death of James, third earl of Ormond.⁷ Kildare travelled south from Dublin shortly after taking office, and by 12 October he was at Castledermot, county Kildare.

³ His age in the English inquisitions *post mortem* was mostly given as 13 years or more (*CIPM* 1405–13, §§26–30, 32 [13 years or more], §31 [14 years or more], §33 [22 years or more]), but he proved his age in Ireland in August 1411, and it was later stated that the escheators in various English counties had untrue information concerning his birth (*COD* ii §413; *CCR* 1409–13, 286).

⁴ *CPR* 1405–09, 88; *RCH* 192 §69; *COD* ii §386.

⁵ *NHI* ix 476; Chron Marl s.a. 1408. For his activities outside Ireland at this time, see Blacker, Thomas of Lancaster (PhD), esp 66–7, 81–91; idem, 'A Lancastrian prince in Ireland' in *HI* vi 1 (1998) 25–6.

⁶ *RCH* 207 §142 (6 February 1415).

⁷ Kildare is listed as having taken office on 7 September 1405 (*NHI* ix 475), i.e. the very day that Ormond died. This is most unlikely. Henry Marlborough—who is our authority for Kildare's succession as chief governor—merely records Ormond's death and then notes 'cui successit Geraldus Comes Kildariae' (Chron Marl s.a. 1405). The normal procedure when such a vacancy occurred was for the chancellor to summon a great council (i.e. a council including representatives of the communities). This council would then elect a justiciar. The most recent precedent was the election of Earl James III of Ormond at the Castledermot council of 3 March 1404 after the sudden departure of Sir Stephen Scrope (*PKCI* app iv 269–72). No record survives of such a council (see e.g. lists in *NHI* ix 598; *Ir parl* 348), but Kildare was at his manor of Maynooth and testing as justiciar on 4 October 1405 (*RCH* 181 §1), so his election must have occurred by this date. In short, the lists of chief governors should be amended to show that Kildare took office as justiciar a 4 October 1405.

While there, keepers of the peace were appointed for county Kilkenny,⁸ and a commission of oyer and terminer composed of Butler adherents—including Sir Edward Perers and John Lumbard—was appointed for Tipperary and Kilkenny.⁹ On 28 October, the government also appointed a sheriff of Tipperary. Although the earls of Ormond held Tipperary as a liberty, during a minority its status reverted to that of a royal county. The sheriff was, then, intended to replace the seneschal of the liberty and the appointment was made after the peers, magnates and commons of Tipperary had assembled and elected one James son of Edmund Butler, probably of the Butlers of Slievardagh or Lismallon, tenants of Inchirourke in Tipperary.¹⁰ Taken together, this flurry of activity shows the central government under the earl of Kildare attempting to provide for the governance of the Butler lordship by working through the local communities of Kilkenny and Tipperary.

Such measures were far more likely to provide effective control than the protection—largely theoretical—of the absentee Thomas of Lancaster. Yet, no matter how self-reliant the local community, it was impossible to prevent the enemies of the Butlers capitalising on this moment of weakness. First among those enemies were the Geraldines of Munster. In March 1406, the tenants of Lisronagh, in the liberty of Tipperary, were complaining that their lands had lately been totally burned and destroyed by the Geraldines (F: *les Gerodys*).¹¹ Clearly, there was the potential for an explosive situation here. It may have been incursions such as these that persuaded the justiciar, Earl Gerald of Kildare, of the wisdom of appeasing Geraldine grievances. In March 1406, Kildare issued Thomas son of Earl John of Desmond with a general pardon for all treasons and other offences.¹² He further granted Thomas custody of all the lordships, castles, franchises and regalties, together with the right to appoint officers of liberties, that had been held by Thomas' grandfather, Gerald, third earl of Desmond on the day he died, and which were now in the king's hands.¹³ This was a concession of great import.

⁸ *RCH* 184 §141; Frame, 'Commissions', §89.

⁹ *RCH* 184 §134.

¹⁰ *RCH* 181 §13. For this family, see also above 124 n 97. A Piers son of James son of Edmund Butler of this family, who was possibly the son of our sheriff James son of Edmund, was slain in 1417 in the house of Donnchad Mac Giolla Phádraig, 'by Donnchad's blacksmith while they were dancing' (AC s.a. 1417.15, qtn 435). For the identification, see K. W. Nicholls, 'Anglo-French Ireland and after' in *Peritia* i (1982) 401 n 5.

¹¹ *RCH* 182 §57.

¹² *RCH* 182 §66.

¹³ *RCH* 182 §67. A detailed list of amercements from assizes held at Tralee before William fitz Gerald, seneschal of the liberty of Kerry, in 1411–2, shows that liberty court of Kerry was in a state of good health at this time: the sums levied are in excess of £600 (NLI (Harris) Ms 4 ff 173–4; Lynch, *Legal institutions*, 248).

Three factors are likely to have made it particularly galling to the Butler party. Firstly, it meant that the advantage momentarily passed to the Munster Geraldines. Both James IV Butler and Thomas of Desmond were minors, yet while Butler had to content himself with being a ward of the crown, Thomas of Desmond had been granted the use of his lands and liberties. Secondly, the grant to Thomas of Desmond included control of the much-controverted Geraldine estates in Tipperary—Kilfeakle, Kilsheelan and the town of Clonmel—custody of which had been granted to Earl James III of Ormond in 1401–02. Finally, it may have particularly rankled with the young James IV Butler that a great show of favour to his traditional rival should have been made while the justiciar was resident in the town of Kilkenny, which was at the territorial heart of Butler interests.

The arrival of Sir Stephen Scrope, deputy lieutenant of Ireland, after Michaelmas 1406, presented James IV Butler with an opportunity to seek redress.¹⁴ Scrope, of course, had known Earl James III of Ormond well, and he was to treat young James IV Butler—the ward of his royal master, Thomas of Lancaster—with equal favour. Early in the new year of 1407, custody of all the lands of the late third earl of Ormond was granted to two men, Robert Haubryk and Nicholas Stokes, for the ‘better governance and maintenance of the same’. The grant was made with ‘the counsel and assent of Stephen Scrope ... at the request of our dear and faithful cousin, James le Botiller, [fourth] earl of Ormond, to his [Ormond’s] use and profit’.¹⁵ Its effect was to give Ormond control of his inheritance: balance was thereby restored.

The effort to maintain a semblance of parity between the two earls characterises the decisions of the central government in the next few years. On 15 February 1407, Earl James IV of Ormond was entrusted with a significant governmental commission. He and three Butler associates—Sir Edward Perers, John Lumbard and Nicholas White of Clonmel—were appointed to investigate seditions. Significantly, their remit was confined to Kilkenny, Waterford and Tipperary and excluded the more controversial counties of Limerick and Cork, over which Ormond had occasionally been granted authority in the past. These counties were now apparently considered a Geraldine sphere of influence for, on 8 September 1407, Scrope appointed Thomas of Desmond to serve as a justice in

¹⁴ Chron Marl s.a. 1406.

¹⁵ *COD* ii §389.

Cork, Kerry and Limerick.¹⁶ The pattern of appointments suggests that a workable division of jurisdictional labour had been created.

A division of labour was one thing; cooperation was quite another. Yet other sources show Desmond and Ormond acting in concert at this time. Their collaboration was especially significant since by working together they repelled a potentially devastating assault on Butler territories launched in the autumn of 1407. The ensuing battle became one of the most celebrated—and, for the colonists, miraculous—episodes in the history of early Lancastrian Ireland. A decade and a half after it took place, James Yonge memorialised it in the treatise he composed for the white earl of Ormond entitled *The Governauce of Prynces*.¹⁷ The chronicler, Henry Marlborough (who was writing contemporaneously) begins his tale of the adventure on 14 September 1407.¹⁸ On that day, the chief governor Sir Stephen Scrope launched an expedition southwards from Dublin into Leinster against the Gaelic king, Art Mac Murchadha. Accompanying him were James, the white earl of Ormond; Thomas, sixth earl of Desmond; Thomas Butler, prior of Kilmainham; and a great party of Meathmen (L: *cum pluribus Midensibus*).¹⁹ Scrope's army initially encountered difficulties but eventually their fortunes changed and a Gaelic leader, Ó Nualláin, and his son were taken prisoner.

¹⁶ *RCH* 186 §92.

¹⁷ Steele, *Secreta*, 133.

¹⁸ The following paragraphs are dependent on the account of Henry Marlborough (Chron Marl s.a. 1407); other notes provide references to sources of supplementary information. The substance of Marlborough's account recurs in AGrace 156–7; ADowling 26–7 s.a. 1408; *Holinshed's Irish Chronicle 1577*, ed Liam Miller & Eileen Power (Dublin 1979) 237. Modern historians have consistently mishandled the evidence for the battle. Otway-Ruthven states that the campaign occurred 'in the course of a tour [by Sir Stephen Scrope] in Ormond's lands, which were in wardship' (Otway-Ruthven, *Med Ire*, 345). But as we have seen, Scrope had granted Ormond the use of his lands in January 1407, and Henry Marlborough clearly states that the battle against Ó Cearbhaill of Éile and Walter Burgh was an unintended offshoot of a campaign in Leinster against Mac Murchadha. The account in Emmett O'Byrne, *War, politics and the Irish of Leinster, 1156–1606* (Dublin 2003) is somewhat confused: the author treats references to a single campaign in September 1407 recorded in separate annals as distinct events (115 & 115 nn 52–3), and he is in error in saying that Thomas of Lancaster led any campaign in 1406–07 (115). Lancaster was absent from Ireland from 1403 to 1408. David Beresford identifies the Burghs who attacked Kilkenny incorrectly as coming from Clann Riocaird and he misdates the conflict to March 1407 (David Beresford, *The Butlers in Ireland and England, 1405–1515* (PhD University of Dublin 1998) 39).

¹⁹ Sir Stephen Scrope later sought allowance of £66 13s 4d for the expenses of the earls of Ormond and Desmond who were in his household (BL Add Charter 18222). This fragment of Scrope's account is undated. A note in pencil on the *dorso* suggests a date of 1401, but it is more likely that it should be attributed to Scrope's tenure as deputy lieutenant in 1406–07, when both earldoms were in minority.

It was at this point that news reached the deputy lieutenant's army that the Burghs (*Lez Burkeynis*)²⁰ and Ó Cearbhaill had entered county Kilkenny where, for two days past, they had been committing many evils. The aggressors in question were Tadhg Ó Cearbhaill of Éile and Walter Burgh of the family of Clanwilliam in west Tipperary and east Limerick. The territories of both these lords lay on the borders of Ormond's liberty of Tipperary and clearly they were attempting to exploit the hiatus in Butler authority for their own purposes. A later record confirms that 'Okarwill' and 'Walterus de Burk' with a great number of Irish enemies burned the greater part of the county of Kilkenny. Roland fitz Maurice (†1448), baron of Burnchurch, was then a keeper of the peace for Kilkenny, but he and the commons of the county were unable to mount an effective defence and so he attempted to buy off the offensive with a fine of fifty-five marks.²¹ It is significant that the Clanwilliam Burghs had recently entered elaborate reciprocal marriage and concubinage treaties under which they had sworn to support the third earl of Ormond in all his wars and disputes.²² It is unclear whether Walter Burgh's attack on Kilkenny can be construed as a transgression of these arrangements. Walter Burgh was not a witness or party to the agreements, and it is possible that Earl James III had attempted to exclude him from power. If Walter Burgh was disaffected as a result of his marginalisation, this would provide one reason for his assault on Kilkenny in 1407.

Whatever the explanation, Scrope immediately diverted his army to county Kilkenny and journeyed to the town of Callan with all haste. Marlborough does not explain this decision, but from another set of Latin annals we learn that the *Burgones* had taken Callan by force.²³ Scrope's messengers must have alerted him to this. The deputy lieutenant's decision to ride directly to the town was then a strategic one, as the defeat of Walter Burgh would be impossible so long as he remained ensconced at this strongpoint. At Callan, Scrope's army encountered its adversaries. The battle that followed was bloody. Marlborough claims that some eight hundred men were slain. He may well have inflated the figures, but other sources suggest that his exaggeration was not gross. One high-profile casualty was

²⁰ Chron Marl s.a. 1407.

²¹ *RCH* 194 §187. Roland fitz Maurice had previously been appointed keeper of the peace on 15 October 1405 (Frame, 'Commissions', §89; =*RCH* 184 §141). For the barons of Burnchurch, see Geo. Dames Burtchaell, 'The Geraldines of Kilkenny—part 1: the barons of Burnchurch' in *JRSAI* xii pt 4 (1892) 365; the date of his death is provided in a genealogy entitled, 'Pedigree of the barons of Burnchurch, or Kiltrany, the barons of Overk, and the barons of Knocktopher' in *ibid.* facing 358.

²² *COD* ii §§352–3.

²³ *AA*non 91 s.a. 1407.

the lord of Éile, Tadhg Ó Cearbhaill. The majority of the dead seem, however, to have been unfortunate footmen who were probably cut down as Scrope's retinue pursued the fleeing army on horseback. A Latin annal states that Scrope, Ormond, Desmond and Prior Thomas put their opponents to flight and captured many horses and hostages; but it continues that they killed the greater part of the *pedestries* of the opposing force.²⁴ Gaelic annalists were also impressed by the significance of the event, describing it as a 'great victory by the Foreigners, and by Scrope, over the Gaedhél of Mumha'.²⁵ The annals of Ulster add the information that Walter Burgh was taken prisoner in the course of the battle.²⁶ Henry Marlborough's closing remarks suggest that he believed the victory was the result of divine providence. During the pursuit of the routed confederacy a miracle occurred when the sun stood still in the sky as Scrope's army rode for the space of six miles. Marlborough was in fact drawing on scripture to embellish his story,²⁷ but in doing so he demonstrates how momentous the colony considered this victory to be.²⁸

These events are laden with significance for the theme of factionalism. For one thing, the encounter at Callan shows that the Munster Geraldines were not the only group with the potential to injure the Butlers. It also saw Desmond and Ormond combining their efforts rather than acting against each other. This was not in itself a miraculous event; the predecessors of the two earls had served together on military campaigns before.²⁹ Yet Desmond's support at a moment of crisis for the Butler lordship was a break from the trends of the immediate past. It is quite another matter to draw the conclusion from this that Desmond and Ormond were at last on good terms: that was a development of the future, and when it came it was

²⁴ AAnon 91 s.a. 1407.

²⁵ ALC 122–3 s.a. 1407 (qtn 123); AC 1407.5; AFM iv 790–1 s.a. 1407.

²⁶ AU iii 56–7 s.a. 1407.

²⁷ 'Then spake Joshua to the Lord in the day when the Lord delivered up the Amerites before the children of Israel, and he said in the sight of Israel, Sun, stand thou still upon Gibeon; and thou Moon, in the valley of Ajalon. / And the sun stood still, and the moon stayed, until the people had avenged themselves upon their enemies. Is this not written in the book of Jasher? So the sun stood still in the midst of heaven, and hasted not to go down about a whole day. / And there was no day like that before it or after it, that the Lord hearkened unto the voice of a man: for the Lord fought for Israel' (Joshua, c 10, verses 12–14).

²⁸ The image was re-used by James Yonge (c 1422) to describe a victory of James, second earl of Ormond (†1382) against the Mic Mhurchadha during which 'he slew huge Pepill in the red more of athy, a litil afore the Sone goynge downe, stondynge the Sone mervelosly still till the slaght was done' (Steele, *Secreta*, 129).

²⁹ See, e.g., Robin Frame, 'The defence of the English lordship' in Thomas Bartlett & Keith Jeffery (ed), *A military history of Ireland* (Cambridge 1996) 86.

based on the assumption that Ormond was the superior power. Nor can we assume that Desmond's actions were entirely altruistic. The Burghs of Clanwilliam had been a thorn in his grandfather's side, and their defeat may have pleased him well. The political patterns in years following the victory of 1407 are difficult to discern, but they suggest that the Butler party was still able to capitalise on curial links to the detriment of Earl Thomas of Desmond. For its part, the central government found it hard to break its habit of favouring the interests of Ormond over those of the Munster Geraldines.

In January 1408, Sir Stephen Scrope sailed to England. Arrangements for the governance of Ireland in his absence were made well before his departure. On 8 December 1407, 'trusting in the proved fealty of our [the king's] dear cousin, James le Botiller, earl of Ormond', Scrope appointed the white earl as his deputy.³⁰ Ormond's tenure as chief governor lasted about eight months and records of his actions during that time are few. He held a parliament at Dublin sometime after 25 March 1408 at which the statutes of Kilkenny (1366) and Dublin (1402) were ratified, along with the English statute of purveyors.³¹ On 7 March 1408, Ormond appointed a panel of justices for the south of Ireland composed of three men. The calendared chancery roll is fragmentary and the list of appointees reads: '[...] mil', Joh' Lumbard & Nich' White de Clomell'.³² A year previously, Sir Stephen Scrope had appointed the latter two men—John Lumbard and Nicholas White of Clonmel—as justices along with a third man, Sir Edward Perers. It is a reasonable supposition that Sir Edward was the knight whose name is missing from the list of appointees in March 1408. If so, what is significant is the geographical competence of the commission. Whereas the appointment of February 1407 had been restricted to areas dominated by the Butlers (Kilkenny, Waterford and Tipperary), the commission of March 1408 included these counties as well as Carlow, Wexford, Limerick and Cork. Three Butler supporters were thereby provided with an *entrée* into zones of Geraldine influences. In short, this signals a return by James, fourth earl of Ormond to the tricks of his father and grandfather. The manipulation of the judicial apparatus of the royal government in

³⁰ COD ii §391. The list of chief governors in *NHI* ii 476 states that Ormond took up office on 8 December 1407, i.e. the day of this appointment. Scrope was, however, still testing as justiciar on 14 January 1408 (*CPR* 1413–16, 45) and Ormond can only have taken office sometime after this date. Henry Marlborough states that Scrope crossed to England and James Butler, earl of Ormond, was elected as justiciar by the land. He places this entry under the year 1407 (*Chron Marl* s.a. 1407), but as his annals are dated from Lady Day [25 March] his description is consistent with a council held early in 1408.

³¹ *Chron Marl* s.a. 1408. For the text of the statute of Dublin, see *Statutes John–Hen* V 504–09.

³² *RCH* 187 §1.

this way had bred contention in the past. Ormond's reversion to this policy was likely to place stress on his relationship with Earl Thomas of Desmond, notwithstanding the latter's recent support in the rout of the Butlers' enemies at Callan.

II

Lancaster, 1408–09

ORMOND'S tenure as chief governor ended on 2 August 1408 when Thomas of Lancaster landed at Carlingford with a new appointment as the king's lieutenant.³³ Lancaster's second residence in Ireland was even briefer than his first, lasting only eight months from 2 August 1408 until rumours of his father's ill-health caused him to cross once again to England on 13 March 1409.³⁴ During that brief period he affiliated himself closely with the Butler family in Ireland. This was only natural given that he seems still to have had control of the Butlers' estates in England along with the marriage of the white earl.³⁵ After landing at Carlingford, Lancaster made directly for Kilmainham, where he was resident for his first months in Ireland.³⁶ Kilmainham was the principal house of the hospital of St John of Jerusalem in Ireland, of which the white earl of Ormond's illegitimate half-brother, Thomas Butler, was prior. It was probably during September that Lancaster was seriously wounded in an attack by the Irish of Leinster on

³³ Chron Marl s.a. 1408; ADuisk 98 s.a. 1408. For Lancaster's new indenture as lieutenant of Ireland, see *PPC 1388–1410*, 313–17, and for the elaborate financial arrangements for his lieutenancy, *CPR 1405–08*, 431–2.

³⁴ Chron Marl s.a. 1408. The Gaelic annals report that 'Leprosy attacked the King of England [Ir: *In lubra do gabail Rig Saxan*] and the report came to Ireland. Thomas the King's son left Ireland at the report concerning his father' (AC 1409.2, qtn; ALC ii 126–6 s.a. 1409). AFM reports Lancaster's departure but does not mention Henry IV's illness (AFM iv 798–9 s.a. 1409). AU does not record the event. For an exhaustive analysis of the nature of Henry IV's illness, see Peter McNiven, 'The problem of Henry IV's health, 1405–1413' in *EHR* c 397 (1985) 747–72.

³⁵ Beresford, *Butlers in Eng & Ire* (PhD), 39.

³⁶ The earliest reference to Lancaster at Kilmainham that I have found comes from an *inspeximus* (dated 20 May 1414) of letters patent under the Irish seal witnessed by Thomas of Lancaster at Kilmainham on 12 August 1408, a week and a half after Lancaster landed at Carlingford (*CPR 1413–16*, 195). A writ under the Irish seal was tested at Kilmainham on 20 August (*RCH* 187 §6), and other records show him to have been still resident there on 13 and 16 September (*COD* ii §398; *CPR 1413–16*, 195). The Irish chancery was at either Kilmainham or nearby in the city of Dublin throughout October 1408 (*RCH* 191 §70 & *ibid* 189 §3 [1 Oct]; *RCH* 190 §4 & *ibid*. 190 §58 [12 Oct]; *RCH* 189 §7 [27 Oct]), but by the end of that month it was at Kilkenny (*RCH* 191 §76 [31 Oct]).

Kilmainham and, according to Marlborough, narrowly escaped death.³⁷ Shortly afterwards, the lieutenant proclaimed a royal service.³⁸ The army was to meet at New Ross in Wexford, presumably with the intention of campaigning against Mac Murchadha in Leinster. Ormond was closely involved with Lancaster's military adventures. His role became all the more vital after Lancaster's deputy, Sir Stephen Scrope, succumbed to the plague on 4 September 1408.³⁹ After Scrope's death, Ormond placed the full resources of the Butler lordship at the lieutenant's disposal. On 13 September 1408, Lancaster issued all those in Ormond's company with safe conducts as he had ordained that the earl should personally accompany him 'in our journeys [L: *viagiis*] against certain Irishmen, our enemies, by God's aid to be done presently [L: *deo dante in posterum faciendis*], with all his power both of horsemen and footmen whom he shall advantageously collect.'⁴⁰

The white earl was clearly Lancaster's most important supporter during his Irish lieutenancy of 1408–09. There is less information to guide us regarding his attitude towards the Munster Geraldines. It is clear, however, that Lancaster was openly hostile to the head of the other principal branch of the Geraldines: Gerald fitz Maurice, fifth earl of Kildare. Henry Marlborough⁴¹ reports that a week after Lancaster first landed at Carlingford he was at Dublin, where the earl of Kildare with three of his household (L: *familia*)⁴² came to meet him. Lancaster arrested Kildare and incarcerated him in Dublin castle. All the earl's goods were reputedly

³⁷ Chron Marl s.a. 1408. Marlborough places his report of the attack after the death of Sir Stephen Scrope, which occurred on 4 September 1408.

³⁸ Chron Marl s.a. 1408. Otway-Ruthven's list of royal services in Ireland does not provide an exact date for this 'army of Ross' (Jocelyn Otway-Ruthven, 'Royal service in Ireland' in *JRSAI* xcvi pt 1 (1968) 45), but the proclamation probably dates from c 13 September 1408, on which date Lancaster issued Ormond with a safe conduct (*COD* ii §396). The actual campaign probably took place in November. Late in October the chancery began to move south from Dublin and it had reached New Ross on 14 November (*RCH* 190 §43).

³⁹ Henry Marlborough reports that his death occurred at Castledermot 'in die Sancti Marcelli martyris [4 September 1408]' (Chron Marl s.a. 1408). The Gaelic annals state that Scrope died of plague (*AC* s.a. 1408.5; *ALC* 124–5 s.a. 1408; *AClon* 328).

⁴⁰ *COD* ii §396.

⁴¹ 'Eodem anno in crastino ad vincula Sancti Petri apud Carlingford applicuit dominus Thomas Lancastrie filius Regis locum tenens Hibernie et in sequenti hebdomada venit Dubliniam et arrestavit Comitem Kildarie venientem ad ipsum cum tribus de familia ac omnia bona sua perdidit per famulos dicti locum tenentis et eum in Castro Dublinie incarcerationis soluit ccc Marcas' (Chron Marl s.a. 1408).

⁴² In Ware's published version of Marlborough's chronicle, this section is translated as 'he [Lancaster] came unto Dublin and arrested the Earle of Kildare, comming [*sic*] to him with three of his familie' Ware, 'Marleburrough', 217. However, the Latin text reads *familia* and this is better translated as 'household' (see e.g. R. E. Latham, *Revised medieval Latin wordlist from British and Irish sources with supplement* (Oxford 1965, repr with supplement 1980) 185 s.v. 'familia').

squandered by the lieutenant's men and Kildare remained in captivity until he paid a fine of three hundred marks. The Gaelic annals tell us that he was only liberated as Lancaster prepared to depart from Ireland in March 1409.⁴³

Despite the stir caused by Kildare's arrest, a plausible explanation has not been forthcoming. Presumably, some action of Kildare's had offended Lancaster's dignity as lieutenant of Ireland. If so, it probably dated from Kildare's tenure as justiciar of Ireland in 1405–06, following the death of Earl James III Ormond. J. T. Gilbert states that Kildare was arrested 'for having, with Adam O'Nolan, interfered with the right claimed by the crown of appointing a prebendary to Maynooth'.⁴⁴ This may seem a minor infraction, but it should not be brushed aside lightly. Gilbert was an assiduous scourer of archives and, though his work is now antique, it remains one of the few consistently useful treatments of this period of Irish history. Yet on this occasion Gilbert provides no authority for his assertion. Another meticulous researcher, J. H. Wylie, suggested that Kildare was arrested because, contrary to Lancaster's prerogative, he had appointed Stephen Bray (†1441) as chief justice of the king's bench in Ireland in 1406.⁴⁵ This Stephen Bray came from a family that had long served in the Irish administration. Both he and his father of the same name had previously held the post of chief justice of the king's bench.⁴⁶ It is true that there was some controversy surrounding Stephen Bray, but this is not altogether convincing as an explanation for the arrest of the earl of Kildare in 1408. Kildare was not responsible for appointing Stephen Bray, whose letters of appointment were issued under the English seal on 11 January 1406. They were revoked later the same month because the appointment was reserved to the king's son, Thomas of Lancaster.⁴⁷ Before news of the revocation had crossed the Irish Sea, Bray had been sworn into office in the council chamber of Holy Trinity Priory, Dublin, on 6 February 1406.⁴⁸ It is unlikely that this obvious mistake earned Kildare the ire of Thomas of Lancaster. The entire Irish council had been present when Bray took the oath of office, including one notable Lancastrian, the king's knight Sir Laurence Merbury, treasurer of Ireland.⁴⁹

⁴³ AC 1408.1, 1409.2; ALC ii 124–7 s.a. 1408, 1409; AFM iv 794–5, 798–9 s.a. 1408, 1409.

⁴⁴ Gilbert, *Viceroy*, 300.

⁴⁵ James Hamilton Wylie, *History of England under Henry the Fourth* (4 vols, London 1884–98) iii 167–9; the explanation is accepted in Beresford, *Thomas of Lancaster* (PhD), 68.

⁴⁶ For a very brief catalogue of the careers of the two Stephen Brays, father and son, see F. Elrington Ball, *The judges in Ireland, 1221–1921* (2 vols, New York 1927) i 89, 170.

⁴⁷ *CPR 1405–08*, 106, 145.

⁴⁸ *RCH* 181 §41.

⁴⁹ *RCH* 181 §41.

Moreover, Lancaster's objection was merely one of principle. About Bray himself he had no complaint, for on 6 February 1407, Bray was issued with new letters of appointment under the English seal, this time with the explicit assent of Thomas of Lancaster.⁵⁰

In all likelihood, a definitive explanation for the earl of Kildare's arrest in 1408 will prove permanently elusive; but, given the sparseness of the evidence, we can perhaps be pardoned for offering one further piece of speculation that emerges from our discussion of factional politics since 1405. By far the most dramatic single act of Kildare's brief justiciarship was his decision to grant Thomas, sixth earl of Desmond, custody of the Geraldine inheritance together with all its attendant liberties in March 1406 while Thomas was still a minor. The evidence suggests that the young James IV Butler was eager to receive the same treatment as Earl Thomas, something that only became possible after the arrival of Thomas of Lancaster's deputy, Sir Stephen Scrope, in Ireland. The young earl of Ormond was a ward of Lancaster and the latter therefore had a particular duty to safeguard Butler interests. When this is combined with the fact that Lancaster was clearly extremely resentful of any transgression of his prerogatives (as the case of Chief Justice Stephen Bray demonstrates), it becomes conceivable that Kildare was arrested in response to his unlicensed release of the Desmond inheritance in 1406. This explanation can only be offered tentatively, but it has the virtue of being consistent with Lancaster's close attention to Butler concerns and his dependence on the white earl's military assistance in 1408–09. It must be stressed that Ormond himself does not seem to have been on bad terms with Kildare. He was actively encouraging the aggrandisement of Kildare interests in county Limerick at this time,⁵¹ and it may be that the grant of 1406 was made by Kildare with the best of intentions. Good intentions are, however, easily misconstrued. Whatever the explanation, Lancaster's arrest of Kildare clearly demonstrates how royal favour continued to play a role in the advancement or hindrance of noble fortunes in Ireland in the early years of the fifteenth century.

⁵⁰ *CPR 1405–08*, 285.

⁵¹ *COD* ii §398.

III

Faction and factionalisation, 1409–13

ON 4 March 1409, as Thomas of Lancaster was preparing to return to his stricken father, Henry IV, he appointed Prior Thomas Butler of Kilmainham as his deputy.⁵² The appointment was made for a quarter year, but in June 1409 a mandate was issued under the English seal at Westminster commanding Prior Thomas to attend to the office of deputy lieutenant in the continued absence of Lancaster.⁵³ In the event, he acted as chief governor until after the death of King Henry IV in 1413. The choice of Prior Thomas reflects the value Lancaster placed on the Butler party in Ireland. It was certainly no snub to the white earl of Ormond, who left Ireland at the same time as Lancaster and served in his company for the next few years.⁵⁴ The patronage that the Butlers enjoyed from Henry IV's favourite son at this time brought them closer to affairs at court than at any moment in the past half century.⁵⁵ In Ireland it was predictable that Prior Thomas' tenure as chief governor would involve some promotion of Butler concerns. His partisan actions were scarcely extreme, however. Although complaints against him were voiced at Westminster during 1411–13, we would surely be wrong to accept the prevailing view among historians that he was 'clearly an unsatisfactory person' and 'unequal to the situation'.⁵⁶ On the contrary, he was an extremely active military commander in the service of the English colony and he seems to have been able to retain the support of a large section of the political community in Ireland.⁵⁷ Moreover, factions in Ireland at this time may to some extent have reflected political crises at Westminster. There the faculties of King Henry IV were failing and the government of Henry, the future king, attracted opposition. The Butlers, so closely associated with Thomas of Lancaster—who was portrayed

⁵² *RCH* 191 §§75, 78–9; *ibid.* 192 §§123, 128, 152.

⁵³ *CPR* 1408–13, 85.

⁵⁴ Ormond appointed attorneys in Ireland on 1 March 1409 (*RCH* 190 §47). One of them, Nicholas Stokes, had been entrusted with the Butler inheritance when it had been released to Ormond's use in January 1407 (*COD* ii §389).

⁵⁵ Matthew, *Gov Lancastrian Ire* (PhD), 111–2.

⁵⁶ Quotations respectively from Otway-Ruthven, *Med Ire*, 355; *Ir parl* 163.

⁵⁷ Note the laudatory report in a Latin annal concerning Butler's tenure as chief governor: 'Eodem anno predictus Thomas [of Lancaster] constituit Thomam le Butler priorem Sancti Johannis Jerusalem in Hibernia deputatum suum locum tenentem Domini Regis Hibernie. Qui quidem Thomas le Butler dum fuit deputatus locum tenentis viriliter se habebat erga inimicos Domini Regis et Anglicos rebelles tam in Media Lagenia quam Momonia et Totmonia et plura castra et fortilegia vi cepit super predictos rebelles et Hibernicos inimicos Regis' (AAnon 91 s.a. 1408).

at court as a negligent lieutenant—could hardly fail to become entangled in the controversy.

One event may help to draw these disparate factors together. This is the usurpation of the earldom of Desmond in 1411 by the third earl of Desmond's son, James (†1463), uncle of Thomas, sixth earl of Desmond. Historians of the English colony have been consistent in underplaying the importance of this event.⁵⁸ This presumably stems from a belief that Desmond was now an area peripheral to the mainstream of the colony's life. The expropriation of a noble was, however, never an event of marginal interest to the crown, and events in Desmond were always of prime concern to the Butlers. It is impossible to believe that the discord within the Geraldine network in Munster did not inform the actions of Prior Thomas Butler during his chief governorship of 1409–13. It is, therefore, worth revisiting the factional strife internal to Desmond in order to investigate how it may relate to the more general political trends in colonial Ireland at this time.

For the usurpation of the earldom of Desmond in 1411, we are dependent on a single report in the Gaelic annals that the 'earl of Desmond was expelled by his own kinsman, namely, by James, son of Gerald, so that he put the Earl from out Ireland; that is, Thomas, son of Earl John'.⁵⁹ James of Desmond's position was subsequently legitimised, so it is little surprise to find that later Geraldine tradition tends either to gloss over the expulsion of his nephew,⁶⁰ or to stress Earl Thomas' flaws and culpability. According to one tradition, he was expelled due to an unfortunate liaison with a peasant girl named Catherine Ní Cormac.⁶¹ Thomas did indeed die in 1420, 'leaveing [*sic*] as issue one bastard son, [Maurice] of whom descended the house of Broughill [Broghill]';⁶² but a different genealogy identifies Maurice's mother as another woman, the daughter of Ó Súilleabhain Mór.⁶³ Another source—Thomas Russell's 'Relation of the FitzGerald's of

⁵⁸ Otway-Ruthven devotes less than a sentence to the event, merely remarking 'in Munster the Geraldines were warring among themselves and Desmond was driven out by his uncle' (Otway-Ruthven, *Med Ire*, 346).

⁵⁹ AU iii 60–61 s.a. 1411 (qtn 61); AFM iv 806–7 s.a. 1411. ALC and AC erroneously describe James of Desmond as 'his [Thomas] brother' (ALC 136–7 s.a. 1411; AC s.a. 1411.16).

⁶⁰ No mention is made of the usurpation in Séamus Pender (ed), 'The O Clery book of Genealogies' in *AH* 18 (1951) §§2137–8; Samuel Hayman (ed), 'The Geraldines of Desmond' in *JRSAI ser4 v* (1879–82) 220–21, 227.

⁶¹ Gilbert, *Viceroy's*, 307–08; Lynch, *Legal institutions*, 248–9.

⁶² Samuel Hayman (ed), 'Unpublished Geraldine documents—pt 2' in *JRSAI ser3 i* (1868) 463 (qtn). See also below app 3, genealogy A3.2.

⁶³ Nicholls, 'Late medieval annals', 89 n 7. The Mac Fhirbhisigh genealogies make no mention Thomas' expulsion, but twice state that 'he [Tomás] died without offspring [Ir: *d'imthigh gan tsliocht*]' (*The great book*

Ireland’—also makes no mention of Desmond’s ‘*mésalliance*’.⁶⁴ Rather it explains the expulsion by referring to Thomas’ failings as earl, stating that he succeeded his ‘noble and illustrious progenitors in the Earledome of Desmond’, but lacked their ‘noble qualitiyes and behauioir; for he fell into a forgetfullnesse of his duty and allegiance to the Crowne of England’.⁶⁵ Thomas was forced to find sureties for his good behaviour, but soon fell under suspicion for a second time. The account remarks that just as ‘a hott ague is dangerous ... and the second relapse irrecoverable’, so Thomas was expelled at his second show of rebellion. The account concludes:

The Earle himselfe, after many windings and turneings vp and downe the Realme, and wanting both friends and meanes, at last hee left the Land and fledd to France, where he dyed in banishment, Anno 1446 [*recte* 1420] ... Soe that foolish Earle lost most vnghappily all that for which his renowned Ancestors brauely fought.⁶⁶

Much of this is clearly fanciful, but a few fibres of verifiable fact have been woven through the tale. The Gaelic annals tell us that James of Desmond not only usurped the earldom but also expelled his nephew from Ireland. It seems that the expropriated Earl Thomas did not accept his fate lightly. He travelled to England where he was active from 1411–13 in recruiting supporters and petitioning the king for military aid for the purpose of recovering his earldom. That campaign did not get underway until the first year of the reign of the new king, Henry V. On 21 August 1413, letters patent were issued by the English chancery ordering the arrest of shipping in the port of Bristol or other ports along the west coast of England for Thomas, earl of Desmond.⁶⁷ The exceptional size of the armies that had intermittently been transported across the Irish Sea since 1361 should not cause us to lose sight of the fact that the force Desmond recruited in England was, by Irish standards, formidable.⁶⁸ The letters issued in his favour report that he was returning to Ireland accompanied by some sixty men-at-arms and three hundred archers.⁶⁹

of Irish genealogies, compiled (1645–66) by Dubhaltach Mac Fhirbhisigh, ed and tr Nollaig Ó Muraíle (5 vols, Dublin 2003–04) iii 74–5 §§787.5, 787.6).

