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Patrick Lavallin and the Popish Plot

By JOHN MULCAHY

INTRODUCTION

We do not know where the family of Lavallins originally came from. Certainly the name has a French ring to it, and it is likely the family came to Ireland in the heel of the Norman invasion.¹ However, when along with other Cork families they petitioned King Charles II in 1661 for the return of their property and privileges which had been confiscated by Cromwell, they described themselves as ancient and native inhabitants of the city of Cork: 'They and their predecessors are of English descent and have adhered to the English interest ever since the City was incorporated, more than 400 years ago'.²

The Lavallins were prominent in civic affairs and more than one held the office of Mayor over that period.³ Safe within the walls of Cork, families like the Lavallins made their wealth through trade. In 1569 William Lavallin petitioned Lord Cecil for compensation for the loss of goods in Brittany.⁴ In the reign of James I a licence 'to keep taverns and to sell wine and spirituous liquors', in Cork city and for half a mile around, was granted to Richard, son of Patrick Lavallin, of Cork.⁵ An increase in trade with the native Irish brought further opportunities for making money.

As Irish lords built castles and bought more and more luxury goods from the Cork merchants, they frequently passed over part of their lands to the merchants, either through mortgage or purchase. In 1630 James Fitzgarret Dowlagh Barry and John Barry disposed of their lands at Garrane

kinnefeake and elsewhere to Patrick and Richard Lavallin.⁶ The following year Patrick Lavallin gained control of other lands in Co. Cork which had been held up to then by Viscount Muskerry.⁷ This was augmented by a neighbouring block in the parish of Whitechurch⁸ which formed the demesne lands of Coolowen and Farrenrostig. Thus a large estate in the barony of Cork passed into the ownership of Patrick, son of Richard Lavallin, the wine merchant. A second major property comprised the townlands of Ringmine (now Ringmeen) and Ballinvokery together with the castle and lands of Walterstown on the Great Island. By 1641 the Lavallins held over 6,000 acres of land near Cork city.⁹

They were advancing in political power as well. Both Patrick and Melchior were members of the Corporation and in 1638 Patrick Lavallin was elected Mayor of Cork.¹⁰ As befitting a wealthy citizen, Patrick Lavallin made his will on 3 Dec. 1641. Both himself and his brother Melchior are named as aldermen of the city of Cork.¹¹ He instructed that sums of money be left to his daughters, Anne, Catherine, Anastasia, Margaret, and Ellen. His wife, Anastasia Terry, was to receive one third of his lands, with the rest to his son James. The will was witnessed by virtually a who's who of leading Cork citizens — Dominic Roche, James Goold, Edmund Roche, and Richard Tindle.¹² We have no date for Patrick's death but it may have taken place shortly afterwards, for there is no further mention of him in the records.

THE REBELLION OF 1641

In October 1641 the great rebellion broke out in Ulster and quickly spread throughout Ireland. The leaders in Co. Cork were Donough Mac Carthy (Viscount Muskerry) and Lord Castlehaven. The citizens inside the walls remained loyal to the king. They admitted the English army under Sir William St. Leger within the walls and provided them with billets and fodder. An attempt to capture Cork was made in 1642 but was thwarted when the English garrison sallied out and attacked the Irish army in its camp outside the walls.

Between 1642 and 1644, the Catholic citizenry of Cork raised £60,000, 'pledging even their plate, household stuff and moveables to support the late King.' Yet on the night of 26 July 1644 they were 'by beat of drum and on pain of death expelled out of the city and suburbs and their houses and property in the city and suburbs seized.'¹³

Even when put out of houses and habitations they adhered to the Royal cause and handed over their sword, mace and cap of maintenance to the Marquis of Ormond. For this action Robert Coppinger, their Mayor, was knighted, and the Marquis promised on the king's behalf to give them back their mace &c., in a reasonable time.¹⁴

In January 1646 a peace was concluded between the Confederates and the Duke of Ormond. Part of the terms was that the inhabitants of Cork were to be restored to their property. However when the Cork garrison gave allegiance to Oliver Cromwell in December 1649, Catholics were offered the choice of renouncing their religion or being expelled again, losing all their property and goods. Most chose the latter course.

They were reduced to great poverty. In all they lost property to the value of £60,000. Under the Cromwellian land settlement they were to be transplanted to Connacht where they would be compensated with two thirds

of their estates. A special court was set up to hear the appeals of innocent Catholics who claimed to have held constant good affection to the government. James Lavallin was one of those whose appeal was heard in Mallow. The appeal was turned down; apparently it was considered impossible for any Catholic to have shown constant good affection to Cromwell. However a special ordinance was made whereby Catholics in the towns of Cork, Youghal and Kinsale could be compensated with lands in the baronies of Muskerry and Barrymore.¹⁵ Thus James Lavallin was enabled to hold most of his lands, except for those in the barony of Cork. Yet he still resided on these lands, for in a census taken c. 1659 he was named as a 'titulado' or prominent resident in Coole-Owen alias Farranrostigge, now Farranastig in the parish of Whitechurch.¹⁶

When Charles II was restored to his father's throne in 1660, the citizens of Cork, in expectation of being restored to their property, petitioned the King. At first it seemed they would be successful as the King ordered the return of their lands and houses and the restoration of their ancient privileges.¹⁷ But the Cromwellian intruders held considerable sway in England and frustrated all attempts to expel them. Repeatedly the citizens petitioned the King, pointing out their loyalty to his father and their support for the English cause throughout the war:

They were loyal to the King and disbursed £90,000 as appears from the Duke of Ormond's report annexed to the said petition. On consideration thereof, the King by letters of 1661 and 1662 ordered they should be restored to their estates, corporation and freedoms as they were in 1641.

