THE ORMONDE ATTAINDERS—1461 and 1715.

I.

James, 4th Earl of Ormonde, in the Peerage of Ireland, was the father of three sons, each of whom succeeded in turn to the title, and all of whom were attainted for their adherence to the Red Rose.

Of these James, who succeeded his father as 5th Earl in 1452, was, during the latter's life, created Earl of Wiltshire (an ominous title), in 1449, being in the Peerage of England. In 1451 he was appointed Lord Deputy of Ireland; and in 1455 he was Lord High Treasurer of England.

Besides sharing his family's reputation for administrative ability, courage, and learning, the younger Ormonde ("Sir James of Ormond" as he was commonly styled) had made himself conspicuous by the zeal which he displayed in levying mercenaries for the French campaign, at a time when the English interests in that country were at their lowest ebb of prosperity. I have seen several of his original contracts with "gentlemen-at-arms" and their followers all of which bear witness to his great capacity for public business.

The 5th Earl of Ormonde, and 1st Earl of Wiltshire, was taken after the Battle of Towton, and is said to have been executed at Newcastle; though the contradictions which prevail amongst historians as to the fate of royalist prisoners during this campaign should make us receive such statements with caution. At any rate this gallant leader was attainted in the first Parliament of Edward IV., together with his two brothers, John and Thomas, and his dignities and estates forfeited and resumed. It speaks for itself, that the second brother of the slain earl should have been straightway pardoned and restored in blood by Edward; and that the latter, too, should have always evinced such entire confidence in, and admiration for one who by every tradition of his race must have been disposed at heart to favour the Lancastrian cause.

Dying abroad in 1478, the 6th Earl of Ormonde should have been succeeded by his youngest brother Thomas, but that the latter had also been attainted in the first Parliament of the reign. Being, however, a staunch royalist, he had no difficulty in obtaining an Act of Restoration immediately after the accession of Henry VII.

In the first Parliament of the reign, therefore, a petition was presented "On behalf of Thomas Ormond Knt" to this effect:—"To the King, &c. That for as moche as James Ormond, late Erle of Wiltshyre, John Ormond, otherwise called John Botiller, Knight, and allso youre said suppliaunt, by the name of Thomas Ormond, ... Knight, ... were in the Parlement holden atte Westminster the iiij^th daie of November the first yeare of Edward the iiij^th late King of England, by an Acte made in the same Parlement attainted..... That hit may please your Highness ..... in this your Parlement assembled ..... to ordeine, stablish, & enacte that the said Acte and all other Actes of Attaindre and Forfaiture ..... be ..... void ..... and that he may have such advantage in every thing touchinge the prem'es ..... as if the said Actes ..... had never been had ne made ..... And that no manner of p'soue, the which before the vj day of November last

past hath taken any issues or profiitts be in any wise sued .... but be ..... utterly quite and discharged."[1]

It would seem, however, that the work of restoring the forfeited estates was not so easily carried out. I have seen an original draft of a Privy Seal to be granted at a still later date for this purpose, wherein is expressed that where, by an Act of Resumption lately made, all the livelihood of Thomas Earl of Ormond was resumed by the Crown; that the king, now willing to restore the said earl, charges his officers, by an Act of Restoration in Ireland, to restore the said earl to his living, and to cause all the issues and profits thereof to be yielded up by the escheators or farmers. This draft is corrected by counsel, and the following weighty opinion appended to it:—

"M^d. Th^t if ther be non office founde, this graunte is voide. If office be founde hereafter, also hit is a dowte wheder this graunt of the profitts be goode under the pryucy Seale, not under the grate Sede in Ireland."

The result of these attempts to recover the resumed estates of the family may be seen in the existence of several accounts that were demanded at the hands of the Crown lessees or the bailiffs of the new earl himself. One of the latter kind is here cited, as an interesting example of the management of Irish estates by the early land-agent.

"Irelond.—M^d. of money y^t John a Devynsher receyvyed y^t was dew to my lord before Mighilmazze ye fyrst yere of Kyng Hynry ye vij^th.

Justyce Byrmyngham, part of a rent of vj^x tyne, x^li.

John Sherlake, for rents of Kelkeny, part of ye rent for ye yer aforseyd—xv^li.

[*Allowed:*] ij peses of dyaper cloth, xvij^s vj^d.

It'm v pi. 2 punch^ns of Sam-on, xj^li xiij^s iiij^d.

It'm For caryage from Ros to Waterford, vj^s viij^d.

It'm For ye fryght of the same fro Waterford to Coumbe, xxx^s, and for my owne fryght, yryall, xx^s.