⁶⁴ The phrase is that of K. W. Nicholls, ‘Late medieval annals’, 89 n 7.

⁶⁵ Hayman (ed), ‘Unpublished Geraldine documents—pt 1’ in *JRSAI ser3 i* (1868) 364.

⁶⁶ *Ibid.* 364–5.

⁶⁷ *CPR 1413–16*, 117.

⁶⁸ In size it is comparable, for instance, to the forces listed in Frame, *Ire & Brit*, 291, table 3, ‘Some paid armies in Ireland, 1308–58’.

⁶⁹ *CPR 1413–16*, 117.

Thomas' supporters seem to have been drawn mostly from the south and south-west of England, an area in which many men of Munster origin seem to have taken refuge in the later fourteenth century.⁷⁰ Roland Roche and John Hoigge of Cornwall, and Peter Yorke of Shaftesbury in Dorset were granted protections in December 1413, as they were about to go to Ireland in the king's service with Thomas, earl of Desmond.⁷¹ Another recruit who accompanied Desmond to Ireland was the abbot of the house of Augustinian canons at Keynsham in Somerset.⁷² It was presumably in gratitude for the abbot's support that Thomas petitioned the king for a licence to make a grant in perpetuity to the abbot and convent of Keynsham of the advowson of the church of Dungarvan, county Waterford, which Desmond held of the king in chief.⁷³ On 12 September 1413, Henry V assented to Desmond's request,⁷⁴ and the lieutenant, chancellor, treasurer and other royal ministers in Ireland were ordered not to molest either the earl of Desmond or the abbot and convent of Keynsham on account of the donation.⁷⁵ Desmond seems to have arrived in Ireland during 1414.⁷⁶ The annals report that the 'Earl of Desmond came into Ireland this year and a force of Saxons came with him (Ir: *nert Saxanach do thecht leis*) to destroy Munster'.⁷⁷ We know nothing of the ensuing campaign, but it clearly failed in its objective of dislodging James of Desmond. We next hear of Earl Thomas in 1417, when we are told that he had been 'falsly & deceatfully taken & detayned in prison by his unkle [James], to the greate distruction of all the contry of Mounstre'.⁷⁸

⁷⁰ A petition of c 1382 reports the flight of Munstermen to Bristol and Cornwall (TNA SC 8/118/5889).

⁷¹ *CPR 1413–16*, 146, 150.

⁷² For the abbey of Keynsham, see Dom David Knowles, *The religious houses of medieval England* (London 1940) 85; *VCH Somerset* ii 129–31. On 16 June 1423, the abbot of Keynsham was licenced to appoint a proctor to look after the Irish lands of the convent (*CPR 1422–9*, 104).

⁷³ Philomena Connolly, 'Irish material in the class of Ancient Petitions (SC8) in the Public Record Office, London' in *AH 34* (1987) 97.

⁷⁴ *CPR 1413–16*, 160; the letters patent were subsequently enrolled in the Irish chancery (*RCH 204 §37*).

⁷⁵ *CPR 1413–16*, 160; *RCH 204 §37*.

⁷⁶ His return is recorded in the annals before the arrival of Sir John Stanley as lieutenant (AC 1414.16; AFM iv 818–9 s.a. 1414). We know from other sources that Stanley landed at Clontarf, co Dublin, on 25 September 1413 (Chron Marl s.a. 1413), which indicates that the chronology in the Gaelic annals is unreliable and that Desmond's return should perhaps be placed in 1413. Nonetheless, the fact that men in Desmond's company were still receiving protections in December 1413 (*CPR 1413–16*, 146, 50) suggests that his force only set out after this date and arrived in Ireland during 1414.

⁷⁷ AU iii 66–7 (qtn 67); AFM iv 816–7 s.a. 1414. AC reads 'to devastate Meath (Ir: *do milled na Mide*)', but this is clearly an error for Munster (Ir: *Muman*). ALC does not record the event.

⁷⁸ Ellis, *Letters* i ltr XIX qtn 61.

Earl Thomas' attempt to retake his earldom was, then, no peripheral matter. It involved seeking the support of the king himself and the recruitment of a sizeable military force in England. That an earl of Desmond in this period should have sought the aid of the English crown is instructive in itself. It indicates that even in Munster—an area that has been considered remote, if not divorced, from the colony's politics—the centripetal draw of the English court remained strong. Why then was Thomas' venture abortive? Is it possible that there were wider forces conspiring against the success of his venture? To answer this question it is necessary to re-examine in some detail events elsewhere in the colony at the time of the earl of Desmond's expulsion, as well as the broader context of politics in England from 1410–13.

A starting point is provided by two meetings of an afforced council that were held around September 1411, some two and a half years after Prior Thomas Butler began his tenure as deputy of Thomas of Lancaster. The details of the meetings are recorded in the register of Archbishop Nicholas Fleming of Armagh (†1416).⁷⁹ A letter addressed to Henry IV tells us that, at a council held at Naas in September 1411, Archbishop Thomas Cranley of Dublin and Archbishop Risdéard Ó hÉidigheáin of Cashel were nominated and elected as ambassadors to the king in order to expound to him upon the state and governance of the land of Ireland.⁸⁰ Shortly after this council had taken place, royal letters arrived from England demanding that the Irish council certify the king upon the state and governance of Ireland since the departure of his son, Thomas of Lancaster, in 1409. A second council was summoned upon receipt of this command. The king's lieges assembled once again in order to discuss the evils of the land and 'in order for us loyally to acquit the said Thomas [of Lancaster] to your said royal majesty (F: *pour nous loialement acquitiere a votre dite royall mageste le dite Thomas*).'⁸¹ The authors of the letter asked the king to place his faith in their ambassador, Archbishop Cranley, and requested that the king 'ordain a gracious remedy ... to

⁷⁹ *Reg Fleming* §§185–6. The interpretation of these letters is somewhat hampered by infelicities in the text of the new edition. Some misreadings are readily identifiable. For instance, the clause 'de consensu et voluntate consilii vestrum Hibernia' (ibid. §185, lines 15–16), should read *de consensu et voluntate consilii vestri in Hibernia*. Excerpts from this letter are pr *Ir parl* 163 n 4; Margaret Griffith, *The council in Ireland, 1399–1452* (BLitt University of Oxford 1935) 153–4.

⁸⁰ *Reg Fleming* §186.

⁸¹ Ibid. §186 (qtn 184). My translation differs slightly from the calendar prepared by H. J. Lawlor, which reads 'for us *lawfully* to acquit the said Thomas to you'. See H. J. Lawlor, 'Calendar of the register of archbishop Fleming' in *PRIA* xxx (1912–13) C5 §186 (my emphasis); reproduced in *Reg Fleming* §186 (qtn 183).

the honour of God and the glorious exaltation of your crown'. Finally, the letter was attested by a long list of the king's 'humble lieges'.⁸² A second letter in support of Cranley, composed by Archbishop Fleming personally, provides other revealing details. It begins with a report on the sorry state of Ireland, which Fleming dolefully states was about to be 'truly, utterly and finally destroyed (L: *veresimiliter penitus et finaliter destruende*)' unless the king speedily remedied the situation.⁸³ Fleming then refers to Archbishop Cranley's mission to report upon the state of the land, and he asks the king to afford Cranley a favourable hearing. He also adds a caveat that the king should reject all others who had not been elected by the council or the lieges of Ireland and who cared only for their own profit rather than the common welfare of the land (L: *rejectis aliis non per consilium nec ligeos terre vestre Hibernie electis sed commodum singulare sectantibus et de republica et commodo communi non curantibus*).⁸⁴

It has been assumed that the purpose of these letters and of Cranley's mission to Westminster was to complain to the king about the incumbent of the chief governorship, Prior Thomas Butler of Kilmainham. The point is made with characteristic vigour by Richardson and Sayles: 'It is clear—and this is the significant fact—that the council were acting in opposition to Butler, the lieutenant's deputy, for the king was warned ... against listening to the representations of any messengers not sent by the Irish council and his faithful Irish lieges'.⁸⁵ This conclusion is, however, by no means clear. Neither of the ambassadors elected to travel to England in 1411 are convincing in the role of Butler opponents. Risdéard Ó hÉidigheáin, as we have seen, was patronised by the third earl of Ormond early in his career before he rose to the dignity of archbishop of Cashel, and he subsequently played an important part in the rearing of Edmund son of Richard Butler, a nephew of the white earl of Ormond.⁸⁶ In 1417, Archbishop Cranley was to serve in a similar capacity as an envoy of the Irish

⁸² These were: Archbishop Nicholas Fleming of Armagh; Patrick Barrett, bishop of Ferns (C 1410–13); Robert Montain, bishop of Meath; Gerald fitz Maurice, fifth earl of Kildare; Sir David Wogan; Sir Thomas Fleming; Sir Christopher Fleming; the mayor and bailiffs of the city of Dublin and the seneschal and bailiffs of the town of Drogheda; John Darcy; Christopher Holywood; and Christopher Plunket.

⁸³ *Reg Fleming* §185.

⁸⁴ *Reg Fleming* §185, although I have changed the Latin text where it reads 'per consilium *nee* ligeos' (line 19, my emphasis); cf. *Ir parl* 163 n 4 line 5.

⁸⁵ *Ir parl* 163. For similar conclusions, see Otway-Ruthven, *Med Ire*, 346; Dorothy Johnston, 'Cranley, Thomas (c. 1337–1417)' in *Oxford DNB*, internet version [www.oxforddnb.com/view/article/6612, accessed 26 March 2005].

⁸⁶ See above 290.

political community. On that occasion he was clearly a supporter of Butler interests, and the then chancellor of Ireland, Sir Laurence Merbury, refused to affix the great seal of Ireland to the list of grievances drawn up on behalf of the Irish parliament.⁸⁷ Further evidence of Cranley's association with Butler adherents is provided by his activities following the afforced council of 1411. Although the archbishop did not leave for Westminster until 28 March 1412,⁸⁸ preparations for his journey had been underway for some time. On 11 February 1412, he appointed attorneys including Sir Edward Perers and Janico Dartasso, men with long-standing Butler connections.⁸⁹

What then of the others who attested the letter of 1411? Among them were two men who were to be vehement defenders of Butler concerns in the coming years. Gerald fitz Maurice, fifth earl of Kildare and Sir Christopher Preston were both arrested in June 1418 by the then chief governor of Ireland, 'because they sought to commune with the prior of Kilmainham [Thomas Butler]'.⁹⁰ Naturally the events of 1418 cannot be taken as a certain guide to attitudes in 1411; but we are surely entitled to question whether Kildare and Preston can credibly be depicted as detractors of Prior Butler at one moment (1411) and defenders at another (1418). Evidence from the year 1410 connecting both men to Butler associates suggests not. On 8 March 1410, the commons of Dublin and Meath requested that Sir Christopher Preston be appointed to oversee moors that had been granted to them in common by King John, and which had now lately been devastated. They further requested that the Butler adherent, Sir Edward Perers, whom Prior Thomas had recently appointed as supervisor of keepers of the peace for the whole of Ireland,⁹¹ should act with Preston in this endeavour.⁹² It would be small wonder to find that Gerald, earl of Kildare—who had spent the winter of 1408–09 in the dungeon of Dublin Castle at Thomas of Lancaster's pleasure—welcomed an opportunity to sling mud at the king's lieutenant and his deputy in 1411. Yet Kildare was also moving in the Butler orbit. Around 1410, he made a grant of the manor of Donaghdea (bar Ikeathy, co Kildare), to the treasurer of Ireland, William Alyngton. Alyngton in turn granted the manor to Robert Herbryg

⁸⁷ 9 Hen V [Ire], c 5 (*Statutes John–Hen V* 566–7).

⁸⁸ Griffiths, *Council in Ire* (BLitt), 127 n 1.

⁸⁹ *RCH* 198 §29.

⁹⁰ Ware, 'Marleburrough', 219–20 (qtn); Chron Marl s.a. 1418. For a full discussion of the circumstances, see below ch 10.

⁹¹ Frame, 'Commissions', §218; =*RCH* 194 §190.

⁹² *RCH* 196 §84.

and Nicholas Stokes.⁹³ These men were the trustees who had been granted all the Butler estates in Ireland to the use of the white earl in January 1407.⁹⁴ Since the manor of Donaghdea later came into the possession of the Butlers,⁹⁵ there can be little doubt that they were acting in a similar capacity in 1410, and that the earl of Kildare intended to convey the manor to the Butler family.

Any lingering doubts about the intentions behind the letter to Henry IV in 1411 should be allayed by the fact that the composers were at pains to emphasise that they wrote to vindicate the record of the king's son, Thomas of Lancaster. They could hardly have hoped to achieve this by simultaneously denigrating Prior Thomas, the man Lancaster chose as his deputy during his absence from Ireland. It would seem then that this letter and the mission of Archbishop Cranley were with the purpose of endorsing Thomas of Lancaster and his deputy Prior Thomas Butler. Encomiastic missives such as this were characteristic of factional politics and were to become increasingly familiar during the fifteenth century. Their purpose was to silence the voices of rivals. Someone, in other words, was voicing grievances about Prior Thomas' chief governorship at Westminster in the second half of 1411. These complaints had prompted the king's request to be certified upon the state of Ireland. Archbishop Fleming's warning to the king to spurn all those who were not elected by the lieges of Ireland was an attempt to undermine this anonymous detractor.

There were good reasons why a complainant against Thomas of Lancaster's deputy might expect a favourable reception in 1411. Since 1410, the government of England had rested in a 'continual council' headed by Prince Henry.⁹⁶ The prince's relationship with his brother, Thomas of Lancaster, during these years was fraught. On more than one occasion, Lancaster's record in Ireland was openly criticised. In the parliament of January 1410, the absenteeism of some of the king's officers in Calais, Guyenne and Ireland was noted and the commons demanded that such persons should be commanded to 'reside there personally, in accordance with their status ... to defend the aforesaid regions'. The commons

⁹³ COD ii §407. For Ikeathy, see Jocelyn Otway-Ruthven, 'Knight's fees in Kildare, Leix and Offaly' in *JRSAI* xci (1961) 165; Matthew Devitt, 'The barony of Okethy' in *J Kildare Archaeological Soc* viii (1915–17) 276–301, 388–98, 464–88.

⁹⁴ COD ii §389.

⁹⁵ COD iii §8; Beresford, *Butlers in Eng & Ire* (PhD), app ii 287.

⁹⁶ Christopher Allmand, *Henry V* (Yale edn New Haven & London 1997) 44–8; J. L. Kirby, 'Councils and councillors of Henry IV, 1399–1413' in *TRHS ser5* xiv (1964) 57–8 & 65 (app entitled 'Numbers of known attendances in council during the various chancellorships', §6); K. B. McFarlane, *Lancastrian kings and Lollard knights* (Oxford 1972) 108–09.

then diplomatically added that Thomas, the king's son, might be exempted from such a provision. Yet their point had been made.⁹⁷ On 19 June 1410, Lancaster petitioned Prince Henry and the other members of the council for payment of arrears of his fee as lieutenant of Ireland. The council's reply can be taken as a rebuke. Lancaster was told that only if he deigned to fulfil the terms of his indentures, would they seek to find him due payment.⁹⁸ Lancaster, of course, never set foot in Ireland again, and as a consequence payments and assignments to him remained in arrears.⁹⁹ His relationship with Prince Henry deteriorated further during the next year and it is against this acrimonious background that we must set the king's demand in the autumn of 1411 to be certified upon the governance of Ireland since Lancaster's departure, a demand that was almost certainly prompted by complaints made to the council led by Prince Henry.

The question that has so far been studiously evaded must now be addressed: is it possible to identify the anonymous complainant of 1411? In the absence of hard evidence we should probably resign ourselves to an answer in the negative. Yet it may be possible to negotiate a path of plausible conjecture between hard evidence and fantasy. Events in Ireland during 1411 suggest a candidate: Thomas, the sixth earl of Desmond. As we have seen, Earl Thomas was deposed by his uncle, James of Desmond, during 1411. He was expelled from Ireland and seems to have travelled to England in search of support. Is it then possible that Earl Thomas was the aggrieved party? Was Archbishop Fleming thinking of Desmond when he wrote to the king asking him to ignore all those who had not been elected by the lieges of Ireland because they cared only for their singular profit and not the common welfare of the land?

The only possible response to this otherwise unanswerable question is to attempt to assess the attitude of the Butlers to the usurpation. Circumstantial details indicate that Prior Thomas Butler was supportive of Earl Thomas's uncle, James 'the usurper'. On 13 December 1411, James 'de Dessemond' received a grant of the manor of 'Lemardcale' in Kerry, which was then in the king's hand.¹⁰⁰ This show of favour may seem modest, but the timing suggests that it was

⁹⁷ Chris Given-Wilson (ed), 'Henry IV: parliament of January 1410, text & trn' in *PROME CD-R*, item 22.

⁹⁸ *PPC 1388–1410*, 339.

⁹⁹ Otway-Ruthven, *Med Ire*, 346; Peter McNiven, 'Prince Henry and the English political crisis of 1412' in *History lxxv* (1980) 6.

¹⁰⁰ *RCH* 198 §10. It occurs as 'Lymerkaghell' (par Ballymacelligott, bar Trughanacmy, co Kerry) in the Desmond survey of Kerry taken in 1584. I am indebted to Dr Paul MacCotter for the identification of this place name. For the cantred of Acumys (*Aicme*), see Paul MacCotter, 'The cantreds of Desmond' in *JCAHS* cv (2000) 58.

pregnant with significance. It came late in 1411, in the aftermath of James' deposition of his nephew. It therefore suggests that the central government under Prior Thomas acquiesced in the expulsion of Desmond. It also coincided with a rush of favours made to other known Butler supporters. On the same day as the grant to James of Desmond, a clerk by the name of Maurice Coggeran was granted five acres of land near the city of Waterford.¹⁰¹ Coggeran was a close confidant of Prior Thomas. He had served the prior on the latter's military campaigns in Ireland and, in recognition of his 'laudable service and immense labours', was granted a pardon for having received the Bermingham manors of Knockgraffon and Kiltinan in the liberty of Tipperary.¹⁰² There was more to the grant than at first appears. Coggeran, in fact, was acting as one of the prior's feoffees for these Tipperary lands. The grant was made to Coggeran to the use of the prior, enabling the latter to enjoy the manors and pass them on to his children after his death while side-stepping the normal common law rules of inheritance. This was only one of a series of significant grants to Coggeran. On 26 November 1411, he received two parts of the lands of Sir William Windsor in Cork, which had been seized into the king's hands due to the absence of Windsor's heirs.¹⁰³ This was a reference to Windsor's moiety of Inchiquin and the town of Youghal that had been at the heart of so much ill-feeling between the Geraldines and Butlers. Coggeran was also rewarded with a series of valuable prebends in the dioceses of Ossory and Dublin during 1410–12.¹⁰⁴ Another man rewarded around this time was the white earl of Ormond himself. On 16 February 1412, Ormond received for an annual rose rent two manors that had long been coveted by the Butler family: Castlewarden and Oughterard, county Kildare.¹⁰⁵ Prior Thomas' patronage of James of Desmond late in 1411 should be interpreted as part of this trend of promoting the interests of his kinsmen and supporters in 1411–12. In that sense,

¹⁰¹ *RCH* 198 §11. He occurs as 'Morrice Coggereau' in Rowley Lascelles (ed), *Liber munerum publicorum Hiberniae ab an. 1152 usque ad 1827; or the establishments of Ireland from the nineteenth of King Stephen to the seventh of George IV., during a period of six hundred and seventy-five years* (2 vols, London 1824–30) ii 256 pt V, under 'Prebendaries of Mullahidert'. Lascelles is here citing the original IrPR 13 Hen IV, but there is no good reason to prefer his reading to that of the editor of *RCH*. David Beresford renders his name as 'Maurice Cogan', but it seems unlikely that he was a member of the Cogan family (Beresford, *Butlers in Ire & Eng* (PhD), 29). Elsewhere, he occurs as 'Maurice O'Cograne' (*COD* iii §24), which hints that he may have been of Gaelic origin.

¹⁰² *COD* iii §24; the grant is recorded in *COD* ii §406.

¹⁰³ *NLI* (Harris) Ms 4 f 180; = *RCH* 198 §3.

¹⁰⁴ *RCH* 194 §15; *ibid.* 198 §5; *ibid.* 200 §105.

¹⁰⁵ *RCH* 198 §26 (c); *ibid.* 200 §76. See Crooks, "'Hobbes'", 145 n 147; and above 100 n 134.

the Munster Geraldines were now being drawn into the aristocratic network of the Butlers with the carrot rather than the stick.

Given that the government of Prior Thomas Butler was well-disposed to James of Desmond, it is certainly not beyond the realm of possibility that Earl Thomas, so recently supplanted, voiced grievances against the prior in 1411. These political manoeuvres indicate that success in power struggles in Ireland continued to depend in large part upon gaining the ear of the central government. Curial politics were never predictable, however, and the waxing and waning fortunes of Earl Thomas during 1411–14 seem to reflect these vicissitudes.

However receptive the English council under Prince Henry may have been to complaints about his brother during 1411, the atmosphere was soon to alter dramatically. On 30 November of that year, the prince and his fellow councillors were dismissed *en masse* from office.¹⁰⁶ A new mood at court may explain why the concerns of Earl Thomas of Desmond were slow to be addressed. During King Henry IV's reassertion of authority in the first six months of 1412, Thomas of Lancaster basked in his father's favour, a fact most clearly demonstrated when Lancaster was granted the title duke of Clarence.¹⁰⁷ The white earl of Ormond's proximity to Lancaster can be assessed from his remarkable and unique eye-witness accounts of English politics at this time.¹⁰⁸ As Lancaster's protégé, Ormond naturally experienced good fortune in the early months of 1412. In May, the obstacles that prevented him from gaining control of his English estates were brushed aside when the escheators in an array of counties in England were ordered to grant Ormond livery of his inheritance, 'notwithstanding that by inquisitions taken at his father's death ... it is found that he is yet within age, and notwithstanding that he has not proved his age in England'.¹⁰⁹ It was only later in 1412, after Prince Henry and his father were reconciled, and Thomas, now duke of Clarence, was preparing to depart for France with the white earl of Ormond in his

¹⁰⁶ McNiven, 'Prince Henry & the political crisis of 1412', 1; J. L. Kirby, *Henry IV of England* (London 1970) 240.

¹⁰⁷ *CChR* 1341–1417, 447.

¹⁰⁸ Ormond seems to have passed his tales of this period down to his son, Thomas, seventh earl of Ormond (†1515), who related them to the author of the *First English life of Henry V*. See Charles Lethbridge Kingsford (ed), *The first English life of King Henry V written in 1513 by an anonymous author known commonly as the translator of Livius* (Oxford 1911) xvi–xxxviii; W. T. Wylie & William Templeton Waugh, *The reign of Henry the Fifth* (3 vols, Cambridge 1914–29) iii app z 445–8; Matthew, *Gov Lancastrian Ire* (PhD), 113–5.

¹⁰⁹ *CCR* 1409–13, 286.

company,¹¹⁰ that the complaints about Lancaster's Irish administration were addressed. On 1 August 1412, Prior Thomas Butler was commanded to appear before the king in England by Michaelmas.¹¹¹ The prior failed to comply and a report reached the king that although his letters were delivered in good time, 'the prior has taken no heed so to appear'. In consequence, Chief Justice Stephen Bray was commanded to cause proclamations throughout Ireland 'where Thomas Butler is likely to receive speediest notice', ordering the prior to appear before the king at Westminster in the following spring.¹¹² There is no evidence that the prior heeded the order and, on 20 March 1413, King Henry IV died.

IV

THE lieutenancy of Thomas of Lancaster in Ireland lapsed with his father's death. When the new king turned his attention to the colony, his appointee in the office of lieutenant was Sir John Stanley.¹¹³ Stanley, of course, was well-known to the Butlers, but he had also recently been mooted as a replacement for the absentee Thomas of Lancaster in 1409.¹¹⁴ His appointment, in other words, signalled a change in direction.¹¹⁵ It was also at this time that Earl Thomas' efforts to regain his earldom began to receive the active support of Henry V. The earl of Ormond had returned from France after the death of Henry IV in March 1413, and his next duties were destined to be in Ireland. It is not entirely clear whether Henry V expected him to aid Desmond in the recovery of his earldom, but it seems most probable that this was what the king had in mind.¹¹⁶ Orders to arrest shipping for Ormond's company of forty men-at-arms and 160 archers were issued on the same day and for the same port as those for Desmond.¹¹⁷ The king's intentions are one matter; whether Ormond ever provided Desmond with any assistance is quite another. On balance it seems most unlikely that he did so. The suggestion that

¹¹⁰ Thomas of Lancaster entered an indenture with the king on 8 June 1412 for conducting 1000 men-at-arms and 3,000 archers to France, and was appointed as lieutenant of Aquitaine on 11 July 1412 (*Fœdera* [H] iv pt ii 15, 20); Henry Marlborough makes note of Ormond's involvement in the ensuing expedition (Chron Marl s.a. 1412).

¹¹¹ *CCR 1409–13*, 286.

¹¹² *Ibid.* 401.

¹¹³ *CPR 1413–16*, 53; *PPC 1410–22*, 131.

¹¹⁴ *PPC 1388–1410*, 319–20.

¹¹⁵ Attacks made by a parliament held under James, earl of Ormond, in 1422 can, perhaps, be interpreted as indicative of this new hostility to Stanley (see 9 Hen V [Ire], c 7 in *Statutes John–Hen V* 568–9; Gilbert, *Viceroy*, 568).

¹¹⁶ For an alternative view, see Matthew, *Gov Lancastrian Ire* (PhD), 112.

¹¹⁷ *CPR 1413–16*, 117.

Ormond did not support Earl Thomas's attempt to dislodge his uncle is perhaps supported by the way the Gaelic annals report the arrival of Desmond and Ormond in Ireland in 1414 as two separate events with discrete motives.¹¹⁸

This reconstruction of events in Ireland from 1409–13 admittedly rests on shaky foundations. At a minimum, however, it should be clear that so much is *uncertain* that we cannot afford to be complacent in our interpretations. Reconsideration of these years is long overdue. This chapter has sought to demonstrate that political events at the centre continued to resound in the colony across the Irish Sea during this period. It also sought to stress that the expulsion of the earl of Desmond in 1411 was more than merely a domestic dispute within the house of Desmond. By supporting James of Desmond, Prior Thomas Butler set in place an entirely different framework for Geraldine–Butler relations, a relationship that would be cooperative rather than combative. He also sowed the seeds of the discord that would arise between the Talbot and Ormond parties in the reign of Henry V. The one constant in the turbulent years until Henry V's death was the support that the Butler party lent James of Desmond over his deposed nephew.

¹¹⁸ AC s.a. 1414.11; AFM iv 816–7 s.a. 1414.

Recrimination in resolution:
the Talbot–Ormond antagonism, 1414–23

IN OCTOBER 1423, the attention of the English parliament presided over by Humphrey of Gloucester, uncle of the boy-king Henry VI (1422–61; 1470–71),¹ was drawn to a serious dispute between James, the fourth or white earl of Ormond (†1452), and Sir John Talbot (†1453). These two men had much in common. Both were relatively young, being contemporaries of the late King Henry V;² both had a background of service in Lancastrian enterprises; both had recently acted as the king's lieutenant of Ireland;³ and both were among that increasingly rare breed of magnate who held extensive possessions on both sides of the Irish Sea.⁴ The parliament was alert to the danger of unchecked strife between two such men with transregional interests. It therefore sought to compose the 'many dissensions, disturbances, disputes, scandals and other intolerable evils which, God forbid, might indeed be easily generated between royal lieges, not only in the realm of England but also in the king's lordship of Ireland'.⁵ Seemingly, it was feared that a factional conflict with its origins in Ireland could disturb England as well.

The Talbot–Ormond conflict was to dominate the politics of the lordship of Ireland until the mid-fifteenth century. Yet, despite its lasting significance, the origins of this discord in the reign of King Henry V (1413–22) have not had the benefit of a dedicated examination.⁶ The purpose of this chapter is twofold. A

¹ For Gloucester's role, see Anne Curry (ed), 'Henry VI: parliament of October 1423, text & trn' in *PROME CD-R*, item 1; and generally, J. S. Roskell, 'The office and dignity of protector of England, with special reference to its origins' in *EHR* lxxviii 267 (1953) 193–233.

² The fourth earl of Ormond was born c 1390 (E. A. E. Matthew, 'Butler, James, fourth earl of Ormond' in *Oxford DNB* ix 147). King Henry V and Sir John Talbot were both born c 1387 (Christopher Allmand, *Henry V* (Yale edn New Haven & London 1997) 7–8; A. J. Pollard, *John Talbot and the war in France, 1427–1453* (RHS London 1983) 7).

³ *NHI* ix 476: Sir John Talbot (Lt 1414–20); James, fourth earl of Ormond (Lt 1420–22).

⁴ For transregional landholding in an earlier period, see Robin Frame, 'Aristocracies and the political configuration of the British Isles', *Ire & Brit*, 151–69 (1st pr R. R. Davies (ed), *The British Isles, 1100–1500: comparisons, contrasts and connections* (Edinburgh 1988) 141–59); idem, *The political development of the British Isles, 1100–1400* (Oxford 1990, repr 1995) esp 53–60.

⁵ Curry (ed), 'Hen VI: parliament of October 1423' in *PROME CD-R*, item 9.

⁶ Otway-Ruthven, *Med Ire*, 348–58 is useful but her dating of some important documents is unreliable. For the Talbot–Ormond conflict in the period 1420–52, see esp Matthew, *Gov Lancastrian Ire* (PhD), *passim*; see also Griffith, 'Talbot–Ormond struggle'; *Ir parl* 170–73, 200–02; R. A. Griffiths, *The reign of Henry VI: the exercise of royal authority, 1422–1461* (Sutton edn Stroud 1998) 162–7, 411–9; Simms, 'Bards and

primary task is to provide a narrative of the conflict in the years 1414–20. Secondly, this chapter examines the causes of the dispute and the motives of the rival parties. This leads into a final thematic chapter which seeks to explore the character of the dispute by examining strategies of dominance and defiance in the period before the temporary resolution of the conflict in 1423.

I

Talbots and Butlers to 1414

SIR JOHN Talbot was appointed king's lieutenant of Ireland for a term of six years on 24 February 1414.⁷ He was intended to replace Sir John Stanley, who had died on 8 January 1414,⁸ reputedly from the 'venom of the lampoons' of Gaelic poets,⁹ just over three months after taking office as lieutenant of Ireland.¹⁰ Talbot did not arrive in Ireland until 10 November 1414.¹¹ Three days later, on 13 November, he took the oath of office in the chapel of the Holy Trinity at Christ Church, Dublin, in the presence of the outgoing justiciar, Archbishop Thomas Cranley of Dublin, and the king's council of Ireland.¹²

barons' in *Med frontier societies*, 183–7. For biographies of two of the principals of the Talbot party, see Pollard, *John Talbot & the war in France*; idem, 'Talbot, John, first earl of Shrewsbury and first earl of Waterford' in *Oxford DNB*, internet version [www.oxforddnb.com/view/article/26932, accessed 26 March 2006]; John Henry Bernard, 'Richard Talbot, archbishop and chancellor (1418–1449)' in *PRIA* xxxv (1919) C5 218–29; Elizabeth Matthew, 'Talbot, Richard (d. 1449)' in *Oxford DNB*, internet version [www.oxforddnb.com/view/article/26939, accessed 26 March 2006].

⁷ *CPR* 1413–16, 164.

⁸ Stanley landed at Clontarf, co Dublin, on 25 September 1413. On 1 January 1414, he was at Ardee, co Louth (*CPR* 1413–16, 253). He died a week later on 8 January (Chron Marl s.a. 1413). Marlborough gives the date of his death as 6 Ides January. Ware's English edition mistakenly records Stanley's death as 18 January. The slip is presumably the result of counting forward from the Ides (Ware, 'Marleburrough', 218). This error is perpetuated in all the lists of chief governors (e.g. Wood, 'Office of chief governor', 233; *NHI* ix 476; Matthew, *Gov Lancastrian Ire* (PhD), app i list 2, 'Holders of the office of chief governor in Ireland', 483). The Camden edition ignores the reference to the Ides and records the date of Stanley's death as 6 January (William Camden, *Britannia, sive florentissimorum regnorum Angliæ, Scotiæ, Hiberniæ, et insularum adiacentium ex intima antiquitate chorographica descriptio* (London 1607) 834).

⁹ AC s.a. 1414.16 qtn 423. For comment, see Katharine Simms, 'Bards and barons: the Anglo-Irish aristocracy and the native culture' in *Med frontier societies* 184

¹⁰ Chron Marl s.a. 1413.

¹¹ Chron Marl s.a. 1414.

¹² *RCH* 205 §86. Lists of chief governors of Ireland date Archbishop Cranley's justiciarship from 18 January 1414. Yet Henry Marlborough clearly states that Cranley was chosen as justiciar of Ireland on 22 January 1414 (Chron Marl s.a. 1413; the election without a precise date is also reported in *Statutes John–Hen V* 568–9). This date might seem unduly rapid had Stanley died on 18 January, but it is perfectly consistent with the earlier date for Stanley's death of 8 January 1414. External evidence proves that Cranley had indeed taken office by 26 January 1414 (*CPR* 1422–9, 69).

The choice of Sir John Talbot as lieutenant of Ireland in 1414 was a natural one. Both ancestry and marriage provided Sir John with the necessary colonial credentials. Towards the end of his life, Sir John Talbot was to be created earl of Shrewsbury (1442) and Waterford (1446).¹³ His career began less auspiciously as the second son of Richard, fourth lord Talbot (†1396). A good marriage to Maud Nevill, heiress of Thomas, lord Furnival of Hallamshire (†1407), brought John a title.¹⁴ As Lord Furnival, John Talbot inherited lands across the Irish Sea at Loughsewdy (co Westmeath), a fragment of the Verdon inheritance that had been divided among co-heirs in 1332.¹⁵ Sir John was also closely involved in promoting the Irish fortunes of his elder brother, Gilbert, fifth Lord Talbot (†1418). Gilbert claimed the liberty of Wexford by descent from John Hastings, earl of Pembroke, who had died without heirs in 1389.¹⁶ The Talbot title to Wexford was contested by Reginald, third lord Grey of Ruthin (†1440).¹⁷ Much to the outrage of lord Grey, Sir John Talbot used his authority as lieutenant of Ireland to assert his family's rights and—after the death of Gilbert Talbot in 1418—the lieutenant seized Wexford into the king's hands.¹⁸ Gilbert's heir was a short-lived daughter Ankaret. After her death in 1421, the Talbot claim to Wexford passed to her uncle, Sir John, now sixth Lord Talbot.¹⁹ This entrenchment of the Talbot family in Ireland suggests that Sir John was more than simply 'one of the more important absentee landlords'.²⁰ He had in fact joined the ranks of the colony's aristocratic élite, and his proximity to the Lancastrian dynasty posed a challenge to the hitherto pre-eminent magnate in Ireland, James Butler, the white earl of Ormond. Herein lay the seeds of rivalry.

¹³ *Peerage* xi 701; *ibid.* xii pt 1 620.

¹⁴ Pollard, *John Talbot & the war in France*, 7–8; *CPR 1408–13*, 167.

¹⁵ A. J. Otway-Ruthven, 'The partition of the de Verdon lands in Ireland in 1332' in *PRIA* lxvi (1968) C5 417, 417 n 78; *RCH* 225 §21.

¹⁶ The descent of the liberty of Wexford from the Hastings earls of Pembroke is highly involved and discussed in R. Ian Jack, 'Entail and descent: the Hastings inheritance, 1370 to 1436' in *BIHR* xxxviii 97 (1965) 1–19.

¹⁷ R. Ian Jack, 'Grey, Reginald, third Baron Grey of Ruthin' in *Oxford DNB*, internet version [www.oxforddnb.com/view/article/11553, accessed 26 March 2006]. Reginald Grey had served as justiciar of Ireland at the death of Roger Mortimer, earl of March and Ulster, in July 1398 (Chron Marl s.a. 1398). He held pleas on 21 August 1398 (Cambridge University Library Add Ms 3104 f 74).

¹⁸ TNA SC 8/191/9544.

¹⁹ A. J. Pollard, *The family of Talbot, lords Talbot and earls of Shrewsbury in the fifteenth century* (PhD University of Bristol 1968) 25–31, 105–06.