By the power of the '49 officers¹⁸ and the contrivance of their trustees, the petitioners were kept back from a trial of their innocence in the late Court of Claims in Dublin. So the said '49 officers enjoy most of petitioners estates, though



BAWN AT WALTERSTOWN CASTLE.

(Sketch from JCHAS 1927)

petitioners relieved many of them when sword and famine pressed them most, and they could not get relief elsewhere.

Petitioners were provided for by the late Act of Explanation, but their provision was omitted and extinguished by the power of said officers and by the endeavours of others who favoured the more unjust pretensions of the new inhabitants of Cork; so the petitioners are left without estates, money, privileges, or satisfaction of any sort.¹⁹

It would be many years before Catholics would once again be entitled to reside within the walls of Cork, and many more, except for the brief interlude of the reign of James II, before they would be entitled to hold municipal office again.

James Lavallin entered a claim for that part of his Whitechurch estate which was confiscated before the Court of Claims in 1664. His claim was heard before the judges in Chichester House and succeeded. The 4,058 acres, comprising the demesne of Farrenrostig in Whitechurch parish which he held in capite with 962 acres held in fee, were restored to him on being recognized as an 'innocent Papist'.²⁰ Those tumultuous years had a profound effect on James Lavallin.

Years later when another threat of possible confiscation arose, he was prepared to take drastic steps to secure his estate.

WALTERSTOWN

The next decade passed without major upheaval, or at least little documentation survives of any matter relating to the family. James was married to Ellen Mac Carthy, a sister to Charles Mac Carthy who was one of the 'ancient and native inhabitants' who petitioned Charles II, and whose 2,233 acres were restored at the Court of Claims.²¹ Together they raised a family of six sons and three daughters in Walterstown Castle.

The eldest son was Patrick who must have been born around 1650. The second son was Richard; he was insane and was specifically excluded from succeeding to the estates. He died in 1681. The third son, James, died young in 1685. After them came Peter, Melchior, who was born on 4 October 1667, and finally Matthew.²²

Catherine seems to have been the eldest of the daughters. She was born around 1653 and married Edward Roche of Trabolgan. Then there was Anne who married John

Waters of Cork. Joan, the youngest daughter, married John Coggan. From being faced with the prospect of losing everything through the Cromwellian confiscations, the Lavallin family had recovered remarkably well. If there was one shadow over their future prospects, it was the behaviour of James's eldest son and heir, and it is to Patrick Lavallin that we must next turn our attention.

SERVICE IN HOLLAND

For the eldest son of a landed Catholic family there were few outlets in post-restoration Ireland. Military service under the English crown held few prospects of advancement. Thus when agents came recruiting for the army of the States General of the Netherlands in their interminable war against Louis XIV,²³ Patrick Lavallin joined up with many other sons of the foremost Catholic families.

He was commissioned a captain in 1674/75 and served in Lord Clare's Irish Regiment.²⁴ During the winter of 1674 the regiment was stationed in southern Holland, and Lavallin was unhappy, wanting to go back to London. His company was the only one of the regiment not up to strength, having less than 50 men, and the quality of his English recruits left much to be desired, being merely 'freebooters'.²⁵

In early 1675 Lord Clare was accused of having criminal correspondence with the French, as a result of which charges his regiment was taken from him and his lordship was forced to leave the Dutch dominions. His Lieutenant-Colonel, anticipating similar charges, went off of his own accord. The regiment was given to John Fenwick, whereupon it lost the name of 'Irish'.²⁶

The changes in command led to a quarrel among the Irish officers over seniority, as there now seemed likely prospects of promotion for some of them at least. Captain Lavallin quarrelled with Captain Roger

MacElligot.²⁷ MacElligot's claim was supported by his brother John who held the rank of major, and by two other captains, MacGillycuddy²⁸ and Lee.²⁹ In a fit of pique, Lavallin charged them all with being in a conspiracy with Lord Clare in his criminal correspondence with the French.

The four were arrested and placed in irons. They were forbidden to hold communication with their fellow officers or write letters. They were deprived of their commissions which were given to English officers. Indeed so serious were the charges that their very lives were in jeopardy.

