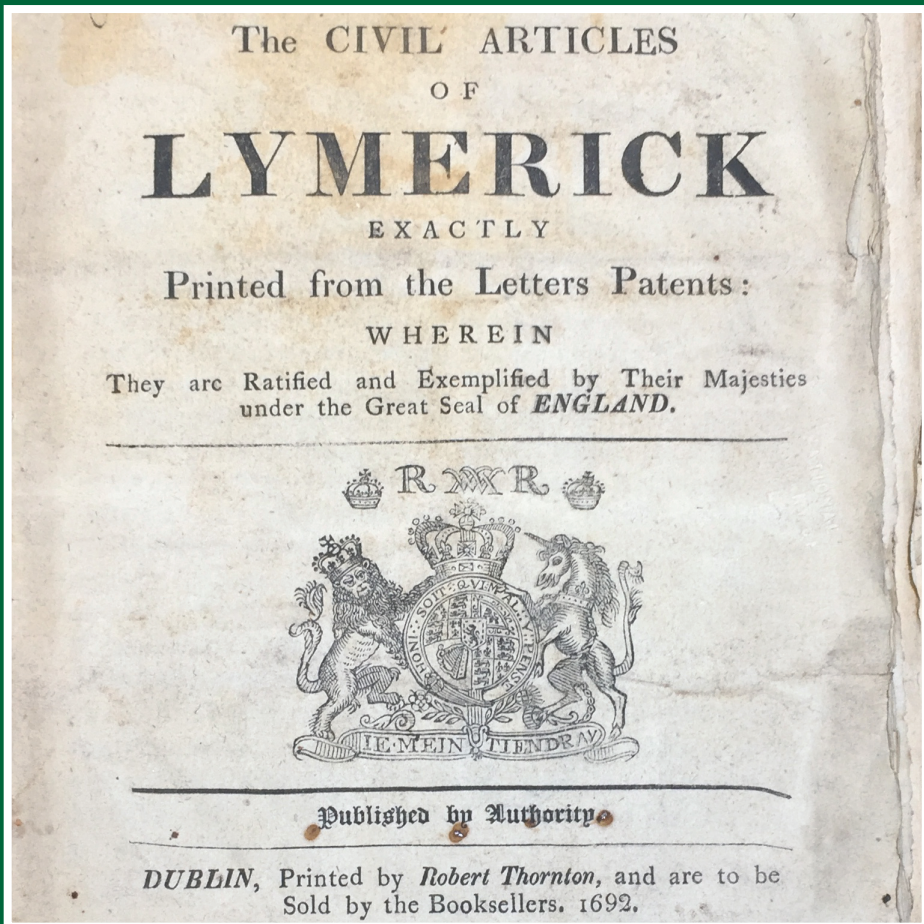




Catholic Survival in Protestant Ireland, 1660–1711

Colonel John Browne, Landownership
and the Articles of Limerick



CATHOLIC SURVIVAL IN PROTESTANT
IRELAND, 1660–1711

Irish Historical Monograph Series

ISSN 1740-1097

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1660–1711

Colonel John Browne, Landownership and
the Articles of Limerick

Eoin Kinsella

THE BOYDELL PRESS

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First published 2018
The Boydell Press, Woodbridge

ISBN 978-1-78327-316-4

The Boydell Press is an imprint of Boydell & Brewer Ltd
PO Box 9, Woodbridge, Suffolk IP12 3DF, UK
and of Boydell & Brewer Inc.
668 Mt Hope Avenue, Rochester, NY 14620-2731, USA
website: www.boydellandbrewer.com

A CIP catalogue record for this title is available from the British Library

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This publication is printed on acid-free paper

This book is dedicated to my parents

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The author and publishers are grateful to all the institutions and individuals listed for permission to reproduce the materials in which they hold copyright. Every effort has been made to trace the copyright holders; apologies are offered for any omission, and the publishers will be pleased to add any necessary acknowledgement in subsequent editions.