²⁰ *Ibid.* 106 (qtn). Edmund Curtis came closer to the mark when he described Talbot as 'a returned absentee on a large scale', adding pointedly that, '[r]eturned absentees were never popular' (Curtis, *Med Ire*, 292).

Yet that rivalry was slow to develop. There was little sign in 1414 of the antagonism that was to dominate the affairs of colonial Ireland for nearly four decades to come. Indeed, the choice of Sir John Talbot as lieutenant may in part have been made in the knowledge of the close relationship that had existed in the past between the Talbot family and the Butlers of Ormond. Before 1352, Pernel Butler, a daughter of the white earl's great-grandfather, James, first earl of Ormond (†1338), had married Gilbert, third Lord Talbot (†1387), the grandfather of the lieutenant of Ireland, Sir John Talbot.²¹ The marriage brought the two families close together. In 1367, Gilbert, Lord Talbot, served as an agent of the Butler family in England, when he and his brother-in-law, James, second earl of Ormond (†1382), acted as executors of the latter's mother, Eleanor, late countess of Ormond.²² Richard, fourth Lord Talbot (†1396), visited Ireland on at least three occasions in the last two decades of the fourteenth century, and he and his son Gilbert, soon-to-be fifth Lord Talbot (†1418), accompanied King Richard II on the first royal expedition of 1394–5.²³ Richard Talbot had served in the household of Edmund Mortimer, earl of March and Ulster (†1381), during the latter's lieutenancy of 1379–81. As such, he had attended the memorial mass for the lieutenant's late wife in the chapel of Dublin castle on 13 December 1380, where he witnessed the notorious denunciation of the earls of Desmond and Ormond by Bishop Richard Wye of Cloyne.²⁴

Just as the Talbots acted as agents of the Butler family in England, so the earls of Ormond returned the favour for the Talbot family during their long absences from Ireland. The particular advantage of having the Butlers as attorneys was that they repeatedly served as chief governors of Ireland during this period. Richard, fourth Lord Talbot, nominated Earl James III of Ormond and the Butler adherent, John Lumbard, as his attorneys in Ireland in 1392.²⁵ After Richard's death in 1396, Ormond was admitted as one of the guardians in Ireland of Gilbert, Richard's son and heir.²⁶ In 1404 and 1405, this Gilbert, now fifth Lord Talbot, appointed his former guardian as his attorney in Ireland.²⁷ Gilbert was clearly in tune with developments in the colony as, on 26 November 1409, he nominated

²¹ *Peerage* xii pt 1 615. See below, genealogy A3.2.

²² *COD* ii §235 (noted in Pollard, *Family of Talbot* (PhD), 103, but mistakenly attributed to the third volume of the Ormond deeds).

²³ *CPR* 1377–81, 584; *CPR* 1385–9, 189; *CPR* 1391–6, 489, 499, 507, 536.

²⁴ For this event, see above 127–8.

²⁵ *CPR* 1391–6, 70.

²⁶ *CPR* 1396–9, 331.

²⁷ *CPR* 1401–05, 452; *CPR* 1405–08, 13.

Prior Thomas Butler of Kilmainham—who had recently been appointed as deputy of the lieutenant of Ireland, Thomas of Lancaster—as his attorney in Ireland for one year.²⁸

These various appointments were not empty gestures indicative merely of passive support. The third earl of Ormond actively pursued the interests of the Talbot family. As a result, he incurred the hostility of Reginald, lord Grey of Ruthin. In May 1400, the then lieutenant, Sir John Stanley, was ordered to halt all proceedings against Grey and his ministers in Ireland and to restore any lands and issues that had been seized. He was further to cause the release of any of Grey's ministers who had been imprisoned. Grey claimed that after Richard II's hasty embarkation for Wales in July 1399, Ormond 'by force of arms' took goods left by Grey in Ireland 'and carried them whither he would, taking and imprisoning the petitioner's [Grey's] ministers, and that by the malice of certain persons in Ireland the petitioner and his said ministers are indicted for trespasses and felonies, and his lordships, lands etc in the said country are seized into the king's hands, notwithstanding that the petitioner had livery thereof out of the late king's [Richard II's] hands as cousin and heir of John Hastings, late earl of Pembroke'.²⁹ Only a few months previously in the autumn of 1399, the beleaguered Ricardian administration had deemed Wexford to be a 'liberty of the Lord de Grey (F: *Franchise del Sire de Grey*)'.³⁰ Apparently, since then, the third earl of Ormond had been able to turn his curial connections in the Lancastrian administration to the detriment of lord Grey. In doing so, he was promoting the claim to Wexford of Gilbert, fifth Lord Talbot, whose guardian in Ireland Ormond had recently been appointed. As we shall see, this was a policy that Earl James III's son, the white earl, was to reverse.

II

Talbot and Ormond, 1414–17

AT THE time of Sir John Talbot's arrival in 1414, the white earl of Ormond seems to have been in Ireland, where he had probably resided since late 1413.³¹ The familial ties that naturally drew the new lieutenant to the earl of Ormond were reinforced on 2 February 1415, when Ormond entered an indenture to serve in

²⁸ *CPR 1408–13*, 149. Prior Thomas made a visitation to Wexford in 1411 and he was subsequently granted a subsidy of 300 marks (Hore, *Wexford* v 127–8).

²⁹ *CCR 1399–1402*, 145. The episode is mentioned in Johnston, 'Ric II's departure', 801.

³⁰ *PKCI* app iii qtn 266; tr *IHD* 69.

³¹ See above 316–17.

Talbot's campaigns in Ireland for one year at a fee of £100.³² Even at this early stage, the fissures that would eventually rupture into an open breach between the two men were visible. Ormond later stated that he had served in five expeditions with Talbot, in the course of which he claimed to have lost some £300 worth of men and horses.³³ More ominously, during February 1415, an investigation got underway at the Irish exchequer into the relief that Ormond owed the king for gaining livery of his Irish lands. The earl's protests that all such debts had been pardoned were dismissed as insufficient.³⁴

Yet, although the exchequer's inquiries placed Ormond's relationship with Talbot under stress, the breakdown must be dated to later in the lieutenancy. In February 1415, the white earl was the beneficiary of a splurge of patronage. On 6 February, the lieutenant granted Ormond ten pounds annually from the fee farm of the city of Waterford in consideration of the fact that during the earl's minority, when his estates had been in the king's hands, a great part of his inheritance had been destroyed and wasted by the king's enemies.³⁵ As a further reward for his service in the king's wars in Ireland, Ormond received a grant of the Windsor moiety of the manor of Inchiquin and the town of Youghal so long as they remained in the king's hands.³⁶ As Ormond already held the other moiety in his own right, this grant brought the entire territory under his control.

The wider Ormond affinity likewise benefited from this show of favour. On 22 February 1415, Nicholas Stokes, one of the two men to whom the Butler inheritance had been released to the use of the white earl in January 1407,³⁷ received a pardon for treasons.³⁸ On 22 April 1415, Janico Dartasso, an Ormond annuitant who was later to suffer from Talbot's financial stringency, was granted a

³² Beresford, *Butlers in Eng & Ire* (PhD), 45 n 32 (citing Yorkshire East Riding Record Office DDx 152/50).

³³ Griffith, 'Accusations', 393 §1. The details of these expeditions are not relevant to this discussion, but the events can be reconstructed from annalistic sources (AC s.a. 1415.2; AU iii 68–9 s.a. 1415; AFM iv 820–21 s.a. 1415; ALC ii 144–5 s.a. 1415) and a letter of 1417 sent to England (Ellis, *Letters i* ltr XIX 54–63).

³⁴ NAI RC 8/36 102–4 (pr C. A. Empey, *The Butler lordship in Ireland, 1185–1515* (PhD 2 vols, University of Dublin 1970) app v §1 xxxi).

³⁵ *RCH* 207 §142.

³⁶ *RCH* 208 §§143, 155; *Rot selecti* 64. The grant is also noted in Samuel Hayman (ed), 'Annals of Youghal' in idem, *The handbook for Youghal: the historical annals of the town; St Mary's collegiate church; Sir Walter Raleigh's House; the Franciscan and Dominican Friaries; the Templars' House at Rhincrew; the monastery of St. John's; the '98 rebellion; and the Fenian Rising* (Youghal 1896) 12.

³⁷ *COD* ii §389.

³⁸ *RCH* 207 §132.

barge that had been forfeited to the king.³⁹ Ormond's half-brother, Prior Thomas Butler of Kilmainham, was granted two parts of the lands of John Darcy in Ireland during the minority of his son and heir Philip.⁴⁰ Talbot also entrusted the Butlers with important judicial and military duties. On 6 May 1415, Prior Thomas and the white earl were appointed keepers of the peace in counties Kilkenny, Waterford and Tipperary.⁴¹ Two Butler towns—Gowran in Kilkenny and Youghal in county Cork—were also favoured at this time. On 3 February 1415, a murage grant that had first been made to the burgesses of Youghal in January 1376 was renewed for a further twenty years.⁴² Three days later Talbot ratified various franchises and exemptions that had been awarded to the same town while the third earl of Ormond was justiciar of Ireland in May 1404.⁴³ Gowran, county Kilkenny—long the *caput* of the Butler lordship in county Kilkenny and the resting place of the second and third earls of Ormond⁴⁴—was similarly rewarded. On 6 February 1415, the burgesses of Gowran received a murage grant for forty years to be exercised on the same terms as the town of Kilkenny, with the further stipulation that they should render their account before the earl of Ormond.⁴⁵

Ormond's movements in the latter half of 1415 are rather unclear. Tradition has it that he participated in Henry V's campaign in Normandy and fought at Agincourt.⁴⁶ A sixteenth-century chronicle refers to the knighting of one 'Jacques de Ormond' by the king at Pont St Maxence.⁴⁷ If Ormond did indeed leave Ireland in the second half of 1415, he moved very rapidly, for he had returned to the colony by March 1416, only to leave for England and the continent a second time on 7 June.⁴⁸ Whether the white earl truly fought at the battle of Agincourt has proved impossible to establish definitively, but the balance of

³⁹ *RCH* 210 §16. The location is not included in the calendar.

⁴⁰ *RCH* 211 §43.

⁴¹ Frame, 'Commissions', §92; = *RCH* 213 §135.

⁴² *RCH* 208 §150. The grant is noted in Richard Caulfield, *The council book of the corporation of Youghal: edited from the original, with annals and appendices compiled from public and private records* (Guildford 1878) xxvii; Hayman, 'Annals of Youghal', 12.

⁴³ *RCH* 208 §149. For the grant of 12 May 1404, see Caulfield, *Council book of Youghal*, xxviii.

⁴⁴ For the burial of Earls James II and James III at Gowran, county Kilkenny, see ABMV 285–6; Chron Marl s.a. 1405.

⁴⁵ *RCH* 208 §153.

⁴⁶ *PKCI* xxx; Otway-Ruthven, *Med Ire*, 358.

⁴⁷ *Hall's chronicle, containing the history of England during the reigns of Henry IV and the succeeding monarchs to the end of the reign of Henry VIII ... carefully collated with the editions of 1548 and 1550*, ed Henry Ellis (London 1809, repr New York 1969) 64.

⁴⁸ Matthew, *Gov Lancastrian Ire* (PhD), 113.

probability is against his presence. Had he witnessed the victory, it seems likely that his reminiscences would have found their way into the *First English life of Henry V*.⁴⁹ This, and the fact that Ormond was not a member of the retinue of his patron, Thomas, duke of Clarence, suggests that if he was in Normandy at all, he left again after the siege of Harfleur in September 1415.⁵⁰ At any rate, as late as February 1416, Butler adherents were still the recipients of Talbot favour in Ireland. On 4 February, Robert Haubryk—the second of Ormond’s trustees from 1407⁵¹—was granted a ship called *La Trinite* from the port of New Ross, while two days later Patrick White, a servant of Prior Thomas Butler, was granted a pardon for treasons.⁵² The following day, 7 February 1416, Sir John Talbot embarked for England at Clontarf, county Dublin, having appointed Thomas Cranley, archbishop of Dublin as his deputy.⁵³ It would seem, then, that Ormond’s relationship with Sir John Talbot remained cordial throughout the latter’s first residency as lieutenant of Ireland.

One year later, matters were very different. Sir John Talbot returned to Ireland in the latter half of 1416.⁵⁴ He was soon greeted by a chorus of complaint. At a parliament held before Talbot at Dublin in January 1417, the archbishop of Dublin, Thomas Cranley, was elected as a messenger ‘to approach your most high majesty, to declare the state and the government of your aforesaid land.’⁵⁵ The precise nature of Cranley’s mission is unspecified, but clearly it was critical of Talbot.⁵⁶ Cranley’s message was ‘made out by certain engrossers appointed thereto by authority of the said parliament’, but the chancellor of Ireland, Sir Laurence Merbury, refused to affix the great seal of Ireland to the message. As Merbury was a retainer of Sir John Talbot and the recipient of an annuity of forty pounds from him, his action can hardly be considered that of an impartial royal minister.⁵⁷ The

⁴⁹ Charles Lethbridge Kingsford, *The first English life of King Henry the fifth, written in 1513 by an anonymous author known commonly as the translator of Livius* (Oxford 1911) xxxiv.

⁵⁰ Matthew, Gov Lancastrian Ire (PhD), 113.

⁵¹ COD ii §389.

⁵² RCH 213 §114; *ibid.* 212 §82.

⁵³ RCH 212 §101; *Liber munerum publicorum Hiberniae ab an. 1152 usque ad 1827; or The establishments of Ireland from the nineteenth of King Stephen to the seventh of George IV., during a period of six hundred and seventy-five years*, ed. Rowley Lascelles (2 vols, London 1824–30) i pt 2 200.

⁵⁴ AC s.a. 1416.16; AFM iv 828–9 s.a. 1416; Matthew, Gov Lancastrian Ire (PhD), 484 n 11.

⁵⁵ 9 Hen V [Ire], c 5 (*Statutes John–Hen V* 566–7).

⁵⁶ We may, however, infer that Cranley’s message included complaints of the ‘divers oppressions and extortions’ to which the Irish parliament was again to refer in 1421. See 9 Hen V [Ire], c 9 (*Statutes John–Hen V* 570–71).

⁵⁷ Pollard, Family of Talbot (PhD), app iii, ‘Prominent members of John Talbot’s affinity’, 417.

chancellor's opposition notwithstanding, Cranley departed for England on 30 April 1417, dying at Faringdon, Berkshire, on 25 May.⁵⁸ Talbot seems to have been anxious both to defend his reputation and to forestall further attacks. One means of doing so was by securing an encomium from an afforded council possibly held at Naas in late June 1417.⁵⁹ At this council, a detailed letter dated 26 June 1417 was composed testifying to Talbot's manifold achievements during his tenure as lieutenant. It was witnessed by a long list of prelates, magnates and commons.⁶⁰ Yet the list was not entirely representative, being weighted towards the communities of Dublin, Kildare, Meath and Louth.⁶¹ Conspicuously absent were Butler associates. The omission was no accident. By this time, Sir John Talbot's relationship with the Butlers had broken down entirely.

III

Crisis, 1417–20

THE RUPTURE became overt on 18 July 1417, when all the lands of the white earl of Ormond in Ireland were seized into the king's hands on the basis of his outstanding debts to the king.⁶² Talbot's action was drastic and precipitated a crisis in the relations between the lieutenant and the colonial community. Rich details of the events of 1417–19 are provided by a report that Sir John Talbot subsequently sent to England.⁶³ There were two interrelated strands of factional conflict. The more prominent aspect was the Talbot–Ormond rivalry. In the white earl of Ormond's absence, the Butler interest was represented by Prior Thomas Butler of Kilmainham. His opposition to Sir John Talbot soon came to involve a significant cross-section of the colonial community. As we shall see, by June 1418, the lands of two of the colony's three resident earls—Ormond and Kildare—

⁵⁸ Chron Marl s.a. 1417; John Clarke Crosthwaite (ed), *The book of obits and martyrology of the cathedral church of the Holy Trinity, commonly called Christ Church, Dublin* (IAS Dublin 1844) 26.

⁵⁹ Our knowledge of this assembly comes from Ellis, *Letters* i ltr XIX 54–63, but the location of the council is nowhere mentioned. Otway-Ruthven states that it was held at Naas (Otway-Ruthven, *Med Ire*, 351), but she may have confused the venue with that of a great council held at Naas on 20 November (*NHI* ix 599). The council has been listed as opening on 26 June 1417 (*NHI* ix 599), but this is somewhat careless. The date is that of the letter from the prelates, magnates and peers to the king (Ellis, *Letters* i ltr XIX 54–63). It is unlikely that this letter was drafted and sealed on the very day the council first met, and all we can say with certainty is that the council met on or before 26 June 1417.

⁶⁰ Ellis, *Letters* i ltr XIX 54–63.

⁶¹ 'Priell' in the text of the letter should read 'Uriell', i.e. county Louth (ibid. 62).

⁶² NAI RC 8/36 170–73 (pr Empey, Butler lordship in Ire (PhD), app v §2 xxxii).

⁶³ A. J. Otway-Ruthven, 'The background to the arrest of Sir Christopher Preston in 1418' in *AH* 29 (1980) 73–94 (hereafter, Otway-Ruthven, 'Arrest').

had been seized into royal hands, while the earldom of Desmond remained in the hands of a usurper. From this perspective, Sir John Talbot's lieutenancy appears as a disaster.

A second strand of factional conflict added fuel to the Talbot–Ormond fire. Prior Thomas Butler found himself embroiled during 1417–18 with Walter Burgh, a man later described as 'the most rebell of Ireland for malys of the sayd Erle [Ormond]'.⁶⁴ This Walter was the disaffected member of the Clanwilliam Burgh family who had vigorously attacked county Kilkenny in 1407 in alliance with Tadhg Ó Cearbhaill of Éile, but had been 'miraculously' defeated and captured.⁶⁵ It seems likely that, after the seizure of Ormond's lands in July 1417, Walter Burgh took the opportunity to assault the Butler lordship again. Meanwhile, in the late summer and early autumn of 1417, Talbot began an itinerary through south Leinster and Munster.⁶⁶ The loss of all but a fragment of the Irish chancery rolls from 1416–18 means that Talbot's movements are difficult to reconstruct precisely;⁶⁷ but he seems to have had toured the Butler lordship, passing through the towns of Kilkenny, Clonmel and Waterford.⁶⁸ Ostensibly his purpose was to compose the differences between Prior Thomas and Walter Burgh by exacting pledges (F: *gages*) from each,⁶⁹ but a secondary motive was presumably to assert his authority in territories he had so recently confiscated.⁷⁰ At Waterford, on 20 September 1417, Talbot received Walter Burgh into the king's peace.⁷¹ This outraged the Butlers, and conflict inevitably erupted.⁷²

From Waterford, Talbot seems to have journeyed northwards towards the colonial heartland surrounding Dublin. On 16 October 1417, news reached him that a great debate had arisen (F: *grant debate esteit sourdee*) between Prior Thomas Butler and Walter Burgh, each of whom had assembled confederacies of horse and foot comprising both Gaelic Irish enemies and English rebels, and were riding in a warlike manner (F: *enchivachantz a feer de guerre*) and destroying the

⁶⁴ Griffith, 'Accusations', §5.

⁶⁵ See above 298–9.

⁶⁶ Talbot mentions his expedition to Munster that took place before Michaelmas 1417 in a letter sent to John, duke of Bedford, in October 1417 (BL Cotton Titus B XI pt 1 §46).

⁶⁷ Of the rolls of the Irish chancery for 4–5 Hen V (1416–18), only one fragment of IrPR 5 Hen V (1417–18) was extant in 1828 when the calendar edited by Tresham was published (*RCH* 214 §§1–22).

⁶⁸ Otway-Ruthven, 'Arrest', 75–6, 86–7.

⁶⁹ *Ibid.* 75–6.

⁷⁰ *Ibid.* 75.

⁷¹ Otway-Ruthven, 'Arrest', 76; BL Ms Cotton Titus B XI pt 1 §46.

⁷² The earl of Ormond's complaints about Walter Burgh survive in Griffith, 'Accusations', 393–4 §5.

king's lieges in counties Kilkenny, Limerick, Cork and Tipperary.⁷³ According to the complaint of Walter Burgh made some months later, Prior Thomas had ignored the fact that Burgh had been accepted into the king's peace at Waterford, and had sent his men to attack Burgh's 'country' (F: *pais*), taking prisoners and goods.⁷⁴ Prior Thomas' version of events, naturally, differed in detail. Here Burgh was portrayed as an *agent provocateur*. Prior Thomas accused Burgh of observing the king's peace for only a few days after it had been proclaimed at Waterford in order to invade and burn the king's lieges in Tipperary. The prior added that the assault was unprovoked and that in order to resist it he had been compelled to assemble his private forces.⁷⁵

Upon hearing of the discord in Munster, Talbot summoned all the king's council to meet him at the town of Naas on 23 October.⁷⁶ He also sent letters to Prior Thomas and Walter Burgh commanding them to disband their private forces and attend a great council at Naas on 20 November 1417.⁷⁷ When neither of the antagonists appeared as summoned, the assembly was adjourned until Tuesday, 14 December, and new writs of summons were issued to Prior Thomas and Walter Burgh.⁷⁸ On that Tuesday, Prior Thomas sent a member of his order, one Brother Robert Blakebourne, before the council as his representative. Apparently the prior feared the consequences of appearing in person. Through his representative, the prior requested that a delegation from the king's council be sent to treat with him. This demand was refused and Brother Robert Blakebourne was sent back to his master with the offer of an escort and safe-conduct to come to the council at Naas. On the Friday of that same week, 17 December, the prior having still failed to

⁷³ Otway-Ruthven, 'Arrest', 74.

⁷⁴ Ibid. 76, 87.

⁷⁵ Letter of Prior Thomas Butler to Sir John Talbot dated 19 November 1417 (ibid. 83).

⁷⁶ The meeting of 23 October 1417 was of the king's council and is probably the '*Consilium regale tenentum apud Naas in Lagenie*' reported in the *annals of Duisk* (ADuisk s.a. 1417). A meeting of the king's council did not include any representatives of the communities and it is questionable whether it should be included in the lists of Irish parliaments (cf. *NHI* ix 599). Certainly, it is to be distinguished from the great council that subsequently met at Naas on 20 November 1417, to which Talbot summoned the lords and commons of Ireland (Otway-Ruthven, 'Arrest', 75).

⁷⁷ The text of writs dated 20 October 1417 to Prior Thomas and Walter Burgh was included in Talbot's report (Otway-Ruthven, 'Arrest', 81–2).

⁷⁸ The text of writs dated 27 November 1417 to Prior Thomas and Walter Burgh was included in Talbot's report (Otway-Ruthven, 'Arrest', 84–5).

appear,⁷⁹ Walter Burgh finally came before the great council and made his defence in person.⁸⁰

A great deal of the background to these events is masked by the legal language in which the report is garbed. What seems clear is that Sir John Talbot desired to legitimise his actions by securing the backing of the political community of the colony. Yet the men who assembled at the great council at Naas in December 1417 were less than whole-hearted in their support of the lieutenant. The lords at the council—including the two who were to be central to the next episode in the drama, Sir Christopher Preston of Gormanston and Gerald, fifth earl of Kildare—informed the lieutenant that they were doubtful as to whether a great council had the competence to decide upon the case. At their suggestion, Sir John Talbot summoned a full parliament to convene on St Valentine's day, 14 February 1418, at Dublin. Proclamations were made by the sheriffs of the counties in which Prior Thomas held lands threatening the prior with forfeiture of life and limb should he fail to appear at the St Valentine's parliament.⁸¹ The parliament met for four successive days, 14–17 February, with no sign of the prior. Yet, the lords were still reluctant to give judgement and, at their request, parliament was adjourned until Monday, 30 May 1418, when it was to convene again at Trim.⁸² Immediately after the St Valentine's parliament, Sir John Talbot appointed his brother, Sir Thomas Talbot, as his deputy and embarked for England, reaching Westminster by 5 March 1418.⁸³

Talbot did not return to Ireland until 10 July 1418.⁸⁴ His mission to England was only partly to secure arrears due to him as lieutenant.⁸⁵ It is also

⁷⁹ Otway-Ruthven, 'Arrest', 85–6.

⁸⁰ Ibid. 75–7, 86–8.

⁸¹ The texts of writs dated 17 December 1417 ordering sheriffs, seneschals of liberties, and sheriffs of the crosslands to proclaim within their bailiwicks that Prior Thomas should attend the parliament of 14 February 1418 are included in Talbot's report (Otway-Ruthven, 'Arrest', 88–90), along with the returns from Dublin, Kildare and Wexford (ibid. 90–2).

⁸² The foregoing is based upon Otway-Ruthven, 'Arrest', 77–8.

⁸³ Ibid. 78; Matthew, Gov Lancastrian Ire (PhD), app i, list 2, 484 n 12. Sir John Talbot also refers to his absence in England in the preamble to his report, where he describes his brother Thomas as 'fratrem ac deputatum meum [terre] predictae ad eandem terram in absencia mea custodiendum et gubernacionem inde habendum tempore absencie mee in Anglia existentis' (Otway-Ruthven, 'Arrest', 74).

⁸⁴ TNA E 101/698/34 (pr app 2 below); Matthew, Gov Lancastrian Ire (PhD), app i, list 2, 484. He received a protection because he was going to Ireland on 12 April 1418 (*CPR 1416–22*, 153).

⁸⁵ See BL Cotton Titus B IX pt 1 §46 for Talbot's bitter complaints to the duke of Bedford that he was left desolate because he had not received a penny from England during the previous year (F: *Jeo suy lesse come home desolate ... tout ceste an passe ieo navois null dener hors dengleterre*). This letter was written in October 1417, a few months before his departure from Ireland.

likely that he sought a remedy for the crisis that he had left behind him in Ireland. It may be tempting to picture the man at the centre of that crisis, Prior Thomas Butler, as something of a renegade, whose actions should not be identified too closely with the attitudes of the white earl of Ormond himself. Such a view, however, hampers our understanding. Prior Thomas was no marginal figure. He was the head of a distinguished religious order with a tradition of royal service and had served Henry V's brother, Thomas of Lancaster, as deputy lieutenant of Ireland for some four years.⁸⁶ He was also the brother of the colony's premier magnate, Earl James IV of Ormond, and had been entrusted with the protection of the Butler lordship ('had his men & his soldiors in governans to kepe his tenantes fro the kynges enimys & rebellis') during the white earl's absence.⁸⁷ Nor is it plausible that Ormond was ignorant of Prior Thomas' tribulations during 1417–18. Sir John Talbot was later to allege that, contrary to Irish statutes demanding that, 'Engleys lordes, and othir chieftans, of hare nations wyth in pe lond of Irlond ... aunswere for hare kyne, of per goode beryng and trewe', Ormond had left Ireland in full knowledge that Prior Thomas had alleged misgovernance against the lieutenant.⁸⁸

Other evidence urges us to the conclusion that Ormond was indeed aware of his brother's activities.⁸⁹ News of Talbot's actions was current within the English political community. The white earl was in England in April 1418, where he attended to some Irish affairs before setting out in the retinue of Thomas, duke of Clarence, for Normandy.⁹⁰ If Ormond's experience was anything like that of another man who served on that same Norman campaign and who was also discommoded by Sir John Talbot —Janico Dartasso⁹¹—then events in Ireland were indeed pressing on the earl's attention at this time. Dartasso was an annuitant of

⁸⁶ For the importance of the priors of Kilmainham, see a letter of 26 January 1401 sent to the council in England to the effect that the priors helped to resist the king's Irish enemies and English rebels more than anyone except the earls of Ireland, much to the comfort and relief of the poor lieges and those who had been governors of the land (BL Cotton Titus B XI pt 1 §37).

⁸⁷ Griffith, 'Accusations', §5 qtn 393.

⁸⁸ Curry (ed), 'Hen VI: parliament of October 1423, text & trn' in *PROME CD-R*, item 9.

⁸⁹ Cf. Margaret Griffith's conclusion that, '[t]here is nothing to connect Ormond himself with this earlier opposition to the Talbots for he was away at the war in France during much of the time ... It was on Ormond's return to Ireland as king's lieutenant in 1420 ... that the feud between the two parties began' (Griffith, 'Talbot–Ormond struggle', 379).

⁹⁰ COD iii §28. On 2 April 1418, Ormond appointed attorneys as he was about to set out of France and on 22 April, he was granted a protection (CFrR in *DKR* xliv (1883) 604–05). For Ormond's service with Clarence, see Matthew, *Gov Lancastrian Ire* (PhD), 113.

⁹¹ CFrR in *DKR* xliv (1883) 604.

Ormond's.⁹² In an atmosphere hostile to Butler supporters, it was little wonder that he soon fell victim to Talbot's belt-tightening policies.⁹³ Dartasso had been in Ireland early in 1417 and he left for England around the same time as Archbishop Cranley set sail on his last sea crossing bearing the unsealed grievances of the Irish parliament.⁹⁴ Dartasso must, then, have been well aware of the mounting opposition to Talbot's regime. Indeed, he was soon to join the ranks of Talbot's detractors. In the November parliament of 1417 at Westminster, Dartasso sought confirmation of 'various annuities, offices and fees from the king's revenues of Ireland' that had been denied to him by Talbot on the basis of an allegation by the barons of the Irish exchequer that these letters 'were purchased by him by false suggestion and so vacant in law'.⁹⁵ The significance of Dartasso's endeavours is that they prove that the channels of communication between Ireland and the outside world were open in 1417–18.

Indeed, even in a region as remote from the colony as Normandy, the king's attention could be turned to Irish affairs. On 5 June 1418, at the abbey of Bec Hellouin in Normandy, Henry V responded to the unanimous entreaties of the commons and lords of the Westminster parliament of October 1417 by confirming Janico Dartasso's various preferments in Ireland.⁹⁶ It is surely significant, then, that two days previously, 3 June 1418 at Bec Hellouin ('Beckhelwyn'), Henry V

⁹² See Simon Walker, 'Janico Dartasso: chivalry, nationality and the man-at-arms' in *History* lxxxiv 273 (1999) 47–8, although Walker misidentifies Dartasso's first patron as James, second earl of Ormond (†1382). The man who granted Dartasso an annuity of 40 marks from the manor of Aylesbury was James, third earl of Ormond (†1405).

⁹³ Janico Dartas (described as 'janygo ... / A grete Squyer') appears in 'John Page's poem on the siege of Rouen' in James Gairdner (ed), *The historical collections of a citizen of London in the fifteenth century* (CS new ser 17 London 1876) 9. The same source also mentions James, the white earl of Ormond and the 'pyrour of Kilmaynan' (ibid. 7, 12), although the editor mistakenly identifies the prior as Sir John Botiller (ibid 12 n c). At least two other men who served with Ormond in France were targetted by Talbot's administration. James fitz William, a former chief baron of the Irish exchequer, died in Pontoise [*Pountays*], which was captured by Henry V in July 1419 (Griffith, 'Accusations', §9). A second man, Sir William Darcy, was described in a complaint against Talbot as a 'knyght of the said Erle & Beyng with hym in the kynges servis in Fraunce' (Griffith, 'Accusations', §10). This is confirmed in a Gaelic annal, which informs us that Darcy died in 1419 in Normandy, when 'a blue fly entered [his] mouth, and afterwards his whole body swelled up and he died thereof' (AC 1419.5). He was probably among the *plures alii* whom Henry Marlborough tells us died along with Prior Thomas Butler c 10 August 1419 (Chron Marl s.a. 1419).

⁹⁴ *RCH* 214 §§5–8. This visit to Ireland is not noted in Walker, 'Janico Dartasso', 45.

⁹⁵ Chris Given-Wilson (ed), 'Henry V: parliament of November 1417, text & trn' in *PROME CD-R*, app.

⁹⁶ *CPR* 1416–22, 331–2; CNorR in *DKR* xli (1880) 693, 760. Dartasso was still pursuing the matter in 1419 and 1421 (*Cal Signet Ltrs* 175 §860; TNA SC 8/105/5245; Chris Given-Wilson (ed), 'Henry V: parliament of May 1421, text & trn' in *PROME CD-R*, app). In July 1421, Dartasso had this last petition to the Westminster parliament of 1421 enrolled in the Irish chancery (*RCH* 219 §§61–2).

had issued a warrant to the chancellor of England concerning Prior Thomas Butler. It was stated that the council had agreed that letters should be issued to the mayor of Bristol commanding him to arrest sufficient shipping to be sent with all haste to the city of Waterford for the transport of the prior of Kilmainham and his company of two hundred horsemen and three hundred footmen, who were going to France in the king's service.⁹⁷ It has been suggested that the decision to remove Prior Thomas was made at the prompting of Sir John Talbot during his visit to England of February–July 1418.⁹⁸ Doubtless, Talbot vented his spleen about the intractable prior. But viewed in conjunction with the confirmations to Janico Dartasso, the evacuation of Prior Thomas Butler from Ireland takes on a slightly different aspect. Clearly, Henry V and his council were receiving mixed reports about Talbot's governance. As the confirmations to Dartasso show, the lieutenant did not get everything his own way; but neither did he fall from favour. The decision to send Prior Thomas Butler to Normandy—where his brother, the white earl, was serving in the retinue of Henry V's brother, Thomas, duke of Clarence—may represent a compromise. Prior Thomas was removed entirely from the Irish side of the equation, but was given an opportunity to acquit himself in the service of the king. The prior probably arrived in Normandy late in November 1418.⁹⁹ John Page tells us that the prior landed at 'Harflete' [Harfleur], whence he travelled to Rouen, which was being invested by Henry V, taking up a position on the north side of the town.¹⁰⁰ Although the large contingent of Gaelic Irish foot soldiers in Prior Thomas' company seem to have been unaccustomed to the strict discipline of an English army,¹⁰¹ the many colourful reports that survive of their activities suggest that they had a major and, from the French perspective,

⁹⁷ TNA C 81/1364/59; *Cal Signet Ltrs* 170 §836 (F: *pour leskipeson de cc homes a chival et ccc homes a pied, et de faire passer les dites mese a toute haste au port de Waterford en Irland pour y recevoir le priour de Kylmaynan avec tiel nombre de gens come desus pour passer dilloeques devers le roy nostre souverain segnur pour lui faire service as parties de France ou il est apresent*). The sum of £91 17s was released to the masters of the ships in question for this purpose (Devon, *Issues*, 356).

⁹⁸ Matthew, *Gov Lancastrian Ire* (PhD), 117.

⁹⁹ On 7 December a commission of array was issued for 'John [*recte* Thomas] Potillere, prior of St John of Jerusalem in Ireland and all Irishmen in his service' (CNorR in *DKR* xli (1880) 720).

¹⁰⁰ 'In the northe syde of oure oste, / For cause there was playne moste' (John Page's poem on the siege of Rouen' in Gairdner, *Historical collections*, 112–13).

¹⁰¹ On 14 December, Prior Thomas was ordered to 'to command all Irishmen in his retinue to conform to the regulations framed for the government of the army' (CNorR in *DKR* xli (1880) 720).

terrifying impact.¹⁰² The prior himself never returned to Ireland, dying on St Laurence's day, 10 August 1419, in Normandy.¹⁰³

Returning to the compromise of June 1418, the salient point is that the decision to remove Prior Thomas from the Irish theatre was made even before the final act of the drama had been played. It was only during May–June 1418 that the crisis in colonial Ireland approached its apogée. This came on 24 June 1418 when Sir Thomas Talbot, brother and deputy of the lieutenant Sir John, arrested Gerald fitz Maurice, earl of Kildare, and Sir Christopher Preston at Clane, county Kildare.¹⁰⁴ Kildare and Preston were then taken to the castle of Trim and they were later forced to enter recognizances of 1000 marks and fifty marks respectively for their appearance before the king at Westminster at Hilary 1419.¹⁰⁵ Marlborough explains the arrest with the enigmatic comment that 'they sought to commune with the prior of Kilmainham [Thomas Butler]'.¹⁰⁶ This oblique reference can be taken as confirmation that Kildare and Preston were sympathetic to Prior Thomas and hostile towards the Talbot regime.

The background to their arrest is filled out by Sir John Talbot's subsequent report to the king.¹⁰⁷ The report must be handled gingerly. It was carefully crafted to exonerate Talbot's administration of any malfeasance. Yet, there is little reason to doubt its basic chronology. We may take up the story on 17 February 1418,

¹⁰² 'John Page's poem on the siege of Rouen' in Gairdner (ed), *Historical collections*, 12–13; 'Vita Henrici Quinti, Roberto Redmanno auctore' in Charles Augustus Cole (ed), *Memorials of Henry the Fifth, king of England* (RS: London 1858) 52; Enguerrand de Monstrelet, *The chronicles of Monstrelet*, tr Thomas Johnes (2 vols, London 1840, 1853) i 404. Some of these accounts are collated (though without proper references) in Richard Hayes, 'Irish soldiers at the siege of Rouen (1418–19)' in *Ir Sword* ii (1954–56) 62–3.