Eventually the orders were given for the regiment to come out of its winter quarters and to assemble with the other regiments to take the field against the enemy. The hapless four were taken out of prison and placed under a strong guard and conducted in the rear of the regiment to the place of rendezvous where they were put into the custody of the army's General Provost. For the rest of the summer campaign they were carried in their chains behind the troops. The summer passed without any sieges or pitched battles and the main task of the troops was to level the fortifications of a few minor towns to prevent them being garrisoned by the enemy.

The four imprisoned officers petitioned the Prince of Orange to be put on trial by court martial before the army broke up and the regiment took to its winter quarters. From May to October they had been held incommunicado in the custody of the General Provost. Their plea was supported by some of their fellow officers and eventually the Prince granted their request. Captain Lavallin was ordered by the President of the Court Martial to produce his witnesses within three days to prove what he had deposed against the four.

Lavallin had been priming a certain Sergeant Murphy to be his chief witness and

Murphy had complied all along out of fear of being murdered by Lavallin, and also induced by the promise of a good reward and a commission in the near future. However on the eve of the court martial Murphy went to his Lieutenant-Colonel and revealed the plot, including the forged documents given to him by Lavallin which he had to swear he witnessed. Murphy was put into confinement, the President of the Grand Council of War was informed, and orders were issued for Lavallin's arrest. However it happened to be his night on the watch and he soon found out he was betrayed. He took to his horse and rode away instantly.

William of Orange was reluctant to grant the four an honourable discharge, although he accepted the letters produced as evidence were forgeries. He was convinced there was communication between Irish officers of Clare's regiment and the French garrison defending the fortress of Maastricht, and that a troop of French horse had followed the regiment for several days in its march. Even King Charles intervened on their behalf, but the furthest William was prepared to go was to offer them a trial by Council of War to prove their innocence.

The British ambassador at the Hague, Sir William Temple,³⁰ was sympathetic to their plight, and especially to Captain Lee, who seems to have been a protégé of the Duke of Ormond, but stated he would otherwise avoid concerning himself in anything that passed among the troops who were 'levied without his Majesties permission and in a measure, against his commands, and thereby, lying outside the protection of his Ambassador here.'³¹ However their comrades in the regiment subscribed funds to send them to England to plead their cause before King Charles. He received them graciously and gave them £400. Lee and MacGillycuddy returned to Holland, and Lee was to die in action the following August leading an attack

on the fortress city of Maastricht.³²

As for Patrick Lavallin, he was tainted by his action in fleeing. Temple's verdict was: 'I am forced to believe more ill upon this occasion than I could imagine mankind capable of.'³³ He was proclaimed to be a villain and a deserter by beat of drum, and his name was fixed to an iron plate and nailed to the gallows in The Hague.³⁴ Following his flight he disappeared from the pages of history until he appeared again in London in June 1678.

THE POPISH PLOT: TITUS OATES

The London that Patrick Lavallin returned to was a capital seething with religious strife and intrigue. Central to everything was the fact that the king, though having fathered several illegitimate offspring by his numerous mistresses, had no legitimate heir, leaving his brother James, Duke of York, next in line for the throne.

In 1673 a new Test Act was passed, forcing everybody holding public office to take an oath of supremacy, something which no Catholic could in conscience subscribe to. James immediately resigned his office of Lord High Admiral, thereby confirming what many had already suspected, that he had converted to Catholicism. The prospect of the king dying and being succeeded by a Catholic was something that the remnants of Cromwell's Puritan forces could not stomach. Thus the religious and political situation was fair game for unscrupulous politicians and disgruntled Cromwellians to manipulate.

Rumours were rife of plots to kill the king and replace him with his Catholic brother. Soldiers and officers from the large Irish contingent in the army were ready to rise out. The Catholic lords of England were ready to form a provisional government. Crowds of people were gathering and marching through the streets at dead of night.³⁵ On

14 June 1679 a certificate was signed by Charles Turner, Patrick Lavallin and Walter Goold that between 1 and 2 a.m. on Friday the 7th, going in a coach between Temple Bar and Westminster, they met several companies of the number of 3, 4, or 5 hundred men between St Clement and Charing Cross, 'all of which they are ready to depose to be true'.³⁶

Of course when these rumours were investigated they were found to have no substance, but they served to inflame public opinion and bring about such a state of alarm that a spark would immediately lead to a conflagration. The spark soon arrived in the form of Titus Oates.

Oates joined the English Jesuits as a mature student at their seminary at St Omer. When it was discovered that he was displaying a greater interest in the young boys than in spiritual matters, he was expelled by the provincial, Dr Whitbread. On his return to London he began inventing allegations that the Jesuits were plotting to murder the king and to foment a rising in the three kingdoms of England, Scotland, and Ireland. These allegations were presented to the Council in the form of 43 articles involving the Jesuits Strange, Whitbread, and Ireland.³⁷

Along with another fanatic preacher, Israel Tonge, Oates worked on expanding his story and the final version of 81 articles was presented to the Council on 28 September 1678.³⁸ The plot had been expanded to include an assassination attempt on the king at Windsor. On 22 August, according to Oates, Fogarty (who was Oates's own doctor) offered the Jesuits 'four Irish ruffians to perform the deed'.

