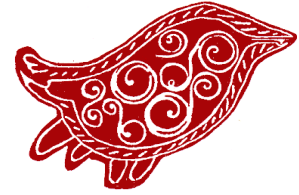


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PORTRAIT OF JANE LAVALLIN.

The Great-Great-Grand-Mother of Mr. George Berkeley, of Hanwell Castle, Banbury, Oxford.

History of the Lavallins.

BY GEORGE BERKELEY.

(continued)

In the last number of this "*Journal*" some slight description was given of the Lavallin family during the period between the Restoration in 1660 and the Civil War of 1689. In the year 1666, James Lavallin, the second owner of the Waterstown estate, was living at the Castle with his wife who was a MacCarthy, "sister of Charles MacCarthy," and almost certainly a near kinswoman of the celebrated Lord Mountcashel, who commanded the first Irish brigade in France.

Their family consisted of six sons and three daughters, namely: Patrick, who was later accused and tried for taking part in the Popish Plot; Richard, who seems to have died young; James, who was in France for some time, perhaps for military service; Peter, who was afterwards tried and shot for giving a wrong order at the skirmish of Lisnaskea, as described in the last article; Melcher, and Matthew, both under age. The three girls were: Catherine, afterwards married to Edward Roch (probably of Trabolgan); Joan, afterwards Mrs. Cogan; and Anne, afterwards wife of Patrick Stanton.

Waterstown Castle, the old FitzWalter stronghold in which they lived was situated on Queenstown Island, at the back of Belgrove, where some of its ruins remain to this day. By that time the Lavallins were fairly large landowners, their family estate consisting probably of over four thousand acres, so we may fairly assume that they lived the pleasant and sporting life of the country gentry of their day. Among their papers one finds the names of what might now be called the older strata of county families, such as those of Lord Fermoy (a connection of theirs by marriage), Colonel McCarthy (afterwards Lord Mountcashel), Lord Barrymore, Sir John Mead, the Waters, Sarsfields, Gallweys, Goolds, Ronaynes and others. But, unfortunately, no records of their daily life have descended to us.

It is, in fact, a point to be remembered that this sketch of their history is compiled entirely from legal documents—no others being available—and therefore gives the hard, selfish business side of their story, and inevitably produces a rather unfair picture of them. The lawsuits of a family are mainly records of its enmities. But here and there one finds small points which suggest that apart from their lawsuits, the Lavallins probably led the usual hospitable and sporting life of their class.

The chief point of interest during this period is to see how the family and its various members of that generation weathered the terrible religious storms that swept over Ireland at the end of the reign of Charles II. and during the Civil War of 1689. In the year 1679 we have our first glimpse of trouble. The eldest son, Patrick, a somewhat headstrong young man, was accused of having taken part in the Popish Plot, and was summoned to London to be tried. His father, James, at once drew up a family settlement disinheriting his eldest son, so as to keep the property in the family in case of Patrick being condemned. Patrick, however, was

acquitted, and returned home a few months later. Nevertheless, his father, James, never destroyed the settlement, and hence, after his death, there arose interminable family quarrels. Patrick and his supporters claimed that the disinheritance had never been intended to hold good, unless he were convicted, but the younger children claimed that the settlement was valid. In fact it was not until some 30 years later that the whole matter was finally thrashed out in the trial of 1710, when Patrick's daughter, Jane, tried to recover possession of the estates, but was unsuccessful. Our information is drawn from an old MS. report of this trial. Even to-day the actual truth is very hard to know. To the present writer it seems most probable that James originally made the settlement to cover the case of his son's condemnation, but that he afterwards decided to let it stand in any case. There may, however, have been motives, religious or personal, of which no mention is made.

Another question that remains unanswered is how the younger son, Melcher, eventually succeeded in retaining the estates. One wonders whether he turned Protestant. The family certainly changed religion (as did many others to save their property) but it is impossible to say how soon after the Treaty of Limerick.

The following facts are more or less certain:—In the year 1679, while Patrick was still in London for his trial, his father James drew up a settlement disinheriting him, and gave the deed, for safe custody, to John Waters, his own brother-in-law, who was one of the trustees appointed in it. Unfortunately, there is no copy of it among my papers.

