

The Denis Bethell Prize Essay
 ‘Hobbes’, ‘Dogs’ and Politics in the
 Ireland of Lionel of Antwerp, c. 1361–6

Peter Crooks

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. 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.³ The appointment of so exalted a chief governor heralded four decades during which the lordship of Ireland was lavished with more attention from England than it had received since the reign of King John (1199–1216).⁴ The armies that crossed the Irish Sea were principally

¹ ‘Annals of Ireland, A.D. 1162–1370’, in J.T. Gilbert, ed., *The Chartularies of Saint Mary’s Abbey, Dublin, with the Register of its House at Dunbrody and Annals of Ireland*, RS 80, 2 vols. (London, 1884–6), ii, 395. Thomas Walsingham notes Lionel’s birth in ‘Andwerp’ on 29 November 1338: Henry Thomas Riley, ed., *Thomae Walsingham, quondam monachi S. Albani, Historia Anglicana*, RS 28, 2 vols. (London, 1863–4), i, 223.

² H.G. Richardson and G.O. Sayles, *Parliaments and Councils of Mediaeval Ireland*, 1 vol. (Dublin, 1947), i, no. 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’, *Journal of the Royal Society of Antiquaries of Ireland* 97 (1967), 47–59; Robin Frame, ‘Thomas Rokeby, Sheriff of Yorkshire, Justiciar of Ireland’, *Peritia* 10 (1996), 274–96; and Robin Frame, *English Lordship in Ireland, 1318–1361* (Oxford, 1982), chapter 9, ‘Prelude to English intervention, 1349–1361’, especially 319–26.

³ Lionel was created duke of Clarence on 13 November 1362 at the Westminster parliament while absent in Ireland: *Rotuli parliamentorum*, 7 vols. (London, 1783–1832), ii, 273; *Cal. Chart. R., 1341–1417*, 174. His elder brother, William (b. 1336), died in infancy.

⁴ On King John and Ireland, see Seán Duffy, ‘King John’s Expedition to Ireland, 1210: The evidence reconsidered’, *Irish Historical Studies* 30 (1996–7), no. 117, 1–24, and idem, ‘John and Ireland: The Origins of England’s Irish Problem’, in S.D. Church, ed., *King John: New Interpretations* (Woodbridge, 1999), 221–45, and works cited therein, note 2. For descriptions of the various

funded not from dwindling Irish revenues but by the English exchequer. The intention, 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.⁵ With so much favouring Lionel's enterprise, it would be fair to assume that lieutenant and colony would be united by a sense of common purpose.⁶ Why they were not is the subject of this paper.

Lionel served in Ireland from September 1361 until November 1366, with one extended period of absence from 23 April until 8 December 1364.⁷ When he left for the last time in 1366 to marry a Milanese bride, he reputedly swore never to return.⁸ 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.⁹

titles used by chief governors of Ireland, from lieutenants to deputies, guardians, keepers, justiciars and others, see Herbert Wood, 'The Office of Chief Governor of Ireland, 1172–1509', *Proceedings of the Royal Irish Academy* 36 (1923), C, no. 12, 207–12; A.J. Otway-Ruthven, 'The Chief Governors of Mediaeval Ireland', *Journal of the Royal Society of Antiquaries of Ireland* 95 (1965), 227–36. There are also valuable insights for a slightly later period in Dorothy Johnston, 'Chief Governors and Treasurers in the Reign of Richard II', in Terry Barry, Robin Frame, and Katharine Simms, eds., *Colony and Frontier in Medieval Ireland: Essays Presented to J.F. Lydon* (London and Rio Grande, 1995), 97–115; Dorothy Johnston, 'The Draft Indenture of Thomas, Duke of Gloucester, as Lieutenant of Ireland, 1391', *Journal of the Society of Archivists* 7, no. 3 (1983), 173–82. For Lionel's place in the family enterprises of Edward III, see W.M. Ormrod, 'Edward III and his Family', *Journal of British Studies* 26, no. 4 (1987), 398–422, esp. 408–10.

⁵ *Rot. Parl.* ii, 289. On the fourteenth-century tribulations of Ireland, see A.J. Otway-Ruthven, *A history of medieval Ireland* (2nd edn., Dublin, 1980), chapters 7–8, 224–76; J.F. Lydon, 'The Impact of the Bruce Invasion', in Art Cosgrove, ed., *A New History of Ireland*, ii: *Medieval Ireland, 1169–1534* (Oxford, 1987), chapter 10, 275–302 [reprinted in 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).

⁶ Lionel's lieutenancy in Ireland is authoritatively examined in Philomena Connolly's unpublished thesis, 'Lionel of Clarence and Ireland, 1361–1366' (PhD, University of Dublin, 1977). See also her work on 'The Financing of English Expeditions to Ireland, 1361–1376', in James Lydon, ed., *England and Ireland in the Later Middle Ages: Essays in Honour of Jocelyn Otway-Ruthven* (Dublin, 1981), 104–21. An older work now is Edmund Curtis, 'The Viceroyalty of Lionel, Duke of Clarence, in Ireland, 1361–1367', *Journal of the Royal Society of Antiquaries of Ireland* 47 (1917), 165–81; 48 (1918), 65–73. For brief biographies, see T.F. Tout in *DNB*, xi, 1214–17; Mark Ormrod in *Oxford Dictionary of National Biography in Association with the British Academy: From the Earliest Times to the Year 2000*, ed. H.C.G. Matthew and Brian Harrison, 60 vols. (Oxford, 2004), xxxiii, 950–2; Peter Crooks in Seán Duffy, ed., *Medieval Ireland: An Encyclopedia* (New York, 2005), 278–9.

⁷ Gilbert, ed., *Chart. of Saint Mary's Abbey*, ii, 396. A complete itinerary is printed in Connolly, 'Lionel of Clarence' (PhD), appendix 10, 319–24.

⁸ Frank Scott Hayden, ed., *Eulogium (Historiarum sive Temporis): Chronicon ab orbe condito usque ad annum domini MCCCLXVI, a monacho quodam Malmesburiensi exaratum*, RS 9, 3 vols. (London, 1858–63), iii, 241.

⁹ Denis Bethell noted that it was during the twelfth century that, "Barbarity" had become, and was

The lieutenancy was not without incident. Lionel is best remembered in the 'accepted Irish national memory' for the enacting the most famous body of legislation produced in the medieval lordship, the 'Statutes of Kilkenny' of 1366.¹⁰ These statutes notoriously attempted to check 'degeneracy' among the colonists, the process in which some descendants of the original invaders of Ireland departed from mainstream English ways of life.¹¹ Cultivation of native Irish lifestyles, for instance Gaelic marriages, fostering of children, names, modes of riding, and apparel, were all forbidden.¹² 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'.¹³

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 (d. 1176), that, 'just as we are English so far as the

to remain, a cliché in describing the Irish – with about as much truth as the previous "sanctity"': '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 Giraldus Cambrensis, *The History and Topography of Ireland*, trans. John J. O'Meara (London, 1951; new edn., 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 Giraldus' portrayal of Ireland as wild. See, J.P. Mahaffy, ed., 'Two Early Tours of Ireland', *Hermathena*, 18 (1914–19), 3–9; John Taylor, Wendy R. Childs, and Leslie Watkiss, eds., *The Saint Albans Chronicle: The Chronica maiora of Thomas Walsingham, 1376–94* (Oxford, 2003), 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 . . .', *Archaeologia* 20 (1824), 22–47. R.R. Davies discusses English attitudes in *The First English Empire: Power and Identities in the British Isles, 1093–1343*, especially chapter 5, "Sweet civility" and "Barbarous rudeness", 113–41.

¹⁰ 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 of the statutes is printed in Henry F. Berry, ed., *Statutes and Ordinances and Acts of the Parliament of Ireland, King John to Henry V* (Dublin, 1907), 430–69; see also a selection in translation in Edmund Curtis and R.B. McDowell, *Irish Historical Documents, 1172–1922* (London, 1943), 52–9.

¹¹ For this theme, see Seán Duffy, 'The Problem of Degeneracy', in James Lydon, ed., *Law and Disorder in Thirteenth-century Ireland: The Dublin Parliament of 1297* (Dublin, 1997), 87–106.

¹² 40 Edward III [Ire.], cc. 2 & 3; Berry, ed., *Statutes John–Hen. V*, 432–5; Curtis & McDowell, eds., *Irish Historical Documents*, 52–3.

¹³ 40 Edward III [Ire.], c. 4; Berry, ed., *Statutes John–Hen. V*, 434–7 (quotation at 437); Curtis and McDowell, eds., *Irish Historical Documents*, 53–4. The language of the original is Norman 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' (Berry, ed., *Statutes John–Hen. V*, 436).

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'.¹⁴ 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.¹⁵ 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.¹⁶ Yet, no matter how extended the process, the immediate 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.¹⁷ 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.¹⁸

¹⁴ A.B. Scott and F.X. Martin, eds., *Expugnatio Hibernica: The Conquest of Ireland by Giraldus Cambrensis* (Dublin, 1978), 81. For comment, see John Gillingham, 'The English Invasion of Ireland', in *The English in the Twelfth Century: Imperialism, National Identity and Political Values* (Woodbridge, 2000), 157; first published in B. Bradshaw, A. Hadfield and W. Maley, *Representing Ireland: Literature and the Origins of Conflict: 1534–1660* (Cambridge, 1993), 24–42.