One of those implicated in the plot was Edmund Coleman, secretary to the Duke of York. He was implicated in the plot to kill the king, and Oates testified to the payment of the 'Irish ruffians'. The discovery of incriminating letters in his apartments was



*D. Oates discovereth y Plot
to kill the King and Councell*

A contemporary illustration of Titus Oates

sufficient to seal his fate and he was executed on 3 Dec. 1679, the first victim of the plot.

On 17 Dec. the Jesuits Thomas Whitbread, William Ireland, John Fenwick, along with Thomas Pickering and John Grove, were put on trial. They were also found guilty in a shambles of a trial, with Oates as chief witness. All were executed. However the dignity with which the priests faced the accusers, along with more revelations about the sordid characters of the prosecution witnesses, were beginning to raise doubts about the basis of the plot. At the next trial involving three Benedictine monks and Wakeman, the queen's physician, who was accused of attempting to poison the king, all the defendants were acquitted in spite of Oates's testimony.

This trial was notable for the introduction

of a new witness for the state. He was Robert Jennison, a law student of Gray's Inn whose father was a wealthy landowner in the North of England. Both were lapsed Catholics lately turned Protestant. An older brother, Thomas, was a Jesuit priest and had been held in Newgate prison since the previous October when all the Jesuits had been rounded up. Robert agreed to give evidence on condition that his brother was spared. Most people saw through this at the time, and it was clear that Jennison was giving evidence against his older brother in order that he might succeed to the father's estate.³⁹

A WANTED FUGITIVE

Robert Jennison gave his evidence to the Council on 9 Aug 1679. He sought pardon for concealing what he knew to date, which was treason in itself. His evidence was that he knew all along of the plot to kill the king and bring about a change of religion. Ireland had asked him to seek out four stout Irishmen and Jennison had given him the names of Lavallin, Kearney, Broughall and one Wilson, an Englishman. These four or some others were sent into Windsor with the mission of assassinating the king.⁴⁰ A proclamation was issued at Windsor offering a reward of £100 each:

for the discovery and apprehension of Captain Lavallin, Donough Kearney and Thomas Bramhall, all Irishmen, and James Wilson, an Englishman, who are reported to be the four ruffians appointed in the late traitorous conspiracy to go to Windsor to assassinate the King, and promising a pardon to any of the said offenders who shall before 20th of October next, surrender themselves and make a full discovery of their accomplices.⁴¹

However a report naming Lavallin as one of the four was published in a London newspaper which led to his flight. It was

suspected that he had returned to Ireland and the authorities were notified. A strict watch was kept on Walterstown and enquiries were made about his previous career. Later the Duke of Ormond, the lord lieutenant, would be accused of acting too slowly to secure their arrest. He defended his actions in a letter to the Earl of Arran:

I cannot find any entry of the orders that were sent for the taking of Lavallin, whose escape would seem to be imputed to my negligence. But I remember well that the first and only notice I had of the man's being charged with being one of the ruffians was in a printed diurnal, and that having heard of Captain Lavallin's dissolute course of life, and of a base and treacherous action of his in Holland, I suspected he might be the man; and thereupon the orders for his apprehension were sent to persons and places most likely to have it done. It is said this was not done time enough: but if it had not been done at all the omission would not have been very criminal; considering that there were many Lavallins besides him now taken for the man, and that I had no intimation where to look for him or any of the four, though three of them are Irishmen. Besides, I find in the late journals that somebody in Bristol is accused of helping them all away, so that either he must be wronged, or else Lavallin made not his escape from hence. But without doubt he went out of this kingdom, and the Bristol man is not guilty of the escape of all of them.⁴²

In November the King engaged the services of a Captain David Fitzgerald,⁴³ who was stated to have knowledge of the whereabouts of Lavallin and Kearney, and gave him warrants for their arrest:

Whereas we have been given to understand that you have some information that Captain Lavallin, one of the persons accused of designing to assassinate us, is in Ireland, and of the place where he is harboured, we do hereby direct and authorise you to repair forthwith to such place or places where you suspect he may be found, and having seized and apprehended him to deliver him into

the hands of our right trusty and entirely well beloved cousin and counsellor James, Duke of Ormond, Lord Lieutenant of Ireland, to be by him sent over in safe custody into England, in order to be proceeded with according to law.⁴⁴

Meanwhile enquiries continued to be made. On 9 September 1679 Archbishop Boyle⁴⁵ wrote to Ormond enclosing a letter from Mr Worth, the Recorder of Cork,⁴⁶ about Lavallin:

The man's flight doth not look very well, though it may be thus far excusable that most men will naturally keep themselves out of danger's way as far as they can. I have writ to Mr. Worth that he did very well in his enquiries after Lavallin and what became of every good subject to do what was in his or the like employment.⁴⁷

A strict watch was kept on the ports, particularly the southern ports which enjoyed trading links with the continent. On 30 March 1681 Ormond received a report from Edward Lawndy, Mayor of Youghal,⁴⁸ that a young man coming from France had been searched and letters found on him addressed to various members of the Lavallin family.⁴⁹ On being questioned he acknowledged he had received the letters from Patrick Lavallin, son of James Lavallin near Cork, with orders to deliver them to his father.