As regards this settlement Patrick's heirs always upheld that the disinheritance was only intended to hold good in case he were condemned; that it was merely a device to avoid forfeiture of the lands; that simultaneously with it his father, James, had also given Waters a deed of defeasance, that is to say, a revocation of the settlement, so as to annul the disinheritance at once in case of Patrick's acquittal; that he died before the final formalities had taken place, and that then Waters took advantage of his position to make common cause with the younger sons against the heir. This was Patrick's side of the argument. But on the other side, Melcher and his sisters, in the lawsuit of 1710, reiterated the case for the younger brothers, namely, that it was a genuine settlement, intentionally cutting off Patrick himself, but entailing the lands on his heirs male, and in case of their failure, on each brother and his heirs male in turn,¹⁴ so that the lands should always go with the name. It was stated also on their part that the reason why James deliberately cut off Patrick was "because he was an extravagant man"; that his father once said that if he left him the estate "he would make but a breakfast on it." This was sworn to by several people at the trial, but whether true or not, it certainly does not alter one's impression that Patrick was a man of unusually determined and tenacious character. His career as the disinherited heir provides abundant proof of determination, and no recorded instances of extravagance.

It is impossible now to form any positive judgments, but Patrick seems to have been a resolute and hot-tempered man, incensed by injustice (according to his view), and absolutely set on gaining complete possession

¹⁴ Trial, p. 21.

of the property. His brothers, on the other hand, refused to relinquish their claim. At the same time they show a surprising readiness to give in to Patrick. Perhaps they felt that he had been unfairly treated. Melcher, then only a boy, and the three sisters, all supported Patrick or obeyed his orders; but after his death they took the other side. No doubt it was very difficult for them to quarrel with the head of the family.

In 1679, when he made this settlement, James Lavallin must have been an old man, or at all events he was near death. So during the following year he made a will confirming the settlement, but apparently kept this disposition a secret from his family up to the very end, perhaps with the idea of altering it. In fact, it was only when he was actually lying in his last illness at Waterstown Castle that he revealed it to them, and his manner of doing so was afterwards described in rather dramatic terms by his daughter Anne in her evidence at the lawsuit, 1710:—

“Saith, her father James Lavallin on his death-bed gave Dept. (Deponent) a key to go to his trunk and bring him a Linin begg which was sealed in his trunk wherein was said Settlement and will, and in Depts. (Deponent’s) presence gave same to John Waters, and Desired him to keep them safe, the better to preserve his Estate in the Issue male of his name, and Desired that Immediately after his death his will should be read and Proved.

“Saith yt. soone after Said Patr’s returne from England he went to said Waters and Desired to see said Settlemt. but same was refused, and heard said Patr was Resolved to Distroy same if he gott a sight thereof.”¹⁵

By the time that this evidence was given (1710) John Waters was dead. But the latter paragraph is more or less confirmed by the evidence of his son Patrick.

It was only a few days later, in June or July, 1681, that James died,¹⁶ and then a curious situation ensued. In spite of the settlement, and in spite of the will that he had made, his son Patrick calmly entered into possession of Waterstown and into the ownership of the property, and enjoyed its income almost without opposition for five years until his own death in 1686. It is this strange acquiescence in his possession and enjoyment of the estate during his lifetime which gives colour to his claim that he was never in reality disinherited. This weakness of the younger brothers was perhaps due to the political situation. At that time many of the rich people all over Ireland were living in daily uncertainty, waiting to see which way the religious “cat” would jump (so to speak). Patrick, who had been arraigned as a Popish plotter in the days of Titus Oates, might very probably be called the King’s friend when James II. came to the throne.

So far as concerns the brothers there are some possible explanations of their inactivity. Richard must have been dead, as one never hears anything at all of him at any time. James junior was the next heir under the settlement, but he had been in France at the time of its drawing up, and possibly had rather lost touch with these affairs before his father’s death. After him came Peter, of whom we have already so often spoken.

¹⁵ Trial. Waters is, of course, James’ brother-in-law, John Waters.

¹⁶ Trial, p. 3. But the accounts differ.