¹⁵ Gilbert, ed., *Chart. of Saint Mary's Abbey*, ii, 383. Robin Frame 'English Policies and Anglo-Irish Attitudes in the Crisis of 1341–2', in Frame, *Ireland and Britain, 1170–1450* (London, 1998), 113–29; first printed in Lydon, ed., *England and Ireland in the Later Middle Ages*, 86–103.

¹⁶ See, for instance: Robin Frame, 'Les Engleys néés en Irlande: The English Political Identity in Medieval Ireland', in *Ireland & Britain*, 131–50 [first published in *TRHS*, 6th series, 3 (1993), 83–103]; James Lydon, 'The Middle Nation', in *The English in Medieval Ireland: Proceedings of the First Joint Meeting of the Royal Irish Academy and the British Academy, Dublin 1982* (Dublin, 1984) 1–26; Lydon, 'Nation and Race in Medieval Ireland', in Simon Forde, Lesley Johnson, and 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 Robert Bartlett and Angus McKay, eds., *Medieval Frontier Societies* (Oxford, 1989), 177–97; Thorlac Turville-Petre, *England the Nation: Language, Literature, and National Identity* (Oxford, 1996), 155–75; and also works in note 159 below. For an early-modern variation on the same theme, see Nicholas Canny, 'Identity Formation in Ireland: The Emergence of the Anglo-Irish', in Nicholas Canny and Anthony Pagden, eds., *Colonial Identity in the Atlantic World* (Princeton, 1987), 159–212.

¹⁷ A less detailed act of 1357 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': 31 Edward III [Eng.], stat. 4, c. 18: *Statutes of the Realm*, 11 vols. in 12 (London, 1810–28), i, 363. In an alternative translation, followed by James Lydon, the key phrase 'ratione nationis' is rendered 'by reason of race': Berry, ed., *Statutes John–Hen. V*, 417; cf. James Lydon, *The Lordship of Ireland in the Middle Ages* (2nd edn., Dublin, 2003), 236; Lydon, 'The Middle Nation', 11. This is misleading: the two English communities did not think of themselves as different races.

¹⁸ For instance, Irish statutes 4 Richard II (1380), 3 Henry IV, c. 3 (1402), 11 Henry IV, cc. 4, 6 (1410); Berry, ed., *Statutes John–Hen. V*, 480–1, 504–7, 520–1; and 10 Henry VII, c. 19 (1494–5); D.B. Quinn, ed., 'Bills and Statutes of Irish Parliaments of Henry VII and Henry VIII', in *Analecta Hibernica* 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); Agnes Conway, *Henry VII's Relations with Scotland and Ireland, 1485–1498; with a Chapter on the Acts of the Poyning's Parliament, 1494–5 by Edmund Curtis* (Cambridge, 1932), 122–3. Henry Marlborough twice

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, when the *cúlán*, a distinctive Gaelic hairstyle, was prohibited because, 'it frequently happens that some Englishmen reputed as Irishmen are slain . . . and by such killing a cause of enmity and rancour is generated among many'.¹⁹ 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.²⁰

It would be unfair to force rogue 'Gaelicized' 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 organizing 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.²¹ 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.

recorded confirmations of the Kilkenny statutes in his chronicle under 1404 and 1408: *Bibliothèque Municipale de Troyes*: MS. 1316, fols. 50v–51r. Commissions for its enforcement survive from 1415, 1420, 1422, and 1424: Edward Tresham, ed., *Rotulorum patentium et clausorum cancellariae Hiberniae calendarium, Hen. II–Hen. VII* (Dublin, 1828), 209, no. 192; 217, no. 13; 229–30, no. 110; 232, no. 40; H.G. Richardson and G.O. Sayles, *The Irish Parliament in the Middle Ages* (Philadelphia, 1952), 146, note 7. There are further references to recitals of the Kilkenny statutes in 1439–40, 1446–7, 1449–50, 1465–6, and 1494–5, in C. McNeill, ed., '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', *Analecta Hibernica* 2 (1931), 271–3.

¹⁹ 15 Edward I [Ire.], c. 11 (1297): Berry, ed., *Statutes John–Hen. V*, 210–11; Philomena Connolly, ed., 'The Enactments of the 1297 Parliament', in Lydon, ed., *Law and Disorder*, 158–61. On the *cúlán*, see Katharine Simms, 'Gaelic Warfare in the Middle Ages', in Thomas Bartlett and Keith Jeffery, eds., *A Military History of Ireland* (Cambridge, 1996), 101; Robert Bartlett, 'Symbolic Meanings of Hair in the Middle Ages', *TRHS*, 6th series, 4 (1994), 45–6.

²⁰ Paul Dryburgh and Brendan Smith, eds., *Handbook and Select Calendar of Sources for Medieval Ireland in the National Archives of the United Kingdom* (Dublin, 2005), 315–16, 323; Connolly, 'Lionel of Clarence' (PhD), 159–63. Most retinues relied on Gaelic elements. See, for instance, those of Sir William Windsor and Sir Robert Ashton: *Calendar of the Close Rolls preserved in the Public Record Office, 1364–8*, 108–9; *Cal. Close Rolls, 1374–77*, 170–1; Philomena Connolly, 'Irish Material in the Class of Ancient Petitions (SC8) in the Public Record Office, London', *Analecta Hibernica* 34 (1987), 69–70.

²¹ *Cal. Pat., 1361–64*, 39, 181, 218, 222, 224, 434–5, 468, 472; *Cal. Pat., 1364–67*, 11, 62, 185; *Cal. Pat., 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.

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'.²² 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 first half of the fourteenth century, had come to a head once more.'²³ 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. Cultural divergence does not illuminate everything about those years. This point is made by the Dublin annalist in his concise account of events in 1361 following Lionel's

²² *Cal. Close Rolls, 1364–8*, 63–4 (quotation at 64). The Latin is given in Adam Clarke and Frederick Holbrooke, eds., Thomas Rymer, *Foedera, conventiones, litterae et cujuscunque generis acta publica, inter Reges Angliae et alios quosvis Imperatores, Reges, Principes, vel communitates*, 4 vols. in 7 (Rec. Comm. edn., London, 1816–69), iii, part 2, 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'.

²³ See Connolly, 'Lionel of Clarence' (PhD), 214–23 (quotation at 219), and also Connolly, 'The Financing of English Expeditions', 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*, 3 vols. (2nd edn., Dublin, 1814), i, 319; Edmund Curtis, *A History of Mediaeval Ireland from 1110–1513* (Dublin, 1927), 283; Edmund Curtis, *A History of Medieval Ireland from 1086 to 1513* (2nd edn., London, 1938), 231; Curtis, 'The Viceroyalty of Lionel, Duke of Clarence', part II, 67–8; Otway-Ruthven, *A History of Medieval Ireland* (2nd edn., Dublin, 1980), 290; Lydon, *The Lordship of Ireland in the Middle Ages*, 236, 238; James Lydon, *Ireland in the Later Middle Ages* (Dublin, 1973), 90–1; J.A. Watt, 'The Anglo-Irish Colony under Strain, 1327–99', in Art Cosgrove, ed., *A New History of Ireland*, ii: *Medieval Ireland, 1169–1534* (Oxford, 1987), 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"': 'Lionel of Clarence and the English of Meath', *Peritia* 10 (1996), 297–302 (quotation at 300).

arrival. After resting briefly in Dublin, the young lieutenant launched an expedition southwards against a Gaelic dynasty, the Uí Bhroin of Leinster.²⁴ 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. So far the annalist's tale confirms the familiar portrait of Lionel as a man at odds with the colonial community. It is the next, comparatively neglected sentence that paints the lieutenant in rather different colours. 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.²⁵

A story about successful cooperation for mutual benefit, albeit with an initial hiccup, does not ring true with the bilious slurs recorded in the statutes of Kilkenny. Nor can the entry be depended upon as accurate in every particular. 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 1361.²⁶ It is also clear that it was intended from the outset that English forces would be supplemented by members of the colony in Ireland, as well as by the Gaelic Irish.²⁷ 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, and 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 idealized version of events, designed to extol the virtue of working with the grain of colonial society rather than perpetuating cultural distinction.

Yet, as tempting as it may be to write the annalist's tale off as an 'invented tradition',²⁸ it nonetheless points towards some general truths. There is, in fact, a great deal of evidence to show that significant elements within the colony did

²⁴ On the Uí Bhroin generally, see Emmett O'Byrne, *War, Politics and the Irish of Leinster, 1156–1606* (Dublin, 2003), and for this campaign, 102.

²⁵ Gilbert, ed., *Chart. of Saint Mary's Abbey*, ii, 395–6.

²⁶ 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.

²⁷ Lionel's clerk of the wages, Walter Dalby, was commissioned to pay the army by indenture including 'Irishmen if there be any retained': *Cal. Pat., 1361–4*, 61.

²⁸ The phrase is borrowed from Eric Hobsbawm and 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), chapter 3, 'Inventing the Past: History and Nationalism', 44–63.

indeed cooperate with Lionel of Antwerp.²⁹ It was by no means every 'Irish dog' who was hostile to his advances. Indeed, describing the events of Lionel's lieutenancy in terms of 'hobbes' and 'dogs' obscures the variegated internal politics that dictated how the colonists responded to Lionel's mission. The permanent residents of the colony had long-standing conflicts and rivalries peculiar to themselves, and these did not evaporate at the arrival of an English army. On the contrary, the presence of such an illustrious lieutenant provided an exceptional opportunity to court royal favour and eclipse rivals. Efficacious promotion of one's private interests required working through the institutions of government. 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. The cultural discords of Lionel's lieutenancy should, however, be understood in part as reflecting the hostility of factions within the colony. 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.