Acknowledgements

During a postgraduate seminar led by James McGuire at the Department of History, University College Dublin, a passing comment caught my attention. James mentioned the ambiguous allegiances of the Catholic ‘new interest’ during the Williamite war of 1689–91. Intrigued, I asked who the ‘new interest’ were, and what had happened to them after the surrender of Limerick in 1691. James simply replied that perhaps I might answer those questions myself. The process he set in train that day has led, via a slightly circuitous route, to this book. It is the culmination of more than a decade of intermittent research, first during my doctoral studies, and then as part of my continuing efforts to understand Catholic politics and society in eighteenth-century Ireland.

I have been fortunate enough to receive funding to support my research, and would like to thank the Micheál Ó Cléirigh Institute for the award of a PhD scholarship. I am also grateful to the Irish Research Council for the award of a postdoctoral fellowship in 2012. The Esme Mitchell Trust generously provided me with a grant in aid of publication. Donough Cahill and David Fleming of the Irish Georgian Society provided logistical assistance.

My thanks to the librarians and archivists of the Bodleian Library, Oxford; the British Library; the National Archives of Ireland; the National Archives of the United Kingdom; the National Library of Ireland; the Royal Irish Academy; Trinity College Dublin; and University College Dublin. At Boydell and Brewer, I am grateful to the series editor, David Hayton, and the commissioning editor, Peter Sowden, for their advice and encouragement.

I am indebted to Lord and Lady Bellew of Barmeath Castle for their hospitality during several research trips to their home, and for permission to cite their family papers. Lord and Lady Kilmaine granted me permission to view their family papers at their home in Alcester, Warwickshire. Anthony Malcomson arranged introductions to several private archives and steered me through questions of etiquette. David Hayton and Michael Page kindly permitted me to use their transcripts of the Brodrick correspondence in the Middleton papers, held at the Surrey History Centre. Evelien Schillern generously provided me with material from Utrecht Archive. Sheelyn Browne, a direct descendant of Colonel John Browne, provided me with digital images of items that belonged to her ancestor and graciously granted permission to reproduce them in the book. Permission to reproduce documents in their collections has also been granted by the Royal Irish Academy and the National Library of Ireland.

ACKNOWLEDGEMENTS

I have enjoyed the advice, assistance and good company of many people while researching and writing this book. My former supervisor, Declan Downey, patiently guided me during my time at University College Dublin. My thanks also to Kate Breslin, Sarah Campbell, Brigid Clesham, Edward Collins, Mary Daly, Selena Daly, Elizabeth Dawson, Coleman A. Dennehy, Aoife Duignan, Mark Duncan, Lindsey Earner-Byrne, Sarah Feehan, Gillian Finan, Mark Jones, James Kelly, Laura Kelly, Michael Kennedy, Emma Lyons, Marian Lyons, John McCafferty, Jason McElligott, William Mulligan, Conor Mulvagh, Eamon O'Flaherty, Tadhg Ó hAnnracháin, Kate O'Malley, Paul Rouse, Sue Schulze, Eiriol Townsend and Patrick Walsh, for reasons academic and otherwise.

David Hayton and James McGuire continue to provide me with invaluable guidance on early modern Ireland, and all matters academic. Ivar McGrath has been a friend and mentor for many years. He read an early draft and later suggested the book's structure, breaking months of writer's block. John Bergin's help, advice and generosity with sources has vastly improved my work. I look forward to the continuation of our scholarly conversation. Neil Johnston and Suzanne Forbes have been in the trenches with me since we met as postgraduates and later established the annual Tudor and Stuart Ireland Conference. Special thanks to Carole Holohan who, apart from being equal parts counsellor and friend for more than fifteen years, read and provided perceptive commentary on the entire manuscript.

Above all, my thanks to my family. My four brothers, Andrew, Lorcan, Séamas and Dónal, amuse and irritate me in equal measure, as all good brothers should do. My wonderful wife, Lily, has lived with the events explored within this book for as long as we are together, and still agreed to marry me. I can think of no better person to have shared this journey with. I cannot adequately express my gratitude to my parents, Pat and Larry, who are constant in their support and encouragement of their family. This book is dedicated to them.