¹⁰³ Chron Marl s.a. 1419. It is clear that the feast in question is that of St Laurence the Martyr—and not St Laurence the Archbishop (3 February) nor even St Lorcán Ua Tuathail, archbishop of Dublin (14 November)—as the death of 'Thomas le Bottyller prior Hospitalis sancti Johannis Ierusalem in Hibernia' was recorded in the book of obits of Holy Trinity, Dublin (Crosthwaite (ed), *Book of obits ... Christ Church, Dublin*, 36). His death was also reported in the Gaelic annals (AC 1419.5; AU iii 82–3 s.a. 1419; ALC ii 148–9 s. a. 1419; AFM iv 840–41 s.a. 1419). Mac Fhirbhisigh states that he died at Rouen, but his genealogy is not entirely reliable. He states, for instance, that Prior Thomas attained the dignity of primate of Armagh, which is untrue (*The great book of Irish genealogies, compiled (1645–66) by Dubhaltach Mac Fhirbhisigh*, ed and tr Nollaig Ó Muraíle (5 vols, Dublin 2003–04) iii 140–41 §813.1, 738–9 §1390.3).

¹⁰⁴ Chron Marl s.a. 1418. Otway-Ruthven has the events in reverse order, so that Prior Thomas' summons to Normandy seems to be prompted by the arrests (Otway-Ruthven, *Med Ire*, 355).

¹⁰⁵ Otway-Ruthven, 'Arrest', 74. For Sir Christopher Preston, see James Moynes, 'The Prestons of Gormanston, c. 1300–1532: an Anglo-Irish gentry family' in *Ríocht na Míde: Records of the Meath Archaeological & Historical Soc* xiv (2003) 39–41, 44–5.

¹⁰⁶ I have followed the translation in Ware, 'Marleburrough', 219–20. The Latin text runs 'qui voluerunt loqui cum Priore de Kylmainan' (Chron Marl s.a. 1418).

¹⁰⁷ For a synopsis see Otway-Ruthven, *Med Ire*, 353–4; Kerby-Fulton & Justice, 'Modus', 173–4.

when the Dublin parliament was adjourned because of Prior Thomas' non-appearance. Sir John Talbot then left Ireland, and parliament was scheduled to meet again at Trim on 30 May 1418 before the deputy lieutenant, Sir Thomas Talbot. Shortly before this, on 18 May 1418, the prior came to Kilmainham, county Dublin, the site of the chief house of the order of which he was prior, the knights of St John of Jerusalem in Ireland.¹⁰⁸ There, Sir Christopher Preston and many of his allies and adherents came to the prior and (according to Talbot) conducted a secret council and conference without any regard for the rebellion, contempts and other offences the prior had committed against the royal dignity.¹⁰⁹ The outcome of their discussion, naturally, does not survive, but subsequent events suggest it was decided that Preston and his fellows should obstruct Sir Thomas Talbot at the forthcoming parliament of 30 May and prevent judgement being given against the prior. Prior Thomas then left Kilmainham for Connacht where, in alliance with Ó Conchobhair Failghe and William Ó Ceallaigh of Uí Mhaine, he is said to have laid siege to the king's castle of Roscommon, which was in the hands of Cathal Ó Conchobhair *Donn* (†1439), whose uncle Toirdhealbhaigh (k 1406) had been appointed constable by King Richard II in 1395.¹¹⁰

Meanwhile, on Monday 30 May 1418, parliament convened at Trim before Sir Thomas Talbot. Due to the tardiness of some of the lords who had been summoned, it had to be adjourned until the following morning. On Monday evening, news reached the deputy lieutenant that the Uí Chonchobhair Failghe and the 'rebel' English lineage, the Berminghams of Carbury, had assembled and launched an attack on Meath. Talbot immediately set out and rode through the night to counter the assault. The deputy lieutenant remained on campaign for the

¹⁰⁸ Otway-Ruthven, 'Arrest', 78; for Kilmainham, see above 267 n 83.

¹⁰⁹ Otway-Ruthven, 'Arrest', 78: 'as quell jour et lieu le dit Christofre [et] plusours aultres ses aliez et adheredantz vient au dit priour, lour secret counsell et comonance ensemble y eiantz, nient eiant reguarde as ditz rebellion, conte[mpts] et offenses encountre nostre dit seignur le roy et sa dignitee par le dit priour, come desuis est dit, faitz'.

¹¹⁰ An *inspeximus* of the grant to 'Tirrelagh Oconchur Donn' [Ó Conchobhair *Donn*] dated at Waterford on 18 April 1395 was appended to Talbot's report (Otway-Ruthven, 'Arrest', 92–3). It does not appear among the other Gaelic submissions published, although Ó Conchobhair *Donn* was knighted by Richard II at Waterford in May 1395 (Curtis, *Ric II in Ire*, instr XXIII 99–100, tr 186–7). The siege of Roscommon is reported in the Gaelic annals, though Prior Thomas' involvement is not mentioned (AC 1418.13; AU iii 76–7 s.a. 1418; AFM iv 836–7 s.a. 1418). For divisions between the branches of the Ó Conchobhair family in Connacht, see Art Cosgrove, 'Ireland beyond the Pale, 1399–1460' in *NHI* ii 576–9. On Uí Chonchobhair Failghe, see Cormac Ó Cléirigh, 'The O'Connor Faly lordship of Offaly, 1395–1513' in *PRIA* xcvi (1996) C4 87–102, although this particular event in 1418 is not mentioned.

next two days without returning to Trim. On Wednesday 1 June, Sir Christopher Preston declared over the objections of the chancellor, Sir Laurence Merbury, that Talbot's failure to appear on two successive days meant that the parliament was automatically discontinued and, even if English land up to the town of Trim was burned and destroyed, nothing would change that fact. A great murmur was then said to have arisen between the lords and commons on one hand and the king's council on the other, and Preston and the earl of Kildare reputedly uttered heinous and threatening words (F: *grandes et heynouses parols minatorias*) to the effect that the matter would be remedied within a short time.¹¹¹ The import of these words soon became clear. When the king's council departed, the lords and commons closed the door of the chamber and agreed to meet again at Dublin on the following Monday, 6 June 1418, with Prior Thomas in attendance. In the event, the prior could not return from the siege at Roscommon in time, and so Sir Christopher Preston adjourned the meeting until Tuesday, 14 June.¹¹² Sir Thomas Talbot, meanwhile, summoned the members of the king's council to Trim on Thursday 16 June, where they were informed by certain 'credible persons' that Kildare and Preston intended to seize the deputy lieutenant and kill his soldiers and cause the election of a justiciar in Talbot's stead.¹¹³

At this point the narrative published by Otway-Ruthven tantalisingly breaks off before reaching its dénouement, because the crucial third membrane of the manuscript from which she worked is torn at the bottom. Fortunately, the remainder of this membrane has survived in a separate class of exchequer material.¹¹⁴ This missing membrane supplies the details about the final days of the crisis. On 16 June, hearing of the alleged plot against him, Sir Thomas Talbot issued orders from Trim to the local officials of Dublin city and the counties of Dublin, Meath, Kildare and Louth commanding them to make proclamations forbidding under pain of life, limb and forfeiture all illicit gatherings of men of evil intent who sought to disturb the peace.¹¹⁵ The proclamations were made in due course on 18 June but, notwithstanding, Prior Thomas sent messages to Kildare and Preston asking them to meet him at Clane on Monday 27 June 1418. Talbot,

¹¹¹ The foregoing paragraph, see Otway-Ruthven, 'Arrest', 79–80.

¹¹² The date was Tuesday after St Barnabas, which Otway-Ruthven gives in error as 13 June 1418 (Otway-Ruthven, *Med Ire*, 354).

¹¹³ Otway-Ruthven, 'Arrest', 80

¹¹⁴ TNA E 101/698/34. I have integrated the text with that of Otway-Ruthven's manuscript below in app 2, 'The background to the arrest of the earl of Kildare and Christopher Preston, 1418: a missing membrane'.

¹¹⁵ TNA E 101/698/34 (pr below app 2).

meanwhile, had travelled south to a parley with Mac Murchadha in county Carlow. As he returned he received intelligence of the gathering at Clane and was warned that he could not pass through the town because the prior and his fellows planned to commit their evil intent. The deputy lieutenant daringly (or so it is presented in the report) made straight for Clane. There, on 26 June, he confronted Gerald, earl of Kildare, and Sir Christopher Preston in the chapel of the Friars Minor.¹¹⁶ Finding the reasons they offered for their presence there insufficient, he gave orders for their arrest and detention in the castle of Trim. The final lines of the report confirm a celebrated fact that has aroused some controversy. A roll of parchment was discovered on the person of Sir Christopher Preston. It was made up of a number of *scrowettes* containing certain articles. We know from an exemplification that these articles included the Irish version of the *Modus tenendi parliamentum* and a copy of the king's coronation oath.¹¹⁷ Within a few weeks of the arrest, Sir John Talbot had landed again in Ireland on 10 July.¹¹⁸ Since Sir John's visit to England had in part been with the purpose of resolving the growing controversy in Ireland, he must surely have been perturbed by the escalation in the crisis during his absence. He summoned his brother to a great council at Trim on 19 July to explain the arrest of Kildare and Preston. At that council Sir Thomas Talbot gave an account of the circumstances, and—unsurprisingly—it was found that the reasons for their arrest and detention were 'bone et resonable'.¹¹⁹

Events in the aftermath of the arrest are less clear. Kildare and Preston seem to have forfeited their estates, which were distributed among Talbot's close kinsmen.¹²⁰ Meanwhile, some form of protest must have reached the king's council in England. On 1 November 1418, letters close were sent from England to Sir John Talbot demanding that the earl of Kildare and Christopher Preston be brought to appear before the council at Westminster early in 1419, 'with the cause of their arrest and imprisonment'.¹²¹ It was in response to this order that Talbot's detailed report on the arrest, from which the foregoing paragraphs drew so heavily, was

¹¹⁶ The date is supplied by Chron Marl s.a. 1418.

¹¹⁷ *Parl texts* 128–37; Clarke, *Med representation*, 384–92.

¹¹⁸ TNA E 101/368/34.

¹¹⁹ TNA E 101/368/34 (qtn).

¹²⁰ Preston's *caput* of Gormanston along with other lands were granted to Sir Thomas Talbot, the very man who placed Sir Christopher Preston under arrest, and a number of Kildare's manors, including Lucan and Celbridge, were granted to the lieutenant's own son, John (*Rot selecti* 65–6).

¹²¹ *CCR* 1419–22, 472. The warrant for this writ is TNA C 81/1542/50.

constructed.¹²² Meeting the king's demands seems to have dominated the business of a council held before Sir John Talbot at Trim early in January 1419. On 9 January, two royal clerks, John Passavaunt and William Sutton,¹²³ exemplified the documents found in Sir Christopher Preston's possession at the time of his arrest the previous June. Three days later, 12 January 1419, the same two men finished drafting the report of Sir John Talbot that was to be submitted to the king's council at Westminster.¹²⁴ The English council's reaction to Talbot's report is not easy to assess, but his reputation as lieutenant may have been brought into question. On 22 July 1419, the lieutenant sailed for England once again, leaving his brother, Archbishop Richard of Dublin, in Ireland as his deputy.¹²⁵ Kildare and Preston seem to have been subsequently cleared of all charges. Prior Thomas Butler, as we have seen, travelled to Normandy in the autumn of 1418 according to the commands issued before much of the excitement. As for the white earl of Ormond himself, his appointment as chief governor of Ireland on 10 February 1420—albeit for only two years and on a tight financial leash—represented a victory.¹²⁶ He was the first member of his family to exult in the title of king's lieutenant of Ireland. One of his immediate aims was to recoup the damage to the Butler lordship that had been inflicted during Sir John Talbot's lieutenancy.¹²⁷

¹²² The preamble to Talbot's report refers to this writ and corrects three details contained therein: (i) that the arrest was made by Sir Thomas Talbot, deputy lieutenant, and not Sir John himself; (ii) that the name of the earl of Kildare was 'Geraldus' not 'Gerardus'; and that (iii) one Sir John Bedlewe had not in fact been arrested with the other two men (Otway-Ruthven, 'Arrest', 74). The last point was evidently the source of considerable confusion, as Henry Marlborough also reports the arrest of John Bedlewe (Chron Marl s.a. 1418).

¹²³ Clarke, *Med representation*, 384; *Parl texts* 128.

¹²⁴ Otway-Ruthven, 'Arrest', 92.

¹²⁵ Chron Marl s.a. 1419.

¹²⁶ Rowley Lascelles (ed), *Liber munerum publicorum Hiberniae ab an. 1152 usque ad 1827; or the establishments of Ireland from the nineteenth of King Stephen to the seventh of George IV., during a period of six hundred and seventy-five years* (2 vols, London 1824–30) i pt IV 47; =CPR 1416–22, 256. For discussion of the terms of Ormond's appointment, see Matthew, *Gov Lancastrian Ire* (PhD), 31–2, 38, 87–8, 118; eadem, 'The financing of the lordship of Ireland under Henry V and Henry VI' in A. J. Pollard (ed), *Property and politics: essays in later medieval English history* (Gloucester & New York 1984) 99–100.

¹²⁷ No narrative is necessary here for the white earl's first lieutenancy of 1420–22, which is discussed in minute detail in Matthew, *Gov Lancastrian Ire* (PhD), 118–56.

IV

Motives

THREE important points emerge from this narrative of the events of 1414–20: the conflict was slow to develop; it was not a peripheral affair; and the issues at stake soon came to have a significance beyond the personal enmity of the principals concerned. Pinpointing a specific reason for the growth of discord is rather more difficult. Certainly, it would be inadequate merely to rehearse the detailed complaints drawn up by each side c 1422–3. On examination, these are often merely symptoms of the conflict or attempts to justify it retrospectively. The situation is reminiscent of the conflicts anatomised by Otto Brunner in late medieval Austria—albeit without the elaborate legal framework of defiance—where ‘even the most trivial legal dispute could serve as the *excuse* for declaring a feud’.¹²⁸ Publicly declared grievances, in other words, can conceivably divert our attention from the underlying causes.¹²⁹ The following discussion proceeds from the assumption that, although the sources of Talbot–Ormond antagonism were multiplex, it is possible to identify a major point of cleavage between the Talbots and Butlers by placing the events of Talbot’s lieutenancy in the context of the factional politics between the Geraldines and Butlers during the previous half-century. Yet, just as in the time of Sir William Windsor, the private aims of the Butler party became bound up with more widespread grievances against the king’s lieutenant in Ireland.

The best example of this confluence of grievance comes from a document presented to the king and council in England. Its date has been much disputed, but is almost certainly attributable to the year 1422.¹³⁰ Elizabeth Matthew has convincingly argued that this document was a ‘brief’ for Archbishop John Swayne

¹²⁸ Otto Brunner, *Land and lordship: structures of governance in late medieval Austria*, ed Howard Kaminsky & James van Horn Melton (Philadelphia PA 1992) 16 (my emphasis).

¹²⁹ Note also Brunner’s observation that, ‘complaints about the consequences of feuds do not go into their causes—it is as though we were reading a simple description of crimes’ (ibid. 71).

¹³⁰ BL Cotton Ms Titus B XI pt 1 §26–26^v; pr *PPC* 1410–22, 42–53. The editor of *PPC*, Sir Harris Nicolas, mistakenly assigned the document to ‘early in the Reign of Henry IV’ (*PPC* 1410–22, qtn iv). Margaret Griffith and Richardson and Sayles independently recommended a date of 1422 (Griffith, ‘Talbot–Ormond struggle’, 381; *Ir parl* 174–5). Otway-Ruthven dissented and redated the document to c 1416 on the basis of ‘the reference to MacMahon’ (Otway-Ruthven, *Med Ire*, 351 n 24); she is followed in this by Robin Frame and Katharine Simms (Frame, ‘The judicial powers of the medieval Irish keepers of the peace’, *Ire & Brit*, 316 n 101; Simms, ‘Bards & barons’, 184–5). Otway-Ruthven’s evidence is not conclusive, however, as there are later references to MacMahon being lately openly at war from 1421–2 (*RCH* 252 §31; Steele, *Secreta*, 203). Together with other evidence amassed by Elizabeth Matthew, this indicates that 1422 is the correct date (Matthew, *Gov Lancastrian Ire* (PhD), 148–50).

and Sir Christopher Preston.¹³¹ At a parliament held in 1421 before the white earl of Ormond, these men were chosen ‘with the assent of the said lords and of your said commons’ as envoys to appear in England before the king.¹³² The ‘brief’ opens with complaints framed in general terms about the perversion of justice and unlawful exactions during Sir John Talbot’s lieutenancy,¹³³ echoing the language of the petition drawn up at the 1421 parliament, complaining of Talbot’s ‘several great and monstrous extortions and oppressions ... such as were never done in our time’.¹³⁴ The ‘brief’, however, provides much more detailed and explicit information about the nature and victims of these ‘oppressions’. Many of those who are identified as having been disadvantaged can be shown to have been involved in the Butler opposition to Talbot, among them the white earl of Ormond himself; Archbishop Swayne of Armagh; the earl of Kildare.¹³⁵

Closer examination of one particularly vexed case—that of a clerk by the name of John Tanner—is instructive. Tanner is described in the ‘brief’ of 1422 as parson of ‘Neucastellum’.¹³⁶ He claimed to have been arrested by Sir John Talbot’s man, John Liverpole, and brought to Wicklow castle. Meanwhile, one William Scryvener and other soldiers robbed Tanner of his goods. When Tanner petitioned on the matter at a great council at Naas, he was apparently unable to obtain redress.¹³⁷ There is much more to this case than at first meets the eye. Tanner’s patron was, in fact, the white earl of Ormond. Ormond remonstrated before the king on Tanner’s behalf in 1422, claiming that Liverpole arrested Tanner and forced him to pay forty pounds to Sir John Talbot and his family.¹³⁸ Sir John Talbot later countered with a lengthy charge against Ormond, to the effect that the latter was an accessory in John Liverpole’s murder. Talbot claimed that one William Edward, Ormond’s servant and constable of the Butler castle of Arklow,

¹³¹ Matthew, *Gov Lancastrian Ire* (PhD), 149.

¹³² 9 Hen V [Ire], preamble (*Statutes John–Hen V* 562–3); Chron Marl s.a. 1421.

¹³³ *PPC 1410–22*, 43–7.

¹³⁴ 9 Hen V [Ire], c 9 (*Statutes John–Hen V* 570–71). William Betham provides a translation of this petition (Betham, *Dignities, feudal and parliamentary [...]* (London 1830) 335–50).

¹³⁵ *PPC 1410–22*, 46–8. Elizabeth Matthew has shown that a paragraph dealing with the earl of Kildare is omitted in *PPC 1410–22*, but is found in Lambeth Palace Library Carew Ms 608 f 66^b (Matthew, *Gov Lancastrian Ire* (PhD), 149 n 141).

¹³⁶ This may refer to Newcastle McKynegan, co Wicklow. One Maurice Tanner, who was a burgess in the Butler town of Arklow in 1377, may have been a kinsman (*RCH* 99 §4). Another of Tanner’s benefices—the prebend of Swords—lay in Dublin (*RCH* 197 §5). He was also granted the prebend of St Mary of Beaver in the diocese of Cork (*RCH* 206 §124).

¹³⁷ *PPC 1410–22*, 47–8.

¹³⁸ Griffith, ‘Accusations’, 395 §21.

gathered a force including members of the Gaelic Uí Bhroin dynasty and prepared an ambush: ‘as the said John [Liverpole] was travelling from [Wicklow] castle to the town of Wicklow the said William with his aforesaid men suddenly rose up and murdered the said John, and cut off his head and took it to Obryn [Ó Broin], the Irish enemy of our lord the king, and chieftain of his nation; ... and the said earl knowing him to have committed such treason, afterwards received him in his service and faction, and still kept him in the office of the aforesaid constabulary of Arklow.’¹³⁹ It is likely that behind this reciprocal mud-slinging lay a dispute between Talbot and Ormond supporters over the constableness of Wicklow castle. In 1410, during his tenure as deputy lieutenant of Ireland, Prior Thomas Butler granted the constableness of Wicklow castle to his ally Sir Edward Perers.¹⁴⁰ Perers’ right to the castle was disputed by John Liverpole. Liverpole’s association with Ireland extended back to the time of Richard II, but he was favoured by the Lancastrian dynasty and on 9 October 1399 he was appointed as constable of Wicklow castle.¹⁴¹ Prior Thomas Butler’s grant to Sir Edward Perers therefore undermined his position. Liverpole took the opportunity of Henry V’s accession to have the original letters of appointment of October 1399 confirmed, and documents emanating from the Irish chancery in 1414–15 suggest that he was recognised in that post during Talbot’s lieutenancy.¹⁴² Yet Perers was tenacious. In August 1416, he obtained confirmation under the English seal of the grant of Wicklow castle made by Prior Thomas Butler, and the treasurer of Ireland was ordered to pay Perers his fee of fifty pounds per annum.¹⁴³

The immediate result of this order is unclear, although Perers had certainly regained control of Wicklow castle once the white earl became lieutenant of Ireland in 1420.¹⁴⁴ The significant point is that mutual antipathy between John Liverpole and members of Ormond’s affinity filtered up the political strata, eventually becoming a major issue in the confrontation between the two principals themselves. The duty of providing ‘good lordship’ for one’s men and protecting

¹³⁹ Curry (ed), ‘Hen VI: parliament of October 1423, text & trn’ in *PROME CD-R*, item 9. For Arklow in a slightly later period, see Liam Price, ‘The Byrne’s country in county Wicklow in the sixteenth century: and the manor of Arklow’ in *JRSAI* lxxvi (1936) esp 52–66.

¹⁴⁰ *CPR* 1416–22, 42.

¹⁴¹ *CPR* 1399–1401, 10.

¹⁴² *CPR* 1413–16, 30; *RCH* 209 §177; *RCH* 213 §126.

¹⁴³ *CPR* 1416–22, 42; *CCR* 1413–19, 317.

¹⁴⁴ On 14 October 1420 and again on 28 October 1421, the treasurer of Ireland was ordered to pay Edward Perers and his son John arrears of their fee for the custody of the castle and town of Wicklow (*RCH* 251 §§21–2, *recte* *IrCR* 8–9 Hen V; *IExp* 550).

them in their disputes, therefore, contributed to the growing Talbot–Ormond antagonism. The Tanner case also shows how lordship over land became an issue. While John Tanner was in captivity in Wicklow castle, a man by the name of William Scryvener reputedly robbed him of his goods. This by itself may have been enough for Scryvener to earn Ormond’s enmity; but there was another pressing reason why Ormond may have been anxious to blacken Scryvener’s name. Scryvener claimed to have been granted two manors coveted by the Butlers: Castlewarden and Oughterard, county Kildare. His claim was quashed in 1412 when Prior Thomas Butler, with the assent of Thomas of Lancaster, granted the manors to the white earl of Ormond.¹⁴⁵ After Ormond’s lands were confiscated by Sir John Talbot, however, Scryvener seized his chance and, seemingly with the support of the Talbot administration, intruded upon the manors.¹⁴⁶

It possible to dissect many of the complaints in a similar way; but, however useful this is for explaining the escalation of the antagonism, these aggravations do little to explain the *initial* breakdown between Talbot and Ormond. One possibility is that the ingredients of their hostility existed prior to Talbot’s lieutenancy. Late in 1413–14, Sir John Talbot was involved in a major quarrel with his rival in Shropshire, Thomas, earl of Arundel (†1415). In consequence of this dispute, on 16 November 1413, Talbot was compelled to make recognizances of £4000 to maintain the peace and was arrested and briefly confined in the Tower of London.¹⁴⁷ Talbot’s appointment as lieutenant of Ireland on 24 February has been interpreted as a ploy made under pressure from Arundel to remove Talbot from the English political scene and allow him to ‘cool his heels’ in Ireland.¹⁴⁸ The white earl of Ormond had recently married Arundel’s niece, Joan Beauchamp. Consequently, it has been suggested that an unfortunate side-effect of Talbot’s appointment as lieutenant was that the Arundel–Talbot quarrel was exported to Ireland.¹⁴⁹ It is certainly possible that Ormond’s Beauchamp affiliations subsequently hardened Ormond in his hostility to Sir John Talbot; but the patronage that Talbot lavished on Ormond early in 1415 suggests

¹⁴⁵ *RCH* 198 §26 (c); *ibid.* 200 §76. See Crooks, “Hobbes”, 145 n 147; above 96 n 134.

¹⁴⁶ *Rot selecti* 55.

¹⁴⁷ *CCR* 1413–19, 97–9; *Cal Signet Ltrs* §772. The dispute is described in Edward Powell, ‘Proceedings before justices of the peace at Shrewsbury in 1414: a supplement to the Shropshire peace roll’ in *EHR* xci 392 (1984) 535–41; *idem*, ‘The restoration of law and order’ in G. L. Harriss, *Henry V: the practice of kingship* (Oxford 1985) esp 69–72; *idem*, *Kingship, law and society: criminal justice in the reign of Henry V* (Oxford 1989) 220–23.

¹⁴⁸ Powell, ‘Proc at Shrewsbury in 1414’, 539; *idem*, *Kingship*, 223 (qtn).

¹⁴⁹ Matthew, *Gov Lancastrian Ire* (PhD), 115–6.

that their relationship was not acrimonious from the outset. The point of contention is, therefore, to be sought after 1415 and within the colony.

If any pre-existing antagonism nourished the enmity between Talbot and Ormond, then it seems likely that it was not the Arundel–Talbot quarrel, but the rancorous relationship between the Butlers and the Munster Geraldines that had permeated colonial politics for the past six decades. As we have seen, early in 1414, Thomas, sixth earl of Desmond, made an attempt to dislodge his uncle, James (†1463) and reinstate himself in his earldom with the aid of a force recruited in England.¹⁵⁰ The Butlers, led by the deputy lieutenant of Ireland, Prior Thomas of Kilmainham, seem to have acquiesced in James' expropriation of his nephew in 1411. There is no evidence that they supported Earl Thomas' attempt to reinstate himself in 1414. Indeed, they may have been well pleased when he was taken captive and imprisoned by his uncle.

Some time after Sir John Talbot's return to Ireland late in 1416, a very different approach to the Desmond problem was adopted. The last item in the laudatory letter written on Talbot's behalf on 26 June 1417 and intended for the eyes of Henry V refers to a campaign Talbot conducted in Munster with the purpose of delivering Earl Thomas of Desmond from the hands of his uncle. The letter praises Talbot for his

greate continuall labours & costes which he hath borne & sustayned about the deliverance of the Earle of Dessemond, who was falsly and deceatfully taken & detayned in prison by his unkle, to the greate distruction of all the contry of Mounstre, untill now that he is graciously delivered by the good & gracious government of the same your Leiftenant.¹⁵¹

Before the messenger bearing this letter reached the king, Henry V left England for Normandy. Sir John Talbot, therefore, found it necessary to compose a second letter, this time addressed to the king's brother and lieutenant in England, John, duke of Bedford.¹⁵² Talbot again complained of the great costs he had incurred in

¹⁵⁰ See above 306–08.

¹⁵¹ Ellis, *Letters* i ltr XIX qtn 61. Pollard erroneously places this event in the summer of 1418 (Pollard, *Family of Talbot* (PhD), 117). Despite Talbot's efforts, James of Desmond retained control of the region. In 1417, the Gaelic annals report that James killed, 'Tomas mac Meic Muris Ciarraigi' (AC s.a. 1417.5 qtn 434), probably the son of Maurice Óg of the FitzMaurices of Kerry, for whom see K. W. Nicholls, 'The FitzMaurices of Kerry' in *JKAHS* iii (1970) 35.

¹⁵² BL Cotton Titus B XI pt 1 §31. The letter refers to Henry V's crossing to France. This makes it difficult to reconcile its date of 11 July 1417 with the king's movements, as Henry V only landed in France on 1 August 1417 (Allmand, *Henry V*, 113). It is also implausible, on the face of it, that the messenger who carried the original letter of 26 June 1417 to England, could have travelled from Ireland, found the king

releasing the earl of Desmond from the hands of his enemies. Desmond, the lieutenant explained, was at present resident in his household without a penny of his own.¹⁵³ Talbot's intervention in the politics of Munster almost certainly provoked the ire of the Butlers in Ireland and it is surely significant that on 18 July 1417, as couriers bearing these letters criss-crossed the Irish Sea with news of Desmond's fate, the estates of the white earl of Ormond were seized by the lieutenant into the king's hands. Earl Thomas of Desmond accompanied Sir John Talbot in his household as the latter toured the newly confiscated Butler estates in the autumn of 1417, and he was present at the city of Waterford on 20 September 1417, when Sir John Talbot took the submission of Prior Thomas' enemy, Walter Burgh, and granted him the king's peace. The fact that Desmond was fraternising with the principal members of the king's council—the chancellor and treasurer of Ireland—may be an indication of the standing he was accorded in Talbot's eyes.¹⁵⁴

Talbot's promotion of Earl Thomas of Desmond is clear enough. Doubtless, this severely rankled with Prior Thomas Butler. It is more difficult to show a direct connection at this time between the Butlers and the earl of Desmond's uncle, James 'the usurper'. An indirect link is, however, suggested in a letter '[w]riton in grete haste' late in Talbot's lieutenancy by John Marshal, constable of Athy castle, county Kildare.¹⁵⁵ The letter reports that a Gaelic lord, 'M^cgilpatrick' or Mac Giolla Phádraig of Osraige, wished to become Talbot's man. To prove his good faith, Mac Giolla Phádraig offered to serve at Talbot's

overseas, and returned, all before 11 July. It seems likely, therefore, that the manuscript is misdated. If the real date were, for instance, 11 August, these difficulties would not arise.

¹⁵³ BL Cotton Titus B XI pt 1 §31 (F: *mes auxi grandes expenses et coustages quex iay eu longe temps entour la deliverance de le count de Dessemond hors des mayns de ses enemys qest pleynement delivere et avec moy aupresent en hostiell ... depuis sa enprise toutz ses seignuries chastiell et villes sont outrement destruez et degastez par greindre partie quest trop delorouse a conustre*).

¹⁵⁴ Otway-Ruthven, 'Arrest', 76, 87; BL Cotton Titus B XI pt 1 §46.

¹⁵⁵ TNA SC 1/43/176. This letter was written in the month of January, but no year is given. Talbot was in Ireland in the first month of each of the years 1415–19. On 28 January 1421, Sir Richard Wellesley was granted custody of Athy, referred to as a very great fortress and the key to the country (*RCH* 251 §23, *recte* *IrCR* 8–9 Hen V). These restrictions suggest that the correct date may be January 1420. This would make sense of the author's reference to Talbot's enemies in France, as Talbot was bound for France in the first half of 1420 (Pollard, *John Talbot & the war in France*, 9). From a letter of June 1417, we learn that Talbot had been responsible for repairing the bridge over the river Barrow at Athy, 'sett in the fronture of the borders of the Irish enimies of Laies, for the safe keeping whereof he hath erected a new tower upon the same for a warde to putt therwith a great fortifica[iou]n aboute the same for resistance of the sayd enimies ... by which bridge your faythfull leiges were oftentimes prayed^a & killed, but now ... may suffer their goods and cattels to remayne in the feilds day and night wthout [*sic*] being stolen, or sustayning any other losse, which hath not beene seene here by the space of these thirty yeares past' (Ellis, *Letters i ltr* XIX 59).

command, in particular against two of Talbot's enemies, 'Acalagh' or An Calbhach Ó Conchobhair Failghe (†1458)¹⁵⁶ and 'James of Desmond'. These men were said to be making themselves strong against Talbot and Mac Giolla Phádraig promised that he would lay siege to any castles they held against Talbot until the arrival of reinforcements.¹⁵⁷ Mac Giolla Phádraig's offer contains a strong element of self-interest. His territory was located on the northern marches of the Butler lordship and he was a traditional enemy of the earls of Ormond.¹⁵⁸ His application to Talbot, therefore, allows us to delineate rival parties in Ireland. An Calbhach, whom he identified as hostile to Talbot, was an ally of the Butlers. Together with Prior Thomas Butler, An Calbhach laid siege to Roscommon castle in 1417–18.¹⁵⁹ The Butlers' alliance with the Uí Chonchobhair Failghe provided plenty of ammunition for the Talbot party. Sir John Talbot later alleged that Ormond extracted 'black rent and tribute money' from his manor of Oughterard, county Kildare, and ordered that it should be paid to An Calbhach's wife, Margaret.¹⁶⁰ Ormond was further accused of arresting Thomas Talbot, esquire, Sir John Talbot's cousin, and passing him into the hands of An Calbhach.¹⁶¹ Thomas was said to have been ransomed for ten pounds, but before his release, his Gaelic captors 'beat him and laid their cudgels on him, more than he might bear, by which matter the said Thomas is seriously injured'.¹⁶² The significance of this for our examination of the role of the Munster Geraldines in the development of the Talbot–Ormond antagonism lies in the fact that Mac Giolla Phádraig mentions Ó Conchobhair Failghe and James of Desmond in the same breath. This was not due to chance. Both men were clearly allies of the Butlers. Mac Giolla Phádraig acted in the knowledge that Talbot was also hostile to Butler interests. In other words, his offer to become Talbot's man was made in the hope that the enemy of his enemies would be a powerful friend.

¹⁵⁶ For whose long career, see Ó Cléirigh, 'O'Connor Faly lordship of Offaly', esp 90–93. He was son of Murchadh Ó Conchobhair Failghe (†1421), lord of Uí Failghe. For a genealogy, see *NHI* ix 150–51.

¹⁵⁷ TNA SC 1/43/176. Pollard misreads James of Desmond as 'James of Ormond' (Pollard, *Family of Talbot* (PhD), 121).

¹⁵⁸ Emmett O'Byrne, *War, politics and the Irish of Leinster, 1156–1606* (Dublin 2002) 117–8.

¹⁵⁹ Otway-Ruthven, 'Arrest', 78; TNA E 101/698/34 (pr app ii below).

¹⁶⁰ Curry (ed), 'Hen VI; parliament of October 1423, text & trn' in *PROME CD-R*, item 9. For a family connection between Margaret's father Tadhg Ó Cearbhaill, and the Butlers, see O'Byrne, *War, politics & the Irish of Leinster*, 117.

¹⁶¹ Thomas Talbot, esquire, is not to be confused with Sir Thomas Talbot, brother of Sir John, and the latter's deputy at the time of the arrest of the earl of Kildare and Sir Christopher Preston (*NHI* ix 476).

¹⁶² Curry (ed), 'Hen VI; parliament of October 1423, text & trn' in *PROME CD-R*, item 9.

If an alliance between James ‘the usurper’ and the Butlers is only hinted at during Talbot’s tenure, it comes into clear focus soon after the white earl of Ormond assumed the lieutenancy of Ireland in 1420. On 10 December 1420, during a parliament held at Dublin,¹⁶³ Ormond appointed James of Desmond to a wide ranging commission of the peace in the south of Ireland. Its competence included counties Waterford, Cork, and Limerick, as well as the crosslands of Kerry.¹⁶⁴ This appointment represents a major deviation from the pattern of the previous half-century. During that period, the competition between the Butlers and Geraldines ensured that regional office was jealously guarded. Moreover, the fault lines of seigneurial geography were traditionally highly unstable in counties Cork and Limerick. Yet this act of confidence in James of Desmond was only a beginning. Ormond also instructed the treasurer of Ireland to deliver to James the munificent sum of £100 in response to the latter’s petition that he had long retained many men-at-arms in resisting the malice of the Irish enemies and English rebels of Munster and Connacht.¹⁶⁵ Given that during the Talbot regime, James of Desmond was deemed to be first among those ‘English rebels’, his re-invention under the aegis of the white earl as a respectable pillar of English government in the south-west is highly impressive.

Still greater advancement was to follow. In the course of this same parliament, rumours reached Ireland of the death of Earl Thomas of Desmond in France.¹⁶⁶ As we have seen, inquisitions *post mortem* were conducted with great expedition by Henry Stanihurst, who had been appointed deputy escheator in the period after the white earl’s assumption of the lieutenancy of Ireland.¹⁶⁷ The findings of the jurors are highly significant. James of Desmond was named as the nearest heir of his brother, John, fourth earl of Desmond (†1399). The inquisitions state that from the time of the death of Earl John, ‘Maurice fitz Gerald and Thomas fitz John ... have occupied and do occupy all the said manors and lordships and received the issues and profits of the same, in virtue, the jurors say, of a grant made by the King [Henry IV] to Maurice and Thomas by reason of the

¹⁶³ Marlborough reports that parliament began on 2 December and continued for thirteen days (Chron Marl s.a. 1420).