The best way to negotiate these intricacies is probably 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 1364.³⁰ 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.³¹ Significantly, neither of these men was born in Ireland, although both held lofty positions in its 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.³² There was

²⁹ Other aspects can also be verified. The Dublin annalist is correct when he says that Lionel focused on Leinster after his arrival. Lionel was already in Wicklow, south of Dublin, by 28 September 1361: Otway-Ruthven, *Medieval Ireland*, 286. The Gaelic annals report that Art Mac Murchadha, 'King of Leinster', and Domhnall Riabhach Mac Murchadha were taken prisoner by the 'son of the King of England' and died in captivity: John O'Donovan, ed., *Annála Rioghachta Éireann: Annals of the Kingdom of Ireland by the Four Masters, from the earliest period to the year 1616*, 7 vols. (Dublin, 1851), iii, 619–21; W.M. Hennessey and B. MacCarthy, eds., *Annála Uladh ('Annals of Ulster') . . . A.D. 431 to A.D. 1540*, 4 vols. (Dublin, 1887–1901; reprinted 1998), ii, 513; A. Martin Freeman, ed., *Annála Connacht: The Annals of Connacht (A.D. 1224–1544)* (Dublin, 1944), 321; Denis Murphy, ed., *The Annals of Clonmacnoise . . . translated into English A.D. 1627 by Conell Mageoghagan* (Dublin, 1896), 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: *Cal. Pat., 1361–64*, 368. See Robin Frame, 'Two Kings in Leinster: The Crown and the MicMhurchadha in the Fourteenth Century', in Barry, Frame, and Simms, eds., *Colony and Frontier*, 166–7.

³⁰ *Cal. Pat., 1361–64*, 468; Rymer, *Foedera* (Rec. Comm.), iii, part 2, 721.

³¹ 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: *Cal. Pat., 1361–4*, 457, 459, 473.

³² *Calendar of the Fine Rolls preserved in the Public Record Office, 1356–68*, 280. Philomena Connolly identifies Dalby with 'Sir Walter Dalby, parson of the church of Our Lady, Berkhamsted'

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.³³ The chancellorship, on the other hand, was more often than not held by someone from within the colony.³⁴ 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 to 1364 and briefly acted as chief justice of the justiciar's bench, in 1361–2.³⁵

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.³⁶ 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 the offices.³⁷ The king was later to state that he had been 'deceived by the informations of the said prior [Burghley] and Walter de Dalby'.³⁸ 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.³⁹ The changes paved the way for Lionel's

(otherwise Northchurch, Hertfordshire), and suggests that he may have originated in Great Dalby, Leicestershire: Connolly, 'Lionel of Clarence' (PhD), 218, note 209; *Register of Edward, the Black Prince preserved in the Public Record Office*, 4 vols. (London, 1930–3), iv, 353; William Page, ed., *VCH: Hertfordshire* ii (London, 1908), 245–50.

³³ Connolly suggests that Mynot was removed because, after being granted the temporalities of the archdiocese of Dublin on 21 September 1362 [*Cal. Pat.*, 1361–4, 389], he may have travelled to the pope at Avignon: Connolly, 'Lionel of Clarence' (PhD), 214. Thomas Scurlag, abbot of Saint Thomas' Abbey, Dublin, acted as deputy treasurer from 20 October 1362 to 1 April 1364, shortly after which Dalby took up office: H.G. Richardson and G.O. Sayles, *The Administration of Ireland, 1172–1377* (Dublin, 1963), 104.

³⁴ Frame, *English Lordship in Ire.*, 90–3.

³⁵ Richardson and Sayles, *Admin. Ire.*, 96, 117, 172. For Burghley as brother in the Hospital of Saint John of Jerusalem in England see *Cal. Pat.*, 1361–64, 457, 459, 472. On the Hospitallers in Ireland, see C. Litton Falkiner, 'The hospital of St John of Jerusalem in Ireland', *Proceedings of the Royal Irish Academy* 26 (1907), C, no. 12, 275–317; on hostility to English-born priors in Ireland, see Charles L. Tipton, 'The Irish Hospitallers during the Great Schism', *Proceedings of the Royal Irish Academy* 69 (1970), C, no. 3, 33–43.

³⁶ *Cal. Pat.*, 1361–64, 468. Holywood was ordered, 'quod se de officio praedicto ulterius nullatenus intromittat': Rymer, *Foedera* (Rec. Comm.), iii, part 2, 721.

³⁷ Philomena Connolly, ed., *Irish Exchequer Payments, 1270–1446* (Dublin, 1998), 514; Richardson and Sayles, *Admin. Ire.*, 113, note 5.

³⁸ *Cal. Fine Rolls, 1356–68*, 293.

³⁹ *Cal. Close Rolls, 1364–8*, 4; Rymer, *Foedera* (Rec. Comm.), iii, part 2, 722. The instruction to the chancellor and treasurer to cause 'those who neglect to pay to be compelled if needs be' is an indication that resistance to the levying of the grant was anticipated.

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 (d. 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.⁴⁰ The delegation seems to have left hard on Lionel's heels, possibly on 25 April 1364.⁴¹ 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 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.⁴²

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

⁴⁰ *Cal. Close Rolls, 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': *Cal. Pat., 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: G.O. Sayles, ed., *Documents on the Affairs of Ireland before the King's Council* (Dublin, 1981), no. 233. Regaining liberty rights over this county was an ongoing concern of the Kildare earls (for instance in c. 1346–8, 1364, 1367, 1369, 1391 and 1394–5), but it was not restored until the early sixteenth century, and then only briefly: see Connolly, 'Ancient Petitions (SC8)', *Analecta Hibernica* 34 (1987), 71, 74, 79, 83; Richardson and Sayles, eds., *Parliaments and Councils of Mediaeval Ireland*, no. 72; Sayles, ed., *Documents on the Affairs of Ireland*, nos. 214, 233, 275–6; National Archives of Ireland, *J.F. Ferguson's Collection of Extracts and Notes from Irish Administrative Documents, Edward I–Henry VII* (3 vols.), ii, fols. 105r–105v. On Kildare up to c. 1345, including a map, see A.J. Otway-Ruthven, 'The medieval county of Kildare', *Irish Historical Studies* 11 (1959), no. 43, 181–99; and on the temporary restoration of the sixteenth century, S.G. Ellis, 'The destruction of the liberties: Some further evidence', *Bulletin of the Institute of Historical Research* 54 (1981), no. 130, 154–8.

⁴¹ Richard White, chief justice, is recorded as having been in England from 25 April to 25 July 1364, during which time his office was exercised by the second justice of the justiciar's court, Nicholas Lombard: Connolly, *Irish Exchequer Payments*, 515.

⁴² *Cal. Close Rolls, 1364–8*, 58.

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 1364.⁴³ 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.⁴⁴ Another loser, Robert Holywood, successfully held on to his disputed exchequer post of chief baron.⁴⁵ 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.⁴⁶

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 implicated Lionel's men in administrative impropriety. Burghley was removed as chancellor in September for consciously deceiving the king,⁴⁷ and Dalby's accounts as treasurer of Ireland became the subject of a drawn-out investigation.⁴⁸ 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 1364.⁴⁹ If the allegations were true – and it was quite common for false, or at least

⁴³ 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': Connolly, *Irish Exchequer Payments*, 514.

⁴⁴ *Cal. Fine Rolls, 1356–68*, 294. On 10 June 1364, John Troye nominated William Holywood as his attorney in Ireland during his stay in England: *Cal. Pat., 1361–4*, 505.

⁴⁵ Richardson and Sayles, *Admin. Ire.*, 113.