It'm For fryght of the same fro' Coumbe to Bedyford, after yryal payment, xiij^s iiij^d.

It'm Payd to a Frere y^t went to Duby[n]

It'm Ye seyd Frere fyll seke, & payed to man y^t softe [salved ?] ye seyd Frere, x^s iiij^d, and of your money iij^s viij^d.

It'm Payd to a gede y^t went iiij tymys to towne, to Waterford & Kylkeney—iiij^s iiij^d.

It'm For John es wages by x wekes—viij^s.

It'm For my costes & fryght to F— and fro' thens w^t a gede to Waterford—viij^s."

It will be remembered that the seventh Earl of Ormonde became a Privy Councillor of Henry VII., and was created Lord Rochford in the Peerage of England. His eldest daughter, Anna, married Sir James St. Leger (Selynger, the knight usually signed his name), who seems to have been somewhat of an impecunious son-in-law, as I have seen his receipts for various small sums received by him from his wife's noble father. Ormonde's younger daughter, Margaret, married Sir William Boleyn, and became by him grandmother of Anne Boleyn, and the great-grandmother of Queen Elizabeth and her councillor, Lord Hunsdon.

[1] Rot. Parl. vi, 296, No. 27.

II.

James, 2d Duke of Ormonde was attainted on the 21st of June 1715 for his share in the "Pretender's" rising of that year. His dignities and estates were forfeited and resumed by the Crown; a reward of £10,000 was set upon his head, and the Ormonde peerage became extinct, as was supposed; although his brother, the Earl of Arran, was allowed to purchase the bulk of his estates by special Act of Parliament.

Together with the Irish peerage, an ancient grant of the Liberties and Royalties of Tipperary County, and the hereditary "grant" of the Prisage of wines in Ireland were resumed by the Crown.

The 2d Duke's presumptive heir died without male issue. His niece, Mary, Lady Ashburnham, likewise left no issue; and the prospect of a restoration of the attainted blood seemed remote enough.

In 1791, however, the House of Irish Lords arrived at the important decision that no Act of an English Parliament could be held to affect an Irish dignity—a conclusion which was sufficiently obvious.

The immediate result of this decision was the restoration of the Ormonde Peerage in the person of John Butler, Esquire, the nearest heir.[1] His son, Walter, was created Marquis of Ormonde, and was fortunate enough to realize a most substantial equivalent for the hereditary butlerage of his family in Ireland, in the shape of a sum of £216,000, voted by Parliament in 1811—as a compensation for the resumption of the "grant" of Edward I.

That grant had been made to Lord Theobald Butler, an attached servant of the Crown during the stress of Longshank's Scotch campaigns.

Lord Theobald's grand-son, James, 7th Butler of Ireland and 2d Earl of Carrick, had the good fortune to marry royalty in the person of Eleanor, 2d daughter of Humphrey de Bohun, 4th Earl of Hereford and Essex; and was created, in 1328, Earl of Ormonde. He obtained also a fresh "grant" of the Prisage in Ireland, which had been resumed by the Crown. His Plantagenet wife thus brought him both rank and fortune, and it is significant with regard to the excellence of the match that their son James, the 2d Earl, was surnamed the "Noble Earl," as being the grandson of a Princess.

The Lady Eleanor, we may remark, had also a very ample jointure of her own. I have seen the original indenture of the administration of her estate, entered into by her executor John de Kyngesford, dated in the thirty seventh year of Edward III. The testatrix seems to have bequeathed several large sums to members of her family in whom she had an interest, and 1000 marks "à ma Dame la Reine en pleine paiement de M^m^s a lui

[1] As 17th Earl of Ormonde.

dues par la mariage du Seigneur le Fitz Wauter." There were also innumerable bequests to friars, amounting to £20 each in some instances. Religious corporations also came in for their share: the friars of Guldeford receiving 20 mks., those of Lewes 10 mks., Shorham 10 mks., and Clancurry £10, the monks of Salisbury 10 mks., and very many others, like sums. The expenses of Lady Fitzwalter were allowed at £87 11s. 5d. for a few months, and her dress at £57 4s. 10d. The executor himself pocketed 100 marks. He accounted for £2047 10s. 6d. in all, to the satisfaction (à gré de) of the dowager's son, James, second Earl of Ormonde, who succeeded his father in 1337-8.

It is surely one of the romances of the Peerage that the enormous capital represented by the Prisage should have been once lost, and then regained by a marriage, of which the ultimate descendants benefited three centuries later, upon their restoration to dignities and emoluments which seemed at one time to have become permanently forfeited and extinct.

HUBERT HALL.