¹⁶⁴ Frame, ‘Commissions’, §23; =*RCH* 217 §18. William fitz Gerald, Thomas Hall, and John Myagh were also appointed as justices and keepers of the peace.

¹⁶⁵ *RCH* 252 §28 (IrCR 8–9 Hen V)

¹⁶⁶ Chron Marl s.a. 1420.

¹⁶⁷ See the discussion above 249–50. For Stanihurst, see Matthew, *Gov Lancastrian Ire* (PhD), app i, list 10, ‘Escheators’, 550.

minority of Thomas son of John'.¹⁶⁸ This outcome was politically expedient and may have been manipulated.¹⁶⁹ Not only is the matter of James of Desmond's usurpation glossed over, but the late Earl Thomas is nowhere accorded the comital title. This has a double significance. In effect, the late Thomas, sixth earl of Desmond was posthumously disinherited and his expropriation by his uncle legitimised. By the same token, the jurors' findings 'proved' that the Butlers had been supporting the rightful heir to the earldom of Desmond all along.

The elevation of James to the earldom of Desmond came a decade after he had first expelled his nephew from Ireland in 1411. That event had given rise to a new dynamic in colonial politics whereby the Butlers and Munster Geraldines might collaborate rather than compete. With James 'the usurper' now sporting the title earl of Desmond, this cooperative relationship could be placed on an official footing. By an indenture of January 1422, the white earl appointed Desmond keeper and supervisor of the Butler moiety of the barony of Inchiquin and the town of Youghal in county Cork. Ormond also appointed Desmond as his seneschal in these lands, and granted him all rents and profits accruing from them together with 240 acres of demesne land to be chosen by Desmond himself.¹⁷⁰ Two months after this agreement, a testimonial was composed in favour of the white earl by the community of county Limerick. It mentions both Ormond and Desmond and extols the virtues of their partnership. The authors report that the white earl of Ormond, 'made war against the enemies and rebels of our lord the king in that land, in the most commendable manner, receiving great help from James of Desmond, the earl of Desmond ... to the praise of God, the great honour of our lord the king, the comfort and relief of the loyal people of the land.'¹⁷¹ Apparently, the two comital houses in the south of Ireland had found a means of living together and this seems to have acted to the benefit of the colony at large.

¹⁶⁸ COD iii §45, qtn 31. The grant referred to is that made on 29 May 1400, by which custody of the Geraldine inheritance was granted to Maurice, the *de facto* fifth earl (†1401), and Thomas, the future sixth earl (*RCH* 157 §92).

¹⁶⁹ The suggestion that there may have been sharp practice at work is strengthened by the fact that some of the jury lists seem to be deficient. K. W. Nicholls noted, for instance, that the jury list for the inquisition taken at Ardahan, co Galway, 'would appear to have been copied from that of an inquisition taken at the same place a hundred years earlier, in 1321' (Nicholls, 'Late medieval annals', 89 (qtn); cf. H. T. Knox, 'Ardahan castle' in *JGAHS* vii (1911–12) 81).

¹⁷⁰ COD iii §51; TNA C 47/10/26/4. The document is listed in James Hogan, 'Miscellanea of the chancery, London' in *AH* 1 (1930) 200.

¹⁷¹ TNA C 47/10/26/5 (tr Griffiths, 'Talbot–Ormond struggle', app i 392).

V

JAMES of Desmond's affiliation with the Butlers, therefore, served him well. He gained a comital title as well as control of lands in east Cork that the Munster Geraldines had coveted since the time of his grandfather, Maurice fitz Thomas, first earl of Desmond (†1356).¹⁷² The price of accepting Ormond's sponsorship was that Desmond acknowledged himself to be the junior partner in the relationship. It might be argued that this represented no more than a pragmatic recognition of political facts. Yet, this is to miss the point. A cardinal feature of the conflict since the 1350s had been the stubborn refusal of successive earls of Desmond to bow to the reality that the Butlers held the advantage. For Desmond to acquiesce in his own subordination is a startling departure. Nor can their *modus vivendi* be classed as a compromise that worked well because it pleased neither party. On the contrary, the Talbot–Ormond antagonism stemmed from the fact that, by supporting Earl Thomas of Desmond, Sir John Talbot had imperilled a situation that had operated to the satisfaction of both Geraldines and Butlers since the usurpation of 1411. In the resolution of one conflict lay the seeds of future recrimination.

¹⁷² A. F. O'Brien, 'The territorial ambitions of Maurice fitz Thomas, first earl of Desmond, with particular reference to the barony and manor of Inchiquin, Co. Cork' in *PRIA* lxxxii (1982) C3 59–88.

THE PREVIOUS chapter sought to trace the growth of discord between the Talbot and Ormond factions in Ireland in the reign of Henry V. Its conclusion was familiar: that colonial attitudes to a new chief governor were dictated in part by strategic imperatives and private concerns. This theme has permeated our period and its importance should not be underestimated; but, by itself, it presents a rather impoverished account of the conflict in these years. The aim of this final chapter is to provide a more satisfactory understanding of the character of the struggle by adopting a thematic approach and exploring the strategies of dominance and defiance adopted by both the Talbots and Butlers between 1414 and 1423. Naturally strong-arm tactics had a role to play here. Yet, it is equally striking that power continued to be asserted and resisted by political means. The colonial administration, English court and the Irish parliament remained cardinal features of the conflict. So too were more intangible elements such as the support of the political community and abstract notions such as good governance. These factors are testament both to the continuing relevance of the institutions of royal government and the precocity of English political culture in Ireland.

I

Coercion

LET US begin at the dark end of the spectrum. Violence is certainly prominent in the batteries of complaints launched by each of the antagonists. Just as Ormond's servant, William Edward, was accused of the murder of John Liverpole,¹ so Talbot allegedly imprisoned the white earl's half-brother, James *Gallda*, and 'wold have y pote his sayde brother to deith had he noght be stellyn out of pryson'.² Of course, these documents were designed to discredit rivals. They must be read with a sceptical eye, just as their 'stifling formality' indicates that they were written with one eye on the statute books.³ Richard Kaeuper has rightly emphasised that, 'the language of disorder quickly becomes formulaic and may exaggerate the disorder as a means of emphasizing the virtue of whatever royal action is

¹ Anne Curry (ed), 'Henry VI: the parliament of October 1423, text & trn' in *PROME CD-R*, item 9.

² Griffith, 'Accusations', §6.

³ The phrase is that of Geoffrey Elton with reference to the legal records of early modern England, but his comments are illuminating for an earlier period (G. R. Elton, 'Introduction: crime and the historian' in J. S. Cockburn (ed), *Crime in England, 1550–1800* (London 1977) 11).

proposed'.⁴ The defence made by Walter Burgh of Clanwilliam before the great council at Naas in December 1417 provides a useful vignette. Prior Thomas Butler, he says, launched a raid into Burgh territory seizing twenty prisoners, twenty nags and eighty pigs. When Walter sent his kinsman, Davy *Gall* to seek restoration of the captives and plunder, Prior Thomas reputedly attacked him, captured two of his horses, and sent him fleeing for his life.⁵ It is clear from this that the campaign—which was probably typical—had limited objectives. Significantly, there was no loss of life. Nonetheless, Walter's claim that he was attacked in a 'warlike manner [F: *a feer de guerre*]' was necessary to tarnish Prior Thomas in the eyes of the law.⁶

A similar strategy explains the trouble that Sir John Talbot took to demonstrate in his report that Sir Christopher Preston and the earl of Kildare were guilty of certain key offences. Preston and Kildare are depicted firstly accroaching royal power to themselves (F: *accrochantz a eux roiall poair*),⁷ and then later, at their secret meetings and conventicles with Prior Thomas Butler, conspiring to put Sir Thomas Talbot to death and seize the governance of the land.⁸ Accroaching royal power was a stock political offence of the first order that was employed repeatedly in the crises that engulfed late medieval England.⁹ Likewise, to compass or imagine the king's death was deemed to be treason under the great statute of 1352. The significance of this lies in the fact that at the time of the arrest of Preston and Kildare, Sir Thomas Talbot—the intended victim of the alleged plot—was the king's representative in Ireland.¹⁰ Given the legal exigencies, we are quite entitled to question whether Kildare and Preston had any such thing as the murder of the deputy lieutenant in mind.

On the other hand, we must retain some sense of proportion. It can scarcely be doubted that coercion in a variety of guises had a role to play. Nor was force necessarily illegitimate. The campaigns of the king's lieutenant were all the more effective because of their 'legitimacy'. Resistance to the royal army was yet

⁴ Richard W. Kaeuper, 'Law and order in fourteenth-century England: the evidence of special commissions of oyer and terminer' in *Speculum* liv 4 (1979) 736.

⁵ Otway-Ruthven, 'Arrest', 76, 87.

⁶ Otway-Ruthven, 'Arrest', qtn 76. For the legal context, see J. G. Bellamy, *The law of treason in England in the later middle ages* (Cambridge 1970) 107.

⁷ Otway-Ruthven, 'Arrest', qtn 80.

⁸ See esp TNA E 101/698/34 (pr below app 2).

⁹ For accroaching royal power, see Bellamy, *Law of treason*, 64–74; M. V. Clarke, 'Forfeitures and treason in 1388', *Fourteenth Cent Stud* 136–7.

¹⁰ SR i 319; Bellamy, *Law of treason*, 122–3.

another offence that could be construed as treason¹¹—a legal encumbrance that Gaelic enemies were normally spared.¹² It was, for instance, by mustering the royal army and campaigning in Munster that Sir John Talbot managed to free Earl Thomas of Desmond from the hands of his uncle, James of Desmond.¹³ This was physical force at its most potent.

Potency and effectiveness did not, however, always go hand in hand. Talbot managed to free Earl Thomas, but he could not dislodge his supplanter, and the lieutenant's own doleful letter testifies that all of Desmond's lordships, castles and towns had been burned and destroyed.¹⁴ It was precisely because royal armies were so awesome that they were unlikely to be engaged. Consequently, other strategies had to be employed. One such falls under the banner, 'divide and rule'.¹⁵ In his ruthless dealings with Gaelic Ireland, Talbot displayed a flare for factionalisation. The testimonial of June 1417 praises the lieutenant for causing, 'every Irish [i.e. Gaelic] enemie to serve upon the other, which thinge hath not beene seene by longe tyme in theise partes untill the coming of your Leiuetenaunt aforsayd'.¹⁶ Talbot may have had a similar policy in mind when he granted the king's peace to the Butlers' enemy, Walter Burgh, in the autumn of 1417.¹⁷ The white earl of Ormond was later to allege that Sir John Talbot encouraged Walter to attack the Butler lordship and wrote to Tadhg Ó Briain (described as 'the grettest rebell of all Mownester'), exhorting him to 'ryse with the sayd Water [*sic*]'.¹⁸ Whatever the truth of the charge, Sir John Talbot certainly attempted to turn the disturbances between Prior Thomas and Walter Burgh to his political advantage.

¹¹ Maurice Keen, 'Treason trials under the law of arms' in *TRHS ser5* xii (1962) 95.

¹² An interesting exception arose as a consequence of the expedition of Richard II in 1394–5. Even before Richard II left Ireland, Niall Óg Ó Néill expressed concern about the implications of his submission: 'For it is openly foretold that after your departure my lord the Earl of Ulster [Roger Mortimer, earl of March (Lt 1395–8)] will wage bitter war against me, and if I make no resistance he will crush me without pity ... on the other hand, if I resist him my rivals will say that I have become rebel and traitor to your Majesty (L: *dicent quod rebellus et infidelis contra vestram maiestatem devenio*), which, God be witness, I never intend to be' (Curtis, *Ric II in Ire*, ltr 13, 133–6, tr 214–6). For earlier instances, resulting from the increasingly defined relationship between Gaelic leaders and the Dublin government, see Robin Frame, 'Two kings in Leinster: the crown and the MicMhurchadha in the fourteenth century' in *Colony & frontier* 167–8.

¹³ Ellis, *Letters* i ltr XIX 61.

¹⁴ BL Cotton Titus B XI pt 1 §31

¹⁵ For this theme in an earlier period, see Peter Crooks, "'Divide and rule': factionalism as royal policy in the lordship of Ireland, 1171–1265' in *Peritia* xix (2005) 263–307.

¹⁶ Ellis, *Letters* i ltr XIX 59.

¹⁷ Otway-Ruthven, 'Arrest', 76; BL Cotton Titus B XI pt 1 §46.

¹⁸ Griffith, 'Accusations', 393–4 §5 qtn 393.

In Talbot's report to the king's council, Prior Thomas is portrayed as a disturber of the king's peace, whereas the lieutenant appears as the restorer of order.

The opponents of the Talbot administration also showed themselves capable of forcible resistance by proxy. An example presents itself from the dramatic events of the Trim parliament of May 1418, during which Meath was menaced by the Uí Chonchobhair Failghe and the 'English rebels', the Berminghams. The account in Talbot's report is constructed in such a way as to suggest that this attack was contrived by Prior Thomas Butler to lure the deputy lieutenant, Sir Thomas Talbot, away from parliament. If this can be believed, then it is an extraordinary example of how a physical threat could serve political ends. The enemies, so we are told, had been informed by their spies that Talbot would have to return to Trim on Tuesday, 31 May, or the parliament would be discontinued. They planned to wait until Talbot made to withdraw, upon which they intended to harry the deputy's retinue from the rear. Talbot seems to have comprehended the ruse and so dispatched messengers to the chancellor of Ireland, Sir Laurence Merbury, requesting him to explain the predicament to the assembled lords and commons. Talbot's messengers arrived at Trim on Tuesday evening, 31 May 1418, to find that the lords and commons had already dispersed to their accommodation for the night. The next morning, the requisite amount of time having elapsed, Sir Christopher Preston was able to declare that parliament was discontinued.¹⁹

II

Political structures

PHYSICAL force is not, however, the most impressive feature of the Talbot–Ormond conflict in these years. There were other more clinical instruments with which to disadvantage opponents. One was the apparatus of royal government. Sir Laurence Merbury and Hugh Burgh, chancellor and treasurer of Ireland respectively during much of Talbot's tenure, were both Sir John Talbot's retainers.²⁰ Merbury's loyalty to his patron was proven in 1417 when, as we have seen, he refused to affix the great seal of Ireland to the grievances of the Irish parliament.²¹ Control of the royal exchequer likewise had political implications. Had Talbot remained on good terms with the Butlers, then he might have

¹⁹ Ibid. 79.

²⁰ A. J. Pollard, *The family of Talbot, lords Talbot and earls of Shrewsbury* (PhD University of Bristol 1968), app iii, 'Prominent members of John Talbot's affinity', 417.

²¹ 9 Hen V [Ire], c 5 (*Statutes John–Hen V* 566–7).

overlooked the findings of the industrious exchequer clerks who began to investigate the white earl's relief and ancient debts in 1415. Of course, their relationship soured. In 1417, amid upheaval in Munster, Ormond's financial embarrassment was used as a pretext for seizing the entire Butler lordship into the king's hands.²²

It may be tempting to explain this provocative action in terms of Talbot's own financial problems, but even in purely economic terms it was senseless. Granted, the lieutenant was in dire financial straits, but the cost of dealing with the reaction of the Butler party must have far out-weighed any revenues he may have hoped to accrue from the white earl's estates. Clearly this was a punitive measure and it probably stemmed from Butler opposition to Talbot's sponsorship of Earl Thomas of Desmond. The confiscation of the Butler lordship in 1417 finds its counterpart in Ormond's treatment of the liberty of Wexford after he assumed the lieutenancy in 1420. On 23 June 1420, Ormond consented to a petition from John Chever who sought the custody of the manors, lands, tenements, rents and services in Wexford that were held by the late Gilbert, fifth lord Talbot (†1418), and which were now in the king's hands.²³ That this was a politically motivated act is clear from the fact that Chever was attorney in Ireland for Reginald Grey, Lord Ruthyn, who disputed the Talbot claim to Wexford.²⁴ Ormond's action was considerably less drastic than Talbot's seizure of the Butler estates a few years before; but in intention it was similar. In both cases, an attempt was made to debilitate an opponent by attacking his landed interests.

Power was consolidated by promoting the fortunes of clients and kinsmen. Ormond's sponsorship of James of Desmond is a dramatic example of this practice, and one that transformed the nature of regional politics in the south of Ireland. Sir John Talbot likewise rewarded his followers, but the Talbot regime was particularly notable as a family enterprise. It was, for instance, to his younger brothers, Sir Thomas and Richard, that Sir John entrusted the high office of

²² NAI RC 8/36 102–4, 170–73 (pr Empey, Butler lordship in Ire (PhD), app v §§1–2 xxxii). Hugh Burgh spent much of 1414–20 in England, but it is likely that he was in Ireland from late June 1417 (Matthew, Gov Lancastrian Ire (PhD), app i, list 5, 504 n 10).

²³ *Parls & councils* pt 2 §§76–7; *RCH* 218 §25.

²⁴ *CPR* 1416–22, 317; *RCH* 218 §19. See also Matthew, Gov Lancastrian Ire (PhD), 134 n 122. In 1420, Ormond also appointed Chever to commissions of oyer and terminer for a number of counties including Wexford (*RCH* 217 §§2, 12 (IrPR 8 Hen V); *ibid.* 221 §109). The Chevers were English residents of Ireland and well-versed in the law. A later John Chever was a member of Lincoln's Inn, London, and speaker of the Irish parliament. See *Ir parl* app viii, 'The speaker's protestation', 318–20; and more generally Paul Brand, 'Irish law students and lawyers in late medieval England' in *IHS* xxxii 126 (2000) 161–73, where the Chevers are mentioned at 166.

deputy lieutenant during his absences in England in 1418 and 1419–20.²⁵ It was also during Sir John's tenure that Richard Talbot's episcopal career in Ireland was launched, a fact that served to entrench Talbot influence in Ireland for decades to come. From early in Talbot's lieutenancy, Sir John's younger brother, Richard (†1449), had been in the market for a choice Irish benefice. In 13 November 1415, three days after the death of Bishop Patrick Barret of Ferns, Richard was granted the keeping of the temporalities of the diocese of Ferns.²⁶ As Ferns was the diocese that encompassed the Talbot lordship of Wexford, Richard may have aspired to succeed Barret as bishop. If so, his hope proved vain.²⁷ So too did his attempt to secure the primacy of all Ireland the following year. In 1416, on the death of Archbishop Nicholas Fleming, Richard Talbot was elected archbishop of Armagh, but he ultimately lost out to the papal nominee, John Swayne (†1442).²⁸ After two lost opportunities, the death of Archbishop Thomas Cranley of Dublin in May 1417 came as a double stroke of good fortune. A critic of Talbot's lieutenancy was thereby silenced and, doubtless with his brother's support, Richard Talbot was elected archbishop of Dublin in 1417.²⁹

As well as promoting one's own, it was also important to be able to marginalise opponents. In 1422, Ormond complained that Talbot had thrust James fitz William, chief baron of the exchequer, out of office, 'with oute cause & for evil will of the saide Erle'.³⁰ Perhaps, but if so it was a trick that the white earl knew well. When he assumed the lieutenancy in 1420, he set about purging the Irish administration of Talbot adherents.³¹ The terms of Ormond's appointment did not, however, allow for total freedom of action and Talbot's retainer, Sir Laurence Merbury, remained ensconced in the Irish chancery. A means was soon discovered of engineering Merbury's removal. The chancellor was summoned to England in

²⁵ *NHI* ix 476.

²⁶ *RCH* 212 §95. For Patrick Barret, see J. M. Rigg, 'Barret, Patrick', rev D. B. Johnston in *Oxford DNB*, internet version [www.oxforddnb.com/view/article/1517, accessed 26 March 2006].

²⁷ Patrick Barret was succeeded as bishop by Robert Whitley (†1438), formerly precentor of Ferns (*NHI* ix 312).

²⁸ For the early career of John Swayne, including his background as a papal secretary, before being consecrated as primate of all Ireland at Rome in 1416, see *Reg Swayne* ix–x; Aubrey Gwynn, 'Ireland and the English nation at the Council of Constance' in *PRIA* xlv (1938–40) C8 183–233.

²⁹ *NHI* ix 311; Bernard, 'Richard Talbot' in *PRIA* xxxv (1919) C5 219–20; M. V. Ronan, 'Anglo-Norman Dublin and diocese' in *Ir Ecclesiastical Record* ser5 xlvii (1936) 156.

³⁰ Griffith, 'Accusations', §9. He was CBEx from c 1413 to 1415, when he was replaced by William Tynbegh (CBEx 1415–17). See F. Elrington Ball, *The judges in Ireland, 1221–1921* (2 vols, New York 1927) i 160; Matthew, *Gov Lancastrian Ire* (PhD), app i, list 6 (i), 511.

³¹ The administrative reshuffle is comprehensively reviewed in Matthew, *Gov Lancastrian Ire* (PhD), 123–8.

October 1420, possibly at Ormond's behest, and on 21 March following he received a licence of absence until 1 August 1421.³² By mid-August, Merbury still had not returned.³³ The vacancy was discussed by the Irish council at a meeting held in a chamber of the house of Friars Minor, Drogheda, on 21 August 1421. It was decided that 'according to the custom of Ireland' the council was entitled to appoint a new chancellor. Consequently, William fitz Thomas, prior of Kilmainham, was appointed chancellor and he took his oath of office before Ormond a few days later.³⁴ To trawl the records of the Irish administration in search of evidence with which to puncture this invocation of custom is rather to miss the point. Just as in the case of later assertions of colonial rights—such as the famous parliamentary declaration of 1460 or the 'Statute' of Henry fitz Empress³⁵—custom should be interpreted liberally and understood as reactive. 'New decisions', anthropologists have taught us, 'if they are not soon challenged, become part of what has always been the custom since time immemorial'.³⁶ William fitz Thomas was possibly the son of Ormond's half-brother, Prior Thomas Butler of Kilmainham.³⁷ Certainly, he was amenable to Butler interests. His promotion in 1421 demonstrates how an appointment that served immediate political ends could be bolstered by an appeal to the collective memory of ancient rights.

Clearly much of the intrigue in the Talbot–Ormond struggle centred on the control of the Irish administration. This, however, was but one component of the English polity in Ireland. The colony's political structure was complicated by the ties that bound the Dublin government to Westminster. The survival of so many crucial documents pertaining to the Talbot–Ormond dispute testifies to the importance of the English court as a forum for politicking. Indeed, as Maude Clarke once perceptively commented, '[i]t might even be maintained that the

³² *CPR* 1416–22, 300; *RCH* 218 §27.

³³ Although he received a new English-seal appointment as chancellor of Ireland on 16 August (*CPR* 1416–22, 394).

³⁴ *RCH* 219 §49; *ibid.* 251 §5 (*recte* *IrCR* 9–9 Hen V).

³⁵ For which, see Art Cosgrove, 'Parliament and the Anglo-Irish community: the declaration of 1460' in *idem* & J. I. McGuire (eds), *Parliament and community: Historical Studies XIV* (Belfast 1983) 25–41; *Ir parl* app x, 'The statute of Henry fitz Empress', 324–31.

³⁶ Quoted in M. T. Clanchy, 'Remembering the past and the good old law' in *History* lv 184 (1970) 172. Cf. the situation in the thirteenth-century Welsh March, where, 'it was royal action and assertiveness above all which prompted them [the Marcher lords] to define their powers as the liberties and customs and usages of the March' (R. R. Davies, 'Kings, lords and liberties in the march of Wales, 1066–1272' in *TRHS ser5* xxix (1979) 59).

³⁷ T. Blake Butler, 'Thomas le Botiller, prior of Kilmainham, 1403–1419' in *Ir Geneal* i 12 (1937–42) 367.

records in Dublin had a value mainly for the routine of government, and that the significant evidence for conflict and change was irresistibly drawn across the water.³⁸ The diplomatic skirmishes that spawned these documents were of a kind familiar since the lieutenancy of Lionel of Antwerp and earlier. Complaint was matched by counter-complaint and grievances were offset by testimonials. Sometimes complainants appeared at court in person; but frequently an air of impartiality, even respectability, was achieved by the advocacy of envoys elected by the political community of the colony. In 1417, Sir John Talbot sought to counter-act the grievances of the Irish parliament by securing a testimonial from a great council held in June 1417. When that letter failed to reach its intended recipient, Talbot wrote again stressing his desire to confute accusations that were being levelled against him before the king in England by his detractors (F: *a respoundre as certains suggestions a luy faites sur moy en mabsence par mes nient bienveillantz*).³⁹ James, the white earl of Ormond, showed a similar anxiety in the 1420s. The fact that the accusations made by Sir John Talbot were rather slight makes Ormond's response all the more significant.⁴⁰ His strategy seems to have been to bombard the English court with a panoply of countervailing evidence. Ormond's twenty-eight charges were far more detailed and explicit than anything Talbot had mustered.⁴¹ Nor was the white earl content to rely merely on his own abilities. He was able to claim that he had the support of the 'poor humble lieges' of Ireland, represented in England by their envoys, Sir Christopher Preston and Archbishop John Swayne of Armagh.⁴² This was not all. As further evidence, Ormond elicited encomiastic letters from the communities of counties Limerick, Kildare, Carlow, Kilkenny and the city of Waterford, praising his activities since he first landed in Ireland as lieutenant in 1420.⁴³

³⁸ Clarke, 'Windsor', 146.

³⁹ BL Cotton Titus B XI pt 1 §31 (qtn).

⁴⁰ Talbot's complaint's are those recorded in Anne Curry (ed), 'Henry VI: the parliament of October 1423, text & trn' in *PROME CD-R*, item 9.

⁴¹ Griffith, 'Accusations', §§1–28 (TNA C 47/10/27/1–4).

⁴² 9 Hen V [Ire], preamble (*Statutes John–Hen V* 562–3); *PPC* 1410–22, 52.

⁴³ TNA C 47/10/26/5 (Limerick), tr Griffith, 'Talbot–Ormond struggle', app i 392; C 47/10/26/5 (Kilkenny); E 101/247/17 (Carlow, Kilkenny, Waterford).

III

Political values and the political community

ORMOND'S impressive political backing brings to the fore the most intractable aspect of interpretation, namely the role played by the 'political community' at large. Of course, 'community'—like so many abstract terms—presents difficulties of interpretation because of its very imprecision. The comments of Rees Davies are among the most illuminating: 'community could be and no doubt often was no more than a synonym for the ambitions of its more powerful numbers. That may be so; but we must not construe the role of community in too narrow or cynical a fashion. Community involved pursuit of common interest, albeit on a restricted front'.⁴⁴ This is very much to the point. Certainly it is difficult—at least at first—to resist the cynical conclusion that the opposition to Talbot was a contrivance of the most influential magnate family within the colonial community, the Butlers. The envoys elected by the Irish parliament in 1421 were hardly impartial. Sir Christopher Preston, as we have seen, was arrested by Sir Thomas Talbot along with Earl Gerald of Kildare in June 1418. Preston's fellow messenger, Archbishop Swayne—whose advancement to the primacy of all Ireland in 1416 had been at the expense of Richard Talbot—likewise suffered during Talbot's lieutenancy, apparently losing some eighty marks.⁴⁵ Moreover, historians have stressed the personal connections between the victims of Talbot's regime and the white earl of Ormond. Preston's arrest has recently been explained by claiming that 'he belonged to Ormond's affinity',⁴⁶ while Otway-Ruthven accounted for Kildare's involvement by appealing to the fact that Ormond was his son-in-law.⁴⁷

Yet, it is insufficient to explain the rising tide of opposition to Talbot and the support for the Butlers in these terms. It is unsatisfactory firstly in a narrow factual sense. Ormond's marriage to Elizabeth, daughter of Gerald, earl of Kildare, occurred in 1432, long after the events under discussion here.⁴⁸ As for Sir Christopher Preston, it is true that he inherited some Bermingham lands in Kilkenny;⁴⁹ but although Butler influence in Kilkenny was paramount, this is

⁴⁴ Davies, *Lordship & society*, qtn 460–61. See also Keith Stringer, 'Social and political communities in European history: some reflections on recent studies' in Claus Björn, Alexander Grant and Keith Stringer (eds), *Nations, nationalism and patriotism in the European past* (Copenhagen 1994) 9–34, esp 10–11.

⁴⁵ *PPC* 1410–22, 47.

⁴⁶ Kerby-Fulton & Justice, 'Modus', 173.

⁴⁷ Otway-Ruthven, *Med Ire*, 354. Otway-Ruthven's explanation is repeated in *Parl texts* 148.

⁴⁸ *Peerage* vii 227 n h; *ibid.* x 125; Matthew, *Gov Lancastrian Ire* (PhD), 254–6.

⁴⁹ *Calendar of the Gormanston register from the original in the possession of the right honourable the Viscount of Gormanston*, ed James Mills and M. J. McEnery (RSAI Dublin 1916) 120–29.

hardly sufficient grounds in itself for confidently describing Preston as a member of Ormond's 'affinity'. The explanation is also unsatisfactory in a broader sense. Its emphasis on material self-interest displays that 'poverty of motivation' that historians of England have deplored.⁵⁰ It is implausible that the Butlers could have commanded the support of such a cross-section of the colonial community unless discontent with Talbot was genuine and widespread. Although historians of the medieval colony have spent less time examining ideas and ideals than their early-modern colleagues, it is clear that colonial politics had a 'conceptual basis' and that this was a major influence on the course of the conflict.⁵¹

The political values professed by the Irish colonists—rather like those of pre-revolutionary north America—were in large part 'mimetic', stemming from 'the familiar tendency of provincial societies to look to the cultural capital for preferred values and approved models of behavior'.⁵² The duty of the king, or in Ireland his representative, to maintain peace and provide good governance and

⁵⁰ See Michael Hicks, 'Bastard feudalism: society and politics in fifteenth-century England', *Richard III and his rivals: magnates and their motives in the Wars of the Roses* (London & Rio Grande 1991) 1–40, esp 39–40 (qtn 39); idem, 'Idealism in late medieval English politics', *ibid.* 41–59. See also Edward Powell, *Kingship, law and society: criminal justice in the reign of Henry V* (Oxford 1989) 1–20; idem, 'After "After McFarlane": the poverty of patronage and the case for constitutional history' in Dorothy J. Clayton, Richard G. Davies and Peter McNiven (eds) *Trade, devotion and governance: papers in later medieval history* (Stroud 1994) 1–16; Christine Carpenter, 'Political and constitutional history: before and after McFarlane' in R. H. Britnell & A. J. Pollard (eds) *The McFarlane legacy: studies in late medieval politics and society* (Basingstoke 1995) 175–206. Similar expressions of discontent have been made by early modern scholars of English history. Note, for instance, Joseph Block's criticism of historians, 'who base their interpretation of faction on restricted *a priori* assumptions about human nature, [and] deny the possibility of principled political action. They exhibit in their rejection of an ideological component in politics the deep distrust of ideas and ideals, characteristic of much of the work of historians in the latter half of the twentieth century' (Joseph S. Block, *Factional politics and the English reformation, 1520–1540* (London 1993) 3).

⁵¹ Powell, *Kingship, law & society*, qtn 6. There are important insights, however, in examinations of political identity, esp James Lydon, 'The middle nation' in idem, *Eng in med Ire*, 1–26; and Robin Frame, "'Les Engleys nées en Irlande": the English political identity in medieval Ireland', *Ire & Brit*, 131–50 (1st pr *TRHS ser6* iii (1993) 83–103). For early modern Ireland, see the important collection of essays edited by Hiram Morgan, *Political ideology in Ireland, 1541–1641* (Dublin 1999). Brendan Bradshaw surveys the late medieval scene in Ireland, but his focus is principally crown policy towards Gaelic Ireland. Moreover, his emphasis on the 'revolution' of the sixteenth century serves to mask many of the more obvious continuities. See Brendan Bradshaw, *The Irish constitutional revolution of the sixteenth century* (Cambridge 1979) 3–31.

⁵² Jack P. Greene, 'Political mimesis: a consideration of the historical and cultural roots of legislative behavior in the British colonies in the eighteenth century' in *AHR* lxxv 2 (1969) 337–60 (qtn 343). See also Bernard Bailyn, *The ideological origins of the American revolution: enlarged edition* (Cambridge MA & London 1992). The comparison is brought out in Frame, "'Les Engleys nées en Irlande'", *Ire & Brit*, 137 n 27, but further elaboration would be extremely useful.

justice is one of the most fundamental of such ‘preferred values’.⁵³ It was certainly familiar to Sir Christopher Preston, who knew from his personal copy of the coronation oath that the king swore to ‘cause equal and right justice to be done in all [his] judgements’.⁵⁴ This was more than a powerful slogan. The general hostility that Talbot engendered in Ireland must be attributed in part to his failure to meet generally this accepted standard. Lack of justice was but one factor that aroused general resentment. Arbitrary exactions, purveyance and billeting were as unacceptable in Ireland as England.⁵⁵ The Irish commons further claimed that the provisions of the greatest embodiment of English liberties—Magna Carta—covering due process of law, personal freedom and protection from disinheritance had all been breached.⁵⁶ In addition to the violation of these abstract values, it is likely that, in practical terms, Talbot’s highly aggressive policies towards Gaelic Ireland were unpopular. As Katharine Simms has suggested, there may have been ‘a natural difference of approach between a party headed by a newcomer from England, and that of a long-established Anglo-Irish aristocrat’.⁵⁷

It is difficult to find a meaningful test of public opinion untainted by the suspicion of Butler manipulation, but an insight is afforded by the chronicle of Henry Marlborough. Marlborough’s parishes of Balscadden and Donabate lay in north county Dublin.⁵⁸ He always monitored the affairs of the archdiocese of Dublin closely and his annals provide a relatively accurate and comprehensive list of the late medieval archbishops of Dublin.⁵⁹ The one glaring omission from

⁵³ For discussion, see Powell, *Kingship*, 23–38; Gerald Harriss, *Shaping the nation: England 1360–1461* (Oxford 2005), esp ch 1, ‘Concepts of governance’, 1–13; I. M. W. Harvey, ‘Was there popular politics in fifteenth-century England?’ in Britnell & Pollard, *McFarlane legacy*, 156.

⁵⁴ *Parl texts* 136, tr 146 (qtn). Preston’s copy of the *Modus tenendi parlamenta et consilia in Hibernia* [hereafter IrMTP] includes the oath to be sworn by the keeper (i.e. chief governor) of Ireland. This oath involved promises to protect Holy Church; uphold the law, liberties and custom of Ireland; and to ‘cause true and equal justice to be done with discrimination, mercy, and truth’ (IrMTP c 21, pr *Parl texts* 135, 145 (qtn); Clarke, *Med representation*, 390).

⁵⁵ See 9 Hen V [Ire], c 10 (*Statutes John–Hen V* 570–73).

⁵⁶ *PPC* 1410–22, 51.

⁵⁷ Simms, ‘Bards and barons’, 187. Much the same point was made in 1968 by A. J. Pollard: ‘Talbot, as an absentee lord, represented external royal authority in Ireland at its most negative ... Ormond, on the other hand, as a residential lord, obviously found it far more desirable to reach an understanding with his Irish neighbours and to avoid a rigid delineation of Irish from English. His policy of compromise was essential to his livelihood’ (Pollard, *Family of Talbot* (PhD), 119–20).

⁵⁸ On Marlborough, see Bernadette Williams, ‘Marlborough, Henry’ in *Oxford DNB* xxxvi 717–18. It may be significant that Balscadden was a Butler manor (*COD* iii §238).

⁵⁹ See, e.g., his reports in Chron Marl of the deaths, consecrations or translations of archbishops of Dublin 1294–1397: John Sandford (s.a. 1294); William of Hotham (s.a. 1299); Richard Ferings (s.a. 1299); John Lech (s.a. 1313); Alexander Bicknor (s.a. 1317, 1349); John Saint Paul (s.a. 1349); Thomas Minot (s.a.

Marlborough's list is Sir John Talbot's brother, Richard.⁶⁰ This was hardly due to ignorance, since he was writing contemporaneously at this point. Marlborough's lack of comment stands in stark contrast to his fulsome praise of Talbot's predecessor, Archbishop Cranley:

This man [Cranley] is greatly praised for his liberality, he was a good almes-man, a great Clerk, a Doctor of Divinity, and excellent Preacher, a great builder, beautifull, courteous, of a sanguine complexion, and of a tall stature, insomuch as in his time it might be said unto him; *Though art fairer than the sons of men, grace and eloquence proceeded from thy lips*. He was 80 yeeres of age when he died, and had governed the Church of Dublin almost 20 yeeres in great quiet.⁶¹

What then of Marlborough's oversight in not mentioning the election or consecration of Richard Talbot? The silence, when juxtaposed with this paean for Thomas Cranley, is deafening. Henry Marlborough's omission represents a deliberate, albeit mute, critique. The reason for that animus is revealed by later entries in the chronicle. As Talbot's lieutenancy drew to a close, Marlborough became more vocal in his criticisms. He notes that when Talbot set sail for England in 1419, he left 'carrying along with him the curses of many, because hee being runne much in debt for victuall and divers other things, would pay little or nothing at all'.⁶² Moreover, Marlborough's silent contrast between Cranley and Richard Talbot was later made explicit by the Irish parliament, which praised the 'clemency and honesty' of Archbishop Cranley as compared with the 'great and monstrous extortions and oppressions' of Richard Talbot's brother, Sir John, as lieutenant.⁶³

The movement of opposition against Talbot cannot, then, be understood merely as an expression of grasping partisan interests. The concerns of the wider colonial community were also a powerful factor. The purpose of this discussion is not to claim that the Butlers were the unselfish defenders of justice against the

1363, 1375); Robert Wikeford (s.a. 1375, 1390); Robert Waldeby (s.a. 1390); Richard Northalis (s.a. 1396); Thomas Cranley (s.a. 1397).