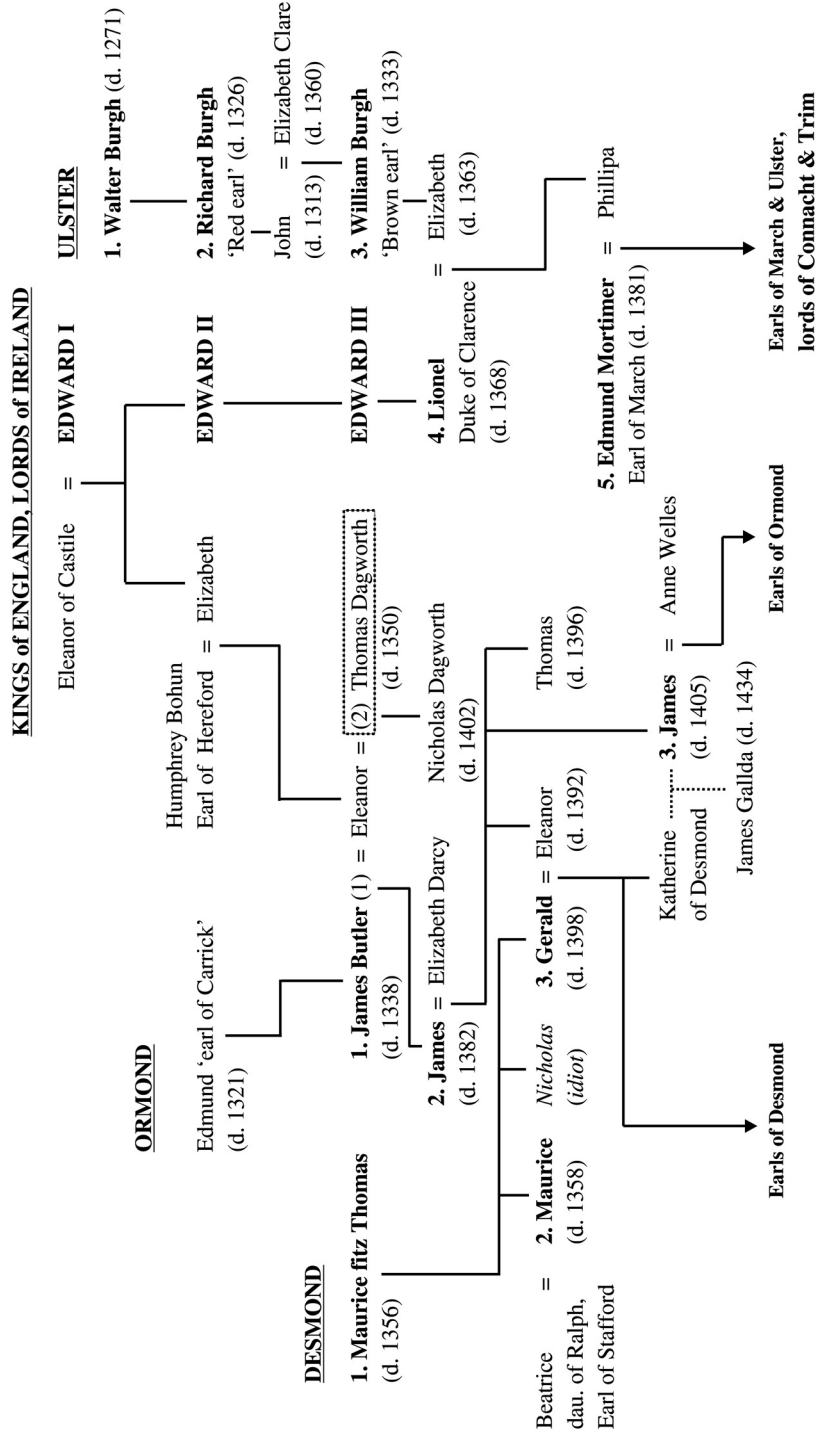
⁴⁶ He was ordered to oversee the acts of ministers and remove those who were useless, 'cancellario et thesaurario nostris terrae praedictae dumtaxat exceptis': Rymer, *Foedera* (Rec. Comm.), iii, part 2, 747. The calendared version provides no details of the terms of the appointment: *Cal. Pat., 1364–7*, 20.

⁴⁷ *Cal. Fine Rolls, 1356–68*, 293.

⁴⁸ *Cal. Pat., 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.

⁴⁹ *Cal. Fine Rolls, 1356–68*, 293.

Fig. 1 Earls of Desmond, Ormond, Ulster and their English connections



embellished, complaints about administrators to be sent to England⁵⁰ – 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.⁵¹ A concerted attempt was made to combat the problem in 1359 before Lionel's arrival,⁵² and later many of what have been termed the 'forgotten' statutes of Kilkenny tackled the question again.⁵³ 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 declared that he had 'the matter very much at heart'.⁵⁴ 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

⁵⁰ In 1352, there were complaints about men travelling to England in order to slander members of the Irish administration: *Cal. Close Rolls, 1349–54*, 462. In 1357, 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': 31 Edward III [Eng.], stat. 4, c. 12: Berry, ed., *Statutes John–Hen. V*, 413–14. 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: *Statutes of the Realm*, i, 360–1 (quotation at 360). A petition of the lords and commons of Ireland of 1380 requested that this provision be confirmed: Sayles, ed., *Documents on the Affairs of Ireland*, no. 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, and Robin Frame, eds., *Thirteenth Century England IX: Proceedings of the Durham Conference 2001* (Woodbridge, 2003), 60. Within a few decades of Lionel's lieutenancy, one newly appointed chancellor of Ireland, Robert Wikeford, archbishop of Dublin, was wily enough to pre-empt his accusers and have all 'impeachments and complaints' against him reserved to the king: *Cal. Pat., 1381–5*, 455. For Wikeford, see D.B. Johnston in *Oxford DNB*, lviii, 864–5. The king's lieutenant from 1383 to 1386, Philip Courtenay, had a similar provision in his indenture with Richard II: Johnston, 'Chief governors and treasurers', in Barry, Frame, and Simms, eds., *Colony and Frontier*, 104. For Courtenay, see J.S. Roskell, Linda Clarke, and Carole Rawcliffe, *The History of Parliament: The House of Commons, 1386–1421*, 4 vols. (Stroud, 1992), ii, 670–3.

⁵¹ On corruption in Ireland before the 1360s, see J.F. Lydon, 'The Enrolled Account of Alexander Bicknor, Treasurer of Ireland, 1308–14', *Analecta Hibernica* 30 (1982), 7–46, with introduction, 9–14. Cf. Philomena Connolly, 'The Proceedings against John de Burnham, Treasurer of Ireland, 1343–9', in Barry, Frame and Simms, eds., *Colony and Frontier*, 57–74, for a treasurer who withstood official scrutiny into charges of corruption.

⁵² *Cal. Close Rolls, 1354–60*, 575–8; Rymer, *Foedera* (Rec. Comm.), iii, part 1, 432–6.

⁵³ 40 Edward III [Ire.], cc. 22, 24–6, 30–3: Berry, ed., *Statutes John–Hen. V*, 450–65. See G.J. Hand, 'The forgotten statutes of Kilkenny: A brief survey', *The Irish Jurist, new series*, 1 (1966), 299–312.

⁵⁴ The other nobles were: John Husee, baron of Galtrim; Simon Fleming, baron of Slane; John Cusak; and William Loundres. *Cal. Pat., 1361–64*, 369.

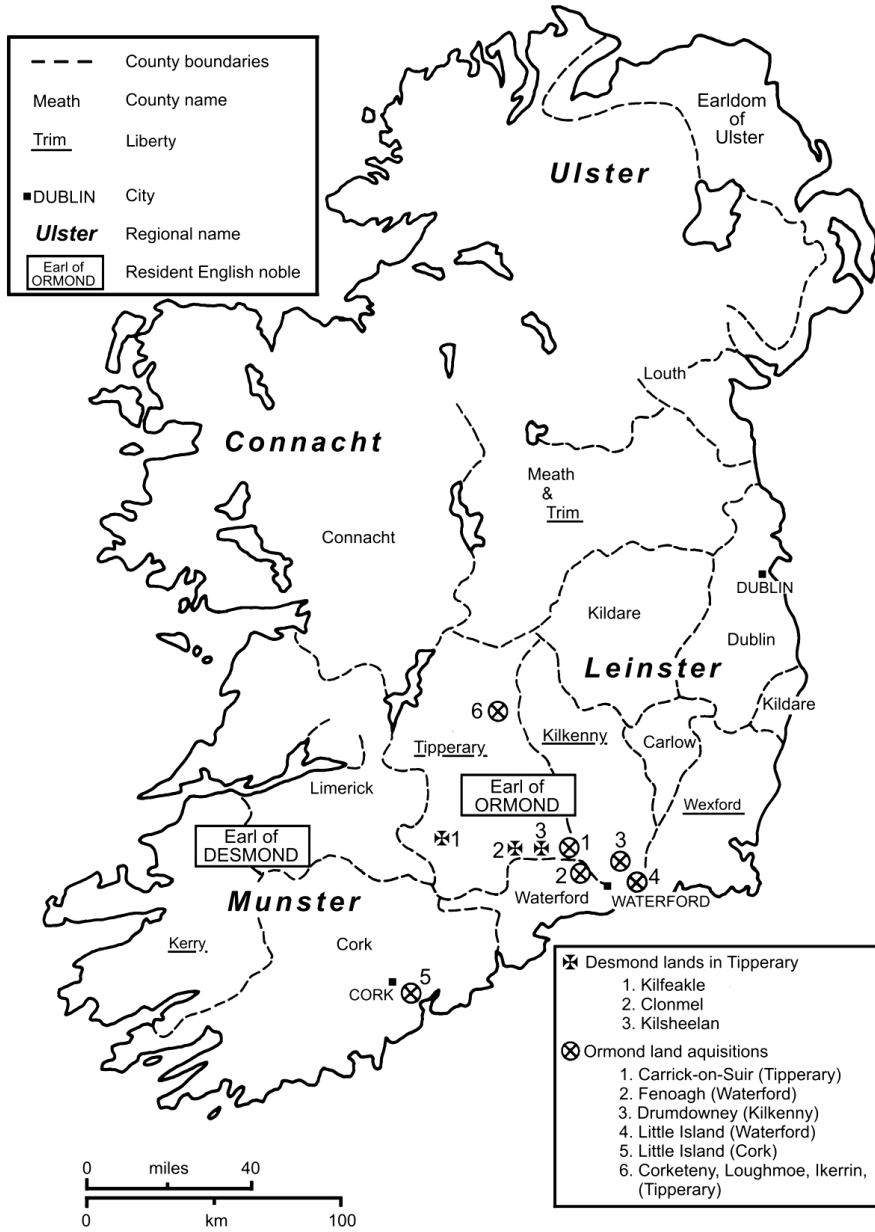


Fig. 2 Ireland, c. 1361-6

concerning the ever-contentious issue of purveyance.⁵⁵ 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.⁵⁶ 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.⁵⁷ 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 (1369–72; 1374–6), 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.⁵⁸ In 1397, John Melton, who was deputy to the then treasurer of Ireland, appealed to the king because he feared 'arrest under pretext of divers indictments [made] before justices by the malice of his enemies'.⁵⁹

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.⁶⁰ This power was

⁵⁵ *Cal. Close Rolls, 1360–64*, 488, 494; Rymer, *Foedera* (Rec. Comm.), iii, part 2, 714. On purveyance, note another recent provision of 1357 to follow English statutes: 31 Edward III [Eng.], stat. 4, c. 4; *Statutes of the Realm*, i, 358; Berry, ed., *Statutes John–Hen. V*, 409–10.