Peter seems to have been willing that Patrick should destroy the settlement provided that he would undertake to tie up the land in tail male on his (Patrick's) sons, with provision for daughters and younger children, and remainder to his brothers in tail male, so as to keep it in the family. For himself Peter only asked for "some farm for his maintenance."¹⁷ This friendly offer Patrick is said to have refused, though it is rather hard to see why, because at another period he asserted that he only wanted to get a life-estate for himself. Next in age after Peter came Melcher, then only a boy, but an ally of his eldest brother, and after him Matthew. Thus the younger brothers were disunited, whereas Patrick was full of energy. But what was John Waters doing as trustee of the settlement? And what had happened to the will? John Waters seems to have been a sturdy man, yet during this period he merely "lay low."

The immediate heir under the settlement was James junior, and he undoubtedly did make a certain amount of resistance. It is said that he took possession of some of the lands, but then gave them up to Patrick. And in 1682 and 1683 Patrick, hearing that his brothers meant to raise their claim, filed several bills against them and against the trustees, but did not complete the suit, because his brothers withdrew,¹⁸ and left him in possession.

If we are to believe the accounts afterwards given by Melcher and his sisters, life must have been curious during those five years. For some time the Lavallins seem all to have lived together at Waterstown Castle in an atmosphere of family intrigues over their estate; and according to the other brothers Patrick was constantly making attempts to get hold of the deed of settlement, in order to destroy it, and then claim that the will confirming it was void.¹⁹ In her evidence given in 1710 Catherine Roch, the eldest sister, swore that on one occasion:

"having Discourse with Patrick Lavallin about said Settlement he Deputed Dept. [Deponent] to go to Waters in her mother's name to get said settlement from him, and said Patr. asked Dept. what sume of mony was fit to offer to said Waters to Induce him to give up Same, to which Dept. Answered that she believed 200£ was enough. And that said Patr wished he had it for Double yt. sume and bid Dept. if she could not gett said Settlement to know the date and the Witnesses thereto; that accordingly Dept. went to John Waters who refused to shew Dept. ye same."

It was certainly not very honourable of Catherine to try and inveigle the deed away from John Waters by pretending that she had been sent by her mother. The evidence of the second sister, Joan Coggan, is also remarkable. She "agrees with Cath. Roch as to hearsay and Beliefe," and adds "that Patr offered a reward of 4 or £500 to get ye settlement."

This lady, I fear, strikes one as merely wanting to "go one better" than Catherine. It verges on the absurd to suggest that Patrick offered

¹⁷ Trial, p. 18; Goold's evidence.

¹⁸ Trial, p. 25.

¹⁹ Trial, pp. 4 and 12. These statements were made in 1710 by Jane, daughter of Patrick, because she wished to prove that her father had established his claim. Melcher replied that he believed there had been one or more bills preferred against his brothers, but that he did not know their contents, and that his brothers did not resign their title.

a reward of £500 to anyone who could get his father's last settlement away from the trustees. But among the other witnesses on this point there is Patrick Waters, son of John Waters (dead before 1710). He confirmed Catherine's story and "gave cause of knowledge."

One more item of the evidence is rather interesting. It is that of a man called William Slabagh. He

"Saith said Patr. Levallin ordered Dept. and his brother²⁰ Garret Browne to break into John Waters' house who had said Deed of Settlement in his hands in order to force the Deed from him; and Dept. afterwards told said Waters of said Design who yt. being Apprehensive of said Designe, he sent said Deed to Cork to be preserved."

Of this story there is no confirmation, but it illustrates the fact that Patrick must have been profoundly bitter at the treatment that he had received, and perhaps not without reason. He, a Catholic, had been summoned away to London on the groundless charge of having taken part in the so-called Popish plot; had for month after month gone through all the strain and danger of that orgy of perjury and blood; and had finally arrived home alive and rejoicing, only to find that during his absence he had been supplanted and disinherited, and that his opponents refused even to let him see the document in question. There is no mention of his even being given a copy. Whether he had ever been guilty of extravagance or not, this treatment would have embittered him. And at the time he certainly had the sympathy of some of the family. A symptom of his mental condition is afforded by the fact that when they sent him a codicil made by his father, leaving him £100 a year for life, Patrick took the codicil and tore it in pieces.²¹ In this frame of mind he probably considered himself justified in doing anything imaginable to overthrow the settlement.