The letters were sent from La Rochelle. One was addressed to his mother, Mrs Ellen Lavallin, telling her he was going to Poitiers, although Col. Mac Carthy⁵⁰ urged him to go to Paris, which was much dearer. In a similar letter to his cousin Patrick, he adds the ominous note that 'the want of money obliges several to wrong measures'. It seems that he was travelling with Kearney for he states that 'K____ acquaints him that he doubts ere long to go to England'. In fact Denis Kearney did return to London to stand trial.

DENIS KEARNEY

The Kearneys had been proprietors of the town and lands of Ballyduagh in Co. Tip-

perary for hundreds of years and his father, Michael, had sent Denis to London in 1673 to study law in Gray's Inn where he would have been a fellow-student of Robert Jenkinson, his accuser. He married the Marchioness of Worcester who was reputed to be mad. He was ordered to leave England by an order of Council dated 17 January 1679 but his departure was delayed by illness.⁵¹ During his absence he was accused by Jenkinson of being one of the four assassins, and outlawed.

... which outlawry was grounded on the supposition of his flight at the information of Mr. Jenkinson that he was concerned in a design he abhors the thought of, that he offered to surrender himself about the middle of last June to Mr. Davile, envoy extraordinary at Paris, but by reason of his indisposition, could not sooner throw himself at his Majesty's feet, that as he did not absent himself but by the Order in Council, and cannot have the benefit of the law to reverse the outlawry without leave for his council, solicitors, and servants to come frequently to him, and as he has been very sickly and the air may contribute to his health, praying permission to attend the Lord Chief Justice of the King's Bench to be committed to the King's Bench Prison, and that the Attorney General may consent to a writ of error to be brought by the petitioner for the manifest errors in the record against him and that he may receive a speedy trial.⁵²

Thus Denis Kearney surrendered himself but his request for a speedy trial was delayed. His enemies spread the rumour in print that he was but the son of a poor carman that could neither read nor write, and that he had served as a footboy and a porter, and was no gentleman. To negate this his father wrote to Ormond requesting that he certify letters from the Mayor and Archbishop of Cashel:

As the petitioner conceives it necessary both for himself and his son that his quality be better known than it is misrepresented to the multitude



A contemporary illustration of King Charles II and the 'Popish Plotters'. (Patrick Lavallin must be one of the '4 Rufins' at bottom right).

in England . . . and, because persons of the petitioner's religion are prohibited to be in London, whereby he cannot travel with witnesses, and the English neighbours would not travel thither without orders and excessive charge, he begs his Grace to grant him his certificate of what he can testify as well of his own knowledge as by the general testimony of the neighbours of the petitioners quality and fame in this country.⁵³

However, when Denis Kearney was finally brought to trial on 22 June 1682 it was not the certificates that caused the trial to collapse but that the principal witnesses for the state did not turn up:

Today Mr Kearney, said to be one of the four rufians to have assassinated His Majesty, was tried at Kings Bench Bar and no evidence appearing against him, was acquitted. Oates and Jennison were several times called but did not appear.⁵⁴

Although no record appears that Patrick Lavallin was tried, or that the outlawry was revoked, the whole web of treachery and deceit spun by Oates and his accomplices was now clear to all. Patrick was a free man and was able to return to Walterstown.

DISINHERITED

It is not uncommon for relations to be strained between a father and his eldest son. Certainly Patrick exhibited some unpleasant traits of character during his time in the Netherlands. In any event, on 22 Feb. 1679 James drew up a deed which in effect disinherited his eldest son.

This deed conveyed his lands to trustees while he himself would have the use of them during his lifetime. His wife would enjoy the revenue of the lands of Coolowen and Farrenastig until her death should she outlive him. On their deaths the income from the whole estate would go to the sons of Patrick, or, should there be no male issue, to James's other sons in turn and to their sons. Patrick himself was to be totally by-passed.⁵⁵

What was the reason for this drastic action? Was the timing significant? In later times witnesses would be produced to testify that James feared that Patrick, 'an offensive man', would recklessly 'lavish and squander' his inheritance, and that he had stated that 'he would never settle the lands on Patrick because he was an extravagant man'.⁵⁶

Another side to the argument is that James, remembering the Cromwellian confiscations, resolved not to place his fortune in jeopardy, and at the first hint of Patrick's troubles concerning the Popish Plot, disinherited him to save the estate. The deed was never meant to take effect and could be revoked once the danger had passed.⁵⁷ But the deed was drawn up in February while the naming of Patrick as one of the conspirators did not happen until August. However it was possible that a sympathetic lawyer might have ante-dated the deed.

What is not in doubt is that on 9 June 1681 James made a will on his deathbed confirming the settlement, with a minor modification settling some lands on his third son, James. He added a codicil to the will granting Patrick £100 a year for life.⁵⁸ James

Lavallin breathed his last in July 1681. At this stage Patrick was still an outlaw in hiding in France.