⁵⁶ The panel also included Simon Fleming, baron of Slane, Richard Plunket, Stephen Bray, and Robert Cadell: *Cal. Pat., 1361–64*, 537.

⁵⁷ The quotation is from the English statute, 9 Henry V, stat. 1, c. 1 (1421): *Statutes of the Realm*, ii, 204. See also English statutes 1 Richard II, c. 13 (1377); 8 Henry VI, c. 10 (1429); 18 Henry VI, c. 12 (1439): *Statutes of the Realm*, ii, 5, 246–8, 310.

⁵⁸ *Cal. Close Rolls, 1377–81*, 169, 171–2, 225 (quotation at 172 and repeated at 225). On William Windsor, see Sheelagh Harbison, 'William of Windsor and Ireland, 1369–76' (M. Litt., University of Dublin, 1977); Sheelagh Harbison, 'William of Windsor, the court party and the administration of Ireland', in Lydon, ed., *England and Ireland in the Later Middle Ages*, 153–74; M.V. Clarke, 'William of Windsor in Ireland, 1369–76', in L.S. Sutherland and May McKisack, eds., *Fourteenth Century Studies by M.V. Clarke* (Oxford, 1937), 146–241; James Lydon, 'William of Windsor and the Irish Parliament', *EHR* 80 (1965), 252–67. For brief biographies, see Philomena Connolly in *Oxford DNB*, lix, 712–13; Peter Crooks in Duffy, ed., *Medieval Ireland: An Encyclopedia*, 515–16.

⁵⁹ *Cal. Pat., 1396–99*, 248. For an examination of the context, see Dorothy Johnston, 'The Interim Years: Richard II and Ireland, 1395–1399', in Lydon, ed., *England and Ireland in the Later Middle Ages*, 184–8.

⁶⁰ A.J. Otway-Ruthven, 'The Medieval Irish Chancery', in *Album Helen Maud Cam: Studies presented to the International Commission for the History of Representative Institutions XXIV* (Lovain and Paris, 1961), 130.

supplemented on 16 November 1363 when he was authorized 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 1364.⁶¹ 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.⁶² 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.⁶³ 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 lieutenant's powers were restricted; and the king was treating the residents of the lordship with favour.⁶⁴

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.⁶⁵ A protracted dispute in the mid-1360s over

⁶¹ *Cal. Pat.*, 1361–4, 433; Rymer, *Foedera* (Rec. Comm.), iii, part 2, 714.

⁶² Cf. the complaint in 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'. 31 Edward III [Eng.], stat. 4, c. 3: *Statutes of the Realm*, i, 357–8; Berry, ed., *Statutes John–Hen. V*, 409.

⁶³ *Cal. Pat.*, 1364–7, 68.

⁶⁴ 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: *Cal. Pat.*, 1364–7, 3.

⁶⁵ *Cal. Close Rolls, 1354–60*, 154–5 (quotation at 155); Rymer, *Foedera* (Rec. Comm.), iii, part 1, 312.

the Nangle inheritance in Navan involved information being provided by enemies of the claimants, the Clintons.⁶⁶ 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'.⁶⁷

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'.⁶⁸ 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.⁶⁹ Carlisle persuaded an unnamed accomplice to impersonate Thomas Middelton, the prebendary of Crospatrick in the diocese of Ferns, Ireland. The impersonator had it recorded by the mayor of the staple of Westminster that the unfortunate Middelton 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'.⁷⁰

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.⁷¹ Likewise, in the late 1340s, there were allegations that resident nobles were subverting the course of justice because they had the lawyers in Ireland in their pay.⁷² It was presumably the coincidence of factors that made the crisis of

⁶⁶ *Cal. Close Rolls, 1364–8*, 232–3, 423–4; Sayles, ed., *Documents on the Affairs of Ireland*, no. 235; Connolly, 'Ancient Petitions (SC8)', *Analecta Hibernica* 34 (1987), 73.

⁶⁷ *Cal. Close Rolls, 1364–8*, 327–8 (quotation at 328).

⁶⁸ 31 Edward III [Eng.], stat. 4, c. 7: *Statutes of the Realm*, i, 359; Berry, ed., *Statutes John–Hen. V*, 412.

⁶⁹ For Carlisle's first arrival in Ireland, see *Cal. Pat., 1361–4*, 130. In a petition of 1383, William Carlisle mentions that his first association with Ireland was at Lionel's arrival: Sayles, ed., *Documents on the Affairs of Ireland*, no. 269. For Carlisle, see F. Elrington Ball, *The judges in Ireland, 1221–1921*, 2 vols. (New York, 1927), i, 85–6.

⁷⁰ *Cal. Close Rolls, 1389–92*, 458.

⁷¹ For Holywood's early career, see Frame, *English lordship in Ire.*, 101–2. Later in his career, Holywood became associated with the hated chief governor Sir William Windsor and became a target of the criticisms of the Irish commons: Clarke, 'William of Windsor', in *Fourteenth Century Studies*, appendix I, 'Les copies des accusementz [1376]', 201–3, nos. 68–78. He was summoned to answer these at court and the record of his testimony survives: *Cal. Close Rolls, 1374–77*, 295; Clarke, 'William of Windsor', in *Fourteenth Century Studies*, appendix II, 'Answers to "Les copies des accusementz [1376]"', 207–15.

⁷² Sayles, ed., *Documents on the Affairs of Ireland*, no. 212. On the retaining of justices and lawyers

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. Insofar 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.

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 during 1372–3.⁷³ Admittedly, this is only mildly disquieting. Given that Robert Ashton had served in Ireland in 1363 under Lionel,⁷⁴ 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 Ireland'.⁷⁵ 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, 1344–6.⁷⁶ 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

in England, see J.R. Maddicott, 'Law and Lordship: Royal Justices as Retainers in Thirteenth- and Fourteenth-century England', *P & P: Supplement IV* (1978); Nigel Ramsay, 'Retained Legal Counsel, c. 1275–c. 1475', *TRHS*, 5th series, 35 (1985), 95–112. Similar work for Ireland would be useful. On the Irish legal establishment, see Paul Brand, 'The Early History of the Legal Profession of the Lordship of Ireland, 1250–1350', in Daire Hogan and W.N. Osborough, eds., *Brehons, Serjeants and Attorneys: Studies in the History of the Irish Legal Profession* (Dublin, 1990), 15–50, and Paul Brand, '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.

⁷³ The date of his appointment was 24 September 1364, not, as recorded on the roll, 24 October: *Cal. Pat.*, 1364–7, 25; Rymer, *Foedera* (Rec. Comm), iii, part 2, 752. See Connolly, 'Lionel of Clarence' (PhD), 220, note 220; cf. *Cal. Pat.*, 1364–7, 68–9. He had taken up office in Ireland by 23 October 1364: Connolly, *Irish Exchequer Payments*, 519. Henry Marlborough records Ashton's arrival as chief governor in 1372: *Bibliothèque Municipale de Troyes*: MS. 1316, fol. 49r.

⁷⁴ Ashton served from 16 April to 14 October 1363: Dryburgh and Smith, eds., *Handbook and Select Calendar TNA*, 325.

⁷⁵ An instructive parallel is found in thirteenth-century England, where hostility to the 'aliens' did not prevent some foreigners, notably Simon de Montfort, from being accepted: Frame, 'Les Engleis nées en Irlande: The English Political Identity in Medieval Ireland', in *Ireland & Britain*, 148–9; D.A. Carpenter, 'What happened in 1258?', in J. Gillingham and 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 and S.D. Lloyd, eds., *Thirteenth Century England II* (Woodbridge, 1988), 81–92.

⁷⁶ For Troye's service in 1344–5, see Connolly, *Irish Exchequer Payments*, 416.

Ireland. In October 1360, the earl went himself to England to lobby.⁷⁷ 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 (d. 1290), the first wife of Edward I.⁷⁸ 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 (d. 1205), who had accompanied the future King John to Ireland in 1185.⁷⁹ 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.⁸⁰

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'.⁸¹ The following year, the king granted him a licence to acquire lands worth up to £60 per year, something usually forbidden to office-holders.⁸² The results are manifest. In the course of a few years, he acquired land in 'Inyshmcneyl' and 'Inysherther' in county Cork⁸³ and in the town of CarrickmacGriffin.⁸⁴ Protracted

⁷⁷ Maurice fitz Thomas, the fourth earl of Kildare accounted as deputy justiciar from 9 October 1360 until 31 March 1361: Connolly, *Irish Exchequer Payments*, 504. He was appointed justiciar of Ireland on 16 March 1361: *Cal. Pat.*, 1358–61, 572. Ormond's departure for England is recorded in Gilbert, ed., *Chart. of Saint Mary's Abbey*, ii, 394.

⁷⁸ 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: *Complete Peerage*, x, 118.