⁶⁰ A second absentee is Richard Haverings, archbishop of Dublin 1307–10. There are, however, no entries in the chronicle for 1307 or 1310, and Marlborough may have deliberately omitted Haverings because he was never consecrated (*NHI* ix 310).

⁶¹ I have followed the translation in Ware, 'Marleburrough', 219. The Latin runs: 'vir largus et elemosynarius, magnus clericus, Doctor sacrae theologiae, egregius praedicator, suorum locorum aedificator, pulcher, dapsilis, sanguineus, procerae staturae, ita ut tempore suo sibi diceretur: speciosus forma prae filiis hominum, diffusa est gratia in labiis prae facundia. Octoginta erat annorum aetate et fere xx annis rexit Ecclesiam Dubliniensem pacifice' (Chron Marl s.a. 1417).

⁶² Ware, 'Marleburrough', 221; Chron Marl s.a. 1419.

⁶³ 9 Hen V [Ire], cc 8–9 (*Statutes John–Hen V* 568–71).

‘tyranny’ of Sir John Talbot, but rather to emphasise that principles and ideas had a role to play in factional conflict. Whether conviction in those values was genuine or manufactured is not at issue. Drawing on the work of Quentin Skinner, John Watts has convincingly put the case that, ‘the question of sincerity, which seems so fundamental, is actually beside the point: politicians do not have to be personally committed to the principles they propound in order for their political behaviour to be influenced by them ... Even if these men had been wholly unscrupulous, the important point is that they found it necessary to find a description of their actions which could justify in public what they had done’.⁶⁴ We might add that unscrupulous self-interest and perfect sincerity are not mutually exclusive: the most successful self-promoters are those who are convinced of their own propaganda. Moreover, such platitudes as ‘good governance’ are normally the watch-words of a conservative élite and in this sense spring from collective, and sincere, self-interest.⁶⁵ Nonetheless, the central point remains valid: in order to woo the colonial community, it was necessary to appeal to certain basic political values.

IV

‘Parliamentarianism’

THIS helps account for the prominence of the Irish parliament in the Talbot–Ormond struggle.⁶⁶ Parliament was the official meeting place and mouth-piece of the colonial community. As in England, the free consent of the commons was necessary for the granting of subsidies.⁶⁷ Parliament consequently could not be dispensed with, and this fiscal lever provided the colonial community with some purchase on the administration. In this sense, Edmund Curtis—so often, and with

⁶⁴ John L. Watts, ‘Ideas, principles and politics’ in A. J. Pollard (ed), *The Wars of the Roses* (Basingstoke 1995) qtn 117.

⁶⁵ Note, for instance, in a modern context, the suggestion that the law is the ‘embodiment of the interest of elites, and criminal behaviour is a manifestation of non-like interests’ (Ted R. Gurr, *Rogues, rebels and reformers: a political history of urban crime and conflict* (London 1976) qtn 13; quoted by Terry L. Chapman, ‘Crime in eighteenth century England: E. P. Thomson and the conflict theory of crime’ in *Criminal Justice History: an International Annual* I (1980) 139). Marc Bloch makes remarks of a similar nature in *The historian’s craft*, tr Peter Putnam (rev edn Manchester 1992) 122–3.

⁶⁶ For the purposes of this discussion, parliament and great council shall be taken as interchangeable terms, although there was a subtle difference in the competence of the two types of assemblies. For discussion, see *Parls & councils* xv–xx.

⁶⁷ Lydon, ‘Windsor’, 258. The subject is exhaustively examined in an English context by G. L. Harriss, *King, parliament and public finance in medieval England to 1369* (Oxford 1975) esp 509–17.

such trite assurance, maligned for the dual sins of teleology and anachronism⁶⁸—was right to speak in terms of ‘parliamentarianism’.⁶⁹ The Irish parliament can rightly be considered the cockpit of the Talbot–Ormond antagonism, and it is to its role in the conflict that we now turn.

The importance of parliament manifested itself principally in two ways: in the attempts of the protagonists in the conflict to manage it, whether through intimidation or conciliation; and as a forum for criticism and communal defiance.⁷⁰ Both Sir John Talbot and the white earl of Ormond during their respective chief governorships showed themselves eager to obtain parliamentary sanction for their actions. In the autumn of 1417, Talbot’s response to the conflict between Prior Thomas Butler and Walter Burgh—a conflict that he seems to have helped to provoke—was to summon both parties and have the case decided in a great council over which he would preside. As in the case of fifteenth-century Scotland—where parliament occasionally fell prey to factional manipulation—Talbot hoped to use ‘communal ideology to justify [his] actions in the face of considerable hostility beyond the parliament house door’.⁷¹ The divergent attitudes of Prior Thomas Butler and his rival, Walter Burgh of Clanwilliam, to Talbot testify to this. In

⁶⁸ See e.g. G. O. Sayles, ‘The rebellious first earl of Desmond’ in J. A. Watt, J. B. Morrall & F. X. Martin (eds), *Medieval studies presented to Aubrey Gwynn, S.J.* (Dublin 1961) 225–7. For the prevailing view of Curtis’ judgements as ‘quaint’, see Robin Frame, ‘Curtis, Edmund’ in S. J. Connolly (ed), *Oxford companion to Irish history* (2nd edn Oxford 2002) qtn 139). Curtis’ critics are sensitively critiqued by James Lydon in an important reassessment: Lydon, ‘Historical revisit: Edmund Curtis, *A history of medieval Ireland* (1923, 1938)’ in *IHS* xxxi 124 (1999) esp 536–9. Still more might be made of the obvious point that Curtis used the language of ‘home rule’ in a conscious effort to make the late middle ages—which were still virgin historiographical soil in 1923—accessible to a general audience. By no means do I mean to suggest that Curtis’ interpretation should be accepted *tout court*; but, despite all, his text contains important insights that have been lost in more recent narratives, and the reason these have been lost is that the charge of ‘anachronism’ is such an effective means of denigration that it demands no further critical engagement.

⁶⁹ Curtis, *Med Ire*, 288.

⁷⁰ For parliamentary management, see G. L. Harriss, ‘The management of parliament’ in idem (ed), *Henry V: the practice of kingship* (Oxford 1985) 137–58.

⁷¹ Michael Brown, ‘Public authority and factional conflict: crown, parliament and polity, 1424–1455’ in *The history of the Scottish parliament, i: parliament and politics in Scotland, 1235–1560* (Edinburgh 2004) qtn 137. The difference is, of course, that Talbot was met with considerable parliamentary, as well as extra-parliamentary, resistance. For the general context of Scottish politics 1450–55, see esp Roland Tanner, *The late medieval Scottish parliament: politics and the three estates* (East Linton 2001) 122–47. There are examples of this legitimating role of parliament from English history too. See T. F. T. Plunknett, ‘State trials under Richard II’ in *TRHS* ser5 ii (1952) 159–71; Alan Rogers, ‘Parliamentary appeals of treason in the reign of Richard II’ in *The American Journal of Legal History* viii (1964) 95–124. These comments concerning Irish ‘parliamentarianism’ are necessarily preliminary: the study of the Irish parliament as a politicised body, together with analysis of its personnel, has scarcely begun, but it is fair to remark that the institutional and legalistic approach of Richardson and Sayles (*Ir parl*) is inadequate in this regard.

December 1417, Prior Thomas was afraid to appear before the lieutenant. He had to protest his innocence by letter and through an intermediary. As we have seen, Talbot offered him a safe-conduct; but just as in the politicised Scottish environment of 1451–2, '[t]his safe conduct was born out of a view of parliament as a place of danger for the king's enemies'.⁷² Walter Burgh, by contrast, was excessively anxious to prove his good faith and have his case heard. He offered up his son and brother as pledges for his good behaviour and further volunteered to travel to England to defend himself before the king in person.⁷³ These seem like the enthusiastic protests of one confident of vindication.

Talbot's attempt to use parliament as a means of legitimation provoked resistance and foundered on the obstructionism of Preston and Kildare. The activities of the white earl of Ormond demonstrate an alternative approach to the question of parliamentary management. To adopt G. L. Harriss' formulation, Ormond seems to have grasped that parliament 'had to be managed, and it could more easily be made to move in the right direction by being led than by being driven'.⁷⁴ Ormond strove to cultivate an image of the good ruler in accordance with contemporary ideals. Upon his appointment as lieutenant, he commissioned James Yonge, a colonial notary, to produce an English translation of the *Secreta secretorum*, a 'mirror for princes' that was believed to contain the advice that Alexander the Great received from his tutor, Aristotle.⁷⁵ The circumstances in which Ormond commissioned this tract, which Yonge entitled *The Governauce of Prynces*,⁷⁶ are strikingly similar to those of c 1410–11 when Thomas Hoccleve presented a work in the same genre entitled *The Regement of Princes* to the future Henry V.⁷⁷ Both Prince Henry and Ormond were embroiled in political crises

⁷² Brown, 'Public authority & factional conflict', 139.

⁷³ Otway-Ruthven, 'Arrest', 76–7, 87–8.

⁷⁴ Harriss, 'Management of parliament', 138.

⁷⁵ Steele, *Secreta*, 119–248. For comment, see St John D. Seymour, *Anglo-Irish literature, 1200–1582* (New York, 1970), pp 31–4, 135–40; Matthew, *Gov Lancastrian Ire* (PhD) 119; Alan Bliss and Joseph Long, 'Literature in Norman French and English' in *NHI* ii 735. For the genre, see Judith Ferster, *Fictions of advice: the literature and politics of counsel in late medieval England* (Philadelphia 1996); Lynn Staley, 'Gower, Richard II, Henry of Derby, and the business of making culture' in *Speculum* lxxv 1 (2000) 68–96; V. J. Scattergood, *Politics and poetry in the fifteenth century* (London 1971) 274–97.

⁷⁶ Steele, *Secreta*, 121. A facsimile of the opening page of the Ms (BL Rawlinson B 490) is pr Gilbert, *Facsimiles* iii plate XXXVI.

⁷⁷ Hoccleve's works, iii: *The regement of princes, A.D. 1411–12 from the Harleian MS. 4866, and fourteen of Hoccleve's minor poems from the Egerton MS. 615*, ed Frederick J. Furnivall (EETS extra ser 72 London 1897). Hoccleve's draws heavily from Giles of Rome's *De regimine principum* as well as the *Secreta secretorum* (Scattergood, *Politics & poetry*, 276–7). Unlike the case of Prince Henry and Hoccleve's *Regement*, there is no doubt as to whether Ormond personally commissioned the translation of the *Secreta*,

around the time that their respective ‘mirrors’ were composed.⁷⁸ Placed against the background of the controversies of Talbot’s lieutenancy, it is reasonable to suggest that Ormond, like Prince Henry, was anxious ‘to represent himself, and have himself represented’ as a model ruler.⁷⁹ Many of James Yonge’s exempla were drawn from recent Irish history. Yonge warns Ormond of the evils of extortion by citing the case of Sir Stephen Scrope, deputy of Thomas of Lancaster, whose wife reputedly refused to travel with him to Ireland, ‘lasse than he on a boke Swere wolde, al trew men for his expensis Pay and noone extorcious doun’.⁸⁰ Scrope took the oath and consequently his governorship was witness to extraordinary success. Yonge’s account of the deposition of Richard II likewise provided a warning, in good Lancastrian fashion, about the fate that awaited unjust rulers.⁸¹

Words, to some extent, seem to have been backed up by action. Ormond probably made himself popular in the first parliament of his lieutenancy by spending some time reckoning the debts of Sir John Talbot, ‘which amounted to a great summe’.⁸² In a further effort at conciliation, he took steps to ensure that he would not cause similar financial distress. A number of the communities that granted Ormond subsidies in 1420 praised the lieutenant for his defence of the common welfare of the land of Ireland and especially ‘for the abolition of that most detestable custom which is called “coyne and livery” [L: *pro destruccione illius nefandissimi vsus qui vocatur “coygne et leuerey”]*’.⁸³ The Irish parliament’s petition to Henry V in 1421 made much of Ormond’s abolition of coyne, and further stated that the lieutenant had promised in parliament that, in default of moneys from England, ‘at the end of his term he would assign all the rents of certain of his lands, of his best living [for the payment of the lieges of Ireland]

as Yonge concludes the work with the words, ‘Fro al manere of myschefe, almyghty god de-fende oure lyge lorde, kynge henry the Fyfte, and James the Botillere, Erle of Ormonde, his lyeutenaunt of Irlande, Whyche this boke to translate me comaundet, And graunt ham, grete god, and al hare Subiectis, in the Sewyn Vertues, grace al tymes to growe’ (Steele, *Secreta*, 248). See also A. I. Doyle, ‘English books in and out of court from Edward III to Henry VII’ in V. J. Scattergood and J. W. Sherbourne (eds), *English court culture in the later middle ages* (London 1983) esp 172–3.

⁷⁸ The political context is the focus of a study by Derek Pearsall, ‘Hoccleve’s *Regement of Princes*: the poetics of royal self-representation’ in *Speculum* lxi (1994) 386–410. The dating of the *Regement* is discussed at *ibid.* 387–8. For the crisis itself, see Peter McNiven, ‘Prince Henry and the English political crisis of 1412’ in *History* lxxv (1980) 1–16.

⁷⁹ Pearsall, ‘Hoccleve’s *Regement of Princes*: the poetics of royal self-representation’, qtn 389.

⁸⁰ Steele, *Secreta*, qtn 133.

⁸¹ *Ibid.* 136–7. For the ‘fall of princes’ topos, see Scattergood, *Politics & poetry*, 290–92.

⁸² Ware, ‘Marleburrough’, 222.

⁸³ *Parls & councils* pt 2 §§13 (qtn), 18, 20, 23.

without taking anything from them until due payment should be made to your said lieges: for which your said lieges greatly thanked your said lieutenant'.⁸⁴

Not everyone was seduced. During the Dublin parliament of April 1421, a controversy arose between two of the lords spiritual: Archbishop Risdéard Ó hÉidigheáin of Cashel and John Geese, bishop of Lismore–Waterford (†1425). Geese presented a series of articles against Ó hÉidigheáin, accusing the archbishop, among other things, of prejudice against clerks of English origin and of harbouring an ambition to make himself king of Munster. The most elaborate charge was that Ó hÉidigheáin had 'taken a Ring from the image of Saint Patrick (which the earl of Desmond had offered) and bestowed it upon his Concubine'.⁸⁵ These accusations provoked some scandal among the assembled lords and commons, as doubtless was their intention. Geese may have been disgruntled due to mishaps in his past career. He had been provided to Lismore–Waterford in 1409, but was deprived by Pope John XXIII in 1414. In 1421, his successor, Bishop Thomas Colby (1414–21) had recently died.⁸⁶ Geese—who possibly never accepted his deprivation—seems to have hoped to regain control over the temporalities of the see. His accusations were made in the knowledge that his metropolitan, Archbishop Risdéard Ó hÉidigheáin of Cashel, was closely associated with the Butlers. This makes the interaction that he alleged between Ó hÉidigheáin and the earl of Desmond highly significant. Two aspects of Ormond's policy that might be considered unorthodox were aired in public together: the white earl's friendship with a Gaelic archbishop with alleged regnal ambitions and his sponsorship of James 'the usurper', so recently elevated to the earldom of Desmond. Given the white earl himself presided over this parliament, Geese may have calculated that, by causing sufficient embarrassment, he could gain redress. If so, the ploy was successful. On 26 April, the temporalities of the bishopric were released to Geese by letters patent issued under the great Irish seal.⁸⁷

This colourful episode shows how the apparent contradictions in the attitudes of the white earl of Ormond could be manipulated in a public forum for private ends. But the actions of Bishop John Geese were as nothing compared to the resistance that Sir John Talbot had faced in his dealings with the Irish

⁸⁴ 9 Hen V [Ire], c 9 (*Statutes John–Hen V* 572–3).

⁸⁵ Ware, 'Marleburrough', 222. The event is misdated to 1412 in *Parl texts* 122.

⁸⁶ *NHI* ix 305.

⁸⁷ *RCH* 217 §2 (IrPR 9 Hen V). On 12 April 1421, five days after parliament convened, the dean and chapter of Lismore–Waterford were licensed to elect a bishop in place of Thomas [Colby], the last bishop (*RCH* 219 §42). The dean of Lismore, Philip Wyott, subsequently acted as mainpernor for John Geese when the temporalities were released on 26 April (*RCH* 217 §2).

parliament. Resentment of Talbot's administration may have been instinctive, but questions such as whether and how to resist—in other words the search for 'approved models of behavior'⁸⁸—were surely answered in part by intellectual environment. There is no way to ascertain whether Sir Christopher Preston and the earl of Kildare were personally familiar with the works of William Langland. On the other hand, it is clear that from the late fourteenth century Langland had found a reading public in Ireland.⁸⁹ At the height of the Talbot–Ormond controversy, James Yonge drew heavily on Langland when he composed his *Governaunce of Prynces* for the white earl of Ormond.⁹⁰ Shortly afterwards, in 1427, the sole surviving illustrated manuscript of *Piers Plowman* (Oxford, Bodleian Library, Ms Douce 104) was commissioned in Ireland,⁹¹ the artist possibly being identical with the illustrator of the famous 'Red book of the Dublin exchequer', which is no longer extant.⁹² Langland's colonial audience during these turbulent years can hardly fail to have been struck by the parallels between the dilemma facing the opponents of Talbot in the great councils and parliaments of 1417–18, and the debate conducted by the rats and mice of Langland's allegorical assembly about whether or not to attempt to attach a warning bell to the cat that tyrannises over them.⁹³

The resistance that Sir John Talbot faced was, however, rather more forceful than that offered by the irresolute vermin parliamentarians. As we have seen, the opposition in 1417–18 was spearheaded by Sir Christopher Preston and the earl of Kildare, but there seems to have been considerable consensus among the different interests represented in parliament. One means by which that

⁸⁸ Greene, 'Political mimesis', qtn 343.

⁸⁹ Kathryn Kerby-Fulton & Steven Justice, 'Langlandian reading circles and the civil service in London and Dublin, 1380–1427' in Wendy Scase, Rita Copeland & David Lawton (eds), *New medieval literatures* i (1997) 59–83; Kerby-Fulton & Justice, 'Modus' 180. See also R. R. Davies, 'The life, travels, and library of an early reader of *Piers Plowman*' in Andrew Galloway (ed), *The Yearbook of Langland Studies* xiii (1999) 49–64; and Eric St. John Brooks, 'The *Piers Plowman* Manuscripts in Trinity College, Dublin' in *The Library* ser5 vi 3/4 (Dec 1951) 141–53.

⁹⁰ Kerby-Fulton & Justice, 'Langlandian reading circles', 81.

⁹¹ Derek Pearsall & Kathleen Scott (eds), *Piers Plowman: a facsimile of Bodleian Library, Oxford, MS Douce 104* (Cambridge 1992); Kathryn Kerby-Fulton & Denise L. Despres, *Iconography and the professional reader: the politics of book production and the Douce Piers Plowman* (Minneapolis MN 1999).

⁹² Kerby-Fulton & Despres, *Iconography*, xviii. For the famous illustration of the Dublin exchequer at work, see Gilbert, *Facsimiles* iii plate XXXVII; pr Kerby-Fulton & Despres, *Iconography*, frontispiece; it also appears on the dust-jacket of *IExP*.

⁹³ For interpretations of Langland's fable, see Anthony Gross, 'Langland's rats: a moralist's vision of parliament' in *Parliamentary History* ix 2 (1990) 286–301; Gwilym Dodd, 'A parliament full of rats? *Piers Plowman* and the Good Parliament of 1376' in *HR* lxxix 203 (2006) 21–49.

consensus was reached was through direct dialogue between the lords and commons. Talbot's report speaks of Kildare, Preston and their adherents intercommuning (F: *entrecomonantz*),⁹⁴ which is to say that they 'confabulated with each other'.⁹⁵ They could not do so in formally constituted committees as in England, so they acted furtively and, it would seem, literally behind closed doors.⁹⁶ But their 'confabulation' indicates that magnate dissidence and popular disaffection had merged into one movement of opposition.⁹⁷

Moreover, their resistance was bolstered by a supremely confident comprehension of parliamentary rights. One element of the crisis that has attracted a considerable degree of attention is the role of the treatise known as the *Modus tenendi parliamentum*.⁹⁸ The date, purpose, provenance and textual transmission of the *Modus* have all been debated, at times with unpardonable vitriol.⁹⁹ Fortunately, there is no need to risk being swept away in a torrent of historiographical cross-

⁹⁴ Otway-Ruthven, 'Arrest', 80.

⁹⁵ The phrase is that of Robin Frame, *The political development of the British Isles, 1100–1400* (Oxford 1990, repr 1995) qtn 176.

⁹⁶ Otway-Ruthven, 'Arrest', 80.

⁹⁷ For the conclusion that frequently in England the 'lords shared the commons' ideals', see A. L. Brown, 'Parliament, c. 1377–1422' in R. G. Davies & J. H. Denton, *The English parliament in the middle ages* (Manchester 1981) qtn 138; and for intercommuning, see G. L. Harriss, 'The formation of parliament, 1272–1377' in *ibid.* esp 58–60; W. N. Bryant, 'Some earlier examples of intercommuning in parliament, 1340–1348' in *EHR* lxxxv 334 (1970) 54–8.

⁹⁸ For the Latin texts of the English and Irish versions, see *Parl texts* 67–114, 128–47; Clarke, *Med representation*, 372–92. For a recent edition of a French rendition with important Irish associations because of the lieutenancy of Sir Philip Courtenay (Lt 1383–6), see Kathryn Kerby-Fulton & Ruth Horie (eds), 'The French version of the *Modus tenendi parliamentum* in the Courtenay cartulary: a transcription and introduction' in *The medieval reader—reception and cultural history in the late medieval manuscript: studies in medieval and renaissance history ser3 i* (2001) 225–47. For an annotated list of the different Mss of the English, Irish and Scottish versions see *Parl texts* app i–ii 202–10. For comment, see E. Jeffries Davis, 'The manuscripts of the *Modus tenendi parliamentum*' in *EHR* xxxiv 134 (1919) 209; Olive Armstrong, 'Manuscripts of the "Modus tenendi parliamentum" in the library of Trinity College, Dublin' in *PRIA* xxxvi (1921–4) C15 256–64; Maude V. Clarke, 'The manuscripts of the Irish "Modus tenendi parliamentum"', *Med representation*, 70–95 (1st pr *EHR* xlviii 192 (1933) 576–600).

⁹⁹ For a comprehensive bibliography, see *Parl texts* 219–23. The following is a selection of some of the key works in the debate, in particular those bearing upon the IrMTP: William A. Morris, 'The date of the "Modus tenendi parliamentum"' in *EHR* xlv 195 (1934) 407–22; Clarke, *Med representation*, esp ch 6, 'The Irish *Modus*: its history', 96–124; H. G. Richardson, 'Historical revision VII: the Preston exemplification of the *Modus tenendi parliamentum*' in *IHS* iii 10 (1942) 187–92; V. H. Galbraith, 'The *Modus tenendi parliamentum*', *Kings and chroniclers: essays in English medieval history* (London 1982) ch 6, 82–99 (1st pr *J Warburg & Courtauld Institutes* xvi (1953) 81–99; J. S. Roskell, *A consideration of certain aspects and problems of the English Modus tenendi parliamentum* (Manchester 1968); Nicholas Pronay & John Taylor, 'The use of the *Modus tenendi parliamentum* in the middle ages' in *BIHR* xlvii (1974) 11–23; G. O. Sayles, 'Modus tenendi parliamentum: English or Irish?' in Lydon, *Eng & Ire*, 122–52.

currents, as the literature has been neatly summarised in the most recent reassessment.¹⁰⁰ Without controversy, it can be posited that the *Modus* was known in Ireland by the 1380s, and that by the early fifteenth century a version of the document had been tailored to fit the colony's political measurements. Moreover, irrespective of how the *Modus* was used in England, in Ireland it had a political significance.¹⁰¹

As is well known, copies of the *Modus* circulated among a number of figures opposed to Sir John Talbot or affiliated with the Butlers. A copy of the Irish *Modus* in Latin was found on the person of Sir Christopher Preston when he was arrested in June 1418, and subsequently exemplified and sent to England.¹⁰² Another—this time a French rendition of the English *Modus*—was probably in the possession of Archbishop Risdéard Ó hÉidigheáin of Cashel in 1408, and may be the original from which the Irish *Modus* was moulded.¹⁰³ Indeed, as Maude Clarke noted,¹⁰⁴ it was possibly Ó hÉidigheáin who was responsible for an extraordinary interpolation that appears in Preston's copy of the *Modus*, to the effect that the document, 'shall be held for the people of the aforesaid land in the custody of the Archbishop of Cashel, since it is in the middle of the land'.¹⁰⁵ How the *Modus* was turned to political use becomes clear when it is read in conjunction with Talbot's report. As its most recent interpreters have commented, 'the detailed concern with points of parliamentary procedure (everything from how the summonses are issued to the doorkeeping) make it quite likely that the copy of the *Modus* Preston had

¹⁰⁰ Kerby-Fulton & Justice, 'Modus', esp 149–52, 190–202. Reference should also be made to the extremely detailed discussion in *Parl texts*, which reaches very different conclusions. See also comments in Chris Given-Wilson, 'General Introduction' in *PROME CD-R*, section A (vi), which notes the re-interpretation by Kerby-Fulton & Justice but does not enter the fray.

¹⁰¹ Kerby-Fulton & Justice, 'Modus', 172.

¹⁰² *Parl texts* 128, tr 139; Clarke, *Med representation*, 384–5.

¹⁰³ Thomas Duffus Hardy, 'On the treatise entitled *Modus tenendi parliamentum*' in *Archæological Journal* xix (1862) 259–74. This is now Northampton Record Society Finch-Hatton 2995 (*Parl texts* 205). On the reverse of the Finch-Hatton roll is a petition from Ó hÉidigheáin to Thomas of Lancaster seeking a licence to parley with Irish enemies and English rebels of the lord king. The document has been dated to 1406–08 on erroneous grounds (Kerby-Fulton & Justice, 'Modus', 175 n 73). It is true that Ó hÉidigheáin only became archbishop in 1406, but the suggestion that in 1408 Lancaster was 'reappointed as deputy (the lesser office)' is inaccurate. Lancaster was lieutenant throughout the period 1401–13. As petitions were made to his deputies during his long absences, the document must date from his period of residence in Ireland from 2 August 1408 to 9 March 1409. Moreover, there is a high probability that the petition was made at the Kilkenny parliament that convened on 14 January 1409.

¹⁰⁴ Clarke, *Med representation*, 89.

¹⁰⁵ IrMTP c 21 (*Parl texts* 135, tr 145 (qtn); Clarke, *Med representation*, 390).

must have been dog-eared with overuse'.¹⁰⁶ One example must suffice. Preston's adamant assertion that Sir Thomas Talbot's non-appearance at the Trim parliament of May–June 1418 caused parliament to be discontinued was grounded in the provision in the *Modus* that only genuine infirmity served as an excuse for absence.¹⁰⁷ By pressing this claim home, Preston managed to prevent judgement being pronounced in parliament against Prior Thomas Butler.

In a specific case like this, the *Modus* was an expedient means of legitimising defiance; but there is also a more general explanation for the attraction of the *Modus* in a colonial environment. The Irish *Modus* spuriously claimed to be a 'formula for the holding of parliament' sent to Ireland by King Henry II (1154–89), who is described as 'conquestor et dominus Hibernie'.¹⁰⁸ The king was a remote figure in the colony and relations with his representatives were often less than cordial. In such circumstances, the *Modus* was a source of affirmation of the special dignity of the Irish parliament and a bulwark against any infringement of its power to express grievances and seek redress. There is no need to return to Maude Clarke's heady acclamation of the *Modus* as the 'Magna Carta of Ireland, a declaration of the supremacy of parliament and the law';¹⁰⁹ but H. G. Richardson's savage, almost nihilistic, riposte is equally unsatisfactory. Richardson's argument was that, the so-called 'Preston exemplification' of the *Modus* was obtained by Preston himself so that he could protest his innocence, 'just as a modern suspect might insist that no more compromising documents were found upon him than a copy of Mill on *Representative government* and some leaves of a prayer book'.¹¹⁰ *Modus* scholars have not found Richardson's

¹⁰⁶ Kerby-Fulton & Justice, 'Modus', 174.

¹⁰⁷ Otway-Ruthven, 'Arrest', 79–80; IrMTP c 18 (*Parl texts* 134, tr 144). The point is brought out, along with other examples, in Kerby-Fulton & Justice, 'Modus', 174–5.

¹⁰⁸ *Parl texts* qtns 128, tr 139. The spurious claims of the IrMTP, of course, reflect those of its English equivalent, which claims to describe the manner in which parliaments were held before the Norman conquest. See *Parl texts* 67, tr 80 (rescension A); *ibid.* 103 (rescension B). For comment, see Chris Given-Wilson, *Chronicles: the writing of history in medieval England* (London 2004) 179–81. The myth of the IrMTP's antiquity was resilient, and convinced the distinguished antiquarian researcher Henry Joseph Monck Mason in the nineteenth century, despite his professed desire, as a 'lover of truth', to 'clear away the heap of mistake that time has accumulated over facts, which interested misrepresentation or ignorance, had first, in distant periods, obscured, and to which the diffidence, the negligence, or the respect of moderns, has induced them to add (Henry Joseph Monck Mason, *Essay on the antiquity and constitution of parliaments in Ireland* (new edn Dublin 1891) qtn 2). For Monck Mason's views on the IrMTP, see *ibid.* app 3 xi–xv.

¹⁰⁹ Clarke, *Med representation*, 78.

¹¹⁰ Richardson, 'Preston exemplification', qtn 189. Richardson was right that Maude Clarke misunderstood the nature of the exemplification, but his critical comments are surely among the most shamefully

contention ‘entirely convincing’.¹¹¹ New evidence now allows us to reject it out of hand. The ‘missing membrane’ of Sir John Talbot’s report proves that Preston’s exemplification of the *Modus* was not made at the instance of Preston, but by Sir John Talbot himself with the advice of the Irish council.¹¹² The significance of this lies in the fact that Talbot himself believed that the document had political import and deemed it prudent to include a certified copy in the report he sent to the king and council early in 1419. Indeed, such was its importance that Talbot attempted to use it against its colonial exponents. His report exercises great care in demonstrating that his actions throughout were in conformity with the parliamentary procedures prescribed by the *Modus*.¹¹³ More than this, by emphasising that Preston and Kildare acted in violation of the *Modus*—for instance, by ‘accroaching royal power’ and convening behind a closed chamber door—Talbot bolstered his case of treason against them.¹¹⁴ The role of the *Modus* in the crisis of 1417–18 demonstrates how even so dry a subject as parliamentary procedure could serve as a weapon in factional struggles; but clearly that weapon was double-edged.

personalised and condescending to have been printed in *IHS*, a fact that redounds to the discredit of the editors at the time (ibid. 187, 189, 192).

¹¹¹ *Parl texts* 123 n 39

¹¹² TNA E 101/698/34 (pr below app 2).

¹¹³ I am indebted here to the analysis in Kerby-Fulton & Justice, ‘Modus’, 174–5.

¹¹⁴ Otway-Ruthven, ‘Arrest’, 80; IrMTP c 12 (*Parl texts* 132, tr 142; Clarke, *Med representation*, 387).

Conclusion

But all my doing for the Earl of Ormond and his could nothing satisfy him, but still he exclaimed in England that he could have no justice of me ...

Sir Henry Sidney, 1583¹

TO CONCLUDE a study of factionalism at precisely the moment when factions appear to be becoming ever more entrenched may seem perverse. The unsatisfactory settlement reached at the Westminster parliament of October 1423 hardly represents a terminus in this narrative. In a sense, the events of 1361–1423 were merely a prologue to a long drama in several acts, with its bloody catharsis coming in the rebellions of the late sixteenth century.² Yet, the view from 1423 is useful precisely because it provides a dual aspect: the events of the future come into focus in the light of what has gone before.

In the context of the preceding sixty years, the greatest change in the political landscape in 1423 was the alliance that had been forged between the earls of Ormond and Desmond. As a result of this détente, the Munster Geraldines inevitably incurred the hostility of the Talbot party, but they also became more active in colonial affairs than at any time since the late fourteenth century. In 1423, for instance, James of Desmond prevented the ‘final destruction and conquest’ of county Meath, a region far removed from the normal interests of the Munster Geraldines. He brought a force some five thousand strong from Munster to Carbury, county Kildare, where he laboured for thirteen days against the Uí Chonchobhair Failghe and the Berminghams who had risen in rebellion and were menacing the Meathmen.³ This intervention brings out one of the central themes of this thesis, namely that strong noble power was indispensable for the colony’s survival. The favours that a grateful administration extended to Desmond on this occasion, and

¹ Ciaran Brady (ed), *A viceroy’s vindication? Sir Henry Sidney’s memoir of service in Ireland, 1556–1578* (Irish Narratives Ser Cork 2002) qtn 52.

² David Edwards, ‘The Butler revolt of 1569’ in *IHS* xxviii 111 (1993) 228–55; Ciaran Brady, ‘Faction and the origins of the Desmond rebellion of 1579’ in *IHS* xxii 88 (1981) 289–312; Anthony McCormack, *The earldom of Desmond, 1483–1583: the decline and crisis of a feudal lordship* (Dublin 2005) 145–7; David Edwards, *The Ormond lordship in county Kilkenny, 1515–1642: the rise and fall of Butler feudal power* (Dublin 2003) esp 188–262.

³ *RCH* 230 §118.

the commissions with which he was entrusted in the years following,⁴ confirm that he was not considered indelibly hostile to the interests of the colony of large. Indeed, through his association with Ormond, Desmond was brought into closer contact with the royal administration. In 1429, a friar in Desmond's service was in attendance upon Ormond's ally, Sir Robert Sutton, lieutenant of Ireland 1428–9.⁵ The bond between Desmond and Ormond was strengthened in 1429—significantly, a year of high tension with the Talbots—by a marriage alliance, under the terms of which Desmond's infant son, Thomas, was to be wedded to Anne Butler, daughter of the white earl. Until such time as the marriage could take place, Thomas was to be sent to 'Johanna, Countess of Ormond, to be kept under her governance'.⁶ The alliance faltered in the 1440s.⁷ Nonetheless, the colonial aspect of the career of James, seventh earl of Desmond, provides the proper context for the fleeting renaissance of the Munster Geraldines in the 1460s. After the defeat of the Lancastrian Butlers at Piltown, county Kilkenny, in 1462, Thomas, eighth earl of Desmond (ex 1468), became the first member of his family to be entrusted with the chief governorship of Ireland for almost exactly a century.⁸

Just as Desmond shows signs of being reintegrated into colonial society, so the career of the white earl demonstrates the ease with which a great magnate could move between the world of Gaelic poets and the Lancastrian court.⁹ The white earl's son and heir, James 'Ormond', was dubbed by Henry VI in 1426.¹⁰ Curial connections eased the way to a good marriage, and this gave the future fifth earl of Ormond entry into English county society. In 1449, James Ormond's career was crowned when he was granted the earldom of Wiltshire. The advent of the Yorkist dynasty stalled his remarkable advance; but ironically, James Ormond's execution in 1461 was bloody proof of the Butlers' hitherto extraordinary success.¹¹

⁴ Among other preferments, he was appointed constable of Limerick castle at a fee of ten pounds per year, granted twenty marks annually from the king's fishery at Limerick for a term of five years, and in 1427 received a reward of forty pounds (*RCH* 227 §47; *ibid.* 236 §25; *ibid.* 242 §34; *IExp* 556).

⁵ Matthew, *Gov Lancastrian Ire* (PhD), app iii (2) 576–7; discussed *ibid.* 243–4.

⁶ *COD* iii §88. For discussion, see Matthew, *Gov Lancastrian Ire* (PhD), 241–2.

⁷ See above 64, below 375.