Abbreviations

Bergin, 'Irish Catholic interest'	John Bergin, 'The Irish Catholic interest at the London Inns of Court, 1674–1800' in <i>E.C.I.</i> , xxiv (2009), pp 36–61
Bergin, 'Irish legislative procedure'	John Bergin, 'Irish legislative procedure after the Williamite revolution: the operation of Poynings' Law, 1692–1705' (PhD thesis, 2 vols, University College Dublin, 2005)
Bergin & Lyall (eds), <i>The acts of James II's Irish parliament</i>	John Bergin and Andrew Lyall (eds), <i>The acts of James II's Irish parliament of 1689</i> (Dublin, 2016)
B.L.	British Library
B.L., Add. Ms	British Library, Additional Manuscript
Bodl.	Bodleian Library, Oxford
C.J.	<i>The journals of the house of commons</i> [of England]
C.J.I.	<i>The journals of the House of Commons of the kingdom of Ireland</i> (4th series, 18 vols, Dublin, 1796–1802), volume ii
Convert Rolls	Eileen O'Byrne & Anne Chamney (eds), <i>The convert rolls</i> (revd. ed., Dublin, 2005)
C.S.P.D.	<i>Calendar of State Papers, domestic series</i>
C.T.B.	<i>Calendar of Treasury Books</i>
D.I.B.	<i>Dictionary of Irish Biography</i> (online edition)
E.C.I.	<i>Eighteenth-Century Ireland</i>
Hayton, <i>Ruling Ireland</i>	D.W. Hayton, <i>Ruling Ireland, 1685–1742: politics, politicians and parties</i> (Woodbridge, 2004)
H.I.P.	Edith Mary Johnston-Liik, <i>History of the Irish parliament, 1692–1800: commons, constituencies and statutes</i> (6 vols, Belfast, 2002)
H.M.C.	Historical Manuscripts Commission
I.H.S.	<i>Irish Historical Studies</i>
J.R.S.A.I.	<i>Journal of the Royal Society of Antiquaries of Ireland</i>

ABBREVIATIONS

Kelly & Lyons (eds), <i>Proclamations of Ireland</i>	James Kelly and Mary Ann Lyons (eds), <i>The proclamations of Ireland, 1660–1820</i> (5 vols, Dublin, 2014)
K.I.A.P.	Edward Keane, P. Beryl Phair and T. U. Sadlier (eds), <i>King's Inns admission papers, 1607–1867</i> (Dublin, 1982)
King, <i>State of the Protestants</i>	William King, <i>The state of the Protestants of Ireland under the late King James's government</i> (4th ed., London, 1692)
L.J.I.	<i>The journals of the House of Lords of the kingdom of Ireland</i> (8 vols, Dublin, 1779–1800)
Maynard, 'Irish membership of the English inns of court'	Hazel Maynard, 'Irish membership of the English inns of court, 1660–1669: lawyers, litigation and the legal profession' (PhD thesis, University College Dublin, 2006)
MP	Member of Parliament
N.A.I.	National Archives of Ireland
N.L.I.	National Library of Ireland
P.R.I.A.	<i>Proceedings of the Royal Irish Academy</i>
R.I.A.	Royal Irish Academy
S.H.C.	Surrey History Centre, Woking
Simms, 'Irish Jacobites'	J. G. Simms, 'Irish Jacobites' in <i>Analecta Hibernica</i> , 22 (1960), pp 11–230
Simms, <i>Jacobite Ireland</i>	J. G. Simms, <i>Jacobite Ireland, 1685–91</i> (Dublin, 1969)
Simms, <i>Williamite confiscation</i>	J. G. Simms, <i>The Williamite confiscation in Ireland, 1690–1703</i> (London, 1957)
S.R.O.	Staffordshire Record Office, Stafford
T.C.D.	Trinity College Dublin
T.N.A.	The National Archives of the United Kingdom, London

Editorial Note

All dates are given in the old style, though the year is taken to begin on 1 January, rather than 25 March. Spelling, punctuation and capitalisation has been modernised in all quotations, except in instances where the meaning or reading of the original is ambiguous.

Glossary of Terms

Definitions are taken from Giles Jacob, *A new law dictionary* (London, 1729); Andrew Lyall with Albert Power, *Land law in Ireland* (3rd ed., Dublin, 2010); and the *Oxford English Dictionary*.