The next step in Patrick's career was one which might have added greatly to his independence, but it was rather a bold stroke for a man in so uncertain a position. In 1685, being now firmly established in possession, if not in right, he entered into communication with Ignatius Gold (later Goold) of Cork, Merchant, for the hand of his daughter, Ellinor. One wonders whether this was merely a marriage for Goold money as against Waterstown Castle, or whether it was a romance between Patrick and Ellinor. If the latter, one is sorry for them. At all events the settlements, as negotiated through John Lavallin of Coolowen, first cousin of James senior, seem to have produced some strange episodes.²²

Ignatius Goold was then a rich man, and says in his sworn evidence that he ultimately agreed to give his daughter £2,000 a year in consideration of Patrick's settling £300 a year on her as jointure, secured on the Waterstown lands. But (according to his story) he had heard of the existence of the settlement, and asked John Lavallin at once whether Patrick had been disinherited or not. John replied that the settlement had only been made to avoid forfeiture, and that a "Defeazance" or annulment had been prepared at the same time. While the merchant was

²⁰ Half-brother?

²¹ Trial, p. 24.

²² Trial, p. 15.

still deliberating as to whether he should part with his money or not, he received (according to his sworn evidence in 1710) a curious visit from John's son, a young man named Patrick, whom we will call Patrick of Coolowen.²³ This unexpected visitor had actually brought the Defeasance itself, and he laid it before Goold for examination. It is impossible to test the accuracy of this story, because in 1710 both John and Patrick of Coolowen were dead. But, if true, this statement raises a host of questions. Was this Defeasance a genuine document? If so, how did Patrick get hold of it? On the other hand, if not genuine, who forged it? Was John Waters in the plot? Or is the whole story an invention of Ignatius Goold? Each alternative seems unlikely.

Goold, however swore that the document was genuine; that he examined it carefully and recognised the signature of old James Lavallin and of the other parties and witnesses; "that it was their proper writing, he being acquainted therewith," and moreover that his lawyer, John Gallway, was also perfectly satisfied, assured him that the document was good, and advised him to proceed with the marriage. Moreover, Gallway said that the Defeasance was "verbatim the same with a Draft he had prepared by direction of James Levallin Senr."²⁴

This is Goold's story. The curious point is that this Defeasance could never afterwards be found, and that Melcher (1710) denied that it ever existed at all. If Patrick of Waterstown ever had it, what did he do with it? On Patrick's death Goold says he searched for it among his papers, but could only find the draft made by John Gallway. On the other hand, the Waters' evidence is that there never was any such defeasance. In 1710 Patrick Waters gave sworn evidence as follows:—

"Ye next day after ye said Patr. Levallin Returne from England he came to John Waters Dept.'s father's house and in Dept.'s presence. Sd. Patr. told said John Waters yt. he heard his father made a Settlement wherein he excluded him, to which said John answered he did.

"Said Patrick asked whether said James Levallin had not given said John a Defeazance to said Settlement in case said Patr. returned to Ireland, to which he said he never gave any such.

"Said Patr.'s sisters made Dept. Large promises to procure Said Settlement for them and believed they were ordered so to do by sd. Patr.

"Will Ronayne told Dept. ye said James Levallin in his lifetime declared that if he left his Estate to ye said Patr. he would make but a Breakfast on't."²⁵

However, the marriage took place (January, 1685).²⁶ Among the old papers there is a parchment endorsed "20th Jany., 1685. Settlement on the intermarriage of Patrick Levallin and Elinor Goold," and purporting

²³ This son was called Patrick; he was of course second cousin of our Patrick of Waterstown, for whom he is often mistaken. His father John is described as being *tenant* of Coolowen. It is very difficult to be certain of identities, but I think it was this Patrick who obtained a charter for a Thursday market at Coolowen and Farranrostig, and two fairs at Ballinphelig in 1685. In this *Journal*, Oct.-Dec., 1915, the above-mentioned actions are attributed to Patrick of Waterstown, who, however, was not living at Coolowen, which was the home of John and his son Patrick.

²⁴ Trial, p. 15.