⁸ *NHI* ix 478 (Dep Lt 1463–7). See George Butler, 'The battle of Piltown, 1462' in *Ir Sword* vi (1963–4) 196–212; McCormack, *Earldom of Desmond*, 58–61.

⁹ Katharine Simms, 'Bards and barons: the Anglo-Irish aristocracy and the native culture' in *Med frontier societies* 186–7; Matthew, *Gov Lancastrian Ire* (PhD), 413–20.

¹⁰ *Chronicles of London*, ed Charles Lethbridge Kingsford (Oxford 1905) 95.

¹¹ See *Peerage* x 126–9; *ibid.* xii pt 2 734; Christine Carpenter, 'The Beauchamp affinity: a study of bastard feudalism at work' in *EHR* xcvi (1980) 528–9; John Watts, 'Butler, James, first earl of Wiltshire and fifth earl of Ormond' in *Oxford DNB* ix 149–51.

There is no need to pretend that magnates were always benign. Hysterical voices were raised in the later 1440s about Desmond's atrocities, when the souring of his relationship with Ormond led to raids into Butler territory. The communities of Kilkenny and Tipperary wrote to the English council in 1447 reporting that, 'to thys day the saide counte toke none suche rebuke of none of our saide soferayne lord his Iryshe enemyse as they dyd by the saide erle of Desemound'.¹² Such grievances must, of course, be distilled for their factual substance; but in assessing their more outrageous claims we must be mindful that very similar accusations of heinous oppressions and extortions were levelled at royal appointees to the chief governorship. Complainants naturally filtered out inconvenient facts, such as that conflicts had strictly limited aims and were quickly composed. The annalistic account of the conflict between Desmond and Ormond in 1444 makes clear that counter-raid followed raid, but that the two parties 'made a yeares peace afterwards, and each partie returned homewards'.¹³ There may even have been an inflation of grievance at work, as commonplace practices became garbed in ever more scandalous language. The monastery of Graiguenamanagh, county Kilkenny, for instance, surpassed most complainants with its vivid description of the white earl of Ormond as 'more cruel than Pharaoh'.¹⁴

This prompts some more general reflections about the remarkable stability of the three comital houses in the late middle ages.¹⁵ As a group, the earls of Kildare, Desmond and Ormond—in stark contrast to the blighted earls of Ulster—were notable for their longevity. The fourth, fifth and eighth earls of Kildare, first, third and seventh earls of Desmond, and second and fourth earls of Ormond each had

¹² C. A. Empey, *The Butler lordship in Ireland, 1185–1515* (PhD University of Dublin 1970), app v §§3–4 qtn xxxv (TNA E 101/248/15).

¹³ 'The annals of Ireland, from the Year 1443–1468, translated from the Irish by Dudley Firbis, or, as he is more usually called Duald Mac Firbis, for Sir James Ware, in the Year 1666', ed J. O'Donovan in *Miscellany of the Irish Archaeological Society* (Dublin 1846) 205.

¹⁴ *Cal papal letters 1447–55*, 497.

¹⁵ I have benefited from discussing this point with Prof. Robin Frame, who kindly lent me a transcript of an unpublished paper delivered at Pitlochry in January 2004. Cf. K. B. McFarlane, *The nobility of later medieval England: the Ford lectures for 1953 and related studies* (Oxford 1973), ch 2, 'Extinction and recruitment', 142–76; Alexander Grant, 'The extinction of direct male heirs among Scottish noble families in the fourteenth and fifteenth centuries' in Keith J. Stringer (ed), *Essays on the nobility of medieval Scotland* (Edinburgh 1985) 210–35. A full study on these lines in Ireland would be useful. In particular, it would highlight the divergence between, say, the Burghs of Connacht and the lesser nobility of Meath, Kildare and Louth. For most of the lesser nobility, however, the compilation of such data would be an enormous task, 'if indeed'—to borrow the words of G. H. Orpen—'it be within the power of man' (Orpen, *Normans* iii 112).

careers spanning at least four decades.¹⁶ Likewise the earldoms were resilient in the face of crisis. Two successive minorities in the first half of the fourteenth century did not prevent the second and third earls of Ormond from becoming the predominant power in the colony. The crown showed itself to be solicitous when default of heirs threatened the viability of the comital houses. The basis of the much-vaunted Kildare ascendancy was laid by Henry VI c 1454, when he rescued the earldom of Kildare from oblivion by recognising Thomas fitz Maurice (†1478), grand-nephew of the fifth earl, as seventh earl of Kildare.¹⁷ A century earlier, Edward III saved the earldom of Desmond from a similar fate, after Maurice, second earl of Desmond (†1358), drowned in the Irish Sea leaving as heir an idiot brother.¹⁸ The Geraldine inheritance, as we have seen, was transferred to his younger brother, Gerald (†1398), whose career as third earl of Desmond provided a focus for English lordship in the south-west during four very challenging decades.¹⁹ Nor were the comital houses particularly dogged by internal violence. The earls of Desmond were the most fissiparous, but although Thomas, sixth earl of Desmond (†1420) was supplanted by his uncle, he was banished, and later imprisoned, rather than killed. It was not until 1487 that an earl of Desmond was murdered by one of his own kindred²⁰ and, ironically, that instability can be attributed in large part to the execution of Thomas, eighth earl of Desmond, by Sir John Tiptoft in 1468.²¹

This picture may seem rather roseate. If so, it is a useful counter-poise to the familiar image of an unstable and discordant aristocracy. Certainly the role of faction should not be underplayed. It has been contended throughout this thesis, however, that those conflicts need to be understood as political as well as physical. A primary conclusion to arise from this study is that much of the factional intrigue keenly associated with the Talbot–Ormond struggle of the fifteenth century was anticipated in the political machinations of an earlier period. By accepting that there was more to political unrest from 1361 onwards than strained relations between the

¹⁶ See succession lists in *NHI* ix 231–5. Thomas, seventh earl of Ormond (†1515), also had a career of similar length, but I have not included him as he was normally an absentee.

¹⁷ *Peerage* vii 228–9; Steven G. Ellis, *Tudor frontiers and noble power: the making of a British state* (Oxford 1995) 112.

¹⁸ *ANenagh* 161 s.a. 1358; *ALC* ii 16–17 s.a. 1357; *AC* s.a. 1357.4; *AClon* 299 s.a. 1357; *CCR* 1354–60, 467.

¹⁹ *CCR* 1354–60, 576; *CPR* 1358–61, 246; *Fœdera* [H] iii 183. Gearóid Mac Niocaill, ‘Fitzgerald, Gerald fitz Maurice, third earl of Desmond’ in *Oxford DNB* xix 811–2.

²⁰ McCormack, *Earldom of Desmond*, 61.

²¹ Art Cosgrove, ‘The execution of the earl of Desmond, 1468’ in *JKAHS ser1* viii (1975) 11–27. Cf. Michael Hicks, ‘Cement or solvent? Kinship and politics in late medieval England: the case of the Nevilles’ in *History* lxxxiii 269 (1998) 31–46.

colonial community and chief governors, it becomes possible to appreciate the complexity and sophistication of the colony's politics. Factional interests often lay behind the complaints that were transmitted to Westminster. In this sense, the chief governors of the late fourteenth century faced a similar challenge to their counterparts two centuries later. The exasperation of the sixteenth-century chief governor, Sir Henry Sidney (†1586),²² could perhaps stand for the mindset of Sir William Windsor²³ or Sir Philip Courtenay.²⁴

This [divided] composition of a Council I thought convenient, for the primitive reformation of so old a cancered faction as was and yet is between the two earls [of Desmond and Ormond], who albeit they would inveigh against each other, yet if any sentence passed for the advancement of the Queen's²⁵ prerogative, or suppression of either of their tyrannies, straightways it was cried out of, and complained to the Queen, specially by the Earl of Ormond, as injustice and oppression.²⁶

Unfortunately the chief governors of our period left no memoirs to provide us with such rich details. Nonetheless, their efforts to gain vindication by extracting testimonials from the Irish political community sprang from the same feeling of insecurity in a factious environment. Nor need the comparisons end with the Tudors, for we are touching here on the eternal dilemma of colonial administrators. At the turn of the twentieth century, the political novelist, Rev. James Owen Hannay (1865–1950), memorably captured the gulf between the theoretical powers of a chief governor and the practical limitations imposed by indigenous interest groups:

The Right Honourable George Chesney was a Cabinet Minister, and was popularly supposed to govern Ireland. In reality, his position was like that of a football in a tightly-packed scrimmage. Vigorous forwards impelled him, more by kicking than persuasion, in opposite directions. The equilibrium which might have resulted was continually being interfered with by adroit players, who shoved him sideways or heeled him out backwards ... He was never without the consciousness that alert half-backs were lurking in Westminster, eager for a chance of picking him up and whisking him away. It speaks for the toughness of the leather in which he was encased that the Right Honourable Mr.

²² *NHI* ix 487. See Hiram Morgan, 'Sidney, Sir Henry' in S. J. Connolly (ed), *Oxford companion to Irish history* (Oxford 2002) 541.

²³ See above ch 4.

²⁴ See above ch 6.

²⁵ Elizabeth I (1558–1603).

²⁶ Brady, *A viceroy's vindication?*, 52

Chesney not only enjoyed life, but continued fully distended with that wind which is the prime necessity of politicians who make many speeches.²⁷

Clearly not every medieval chief governor was quite so leathery!

At the risk of spoiling the joke, there is a further lesson to be taken from this sporting analogy. Political conflict, like rugby football, is constrained by ill-defined rules of acceptable behaviour. In English Ireland, those rules were, for the greater part, English exports. The point is made by returning to the political crisis that dominated the lieutenancy of Sir John Talbot. Professor A. J. Otway-Ruthven described the general movement of opposition to Talbot as a ‘conspiracy among the Anglo-Irish themselves’.²⁸ Granted, much of the activity was, perforce, covert; but it is possible to see the events in a much more positive light. If there was a conspiracy, then it was executed in an English idiom. As an example of communal defiance of a regime that was seen as unjust and arbitrary, the resistance could claim to be part of a long English tradition, one reinforced since the Lancastrian revolution of 1399, when a new ruling dynasty had brought with it ‘some acknowledgement that the “rules” had changed’.²⁹ Indeed, such was its precocity that aspects of the colony’s political culture have even been described as ‘ahead of England’.³⁰ If so, the self-confidence of the colony in the early fifteenth century presages the trend after another revolution—that of 1689—when the desire among eighteenth-century Irish ‘patriots’ to restrain ‘the interference of the English

²⁷ George A. Birmingham [pseud.], *The seething pot* (London 1905) 95–6. My thanks to Dr Andrew Gailey for bringing my attention to this passage.

²⁸ Otway-Ruthven, *Med Ire*, 353.

²⁹ Michael Bennett, ‘Henry of Bolingbroke and the revolution of 1399’ in Gwilym Dodd & Douglas Biggs (eds), *Henry IV: the establishment of the regime, 1399–1406* (Woodbridge 2003) qtn 11. For other recent attempts to reassess Bishop Stubbs’ notion of ‘Lancastrian constitutionalism’, see A. J. Pollard, ‘The Lancastrian constitutional experiment revisited: Henry IV, Sir John Tiptoft and the parliament of 1406’ in *Parliamentary History* xiv 2 (1995) 103–19; Gwilym Dodd, ‘Conflict or consensus: Henry IV and parliament, 1399–1406’ in Tim Thornton (ed), *Social attitudes and political structures in the fifteenth century* (Stroud 2000) 118–49. Of course, concessions wrung from rulers across Europe in the thirteenth and fourteenth centuries show that England’s ‘insular genius’ is a myth (J. C. Holt, *Magna Carta* (2nd edn Cambridge 1992) 75–81; 273–6). Nonetheless, the strain of the ‘contagion of liberty’ that appeared in Ireland from the early days of the colony was a deliberate export from England (Bernard Bailyn, *The ideological origins of the American revolution: enlarged edition* (Cambridge MA & London 1992) qtn 230; H. G. Richardson, ‘Historical revision V: Magna Carta Hiberniae’ in *IHS* iii (1942–3) 41–3).

³⁰ Kerby-Fulton & Justice, ‘Modus’, qtn 172.

executive and the English parliament in Irish affairs' lent a radical flavour to Irish constitutional thought.³¹

We might plausibly argue, then, that factional struggles served to reinforce the 'Englishness' of the late medieval colony. To end on such a note without qualification would, however, be profoundly misleading. It comes dangerously close to a parody in which the colonists become 'more English than the English themselves'.³² The political structure of the colony dictated that faction fights would be fought in large part through the institutions of central government and that the protagonists would usurp metropolitan political values. This gave those institutions and ideas a relevance that might have otherwise been lacking; but in no way does it diminish the fact that the colonists had their own distinctive concerns, culture and heritage.³³ An unusually rich illustration of this comes from the counter-offensive launched by the white earl of Ormond against Sir John Talbot, c 1422. An extended schedule of the colony's ills was presented at court.³⁴ Its purpose was to denigrate the king's lieutenant, Sir John Talbot, and complain of the misgovernance of the land of Ireland; but the petition also protests the colonists' fidelity and allegiance to the crown and expresses their desire for a royal expedition. The petition concludes with a long exhortation to the king based primarily on 'le lyvere de Cambrense'.³⁵ The book in question is, of course, the *Expugnatio hibernica* of Giraldus Cambrensis, a much-quarried volume among the colony's ideologues.³⁶ Giraldus' five-fold right of the English king over Ireland is recited in French—including the Gaelic submissions to King Henry II, the donation of Pope Adrian, and a

³¹ Nicholas Canny, *Kingdom and colony: Ireland in the Atlantic world, 1560–1800* (Baltimore 1988) qtn 122. The similarities and contrasts between 1399 and 1689 in England are brought out in Michael Bennett, *Richard II and the revolution of 1399* (Stroud 1999) 201–02, 207–08.

³² Cf. Art Cosgrove, 'Hiberniores ipsis Hibernis' in Art Cosgrove and Donal McCartney (eds), *Studies in Irish history presented to R. Dudley-Edwards* (Dublin 1979) 1–14.

³³ Note that in colonial north America, 'mimetic impulses ... became increasingly intense through the eighteenth century and, ironically, were probably never greater than they were on the eve of the American Revolution [...]' (Jack P. Greene, 'Political mimesis: a consideration of the historical and cultural roots of legislative behavior in the British colonies in the eighteenth century' in *AHR* lxxv 2 (1969) qtn 344).

³⁴ *PPC* 1410–22, 43–52.

³⁵ *Ibid.* 51–2.

³⁶ A fuller version of the same text appears in English in Steele, *Secreta*, 184–6. Elizabeth Matthew plausibly argues that James Yonge may have been the author of both (Matthew, *Gov Lancastrian Ire* (PhD), 188). An English translation of the *Expugnatio* was produced c 1425 (*The English conquest of Ireland*, ed F. J. Furnivall i (EETS original ser 107 London 1896) 1–150), and the fifteenth century also saw the production of an Irish abridgement (Whitley Stokes, 'The Irish abridgement of the *Expugnatio Hibernica*' in *EHR* xx (1905) 79–117).

regurgitation of Arthurian myth as propounded by Geoffrey of Monmouth.³⁷ Of the original version of this elaborate apologia, the late Rees Davies memorably remarked that, '[a] man who needs five reasons to justify his actions is clearly arguing from a weak position'.³⁸ To these five, the petitioners of 1422 now added a sixth: the allegiance that the Gaelic Irish had sworn to Richard II in 1394–5.³⁹

Commonplace ministerial criticism is here infused with legitimising colonial ideology. The petition shows how private aristocratic concerns and popular grievance could coalesce in response to a concerted assault on colonial interests, and how both drew strength from the colony's heritage. This subtle blend of insecurity, robust self-reliance and fervent attachment to the crown has the distinctive flavour of the late medieval colony. By savouring it, it becomes easier to understand the developments of the later fifteenth century. The hint of radicalism we have detected in the colony's political culture—a radicalism that was to find its most forceful expression in the colony's audacious interventions in the Wars of the Roses—sprang from the very urgency of these indigenous political concerns.⁴⁰ Those concerns were intensified by factional rivalry. In this sense, factionalism could act as a catalyst in the crystallization of the colony's identity.

³⁷ *Expugnatio hibernica* 148–9. For Geoffrey of Monmouth see *The history of the kings of Britain*, tr Lewis Thorpe (London 1966); and comment by R. R. Davies in *The first English empire: power and identities in the British Isles, 1093–1343* (Oxford 2000) 39–41; Given-Wilson, *Chronicles*, 3–6.

³⁸ R. R. Davies, *Domination and conquest: the experience of Ireland, Scotland and Wales, 1100–1300* (Cambridge 1990) 109–10.

³⁹ *PPC* 1410–22, 51. Cf. Steele, *Secreta*, 186.

⁴⁰ For the colony's involvement, see generally Steven Ellis, *Ireland in age of the Tudors, 1447–1603: English expansion and the end of Gaelic rule* (London 1998) chs 3–4, 51–97; Cosgrove, *Late med Ire*, ch 4, 47–71; Otway-Ruthven, *Med Ire*, 386–408; Conway, *Hen VII & Ire*. For an interesting study that draws Ireland into the English historiography, see Ralph A. Griffiths, 'The provinces and the dominions in the age of the Wars of the Roses' in Sharon D. Michalove and A. Compton Reeves (eds), *Estrangement, enterprise and education in fifteenth-century England* (Stroud 1998) 1–25. On the two pretenders who found support in Ireland after 1485, see two recent studies: Michael J. Bennett, *Lambert Simnel and the battle of Stoke* (Gloucester 1987); Ian Arthurson, *The Perkin Warbeck conspiracy, 1491–99* (Stroud 1994); and also M. T. Hayden, 'Lambert Simnel in Ireland' in *Studies* iv (1915) 622–38; F. X. Martin, 'The crowning of a king at Dublin' in *Hermathena* cxliv (1988) 7–34.

Appendix 1

Select list of documents concerning the chief governorships of Sir William Windsor

Note. Many of the more important documents concerning the chief governorships of Sir William Windsor are available in print. Locating these documents, however, is not a simple task. They are scattered throughout diverse volumes published across a period of some two-and-a-half centuries. Some have been printed more than once; others exist both as a complete edition and in calendar form; and frequently the manuscript references are inadequate or out of date. There are, in addition, some documents that have never been published. The aim of the following list is modest. It hopes simply to ease the labour of research by bringing the various printed editions together in a chronological list and identifying the relevant manuscripts.¹ This is not intended as a comprehensive catalogue of documents relating to Sir William Windsor's chief governorships; rather its scope is limited to documents containing complaints, inquisitions and related matter. The year given in the left margin refers to the date when the document in question was produced.

<u>Year</u>	<u>Ms reference</u> ²	<u>Printed editions, facsimiles & calendars</u>	<u>Language</u>
1. Sir William Windsor's account of the proceedings of parliaments and councils in Ireland, 1370–71			
1373	E 368/144, <i>Recorda</i> , Trinity term, m 16	'Parliaments and Councils of 1370 and 1371: William of Windsor's account of the proceedings' in <i>Parls & councils</i> §28	L

¹ A similar service is provided by M. C. Griffith for the documentation pertaining to the protracted Talbot–Ormond dispute (1414–47), although her list could now be updated (Griffith, 'Talbot–Ormond struggle', 396–7).

² Mss are all deposited in TNA unless otherwise specified.

2. Six inquisitions before Sir Nicholas Dagworth taken at Drogheda and Dublin, May–June 1373³

1373	C 49/75, mm 20–25 ⁴	‘Calendar of inquisitions taken at Drogheda and Dublin, May and June 1373’ in Clarke, ‘Windsor’, app iii 220–32. Clarke numbers the inquisitions §§I–VI.	Eng cal
		The full text of three of these inquisitions (§§II, IV, V) is printed in <i>Fædera</i> [RC] iii pt 2 977–80.	L
		William Betham, <i>Dignities, feudal and parliamentary</i> [...] (London 1830) 306–9.	Eng

3. Replies of the treasurer of Ireland on behalf of Sir William Windsor to charges made against him in the king’s council

1373	E 368/145, <i>Recorda</i> Trinity term, m 4	<i>Affairs Ire</i> §241.	F
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4. Representations of Sir William Windsor to the council upon his second appointment as chief governor of Ireland in 1373

1373	SC 8/257/12849	<i>Affairs Ire</i> §242	F
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³ There were originally eight inquisitions (*CCR* 1374–7, 368), but the texts of only six are extant. Clarke suggests the other two inquisitions were taken at Waterford and Cork (Clarke, ‘Windsor’, 147 n 4; 151 n 1).

⁴ A detailed list of the contents of this roll is given in Clarke, ‘Windsor’ 182–4. The original reference number was C 49/Roll 2.

5. Documents relating to the summons of the Irish commons to England, 1375–6

1376	C 49/75, mm 1–13	<i>CAnCh</i> 444–62	L
		Thomas Leland, <i>The history of Ireland from the invasion of Henry II with a preliminary discourse on the ancient state of that kingdom</i> (3 vols, London 1773) i app ii 361–79 ⁵	L
		Gilbert, <i>Facsimiles</i> iii plate XIX	Facsimile
		‘Calendar of documents relating to the summons of the commons of Ireland to England, 16 February 1376’ in Clarke, ‘Windsor’, app iv 232–41	Eng cal

6. A roll of accusations presented to the king’s council in England by Richard Deere and William Stapelyn

1376	C 49/74 ⁶ (Six documents are transcribed in BL Bodley Ms Rawlinson B 491) ⁷	‘Eighty-six articles presented to the council in England by Richard Deere and William Stapolyn. Endorsed: ‘les copies des accusementz’ in Clarke, ‘Windsor’, app i 184–206	F & L
	C 49/75, m 26	Included in Clarke, ‘Accusementz [1376]’, §§86–7	F & L

⁵ Leland’s text is not an independent edition; rather he ‘annexed’ the text from *CAnCh* 442–62.

⁶ The original reference number was C 49/Roll 2. A later hand endorsed the roll ‘De gestu ministrorum Regis Edwardi tercii in Hibernia’.

⁷ Clarke, ‘Windsor’, 147 n 2.

7. Answers to the accusations presented to the king's council in England

1376	C 49/75, mm 17–19 ⁸	‘Documents relating to proceedings before the English council, 1376 [The answers of Hollywood to the articles of accusation]’ in Clarke, ‘Windsor’, app ii 207-219	F & L
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8. The trial of Alice Perrers, parliament of October 1377

1377	C 65/32, m 7	<i>RP</i> iii 12–13	F
		Geoffrey Martin (ed), ‘Richard II: parliament of October 1377, text & trn’ in <i>PROME CD-R</i> , items 41–2	F & Eng trn

9. Notes of decisions relating to Ireland made in the English Council, 15 December 1378

1378	C 49/75, m 27–27 ^v	<i>Affairs Ire</i> §257 ⁹	L
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⁸ Some of these answers are repeated on other membranes. See the detailed list by Clarke cited above n 4.

⁹ This is the only membrane of C 49/75 not included in Clarke, ‘Windsor’; it is noted by Clarke (*ibid.* 184), but misattributed to 1376. The notes refer to the unpublished inquisitions taken by Sir Nicholas Dagworth at Dublin in 1378, here listed as §10.

10. Inquisitions taken by Sir Nicholas Dagworth, Stephen Bray and John Cusak at Dublin in 1378

1385	E 368/157, m 23 (<i>text repeated in</i> E 368/157, m 24)	Unpublished. Extracts pr Holmes, <i>Good Parl</i> , 95–6 nn 5–6. ¹⁰	L
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¹⁰ The Ms states that the inquisitions were placed in the exchequer by Michael de la Pole, chancellor of England, in February 1385.

Appendix 2

The background to the arrest of the earl of Kildare and Sir Christopher Preston, 1418: a missing membrane

A great deal of light was shed on the history of fifteenth-century Ireland, when a manuscript from January 1419 was discovered among the Miscellanea of the English exchequer in the then Public Record Office, London. The document (TNA E 163/7/12) concerns the arrest in June 1418 of Gerald fitz Maurice, fifth earl of Kildare, and Sir Christopher Preston and was part of a report sent to the king's council in England by the lieutenant of Ireland, Sir John Talbot (†1453). The manuscript was edited by Professor Jocelyn Otway-Ruthven and published in 1980 under the title, 'The background to the arrest of Sir Christopher Preston, 1418'.¹ This manuscript, however, did not contain all of Talbot's report. Another well-known section—one that aroused much controversy among historians of the earlier twentieth century—is the famous Preston exemplification of the *Modus tenendi parliamentum*.² There are also significant lacunae in the document edited by Otway-Ruthven. It comprises six membranes, of which the third is in fact made up of two membranes stitched together. The lower portion of this third membrane is damaged. The manuscript is torn after the eighteenth line of text and only portions of lines 19–24 are legible,³ depriving historians of crucial information concerning events in the final days before the arrest of Preston and Kildare. This literal gap in our knowledge is not plugged by membranes 4–6, which supplement the narrative provided in membrane 3 about the period *c* September 1417 to early June 1418.

Fortunately, the missing portion of membrane 3 has survived. It is catalogued separately in the National Archives of the United Kingdom among the Exchequer Accounts Various (E 101/698/34). It is presumably for this reason that it has mostly escaped notice from historians.⁴ The manuscript is undoubtedly the torn remnant of E 163/7/12, m 3. This is suggested in the first place by internal evidence. For instance, the missing membrane refers to 'les Oconghours doffaly susditz', a reference to the Gaelic dynasty of Uí Chonchobhair Failghe, who feature earlier in E

¹ AH 29 (1980) 71–94 (Otway-Ruthven, 'Arrest').

² Huntington Library, California (USA) E.L. 1699, pr *Parl texts* 128–37. There is a list of manuscripts and transcripts of the Irish *Modus* at *ibid.* app ii 210.

³ I have counted the lines from the beginning of the lower portion of m 3, i.e. from after the stitching.

⁴ It is noted in Matthew, Gov Lancastrian Ire (PhD), 109 n 17, 484 n 13.

163/7/12, m 3. Such textual correspondence is, however, less impressive than physical compatibility. The two documents are in the same hand and of the same dimensions. Where the two manuscripts intersect at lines 19–20, the width is *c* 320 millimetres. Both Mss have a margin on the left-hand side of *c* 45 milimetres. The upward arc at the top of the missing membrane (E 101/698/34) fits perfectly into the indentation left at the torn end of E 101/698/34, m 3. As a result, virtually no text has been lost.

This appendix reunites the two manuscripts. It begins at the first full sentence before the narrative breaks off in E 163/7/12, m 3. Text from E 163/7/12, m 3 is underlined. I have printed the text line by line to give a visual impression of how the two manuscripts interlock. Conjectural readings are placed in italics and interlineations given in superscript. The writ of 16 June 1418 recited here is also exemplified at E 163/7/12, m 6.⁵ For purposes of consistency, I have followed Otway-Ruthven's editorial practice of adding punctuation, capitalising proper nouns and standardizing (where appropriate) the letters **i**, **u** and **X** as **j**, **v** and **Ch** respectively. I am grateful to Dr Elizabeth Matthew and Prof Robin Frame, who read my transcript and saved me from several errors. Any infelicities that remain are, of course, entirely my own. This Crown-copyright document appears courtesy of the National Archives of the United Kingdom.

⁵ It is pr Otway-Ruthven, 'Arrest', 93–4.

TNA E 101/698/34, continued from E 163/7/12 m 3 (underlined)

16. [...] ¹ Le quell depute envoie pur le conseil le roy du dite terre destre ovesqe luy a Trym la
17. xvi jour de June adonques prochein ensuant. Les quex depute en counsell furent enfourmez mesme le jour par certeyns creables persouns comment lentent des
18. ditz count de Kildare et Christofre et daultres as eux confederez fuit quappres lour primer entreparlance ovesqe le dit priour mesme le depute serroit pris et
19. touz ses souldours tuez et le ditz chaunceller et le conseil le roy sils ne voudroient [...] et faire un justice al denomination des
20. ditz count de Kildare, \priour et/ Christofre et lour adheredantz pur aver la governance de la dite terre serront mys a mort, par qoy le dit depute, par advys du dit
21. counsell le roy, ordeigna severals briefs nostre seigneur le roy destre directz sibien as viscontz del countee de Dyvelyn, Kildare et Loueth, come al
22. seneschall del libertee de Mid' et al viscont del cros illeoges et as maire et bailiffs del cite de Dyvelyn solonqe la tenur qe cy ensuyt: Henricus
23. Dei gratia Rex Anglie et Francie et Dominus Hibernie maiori et ballivis citivatis sue Dublinie salutem. Ex testimonio fidedigno eruditi sumus quod quedem
24. malivole gentes sinistra doctrina replete ligeancias suas quas erga nos fideliter gererent minime recolentes diversa conventicula adinvicem
25. congregantes et secreta consilia sua illicita in secretis locis clam et palam tenentes ad fidelem populum nostrum discordandum et subvertendum de
26. die in diem confederate existunt et ne aliquis error vel aliqua insurrectio inter dictum populum nostrum contra eorum fidem seu ligeanceam per
27. discordiarum cultores seminaretur per quod dictus populus noster in premissis leviter poterit perturbari aut gravari. Volentes proinde pro quiete et felici
28. gubernacione eiusdem populi nostri in premissis remedium exhibere oportunum prout nobis convenit in hac parte, vobis sub periculo quod incumbit
29. districcius quo poterimus precipimus et mandamus quod in singulis locis infra civitatem predictam ubi melius² et conveniencius vobis

¹ For the preceding, refer to Otway-Ruthven, 'Arrest', 74–80.

30. videbitur magis expediens ex parte nostra publice proclamari faciatis quod huiusmodi gentes sinistra doctrina replete, ut predicatur, sub fide et ligeancia suis,
31. si quas erga nos habeant, ac sub pena forisfacture vite et membrorum ac omnium aliorum que erga nos forisfacere poterunt decetero aliqua huiusmodi conventi-
32. cula adinvicem minime aggregent vel huiusmodi secreta consilia illicita clam vel palam teneant per quod discordie vel discensiones
33. aut subversiones aliquis dicti fidelis populi nostri inter se aliquialiter poterint generari. Et hoc sub pena predicta nullatenus omittatis. Teste ^{\dilicto et fideli/} nostri Thoma Talbot,
34. milite, deputato ^{\dilicti et fidelis/} nostri Johannis Talbot de Halomshire, chivaler, locum nostrum tenentis terre nostre Hibernie apud Trym xvj die Junii anno regni nostri sexto.
35. Par force des quels briefs, proclamacioun fuit fait solonqe la purport dicels la xvijj jour de June adonqes procheine ensuant deyns la dite
36. citee de Dyvelyn et aillours, et sur ceo le dit priour, enlessant derier luy plusours des ses gentz pur le dit bastile garder, repaira a les
37. Oconghours Doffaly susditz, enemys nostre dit seignur le roy, adonqes overtment a guerre esteantz, et dilleoqes envoia un message as ditz count
38. de Kildare et Christofre eux encertifiant de soun estre illeoqes et envoiant qils la lundy la xxvij jour de June adonqes proschein ensuant a
39. ville de Clane luy dussent encounter et qil serroit present illeoqes au dit jour ovesqe eux a perfourmer leur purpos, et auxi qils dussent faire fyn de
40. ceo qils avoient commencez et sils mesme le fyn ne purroient faire nacomplire bonement donqes il mesmes ceo vorroit perfourmer et accomplire
41. durant quell temps qe mesme le priour fuit ensy ovesqe les ditz Oconghours Doffaly, mesmes les Oconghours ove certeyns gentz du dit
42. priour firent un grande journey sur les foialx lieges nostre dit seignur le roy en le countee de Kildare et pristrent des ditz lieges un grande prey
43. des prisoners, vaches et aultres biens, plusours des ditz lieges entuantz, de quell prey le dit priour et ses ditz gentz avoient leur part. Avant quell
44. lundy, le dit depute avoit un jour de marche appelle parlement en la dite terre ovesqe M^cmurgh en le countee de Catherlagh pur la reformacioun de
45. la pees, et en soun retourne vers les parties de Mid' luy fuit declarez et counseilez qil ne dust my aler parmy la dite ville de Clane a cause qe les ditz count

² There follows a small erasure.

46. de Kildare, priour et Christofre y furent assemblez au dite ville al entent pur luy prendre a lour male entent et purpose devant prepensez parfaire et accomplire. Et
47. ceo nient obstant le dit deputea ala a dite vile de Clane et, en la maisoun des les Frers Menours illeques, trova les avantditz count de Kildare et Christofre
48. et demanda ^{\de/} le dit count qe fuit la cause de sa venewe illeques a cell temps, qy disoit pur aver entreparlance ove le dit priour pur luy entretier destre
49. bone amy a vous mon seignur, et apres ceo, mesme le deputea demanda del dit Christofre qe fuit la cause de sa venewe illeque, qy disoit qe la cause fuit
50. par ceo qe le dit priour luy envoiait un lettre de luy encontre la a cest temps. As quex le dit deputea disoit qil lour savoit null gree pur cela quare il eux
51. dona null tiel charge ou congee de ceo faire. Et sur ceo, mesme le deputea, considerant les maters devant declarez ove les circonstances dicels, les ditz
52. count de Kildare et Christofre arresta illeques et eux amesna al chastell de Trym, pur y savement demurer tanqe il serroit aultrement ordeignee pur lour
53. delyverance par nostre dit seignur le roi ou son lieutenant en la dite terre, et trova le dit deputea ovesqe le dit Christofre al temps de soun arrest un pelle et certeyns
54. scrowettes, en les quex certeyns articles sont contenuz, les quex articles par advys du dit lieutenant et le counsell le roy sont exemplifiez dessouz le
55. graunde seall nostre seignur le roy de sa dite terre et a ycetx anez. Apres quell arrest ensy fait, le dit lieutenant le disme jour de Jule adonques prochein ensuant
56. repaire hors Dengleterre al dite terre et sur ceo mayntenant envoia pur soun dit deputea et le counsell le roy destre ovesqe luy a Trym la xix iour de
57. Jule adonques prochein ensuant. A quell temps il demanda de soun dit deputea en presence del avandit counsell illeques que fuit la cause del arrest
58. des ditz count de Kildare et Christofre, le quell deputea declara au dit lieutenant qils furent arrestuz pur les causes et maters susdites, et ensy sembla au
59. dit lieutenant et lavandit counsell le roy qe larrest des ditz persouns et lour detenewe en prisoun furent bones et resonables pur les causes et *maters*
60. et lour circonstances desuis declarez.

Appendix 3

Genealogical tables

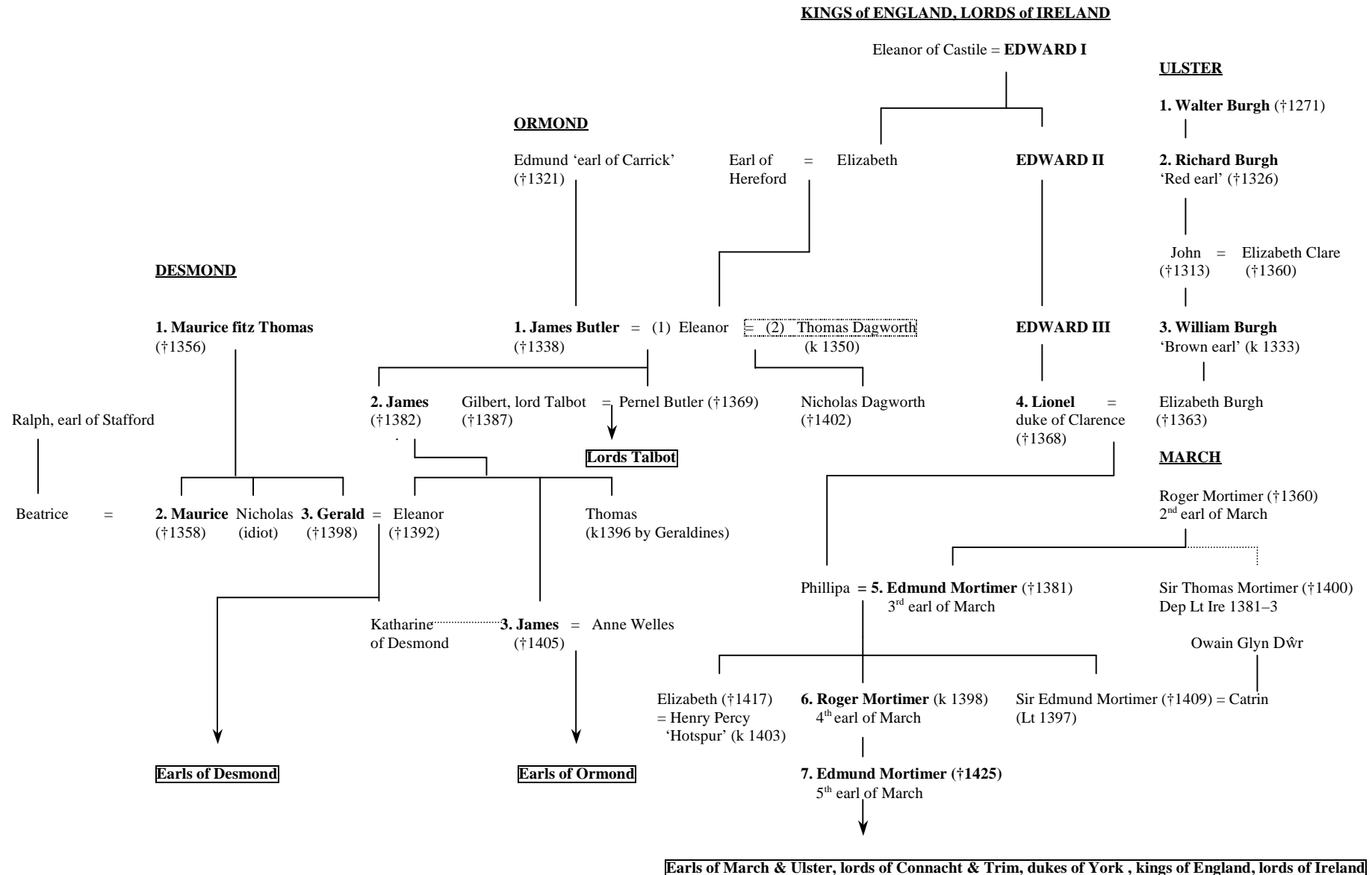
Note. The following tables are intended to be illustrative rather than exhaustive. For more detailed tables, the reader is referred to T. W. Moody, F. X. Martin and F. J. Byrne, *A new history of Ireland, ix: maps, genealogies, lists—a companion to Irish history, part II* (Oxford 1984, repr 2002), 'Genealogical tables', 121–76.