Attachment: an attachment was not an arrest, but the taking into custody of a person in order to ensure they appeared in court on a certain day.

Attainder: Where a person has been convicted of treason, or has had a judgment for **outlawry** given against them. A person who had been attainted was subject to the loss of their property and, though very rarely, to the death penalty.

Bills: In legislative terms, a bill is a proposal for a new act, or a proposal to modify an existing law. A bill becomes an act if presented to and accepted by both houses of parliament.

Chaffery: One of the two principal forges typically found in an ironworks, used for reheating iron and complementing the work done in the finery.

Chattels personal: legally defined as all moveable goods and property, such as money, furniture and livestock.

Chattels real: legally defined as immoveable goods, such as land, buildings and leases.

Conveyance: The transfer of the ownership of land from one person to another. Also refers to the written deed effecting the transfer.

Lease and Release: A form of conveyance involving two transactions. The lease specified a term of duration (usually six months to a year) along with a nominal rent. The release followed a day later, in which the lessor conveyed his right to the specified land to the lessee, or occasionally a trustee, in exchange for the consideration in money. 'Lease and release' agreements thus usually comprise two separate documents.

Custodiam: A grant or lease to a person, for a period of time, of the custody of land or other property that belongs to the crown. The grantee or lessee is given full power to collect and dispose of rents or other profits from the land or property. The grant or lease was granted from the court of Exchequer.

Distraint/Distress: a common procedure in the seventeenth century. It involved the confiscation of a person's goods in order to compel them to honour a debt, bond or other charge, usually rent.

Estate

Real: all of a person's immoveable property. Typically ownership or any other inheritable interest in land, buildings or other immoveable property.

Personal: all of a person's property, with the exception of land or any interests in land that is inheritable by his/her heirs.

Finery: One of two principal furnaces typically found in an ironworks, in which pig iron is refined to make steel or wrought iron.

Forfeiture: A punishment for some illegal act, or negligence, whereby the owner of lands loses his interest in those lands. Forfeiture usually arose from a conviction for outlawry.

Jacobite: a supporter of James II and of the right of the Stuart family to the crowns of England, Scotland and Ireland after the 'Glorious Revolution' of 1688.

Messuage: A house with adjoining land and buildings, which are dedicated to the use of the house and its occupants.

Outlawry: Where a person is put outside the protection of the law. All of that person's goods and property were then forfeited to the crown.

Private Act: an act of parliament that applies only to an individual or a small group of individuals. Private acts were usually not formally printed in the era under examination in this book.

Proviso: A special clause inserted into an act of parliament in favour of a specified person or persons, often exempting them from some or all of the implications of the act. Also a specific condition entered into a deed. Also known as a **saving clause**.

Remainder: A right to possession of property (typically land) only when other interests, granted at the same time, expire. Most frequently used when an estate has been conveyed to a person for life, and on their death to another person. The latter person is said to have the estate in remainder.

Saving Clause: See **Proviso**.

Williamite: A supporter of William of Orange, who was declared William III, king of England, Scotland and Ireland, during the convocation parliament of February 1689.

Introduction

This book is a study of Irish Catholic landownership and political lobbying, from the Restoration of Charles II in 1660 to the reign of Queen Anne. The fortunes of Irish Catholics fluctuated dramatically during this period, from the generally benevolent tolerance of Charles II's reign, through the heady days of the Catholic resurgence under James II, on to the beginnings of the penal era after 1691. Divided into three parts, the primary focus is on the rise of the 'new interest' of propertied Catholics after the Restoration, the Jacobite administration during the Williamite war (1689–91), the negotiation of the various articles of surrender that ended the war, and on the protracted and contested progress towards the implementation of these articles in the two decades that followed.