²⁵ Trial, p. 32.

²⁶ Trial, p. 16. Jan., 1685, old style, which would now be called 1686.

to be Patrick's marriage settlement. There were two trustees, "The honble. Collonell Justine McCarthy," and Richard Gallwey of Corke, Merchant. This Colonel Justin McCarthy is apparently the celebrated soldier of that name, afterwards created Lord Mountcashel; the officer who raised the Mountcashel regiment and became Lieut.-General of the first Irish Brigade in the service of France. Richard Gallwey is presumably some relative of John Gallwey, the lawyer.²⁷ Among Patrick's witnesses were his brother Melcher; also Patrick Lavallin, doubtless his cousin of Coolowen above-named, and Patrick Stanton, his brother-in-law. These were evidently his allies in the family. But this document is of no great importance. It merely provides that Goold shall put the lands of East Rath McUlick into the settlement in consideration of Patrick's having elsewhere settled £300 a year on Ellinor. It contains none of the important clauses of the marriage agreement, but refers to certain articles made between Goold and Patrick, and dated December 19, 1685. And it was evidently in the articles that lay the true gist of the matter.

No sooner was Patrick married than he proceeded (apparently as part of his agreement with Goold) to levy a fine and recovery on the whole or almost the whole of his father's property. In this, too, he was supported by Melcher, who thus joined him in cutting out Peter, the brother between them.²⁸ Melcher afterwards (1710) swore that he was under age, and acted under the influence of Patrick, his senior brother, and his sisters also swore that he was under age. But, if so, he ought not to have taken part in this transaction or been witness to the marriage settlement.

In the year 1686 Patrick was at the height of his success. He was living in the old castle of Waterstown, and receiving all the income from those wide estates in one of the most beautiful parts of Ireland²⁹; and if Ellinor had a son, that son of his would be the next heir under the settlement and the will. This fact placed him in an influential position, and probably accounts for the other brothers' apparent unwillingness to attack him. And in 1685 King James II. had come to the throne, which probably meant that Patrick, so lately accused of being a Popish plotter, would now find friends in high places. It rather seems as if he had entertained some such hopes, because either at the end of that year or early in 1686 he started for London by himself, perhaps to improve his fortunes. But his time was run. On July 30,³⁰ 1686, while there he died. And the last letter written home only two or three days before his death, the only statement of his own that we have, speaks better for him than one might expect. It is addressed to his brother-in-law, Patrick Stanton, and reads as follows:—

"Dear Brother—Perhaps I may linger out some few days, but cannot possible recover of this Distemper. Who Regrett Peter's in Disposition to whom Ile do no wrong, Leaving only to his care my Sister Joan and my

²⁷ D'Alton, King James' Army List, p. 382, tells us that John Galway (*sic*) sat in the Parliament of 1689 as one of the members for Cork. But whether this is the same man as the "counsell" above-mentioned one cannot say for certain.

²⁸ I think James, junior, was dead by then.

²⁹ Waterstown is at the back of Belgrove, which faces on the East Ferry. The massive old walls of the bawn are still to be seen, though mainly in ruins.

³⁰ Trial, p. 30. The date is also given as January 30th.

brother Melcher for £200 apiece besides what money father Left them. Pray get him to comply with this Request Being ye last of your Affectionate &c. Dated att London."

This is a fine letter. At the last he seems to have thought more of others than of himself.

In due time after his death Peter entered upon all the estates, except those reserved for Ellinor's jointure, claiming under the settlement and now supported by Melcher. The tenants acknowledged him. Then, after some difficulties, he made an agreement with Patrick's widow, the young Ellinor Lavallin, to pay her a jointure of £166 a year, charged on the estate, and an annual allowance as maintenance for her infant daughter Jane. So Ellinor went away from Waterstown with her child.

The family differences were now ended. For nearly two years Peter, with his brothers and sisters and his old mother, lived quietly among their tenants. And it seems probable that he married.³¹ But times were stormy. The religious war was at hand.