List of genealogical tables

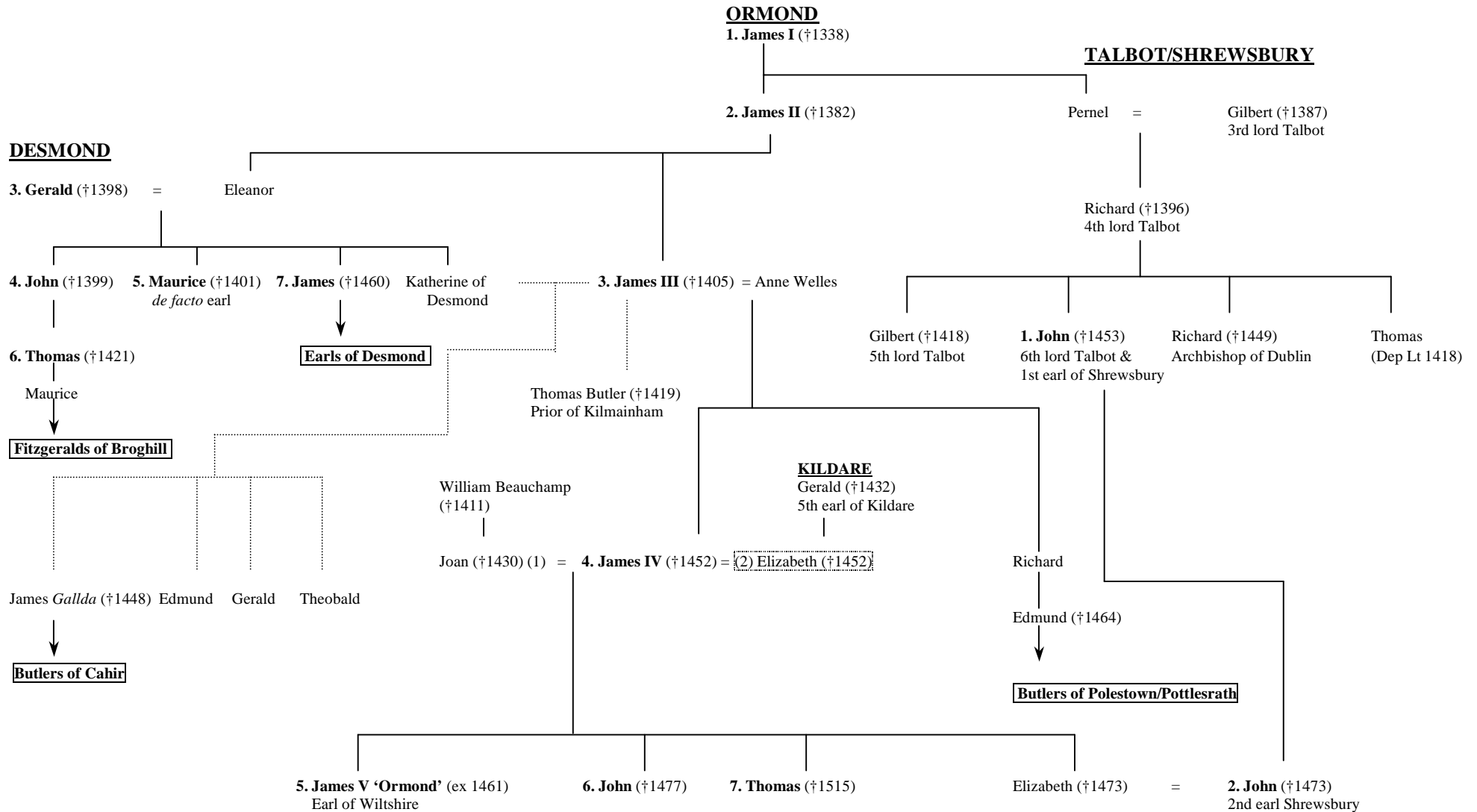
- A3.1 Earls of Desmond, Ormond, Ulster and their English connections
- A3.2 'Conflicts of loyalties':¹ earls of Desmond, Ormond, Kildare and Shrewsbury
- A3.3 The Burghs, earls of Ulster and lords of Connacht, and their junior branches
- A3.4 Burghs of Clann Riocaird, lords of upper Connacht (Mac William *Uachtar*)
- A3.5 Burghs of lower Connacht (Mac William *Íochtar*)

¹ The phrase is that of Max Gluckman, 'The peace in the feud' in *P&P* 8 (1955) qtn 10.

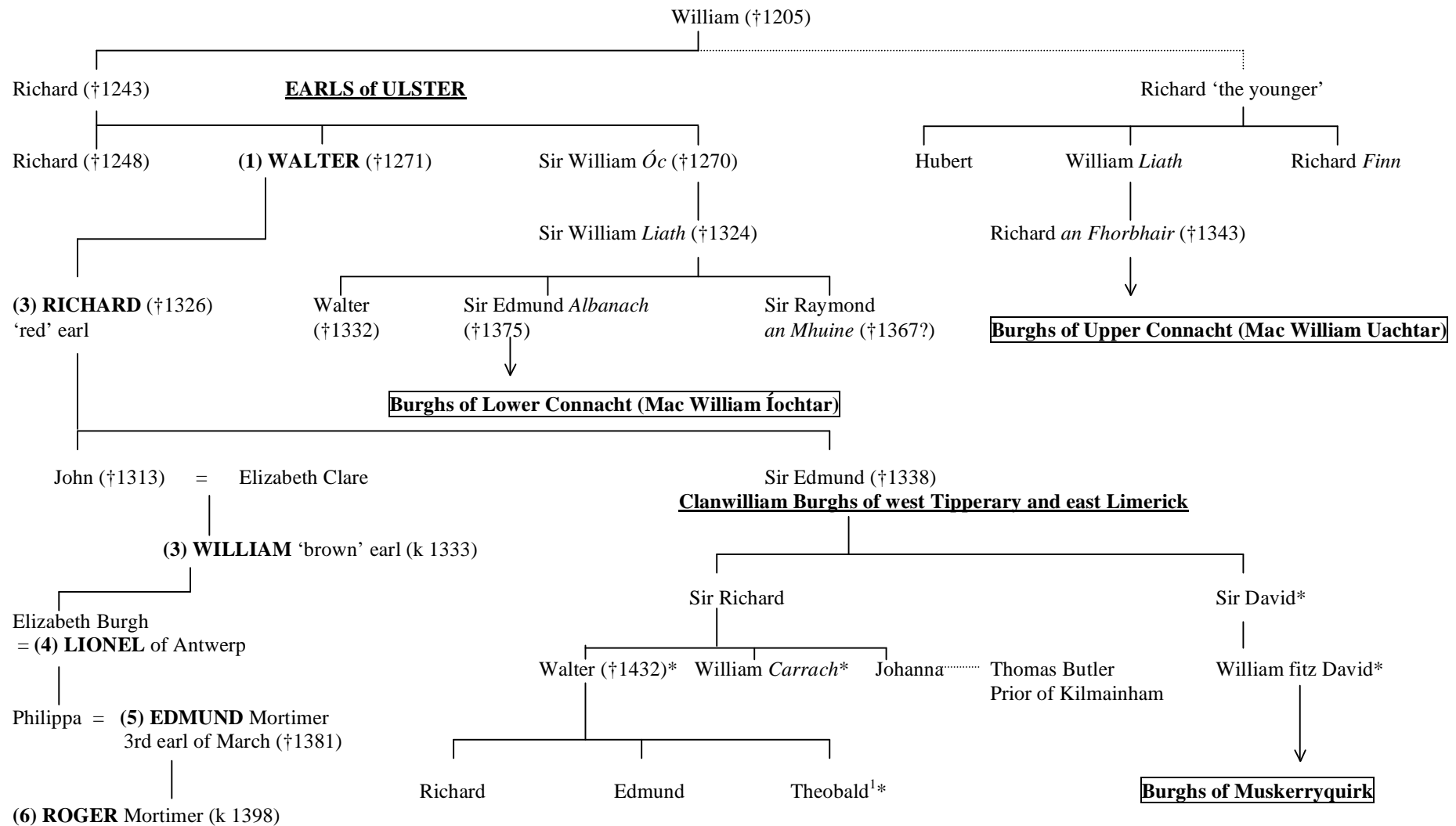
A3.1 Earls of Desmond, Ormond, Ulster and their English connections



A3.2 'Conflicts of loyalties': earls of Desmond, Ormond, Kildare and Shrewsbury



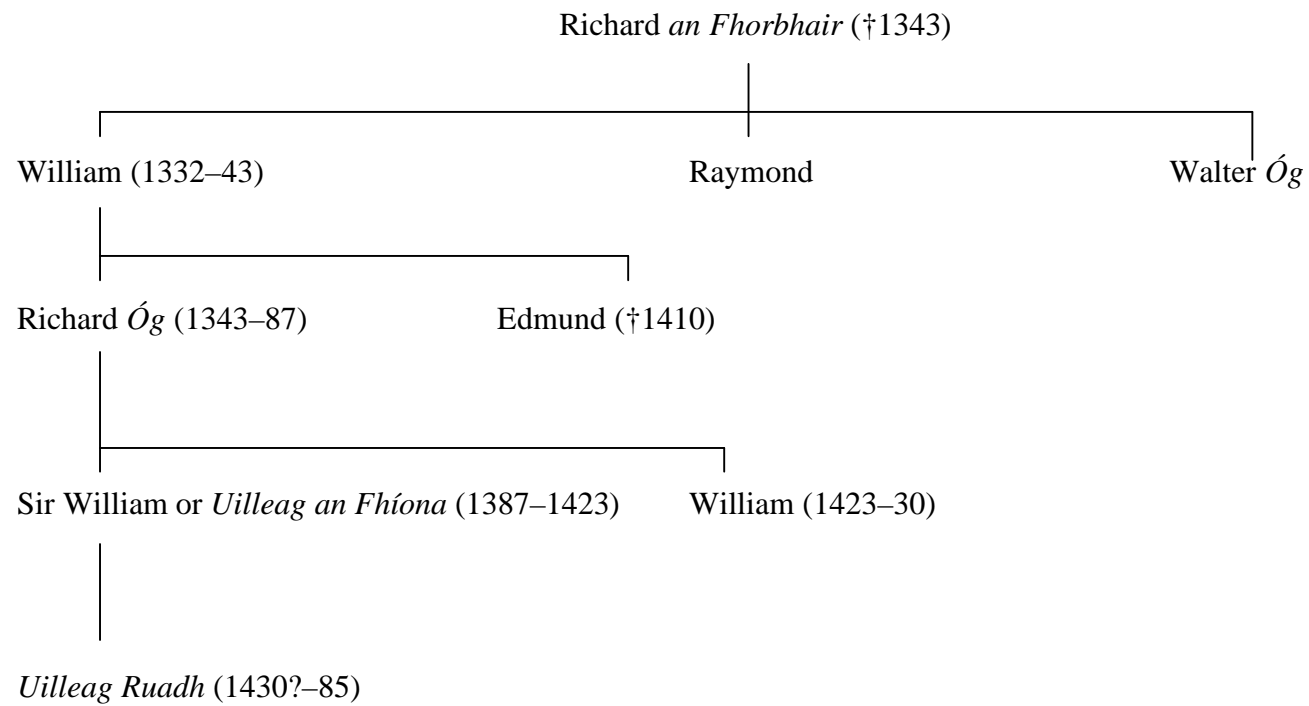
A3.3 The Burghs, earls of Ulster and lords of Connacht, and their junior branches



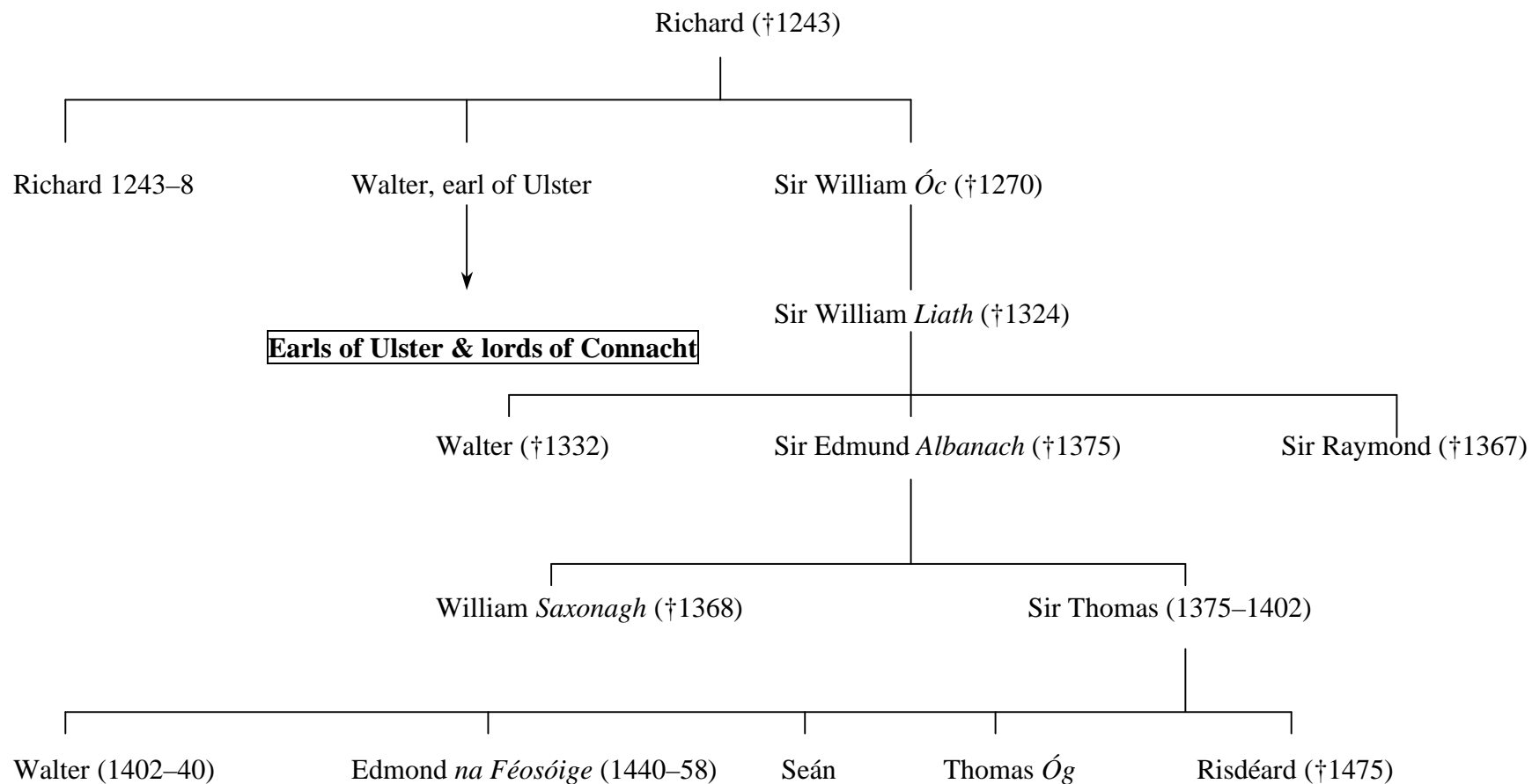
¹ CT ii 170: 'This is how the three sons of Walter f. Richard f. Edmond f. Richard (earl of Ulster) branched asunder:—It was Mac William's daughter, wedded wife of Walter f. Richard, that was mother of those three sons; the heir being Richard [Edmond and Theobald are named as second and third sons].

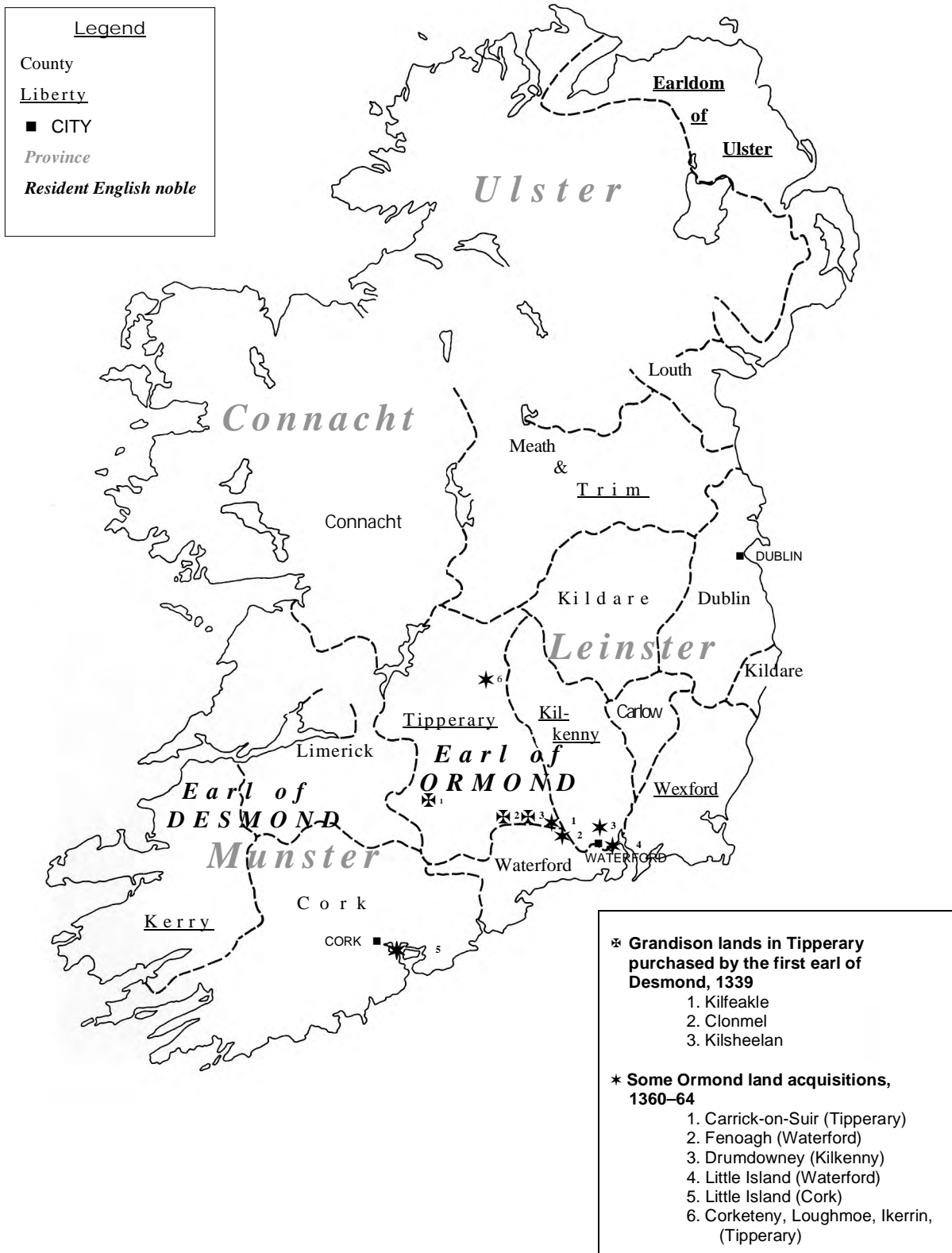
* denotes members of Clanwilliam Burgh family party to COD ii §§352–3.

A3.4 Burghs of Clann Riocaird, lords of Upper Connacht (Mac William *Uachtar*)



A3.5 Burghs of Lower Connacht (Mac William *Íochtar*)





Map 1. Colonial Ireland: counties and liberties, c 1361

Legend

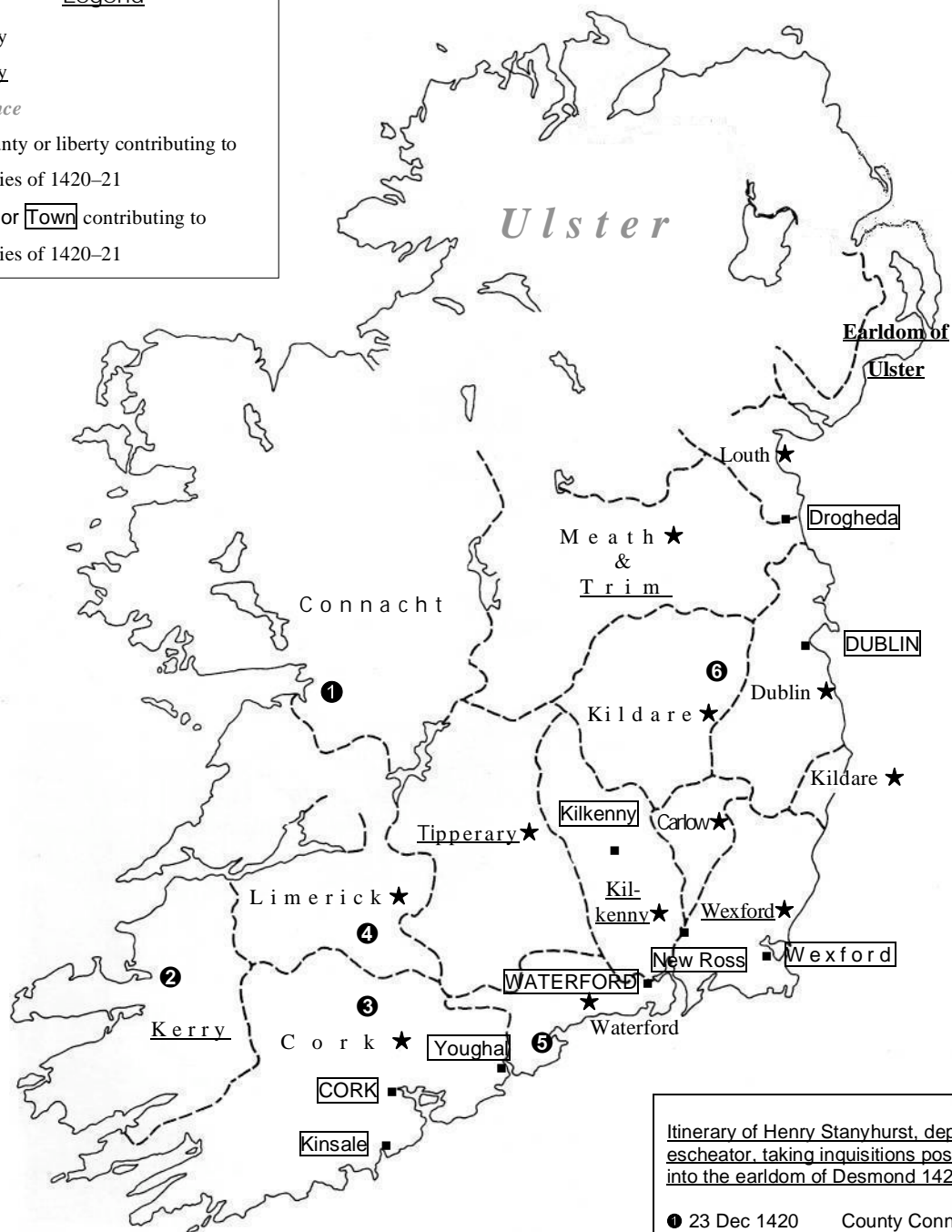
County

Liberty

Province

★ County or liberty contributing to subsidies of 1420–21

CITY or Town contributing to subsidies of 1420–21

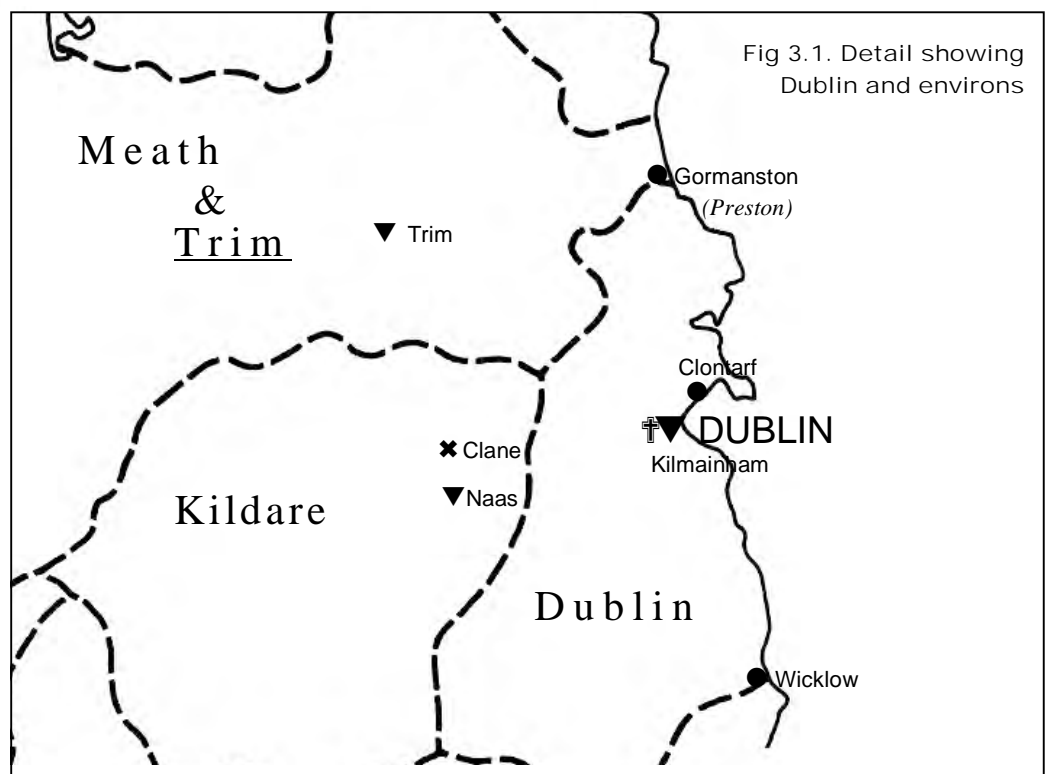
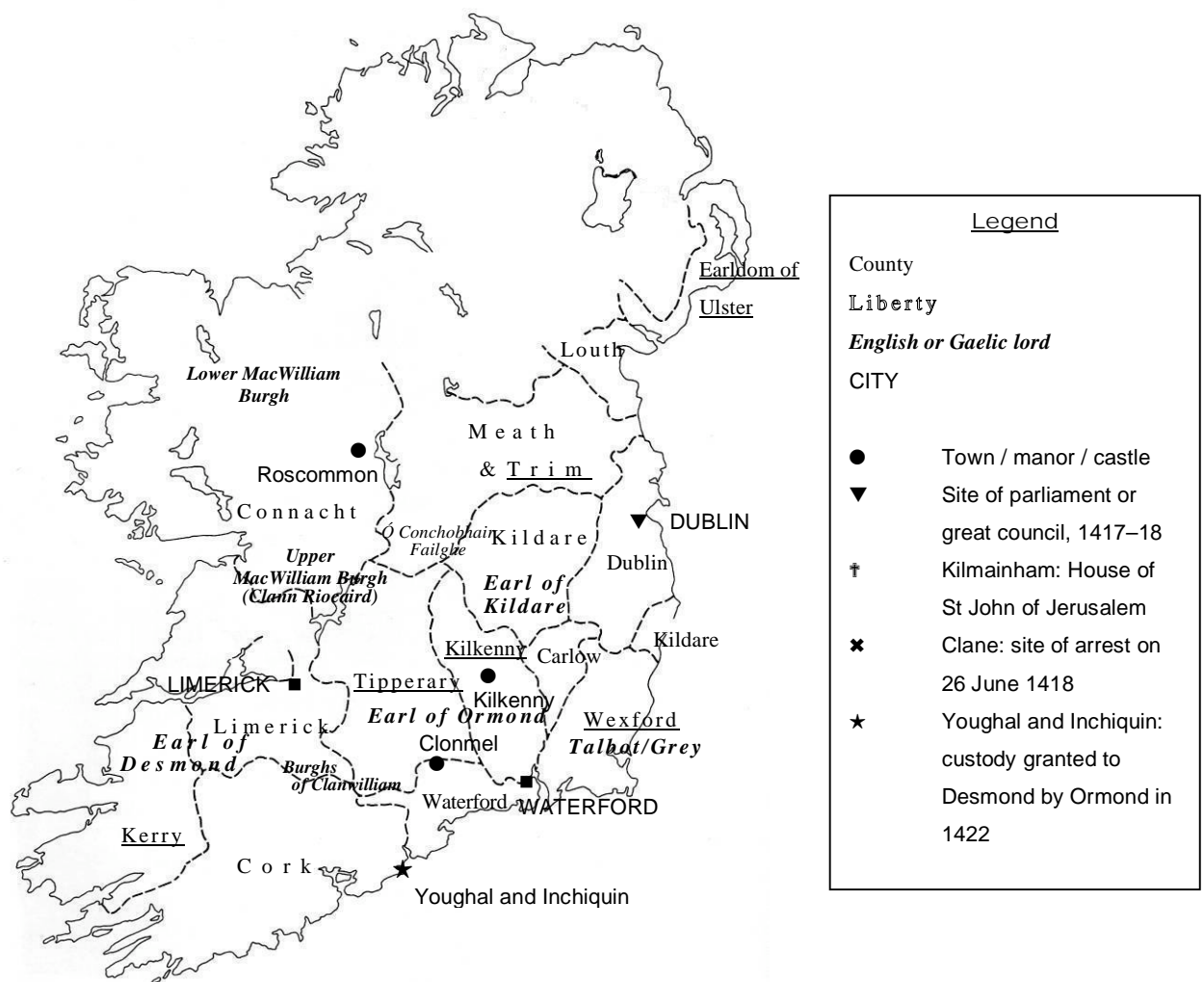


Itinerary of Henry Stanyhurst, deputy escheator, taking inquisitions post mortem into the earldom of Desmond 1420–21

- | | |
|---------------|------------------|
| ① 23 Dec 1420 | County Connacht |
| ② 31 Dec 1420 | Liberty of Kerry |
| ③ 4 Jan 1421 | County Cork* |
| ④ 7 Jan 1421 | County Limerick* |
| ⑤ 10 Jan 1421 | County Waterford |
| ⑥ 14 Jan 1421 | County Kildare |

*Precise site of inquisition unidentified

Map 2. Counties and liberties contributing to subsidies of 1420–21



Map 3. The Talbot-Ormond antagonism: some places mentioned in the text

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Note. This bibliography has been organized thematically. Entries are arranged alphabetically by author within each section or sub-section and chronologically by earliest publication date thereafter. The categories were initially drawn from P. W. A. Asplin (*NHI* ii 827–964), but later adapted to reflect the concerns of this thesis. Entries followed by an asterisk (*) in §3 contain editions of primary sources and may also be listed in §2.

1 Manuscript sources

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- 1.2 France
- 1.3 United Kingdom

2 Printed primary sources

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- 2.1.2 Records relating to local administration
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- 2.2.1 Gaelic annals
- 2.2.2 Latin annals of Irish provenance
- 2.2.3 Other annals and chronicles
- 2.2.4 Other literary sources

2.3 Source compilations

3 Secondary sources

- | | |
|--|--|
| 3.1 General Irish history | 3.7 Ecclesiastical history |
| 3.2 Historiography | 3.8 Literature, culture and ideas |
| 3.3 Political history | 3.9 Coinage |
| 3.3.1 Ireland (<i>by period</i>) | 3.10 Archaeology and historical geography |
| 3.3.2 England | 3.11 Local and family history |
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| 3.3.5 Continental Europe | 3.12 Related disciplines |
| 3.3.6 'British' history | 3.13 Reference and electronic resources |
| 3.4 Social and economic history | 3.13.1 General |
| 3.4.1 General | 3.13.2 Bibliographies |
| 3.4.2 Ireland: society and identity | 3.13.3 Guides to Ms sources |
| 3.4.3 Lordship and social hierarchies | 3.13.4 Maps, genealogy, lists, prosopography |
| 3.4.4 Disputes and settlements | 3.13.5 Topography and placenames |
| 3.4.5 Crime, law and order | 3.13.6 Dictionaries and wordlists |
| 3.5 Constitutional, institutional and administrative history | 3.13.7 Electronic resources |
| 3.6 Military history | 3.14 Unpublished theses |

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| Lodge Mss 1–25 | John Lodge's Manuscripts |
| RC 8 | RCI Calendar of the memoranda rolls of the Irish exchequer. |

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|-----------|--|
| D | Ormond deeds. |
| Mss 1–19 | Walter Harris, <i>Collectanea de rebus Hibernicis</i> . |
| Mss 20–26 | John Lodge, Abstracts of letters patent, deeds etc, relating to lands in the counties of Dublin and Wicklow. |

Trinity College, Dublin

- | | |
|--------------------------------|---|
| Ms 2149 (Curtis Papers, Box 2) | Edmund Curtis (with A. J. Otway-Ruthven), Mortimer charters of the earldom of Ulster and lordship of Connacht |
|--------------------------------|---|

1.2 France

Troyes

Bibliothèque Municipale

- | | |
|---------|--------------------------------|
| Ms 1316 | Henry Marlborough's chronicle. |
|---------|--------------------------------|

1.3 United Kingdom

Cambridge

Trinity College Library

- | | |
|-----------|--|
| Ms 0.8.13 | <i>Gesta Romanorum</i> with fragmentary account of Irish revenue bound in at front in three flyleaves. |
|-----------|--|

University Library

- | | |
|-------------|--|
| Add Ms 3104 | Original book of entries of law proceedings in Ireland Edw I–Ric II, formerly property of Sir William Betham, Ulster King of Arms. |
|-------------|--|

London

British Library

- | | |
|-------------------|--|
| Add Charter 13600 | Mutilated fragments of plea roll, 1407. |
| Add Charter 18222 | Account of Sir Stephen Scrope (Dep Lt), c 1406–07. |

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Add Ms 4797–8	Milles collection vols XLV–XLVI, consisting of collections of Sir James Ware (†1666).
Add Ms 24062	<i>Formularium</i> of documents passed under the privy seal temp. Richard II–Henry V, compiled and written by Thomas Hocclyf, the poet.
Cotton Faustina C IX	Henry Marlborough's chronicle.
Cotton Titus B XI	Miscellaneous documents of Irish interest (2 pts).
Royal Ms 10 B IX	Miscellaneous documents.

National Archives of the United Kingdom

(i) Chancery

C 47	Miscellanea of the chancery.
C 49	King's remembrancer: parliamentary and council proceedings.
C 54	Close rolls.
C 66	Patent rolls.
C 81	Warrants for the great seal, ser1.
C 143	Inquisitions <i>ad quod damnum</i> , Henry III to Richard III.

(ii) Exchequer

E 28	Treasury of receipt: council and privy seal records.
E 101	King's remembrancer: accounts various.
E 159	King's remembrancer: memoranda rolls and enrolment books.
E 163	King's remembrancer: miscellanea of the chancery.
E 368	Lord Treasurer's remembrancer: memoranda rolls.
E 403	Exchequer of receipt: issue rolls and registers.

(iii) Special collections

SC 1	Ancient correspondence of the chancery and the exchequer.
SC 8	Ancient petitions.

Oxford

Bodleian Library

Ms Laud Misc 614	Henry Marlborough's chronicle.
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