⁷⁹ Goddard Henry Orpen, *Ireland under the Normans*, 4 vols. (Oxford, 1911–20), ii, 94–5; Otway-Ruthven, *Medieval Ireland*, 67–9. The prisage of wine was confirmed in 1355: Edmund Curtis, ed., *Calendar of Ormond deeds, 1172–1603*, 6 vols. (Dublin, 1932–43), ii, no. 32.

⁸⁰ Curtis, ed., *Ormond Deeds*, ii, nos. 8, 32, 51, 87, 104, 112, 138, 199, 200 *et cetera*.

⁸¹ *Cal. Fine Rolls, 1354–68*, 115.

⁸² *Cal. Pat.*, 1358–61, 429. See also the licence concerning Malure Island (for which see below note 85), county Waterford: Curtis, ed., *Ormond Deeds*, ii, no. 68 (i). The statute forbidding such acquisitions by ministers within their own bailiwicks dated from 1323: 17 Edward II [Eng.], stat. 1, c. 1, *Statutes of the Realm*, i, 193; Berry, ed., *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: *Cal. Fine Rolls, 1356–68*, 35; *Cal. Close Rolls, 1354–60*, 576; Rymer, *Foedera* (Rec. Comm.), iii, part 1, 436–7. For comment, see Frame, *English Lordship in Ire.*, 101–2.

⁸³ Curtis, ed., *Ormond Deeds*, ii, no. 63 (i–iv). 'Inysherther' and 'Inyshmcneyl' are identified as Little Island, in the Lee estuary near the city of Cork, in Paul MacCotter & Kenneth Nicholls, eds., *The Pipe Roll of Cloyne: Rotulus pipae Clonensis* (Cork, 1996), 180, note 98, and 237, note 294. The grant was made at Carrigtohill, nearby on the mainland. In the ecclesiastical taxation of 1302–6 the church of Little Island was rendered simply 'de Insula': *Calendar of Documents Relating to Ireland . . . , 1171–1307*, 5 vols. (London, 1875–86), v, no. 729 (p. 319); Liam Ó Buachalla, 'An Early Fourteenth-century Placename List for Anglo-Norman Cork', *Dinnseanchas* 2 (1966–7), no. 3, 65.

⁸⁴ That is to say Carrick-on-Suir, Tipperary, on the border with county Waterford. Curtis, ed., *Ormond Deeds* ii, nos. 75 and 88. On Carrick-on-Suir, see C.A. Empey, 'The Manor of Carrick-on-Suir in the Middle Ages', *Journal of the Butler Society* 2 (1982), 206–14; John Bradley, 'The Medieval Towns of Tipperary', in William Nolan, ed., *Tipperary: History & Society. Interdisciplinary*

legal wranglings brought him control of Malure Island, county Waterford.⁸⁵ With Lionel resident in Ireland, their relationship could be reinforced. Ormond was constable of Dublin castle, Lionel's refurbished headquarters,⁸⁶ and he was one of the very few residents of the lordship who served militarily with the lieutenant.⁸⁷ 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.⁸⁸ In 1364, he received a grant of Drumdowney in county Kilkenny.⁸⁹ His mother Eleanor's Irish lands were exempted from paying a subsidy in 1363 and she was granted a £200 life annuity at the English exchequer.⁹⁰ In January 1364, Ormond's considerable debts were respited.⁹¹ Within a few months, Lionel had departed for England leaving Ormond as guardian 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

Essays on the History of an Irish County (Dublin, 1985), 41–2. In 1366, Ormond granted a charter of liberties to Carrick-on-Suir: Curtis, ed., *Ormond Deeds*, ii, no. 123.

⁸⁵ Curtis, ed., *Ormond Deeds*, ii, no. 68 (i–ix); *Cal. Pat.*, 1358–61, 552. Malure Island is Little Island in the river Suir near Waterford city (parish of Ballynakill, barony of 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), no. 1586, 218.

⁸⁶ Lionel caused to be built 'divers works agreeable to him, for sports and his other pleasures, as well within that Castle of Dublin as elsewhere': J.T. Gilbert, *History of the Viceroys of Ireland* (Dublin, 1865), 219–20, 546–8. For Ormond's payment as constable, see Connolly, *Irish Exchequer Payments*, 511.

⁸⁷ Connolly, 'Lionel of Clarence' (PhD), 153–4.

⁸⁸ Curtis, ed., *Ormond Deeds*, ii, nos. 87, 89. Fenoagh is a parish in north Waterford in the barony of Upperrthird. The Purcell lands in county Tipperary are Corketeny (now the parish of Templemore, baronies of Eliogarty and Ikerrin), Loughmoe (now represented by the two parishes of Loughmoe East and West, barony of Eliogarty) and Ikerrin, now the name of a barony to the north of Eliogarty but then part of the larger medieval cantred of Elyocarroll. See C.A. Empey, 'The Cantreds of Medieval Tipperary', *North Munster Antiquarian Journal* 13 (1970), 25–6. These manors were held in 1303 by Hugh Purcell of the manor of Thurles: 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: Curtis, ed., *Ormond Deeds*, ii, no. 90.

⁸⁹ Curtis, ed., *Ormond Deeds*, ii, no. 95 (i–ix). Drumdowney is now represented by two townlands, Drumdowney Upper and Lower, parish of Rathpatrick, barony of Ida. It was in the medieval cantred of Iverk. See C.A. Empey, 'The Cantreds of the Medieval County of Kilkenny', *Journal of the Royal Society of Antiquaries of Ireland*, 101 (1971), 131.

⁹⁰ *Cal. Close Rolls, 1360–64*, 451; *Cal. Pat.*, 1361–4, 322; Rymer, *Foedera* (Rec. Comm.), iii, part 2, 690; Dryburgh and Smith, eds., *Handbook and Select Calendar TNA*, 326–7.

⁹¹ *Cal. Close Rolls, 1364–8*, 43–4.

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.⁹² In September, when the commission to investigate false indictments was reissued, Ormond, conspicuously, was excluded from the panel.⁹³ 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. Admittedly, the Butlers had expansive English landholdings, but they were by no means alone in maintaining the transmarine link. One rung down the social ladder, the Flemings and Wogans were regular visitors to their English estates, and in the next generation the heads of both these families were well enough connected to become knights of King Richard II (1377–99).⁹⁴ Landholdings are but one yardstick with which to measure cultural links; marriage connections provide another. In this respect too, the Butlers' relationship with England was not totally exceptional. The fourth earl of Kildare (d. 1390), for instance, was wedded to the daughter of Bartholomew Burghersh in 1347, and the short-lived second earl of Desmond (d. 1358) married a daughter of Ralph, earl of Stafford.⁹⁵ 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.⁹⁶ 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.⁹⁷ 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

⁹² *Cal. Close Rolls, 1364–8*, 58.

⁹³ *Cal. Pat., 1364–7*, 68.

⁹⁴ See above, note 40, and Chris Given-Wilson, *The Royal Household and the King's Affinity: Service, Politics and Finance in England, 1360–1413* (New Haven and London, 1986) 284, 286.

⁹⁵ Gilbert, ed., *Chart. of Saint Mary's Abbey*, ii, 390; Frame, *English Lordship in Ire.*, 290; K.B. McFarlane, *The Nobility of Later Medieval England: The Ford Lectures for 1953 and Related Studies* (Oxford, 1973), 85. David Beresford prints a list of the Butlers' English possessions in his thesis, 'The Butlers in England and Ireland, 1405–1515' (PhD, University of Dublin, 1999), appendix I, 279–85.

⁹⁶ *Cal. Close Rolls, 1354–60*, 375, 424.

⁹⁷ Frame, *English Lordship in Ire.*, 298–9.

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’.⁹⁸ 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 earls of Desmond, descendants of the first of the Irish Geraldines mentioned above, Maurice fitz Gerald.⁹⁹ A good rapport between the Butlers and Geraldines in the later medieval period was in notoriously short supply. In the 1380s and 1390s the two earldoms were regularly coming to blows.¹⁰⁰ 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 in the years 1321–6 at the death of Edmund Butler, and secondly in 1338 with the premature demise of his son, James Butler, who in 1328 had been created the first earl of Ormond.¹⁰¹ 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 (d. 1356), the man whom G.O. Sayles dubbed, perhaps a little unfairly, the ‘rebellious’ first earl of Desmond.¹⁰² Although the young James II Butler was granted

⁹⁸ *Cal. Close Rolls, 1364–8*, 63. Lionel had been made duke of Clarence in 1362; see above note 3. His return to Ireland bearing a new title was recorded by the Dublin annalist: Gilbert, ed., *Chart. St. Mary’s Abbey*, ii, 396.

⁹⁹ See above, 119–20.

¹⁰⁰ Curtis, ed., *Ormond Deeds*, ii, no. 245; Tresham, ed., *Rot. pat. & claus. canc. Hib. calendarium*, 121, no. 77; 122, no. 28; 137, no. 220; K.W. Nicholls, ‘Late Medieval Irish Annals: Two Fragments’, *Peritia* 2 (1983), 90–2.

¹⁰¹ *Complete Peerage*, x, 116–17, 119; C.A. Empey, ‘The Butler Lordship in Ireland, 1185–1515’ (PhD, University of Dublin, 1970), 156–86.