The credibility of the Popish plot eventually collapsed and as soon as it was safe to do so Patrick Lavallin returned to Ireland. In spite of the settlement and of the will of 1681 he encountered little or no opposition to his taking over the estate. To secure his title he succeeded in obtaining letters patent under the Commission of Grace in 1684. He also applied for and obtained a charter for a Thursday market at Sixmilewater on the lands of Coolowen and Farrenastig, to be held on April 23rd and August 24th; and at Ballinphelic two fairs on June 11th and October 18th, all for a rent of £1-15-0.⁵⁹

In 1685 Patrick married Elinor Goold. Marriages at that time were as much related to financial agreements as affairs of the heart, and an agreement was drawn up whereby Ignatius Goold,⁶⁰ father of Elinor, settled £2,000 on Elinor in return for Patrick's settling £300 a year on her as jointure. The witnesses to the settlement were Col. Justin Mac Carthy, soon to be made Lord Mountcashel, and Richard Galway of the city of Cork, merchant.⁶¹ Their only daughter, Jane, was born around November 1685.

By now England had a new king, a declared and committed Catholic. Perhaps Patrick hoped to secure advancement as one who had suffered for the faith. He may have intended to resume his army career. In any case he returned to London in early 1686 where he contracted fever and died on Jan. 30th. While on his deathbed he wrote to his brother in law, Patrick Stanton:

Dear Brother,

Perhaps I may linger out some few days, but cannot possibly recover of this distemper. Who Regret Peter's indisposition to who i'll do no wrong, leaving only to his care my sister Joan and my 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 at London.⁶²

Patrick's unexpected death must have come as a cruel blow to his young widow. Immediately his brothers resurrected the settlement of 1679, by which the estate passed to the next brother, thereby disinheriting the infant daughter. For some years the income of the lands secured on her jointure was paid to Elinor. With her father's wealth behind her she was soon married again, this time to John Baggott of Dublin.

Then came the Williamite wars. The Lavallins, the Baggotts and the Goulds all espoused the Jacobite cause and ended up losers. In 1689 Peter Lavallin, John Baggott, Elinor, his wife, and Ignatius Gould, her father, were all outlawed. So also was Jane Lavallin, the daughter of Patrick, who was all of four years old. Peter was court martialled and executed by firing squad following the debacle of Newtownbutler.⁶³ Once again the deed was produced showing that he held only a life interest in the estate. Melchior, the next brother, came within the terms of the Treaty of Limerick, and in due time claimed back all the lands forfeited. As for Elinor Baggott, she and her daughter followed her husband to France in the service of James II.

Before she could make any attempt to claim her husband's estate she had to have the outlawry removed. She petitioned the House of Lords in 1702 but, faced with resistance from her brother-in-law, Melchior, the appeal was lost.⁶⁴ An appeal to Queen Anne in 1708 was more successful.⁶⁵ She was now free to bring her case to law. The Lavallin court case was to drag on until 1739 and was to result in the family having to sell Walterstown Castle and the rest of the estate on the Great Island to Lord Barrymore. But that, as they say, is another story!⁶⁶