In 1689 it broke out. It is very hard to make certain of what happened to each of the characters of our small group, because identities are hard to disentangle. But it seems that Patrick, of Coolowen,³² son of John Lavallin and cousin of our Waterstown family, was one of the first to go to the war. He was undoubtedly the same who had begun so well in 1685 by obtaining a charter for Thursday market at Coolowen and Farranrostig, and two fairs at Ballinphelig. He may be the Patrick who now joined Mountcashel's Infantry as an ensign. But in any case it is certain that he played his part in the war because, after it was over, he forfeited 1,433 acres. In this Journal for Oct.-Dec., 1915, pp. 160-1, some of the above episodes are attributed to Patrick of Waterstown, who, however, had died in 1686, long before the war began. Some 20 years later a search was made for this Patrick in Flanders. His cousins wanted him to give evidence at the trial of 1710, but he had been dead for two years; another one out of the thousands of unknown heroes who wrecked their lives for the sake of Ireland.

Another Lavallin joined Sir John Fitzgerald's regiment of Infantry, but it is impossible to identify him because his Christian name does not appear.

Ellinor Lavallin had said goodbye to her old castle; but she was young and could soon begin a new life. She married a man named John Baggott, and when the war came he stood for King James, and like many other Baggotts, was outlawed for high treason. Ellinor followed her husband into exile in France, and consequently was outlawed with him, and forfeited her lands.³³ There were no less than nine members of this ancient Anglo-Irish family attainted in 1691.

³¹ At the Court of Claims James Lavallin claimed . . . on lands forfeited by the above-named Peter Lavallen and Jane, his wife," v. King James' Army List by John D'Alton, p. 380. This is my only authority.

³² John Lavallin was tenant of Coolowen and also, I think, of Farranrostig, which two places are constantly mentioned together. Patrick is described as "of Cooleowen and Farranrostig," so this must be John's son, the Patrick mentioned on p. 80. But in the Attainders of 1691 he is described as "of Rohara in the said County" of Cork.

³³ D'Alton's King James' Army List, p. 801. He says that there were two John Baggotts of Baggottstown, father and son, both members of Parliament. The younger one, I think, served as a Colonel during the War.

And her father, Ignatius Goold, who was so careful of his money, even he donned the white cockade, and was outlawed, as were several other Goolds. There were many of that old stock to be found in the Jacobite army list.

Of the Waterstown brothers there were only three left. Matthew joined Carroll's Dragoons as a Cornet; and in the same officers' mess one finds the names of two Patrick Stantons, one of them doubtless his brother-in-law, and of a Robert Goold. In 1691 Matthew was outlawed, and forfeited his property; so did various friends of the Lavallins, such as James Ronayne and Dominick Sarsfield.

About Peter, it is simply recorded in the family papers that he died in 1689. Nothing more is said. But from other sources we know that he, too, joined Carroll's Dragoons, and was the same Captain Lavallin who fought at Lisnakea and was afterwards shot—a thankless return indeed for one who had offered his life in the cause.

The foregoing is only a short sketch of the Lavallins during the period of the Civil War. Being mainly drawn from the evidence in a lawsuit, it deals almost entirely with the hard side of their daily intercourse. At the same time it shows, I think, that in spite of their faults they possessed the basic instincts of a true gentry, namely, that they stood for the people among whom they were born, which surely marks the difference between a gentry and a caste. Their private intrigues were petty enough, but in the time of stress they freely offered their lives and their lands to pay the debt of honour to the name.

(To be continued.)

Mallow and Some Mallow Men.

By HENRY F. TWISS, I.S.O., LITT.D.

CHAPTER III.—*continued.*

THE CHURCHES AND SCHOOLS.

In 1731 the Roman Catholic parish of Mallow, which was dedicated to the Nativity of B.V.M., had one old mass-house, and a new one was being built (Religious Returns Parliamentary). This latter church was situated outside the east wall of Short Castle grounds, on a slight eminence, and was approached from the town by a lane, still called Chapel lane. The present church was built about 1818.

The succession of clergy, as far as can be ascertained, was as follows :

- Cir* 1704. Owen Mullane.
- Cir* 1749. John Everard (or Ilard).
- Cir* 1766. David Hayes (ordained 1760).
- 1780. James Cullinane, D.D.
- 1780-1828. Thomas Barry (died aged 84).
- 1828-1838. William Jones.
- 1838-1848. Denis M. Collins.