¹⁰² The examination of Desmond’s career by G.O. Sayles in ‘The Rebellious First Earl of Desmond’, in J.A. Watt, J.B. Morrall and 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’, in *Ireland & Britain*, 215–18 [first published in *P & P* 76 (1977), 3–33, and Frame, *English Lordship in Ire.*, 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’, *Proceedings of the Royal Irish Academy* 82 (1982), C, no. 3, 59–88, and recently Keith Alan Waters, ‘The Earls of Desmond in the Fourteenth Century’ (PhD, University of Durham, 2004), 19–97.

livery of his lands prematurely in 1347,¹⁰³ 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.¹⁰⁴ Yet, notably, one person who did support him was Fulk de la Freigne, an important figure in Butler territories and seneschal of Kilkenny.¹⁰⁵ 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 1361.¹⁰⁶ Their esteem for the young lieutenant may be indicated by the fact the next generation of this family produced a Lionel de la Freigne.¹⁰⁷ Fulk de la 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.¹⁰⁸ In 1384, Patrick was an arbitrator between the third earls of Desmond and Ormond after 'great discords' had arisen between them.¹⁰⁹ All this lay in the future. In the 1340s, Fulk de la 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.¹¹⁰ 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.¹¹¹

¹⁰³ *Cal. Close Rolls, 1346–49*, 193–4; *Cal. Pat., 1345–48*, 263.

¹⁰⁴ Gilbert, ed., *Chart. of Saint Mary's Abbey*, ii, 388.

¹⁰⁵ Richard Butler, ed., *The Annals of Ireland by Friar John Clyn* (Dublin, 1849), 30; Frame, 'The Justiciarship of Ralph Ufford: Warfare and Politics in Fourteenth-century Ireland', *Studia Hibernica* 13 (1973), 15–16.

¹⁰⁶ Gilbert, ed., *Chart. St. Mary's Abbey*, ii, 396.

¹⁰⁷ Curtis, ed., *Ormond Deeds*, ii, nos. 258, 295.

¹⁰⁸ Curtis, ed., *Ormond Deeds*, ii, nos. 205 (i–iii), 206.

¹⁰⁹ Tresham, ed., *Rot. pat. & claus. canc. Hib. calendarium*, 122, no. 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 Curtis, ed., *Ormond Deeds*, ii, nos. 85, 92 and 189.

¹¹⁰ 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, 'The Butler Lordship in Ireland' (PhD), 178–82; Frame, *English Lordship in Ire.*, 271–3; Frame, 'Ralph Ufford', 19; O'Brien, 'Territorial Ambitions', 72–4; Waters, 'Earls of Desmond' (PhD), 77–8.

¹¹¹ Frame, *English Lordship in Ire.*, 271–3; Frame, 'Ralph Ufford', 27–8; Dermot F. Gleeson, 'The Annals of Nenagh', *Analecta Hibernica* 12 (1943), 160; Butler, ed., *Annals of . . . John Clyn*, 31.

It would not be an exaggeration to describe James II Butler's minority 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 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.¹¹² After Ormond 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.¹¹³ 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.¹¹⁴ 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 1344–5.¹¹⁵ 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

There are several references to lands lying waste after being ravaged by the 'army of the earl of Desmond', in Curtis, ed., *Ormond Deeds*, ii, no. 316.

¹¹² 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 (d. 1205), may have erected a motte at Kilfeakle as early as 1192: Orpen, *Normans*, ii, 146, 147 note 2, 166. The lands were returned to the crown by William's great-grandson, Walter Burgh (d. 1271), in exchange for the earldom of Ulster in 1263. Shortly afterwards they were granted to Sir Otto Grandison (d. 1328), and this grant was confirmed in 1281: Orpen, *Normans*, iii, 266, note 2; *Cal. Docs. Rel. to Ire.*, ii, nos. 1520, 1548 and 1847. Otto, in turn, granted the lands to his younger brother William (d. 1335) in a charter dated 16 July 1290: *Cal. Chart. R., 1257–1300*, 366. In 1331, William was summoned to join Edward III's putative expedition to Ireland: Rymer, *Foedera* (Rec. Comm.), ii, part 2, 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': *Cal. Close Rolls, 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: Butler, ed., *Annals of . . . John Clyn*, 29; Frame, *English Lordship in Ire.*, 59.

¹¹³ Curtis, ed., *Ormond Deeds*, ii, no. 8.

¹¹⁴ *Cal. Close Rolls, 1349–54*, 319.

¹¹⁵ Butler, ed., *Annals of . . . John Clyn*, 31.

attempts to compel the tenants of Desmond's lands to recognize 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.¹¹⁶ It must have been of some concern to Ormond that in July the following year Desmond was appointed chief governor of Ireland.¹¹⁷ 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 in 1355–6.¹¹⁸ 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.¹¹⁹ 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.¹²⁰

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.¹²¹ Admittedly, Ormond's entry on to the lands was part of a process of ensuring that his claims did not lapse.¹²² 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.¹²³ 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.¹²⁴ 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 recognize the authority of his ministers than

¹¹⁶ *Cal. Close Rolls, 1354–60*, 7–8.

¹¹⁷ *Cal. Pat., 1354–8*, 266–7. Desmond was given a protection during pleasure on 13 May: *Cal. Pat., 1354–8*, 221.

¹¹⁸ *Rotuli parliamentorum*, ii, 264, item 4; Frame, *English Lordship in Ire.*, 298.

¹¹⁹ *Cal. Pat., 1354–58*, 328; Curtis, ed., *Ormond Deeds*, iii, no. 348.

¹²⁰ Gilbert, ed., *Chart. of Saint Mary's Abbey*, ii, 392.

¹²¹ For a different view, see Waters, 'Earls of Desmond' (PhD), 91–2 and 170–1, although Waters does state that it may have become contentious by 1372 at page 129.

¹²² 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.

¹²³ Curtis, ed., *Ormond Deeds*, iii, no. 348.

¹²⁴ Bellamy, *Criminal Law and 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', in *Richard III and his Rivals: Magnates and their Motives in the Wars of the Roses* (London and 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.¹²⁵ Beatrice brought to the marriage joint control of the Stafford lands in Kilkenny for a period of ten years.¹²⁶ 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 1357,¹²⁷ 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.¹²⁸ He had no son. His younger brother Nicholas was an 'idiot', and the land of idiots was entrusted to the crown.¹²⁹

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.¹³⁰ 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.¹³¹ 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 an Oliver Howell, containing the interesting proviso that Howell would serve with Ormond against everyone 'saving

¹²⁵ Frame, *English Lordship in Ire.*, 290.

¹²⁶ Tresham, ed., *Rot. pat. & claus. canc. Hib. calendarium*, 69, no. 56.

¹²⁷ 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: *Calendar of Inquisitions Post Mortem and Other Analogous Documents Preserved in the Public Record Office*, x, no. 397, 325–6.

¹²⁸ Tresham, ed., *Rot. pat. & claus. canc. Hib. calendarium*, 71, nos. 94–5, 100; Gleeson, ed., 'The Annals of Nenagh', 161; William M. Hennessey, ed., *The Annals of Loch Cé: A Chronicle of Irish Affairs from A.D. 1014 to A.D. 1590*, RS 54, 2 vols. (London, 1871), ii, 17; Freeman, ed., *Annals of Connacht*, 315.

¹²⁹ Nicholas was to be brought to be examined in October 1358: *Cal. Close Rolls, 1354–60*, 467.

¹³⁰ *Cal. Pat., 1354–8*, 449; Tresham, ed., *Rot. pat. & claus. canc. Hib. calendarium*, 72, no. 11.

¹³¹ Curtis, ed., *Ormond Deeds*, ii, nos. 33–9. See also Michael Jones and Simon Walker, 'Private Indentures for Life Service in Peace and War, 1278–1476', *Camden Miscellany XXXII*, Camden 5th series, 3 (London, 1994), nos. 43–5.

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.¹³²

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.¹³³ Westminster entrusted the inheritance to the second earl's father-in-law, the earl of Stafford.¹³⁴ 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.¹³⁵

On 18 March 1359, the earl of Ormond took up office as justiciar,¹³⁶ and he used this position as an opportunity to emphasize his authority over the young Gerald of Desmond. In the early summer he warned Gerald not to launch an attack against the le Poers in retaliation for a transgression they had committed against some of Gerald's men in the Dungarvan area of Waterford.¹³⁷ 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.¹³⁸ Quite possibly he intended to discuss a proposal that received the consent of Edward III in July the same year: a marriage settlement.

¹³² Curtis, ed., *Ormond Deeds*, ii, no. 33; Jones and Walker, 'Private Indentures', no. 43. If Howell was a tenant of both earls, this formula may have been necessary to preclude the possibility that he would have to serve with one of his lords against another; nonetheless, it is a recognition of the likelihood of conflict between the two earls.

¹³³ Tresham, ed., *Rot. pat. & claus. canc. Hib. calendarium*, 71, no. 101; 72, no. 11; 75, no. 88.

¹³⁴ *Cal. Fine Rolls, 1356–68*, 65; Tresham, ed., *Rot. pat. & claus. canc. Hib. calendarium*, 69, no. 54. For these arrangements, see Frame, *English Lordship in Ire.*, 297–8.

¹³⁵ Tresham, ed., *Rot. pat. & claus. canc. Hib. calendarium*, 73, no. 37. This is the only surviving example of a commission of the peace for all Munster. See Robin Frame, 'Commissions of the Peace in Ireland, 1302–1461', *Analecta Hibernica* 35 (1992), 35.

¹³⁶ His appointment was 16 February 1359: *Cal. Pat., 1358–61*, 176; Rymer, *Foedera* (Rec. Comm.), iii, part 1, 419. He took up office after the departure of Amaury Saint Amand on 17 March: Richardson and Sayles, *Admin. Ire.*, 89.