NOTES AND REFERENCES

- 1 Edward MacLysaght thinks Lavallin is a form of the Welsh Llewellyn. See *The Surnames of Ireland* (Dublin, 1985), p.190.
- 2 *Calendar of State Papers Ireland, 1660-62*, p. 23.
- 3 John Lavallin was Mayor of Cork in 1293, Richard Lavallin in 1401, another Richard Lavallin in 1455. When Columbus was setting sail on his first voyage of discovery in 1492, John Lavallin was Mayor, as he was again in 1496 and 1498. In 1369 Thomas Lavallin was Bailiff or Sheriff and in 1629 Melchior Lavallin was High Sheriff. See list of Mayors and Sheriffs, in C.B. Gibson, *History of the County and City of Cork*, vol. ii, pp. 386-396; also R. Caulfield, *Council Book of the Corporation of Cork*, app. C, pp. 1166 onwards.
- 4 Charles Smith, *The ancient and present state of the city and county of Cork* (1893) vol. ii, p. 161.
- 5 *Cal. Pat. Rolls Ire., Jas I*, (IMC reprint, 1966) p. 320.
- 6 *Cal. Pat. Rolls Ire., Chas I*, p. 540.
- 7 *Ibid.*, p. 579.
- 8 The largest part of the estate was in the townlands of Coolowen and Farrenastig in the parish of Whitechurch. According to the Down Survey these lands measured 1,054 acres and 4,148 acres in the barony of Fermoy, and a further 1,433 acres in the North Liberties of Cork. He also owned half the townland of Boulybeg (124 acres) in the same parish.
- These lands were granted by James I to David Lord Roche, Viscount Fermoy, in 1612. (See *Cal. Pat. Rolls, Ire., Jas I*, p. 209). They seem to have come to Patrick Lavallin by way of mortgage. The fee simple of these lands was finally purchased from Ulick Roche in 1717. (George Berkeley, *A History of the Lavallins, JCHAS* 1926, p. 37).
- 9 In addition to the lands named above, Patrick Lavallin was owner in 1641 of Rathmacullig, South Liberties of Cork (near Cork Airport), and Ballinphelic, par. Lisclarey, bar. Kerrycurrihy. See *Book of Survey and Distribution, Co. Cork*.
- 10 For entries relating to the mayoralty of Patrick Lavallin see Richard Caulfield, *Council Book Corp. Cork*, pp. 189-191.
- 11 Melchior was Sheriff of Cork in 1629 and Mayor in 1641. Patrick wished to be buried in St Peter's churchyard. An extract of the will is preserved in the Prerogative Will Book (1664-1684), National Archives, Dublin.
- 12 This is likely a mistaken transcription of Tirrie or Terry. There is no mention of anybody named Tindle in contemporary records of Caulfield's *Cork*, neither does the name occur in the list of Cork citizens c. 1652 included in the Appendix to F. Tuckey, *Cork Remembrancer*, (Reprint 1980) p. 284.
- 13 *Cal. S.P. Ire. 1660-1662*, p. 23.
- 14 *Ibid.*, p. 258.
- 15 J. P. Prendergast, *The Cromwellian Settlement of Ireland* (1922 ed.) pps. 170-176.
- 16 S. Pender, *Census of Ireland c. 1659*, (IMC, 1939) p. 194.
- 17 *Cal. S.P. Ire. 1660-62*, p. 24.
- 18 The '49 officers were those who served in the king's army against the Irish rebels prior to Cromwell's arrival in 1649.
- 19 *Cal. S.P. Ire. 1660-62*, p. 258.
- 20 'Abstract of ye Decrees of the Court of Claims for ye Triall of Innocents', notes to Smith's *Cork* (1893) vol. ii, p. 190.
- 21 He was described as 'brother of Stephen and grandson to old Stephen'. (*Ibid.*).
- 22 These family details are stated in Lavallin's Relief Act, State of the case between Jane Lavallin and her uncle Melchior Lavallin, 19 May 1702, *House of Lords MSS*, New Series, vol. vii (1921) pp. 46-49.
- 23 Louis XIV invaded the Netherlands in 1672 and quickly overran most of the country, capturing Utrecht, and threatening Amsterdam. The Dutch sought terms but those offered were so humiliating that instead they opened the dykes and flooded the country, forcing Louis to withdraw from much of the territories he had taken. The Dutch revolted against their government, and William of Orange who had been appointed Captain General of the forces was elected Stadtholder.
- The major campaign of 1673 was the siege and capture of Maastricht by the French. Charles II

made peace with the Dutch by the Treaty of Westminster in 1674, and withdrew most of his troops from the French army. By now the war was European and most of the fighting in 1675 took place on the eastern frontiers of France, until the Dutch attempted to retake Maastricht the following year.

24 Daniel O'Brien accompanied Charles II into exile and it was his distinguished service and loyalty during those difficult years that prompted Charles to confer on his grandfather Daniel O'Brien the title of Viscount Clare in 1662. Daniel succeeded his father to the title as the third Lord Clare.

In 1674 following the Treaty of Westminster, a number of English companies involved in fighting with the French army were withdrawn back to England. Some of these were recruited into the service of the States General the same year. The following year they were reorganized into four regiments, two English, one Scots, one Irish. The command of the Irish regiment was given to Lord Clare. However Clare's royalist sympathies led to accusations of holding correspondence with the French, and to his dismissal. He later fought for James II at the Boyne but he died the same year, 1690. It was his son, the next Lord Clare, who led Clare's Dragoons in the French service. He died on 'Ramillies bloody field' in 1706.

25 H.M.C. *Ormond MSS*, vol. iv, p. 6.

26 J. Bernardi, *A Short History of the Life of Major John Bernardi*, (London, 1729) p. 22.

27 This is the same Roger MacElligott who was governor of Cork during the siege of 1690. For an account of his career see J.L. Garland, 'The Regiment of MacElligott 1688-1689', *The Irish Sword*, vol. i, part ii (1950) pp. 121-7.

28 Denis MacGillycuddy, son of Donough MacGillycuddy of Carnbeg Castle, Co. Kerry. See Garland above.

29 Captain Patrick Lee seems to have been known to the Duke of Ormond as he wrote to Temple, the British ambassador, on his behalf. He was to die of wounds the following year in the Dutch attempt to recapture Maastricht.

30 Sir William Temple, 1628-1699, statesman, diplomat and writer. Served as MP for Carlow in

post-restoration Irish parliament. Appointed ambassador to the Hague in 1668. Following his recall to London, he helped to negotiate the Treaty of Westminster with the Dutch in 1674. He was again appointed ambassador to the Hague and helped to arrange the betrothal of William of Orange to Princess Mary, daughter of the Duke of York, later James II. He returned to England after the Treaty of Nijmegen 1679. Following his retirement from public service in 1681, he devoted much of his time to writing, employing a youthful Jonathan Swift as his secretary. It was Swift who edited Temple's letters following his death in 1699.