¹³⁷ Tresham, ed., *Rot. pat. & claus. canc. Hib. calendarium*, 80, no. 135.

¹³⁸ Tresham, ed., *Rot. pat. & claus. canc. Hib. calendarium*, 77, no. 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 the memoranda rolls of the Irish exchequer covering the period 1374–83: National Archives of Ireland, *J.F. Ferguson's Collection of Extracts and Notes from Irish*

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 council¹³⁹ – 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’ that 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’.¹⁴⁰ 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.

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 focused on the progress of his military campaigns and his administrative adaptations.¹⁴¹ 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 naive to assume that 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.¹⁴² The evidence for violent

Administrative Documents, Edward I–Henry VII (3 vols.), i, fols. 343–4, 346–7, 348–51. For comment, see Richardson and Sayles, *The Irish Parliament*, 137–44. The summons was sent to six 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’: *The Irish Parliament*, 140, note 26.

¹³⁹ The council was summoned to meet on 1 April 1359 at Dublin and on 8 April 1359 at Waterford: William Lynch, *A View of the Legal Institutions, Honorary Hereditary Offices, and Feudal Baronies Established in Ireland during the Reign of Henry the Second* (London, 1830), 315–17. For lists of medieval Irish parliaments and councils, see Richardson and Sayles, *The Irish Parliament*, 332–65, reproduced with corrections and additions in T.W. Moody, F.X. Martin, and F.J. Byrne, eds., *A New History of Ireland IX: Maps, Genealogies, Lists – A Companion to Irish History, part II* (Oxford, 1984), 593–604.

¹⁴⁰ *Cal. Close Rolls, 1354–60*, 576; *Cal. Pat., 1358–61*, 246; Rymer, *Foedera* (Rec. Comm.), iii, part 1, 433. It was not the first attempt to bring such a settlement in recent times. A marriage had been proposed by the first earl of Desmond between his daughter Joan and James, the second earl of Ormond: *Cal. Pat., 1354–60*, 412. Ormond in fact married Elizabeth, daughter of John Darcy, lord of Knayth: *Complete Peerage*, x, 121.

¹⁴¹ These concerns are reflected in the writings of the Dublin annalist who discusses the early Uí Bhroin campaign in Leinster and the transfer of the exchequer to Carlow: Gilbert, ed., *Chart. of Saint Mary’s Abbey*, ii, 395–6.

¹⁴² 25 Edward III [Ire.], c. 15 (1351); 40 Edward III [Ire.], c. 28: Berry, ed., *Statutes John–Hen. V*,

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.¹⁴³ 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.¹⁴⁴ 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'.¹⁴⁵ A particularly vexed case was that of Arnold le Poer, whose father, Eustace le Poer (d. 1345) had forfeited his lands in Castlewarden and Oughterard, county Kildare, to the king. 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'.¹⁴⁶ Ormond's lack of official zeal in this case was really no wonder. He had a personal interest in Castlewarden and Oughterard, both of which ultimately came into the possession of his family. By pursuing Arnold's case he would only have damaged his interests.¹⁴⁷ 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 le Poers' collapse.¹⁴⁸ In

388–9, 458–9. Forced entry was made an offence in England in 5 Richard II, stat. 1, c. 7 (1381), and an act against it was specifically provided for Ireland in 1402: *Statutes of the Realm*, ii, 20; Berry, ed., *Statutes John–Hen. V*, 514–17. Cf. Bellamy, *Crime and Public Order in England in the Later Middle Ages*, 25–9; *Bastard Feudalism and the Law* (Portland, OR, 1989), chapter 2, 'The Land Wars', 34–56; Christine Carpenter, 'Law, Justice and Landowners in Late Medieval England', *Law & History Review* 1 (1983), 205–37, especially 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'.

¹⁴³ *Cal. Close Rolls, 1364–8*, 63.

¹⁴⁴ For the judicial power of chief governors of Ireland, see Wood, 'The Office of Chief Governor', 214–16; Otway-Ruthven, 'The chief governors of medieval Ireland', 229.

¹⁴⁵ *Cal. Close Rolls, 1360–64*, 42.

¹⁴⁶ *Cal. Close Rolls, 1360–64*, 43–4.

¹⁴⁷ Le Poer previously granted Castewarden and Oughterard to Thomas Smothe, but they were taken into the king's hand by the justiciar Ralph Ufford regardless: Frame, *English Lordship in Ire.*, 274–5, note 53. The king granted Oughterard and Castlewarden to the fourth earl of Ormond (d. 1452) in 1412 for an annual rose rent: Tresham, ed., *Rot. pat. & claus. canc. Hib. calendarium*, 198, no. 26 (c); 200, no. 76. They had been held in the interim by the king's surgeon, John Leche: *Cal. Pat., 1377–81*, 603, 606; *Cal. Pat., 1388–92*, 72; *Cal. Pat., 1392–6*, 24. See also Jocelyn Otway-Ruthven, 'Knight's fees in Kildare, Leix and Offaly', *Journal of the Royal Society of Antiquaries of Ireland* 91 (1961), 166.

¹⁴⁸ Frame, 'Ralph Ufford', 32. On the le Poers generally, see Ciaran Parker, 'Paterfamilias and Parentela: The le Poer Lineage in Fourteenth-century Waterford', *Proceedings of the Royal Irish*

1358, John, son of the Fulk de la Freigne who had fought with Ralph Ufford against Desmond, was granted a le Poer manor in county Kildare.¹⁴⁹ And in 1361, one Peter son of William le 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.¹⁵⁰ 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 in Tullow, county Carlow, on 10 September.¹⁵¹ 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.¹⁵² 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'.¹⁵³ 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.¹⁵⁴ 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

Academy 95 (1995), C, no. 2, 93–117, and some corrections in the copious notes by Nicholls and MacCotter, *Pipe Roll of Cloyne* (see index under 'Power').

¹⁴⁹ *Cal. Fine Rolls, 1356–68*, 66.

¹⁵⁰ *Cal. Fine Rolls, 1356–68*, 150.

¹⁵¹ Philomena Connolly, 'Pleas Held before the Chief Governors of Ireland, 1308–76', *Irish Jurist, new series* 18 (1983), 128; and see Connolly's itinerary, 'Lionel of Clarence' (PhD), 322.

¹⁵² Connolly, 'Lionel of Clarence' (PhD), 323; Connolly, 'Pleas before chief governors', 128. For White and Plunket, see Connolly, *Irish Exchequer Payments*, 523. White acted as chief justice of the lieutenant's court 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.

¹⁵³ Curtis, ed., *Ormond Deeds*, ii, no. 112.

¹⁵⁴ There are discussions of Desmond's clients in Frame, 'Power and Society', in *Ireland & Britain*, 198–9, K.W. Nicholls, 'The Development of Lordship in County Cork', in Patrick O'Flanagan and Cornelius G. Buttimer, eds., *Cork History and Society: Interdisciplinary Essays on the History of an Irish County* (Dublin, 1993), 189–90, and a detailed study in Waters, 'Earls of Desmond' (PhD), chapter 5, 'Retinue and Affinity'.

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.¹⁵⁵ There were also factions within and between the Cork families that could be exploited.¹⁵⁶ Whatever the exact details, it 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.¹⁵⁷ 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.

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

¹⁵⁵ Curtis, ed., *Ormond Deeds*, ii, no. 63.

¹⁵⁶ In 1358, there was a feud between the Barrys, Barrets, and Courcys in Cork: Tresham, ed., *Rot. pat. & claus. canc. Hib. calendarium*, 69, no. 45; 71, no. 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), chapter 7, for the constraints on the most powerful of English aristocratic connections.

¹⁵⁷ 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: see *Cal. Close Rolls, 1364–8*, 58, and above note 40.

to bolster power at home. Curial politics had become one more arena in which to play out factional conflicts. 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.’¹⁵⁸ 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,¹⁵⁹ 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.¹⁶⁰

¹⁵⁸ Frame, ‘*Les Engleys nées en Irlande: The English Political Identity in Medieval Ireland*’, in *Ireland & Britain*, 147–8.

¹⁵⁹ 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 [first published in *Irish Historical Studies* 25 (1986–7), no. 97, 1–18]; Brendan Bradshaw, ‘Nationalism and Historical Scholarship in Modern Ireland’, in Brady, ed., *Interpreting Irish History*, 191–216 [first published in *Irish Historical Studies* 26 (1988–9), no. 104, 329–51]; Art Cosgrove, ‘The Writing of Medieval Irish History’, *Irish Historical Studies* 27 (1990–1), no. 106, 97–111; Ellis ‘Historiographical Debate – Representations of the Past in Ireland: Whose Past and Whose Present?’, *Irish Historical Studies* 27 (1990–91), no. 108, 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’, *History Ireland* 7 (1999), no. 1, 22–6, which was answered by Kenneth Nicholls, ‘World’s Apart? The Ellis Two-nation Theory on Late Medieval Ireland’, *History Ireland* 7 (1999), no. 2, 22–6.

¹⁶⁰ Earlier versions of this essay were read at a session of the Haskins Society, International Medieval Conference, Leeds (13 July 2004), and to the Irish Historical Society (9 November 2004). I am very grateful for the comments and encouragement I received at those meetings, and also to Dr Seán Duffy, Prof. Robin Frame, and Prof. Richard Abels, who read the completed text and provided me with invaluable advice.