31 Temple to Ormond, HMC *Ormond MSS*, vol. iv, p. 7.

32 Bernardi (see note 8) p. 26.

33 Temple to Ormond, HMC *Ormond MSS*, vol. iv, p. 7.

34 Bernardi, p. 26.

35 John Kenyon, *The Popish Plot* (London, 1972) pp. 41-3.

36 *Calendar of State Papers (Domestic) 1677-78*, p. 222.

37 Kenyon, *The Popish Plot*, pp. 50-58.

38 *Cal. SP Dom. 1677-78*, p. 425.

39 Kenyon, *The Popish Plot*, p. 169.

40 *Ormond MSS*, vol. iv, p. 533.

41 *Cal. SP Dom. 1679-80*, p. 238.

42 Ormond to Earl of Arran, HMC *Ormond MSS*, vol. v, p. 539.

43 The State Papers teem with references to David Fitzgerald who seems to have been some self-styled secret agent, always ready to be sent on missions of investigation. He finished up in prison for debt, and his numerous letters to Charles II asking for payment went unheeded.

44 Earl of Sunderland to Lord Lieutenant, *Cal. SP Dom. 1679-80*, p. 283.

45 Michael Boyle was son of Richard Boyle, Bishop of Cork and later Archbishop of Tuam. Following the Restoration he was appointed Bishop of Cork in 1660. In 1663 he was translated to Dublin and in 1665 appointed Lord High

- Chancellor, which post he held until his removal from office by James II in 1685. In 1671 he was sworn in as one of the Chief Justices. In 1678 he was made Archbishop of Armagh and Primate of all Ireland. He died in 1702 and was buried in the tomb of his ancestor, the Earl of Cork, in St Patrick's Cathedral.
- 46** The Recorder was one of the civic officers whose duties included attendance at the law courts and provision of legal advice for the Corporation. Unfortunately there is a gap in the Council Book between 1643 and 1691, the period in which Mr Worth held office.
- 47** Archbishop Boyle to Ormond, H.M.C. *Ormond MSS*, vol. v, p. 201.
- 48** According to Thomas Dinely, Edward Lawndy was 'the chiefest trader and richest merchant of the town'. He was born in London, served as Bailiff of Youghal in 1669 and was three times elected Mayor, in 1671, 1672, and 1679. He erected the Exchange of Youghal on land leased from the Corporation, and also built the wharf next to the Exchange. He was drowned on a passage to England on 16 Aug. 1693. See Revd S. Hayman's notes on Youghal Traders' Tokens, *Journal of the Kilkenny Archaeological Society* (1862-63) p. 151.
- 49** *HMC Report 11* (1887) App. 2, pp. 273-4.
- 50** Justin Mac Carthy, later to be created Lord Mountcashel by James II, subsequently first commander of the Irish Brigade in France. See J. A. Murphy, *Justin Mac Carthy, Lord Mountcashel* (Cork, 1958).
- 51** *Cal. SP Dom. 1679-80*, pps. 80-81.
- 52** *Cal. SP Dom. 1680-81*, p. 556.
- 53** *Ibid.*, pp. 15-16.
- 54** *Cal. SP Dom. 1682*, p. 261-2.
- 55** Berkeley, 'Lavallins', loc. cit., p. 76.
- 56** NLI MS 18530: Depositions of witnesses . . . taken at the house of Abraham Leyne, commonly called the Garter Tavern in the City of Cork on Saturday, 17th October 1713.
- 57** This was the case made by his widow at the trial of 1710. (See Berkeley, 'Lavallins', loc. cit., p. 76.) On the other hand she had previously denied the existence of any settlement. See Lavallin's Relief (loc. cit., note 21).
- 58** Berkeley, 'Lavallins', loc. cit., pp. 76-79. A transcript of the will is preserved in the National Archives, Prerogative Will Book 1664-84. James was buried in Templerobin churchyard.
- 59** R. Caulfield, *Council Book of Corporation of Kinsale* (1879), App. D, p. 353.
- 60** Ignatius Goold was attainted in 1689 and his estate confiscated. It was eventually sold at the great auction of confiscated estates held in Chichester House, Dublin, in 1702. As well as several properties in the city and in the north and south suburbs, he owned the lands of Lehenaghmore, Ballyphehane, half of Skeaghbeg, and Parkenacurry in the South Liberties of Cork. These latter lands were purchased by Alderman John Newenham for the sum of £3,516 3s. 7¼d.
- 61** Berkeley, 'Lavallins', loc. cit., p. 81.
- 62** *Ibid.*, pp. 81-82.
- 63** Berkeley, 'Lavallins', pp. 10-13.
- 64** *HMC House of Lords MSS*, New Series, vol. vii, (1921) p. 46.
- 65** *HMC Portland MSS* 8 (1907) p. 356.
- 66** For the account of the lawsuit see J. Coleman, 'Notes on some castles of County Cork', *JCHAS*, 1895, pp. 23-28.