Part I provides an overview of the life and career of Colonel John Browne, an Irish Catholic who built one of the largest estates in Ireland in the 1660s and 1670s, as well as the impact of James II's reign on Catholic landowners. Lobbying by Irish Catholics, in Dublin and in London, provides the core focus for Parts II and III. Part II explores the drafting and aftermath of the various articles of surrender, signed during the Williamite war at Drogheda, Waterford, Galway, Inis Boffin, Sligo and Limerick. Those who claimed the benefit of the articles were known as the articlemen. Their political activity during the 1690s and early 1700s concentrated on ensuring that the Irish and English governments honoured the terms of the articles. Part III analyses the implementation and impact of article 13 of Limerick, an extraordinary and disputed addition to the terms that called for a special levy on all Catholic-owned estates to help pay debts owed by John Browne. Article 13 was unique in a number of respects, and it proved to be the only article for which the Irish parliament actively sought to enact legislation. Though the aim of the Jacobite negotiators at Limerick was to safeguard the economic future of Irish Catholics, article 13 was financially punitive to the articlemen and they made strenuous efforts to prevent the collection of the special levy. Article 13 was, however, crucial to any chance John Browne had to emerge from underneath a mountain of personal debt. Supported by his creditors, the majority of whom were Protestant and members of the Irish parliament, Browne lobbied vigorously for the implementation of Article 13 in the 1690s and the first decade of the eighteenth century.

I

Any consideration of Irish Catholic or Jacobite history in the 1690s and early 1700s must first look to the emergence of the Catholic ‘new interest’ during the reign of Charles II, and their fortunes under James II. This is especially true for Catholic landowners. The repeal of the Restoration land settlement by the 1689 parliament – which was almost entirely Catholic in its composition – had serious implications for the ‘new interest’ in the event of a Jacobite victory and undermined their commitment to the Jacobite war effort.

For some Catholic landowners, the confiscations of land that followed the war of 1689–91 were merely the latest in a series of struggles to protect landholdings that stretched back to the Cromwellian confiscation of the 1650s. For the ‘new interest’, who established themselves as landowners after 1660, William III’s reign was not much more nerve-racking than James II’s had been. During both, though for very different reasons, landowning Irish Catholics were faced with dispossession.

The amount of Irish land owned by Catholics had declined dramatically during the seventeenth century, beginning with the Ulster plantation and culminating in the Williamite confiscation.¹ This experience was not universal and the estates targeted for confiscation changed from those of the Gaelic Irish to those of the general Catholic population in the mid-seventeenth century.² The distinction, though important in tracing the evolution of government policy, is in the broader sense somewhat pedantic. The Gaelic Irish were almost universally Catholic, with the mid-century change of policy prompted by the Confederate wars of the 1640s. The resulting Cromwellian transplantation and confiscation was, of course, targeted at Catholic landowners and was largely confirmed by the Restoration land settlement.

Even so, religion was not an insurmountable obstacle to Catholics who regained estates in the decade after the Restoration thanks to the patronage of

¹ The classic accounts for this period are J.A. Froude, *The English in Ireland in the eighteenth century* (3 vols, London, 1872–4), i, 66–207; W.E.H. Lecky, *A history of Ireland in the eighteenth century* (5 vols, London, repr. 1913), i, 21–171. See also T.W. Moody, F.X. Martin & F.J. Byrne (eds), *A new history of Ireland: iii, early modern Ireland, 1534–1691* (Oxford, 1976), pp 187–633; Brendan Fitzpatrick, *Seventeenth-century Ireland: the war of religions* (Dublin, 1988); Raymond Gillespie, *Seventeenth-century Ireland: making Ireland modern* (Dublin, 2006); Pádraig Lenihan, *Consolidating conquest: Ireland, 1603–1727* (Harlow, 2008). Survey treatments of the second half of the century are found in Seán Connolly, *Religion, law and power: the making of Protestant Ireland, 1660–1760* (Oxford, 1992); idem, *Divided kingdom: Ireland, 1630–1800* (Oxford, 2008); David Dickson, *New foundations: Ireland, 1660–1800* (2nd ed., Dublin, 2000).

² Simms, *Williamite confiscation*, p. 13.

Charles II and James Butler, duke of Ormond, or who were able to prove their 'innocence' at the court of claims of 1663.³

After the Restoration a new landowning interest was formed among Irish Catholics: men who had held no land prior to the upheavals of the 1640s and 1650s, or those who were dispossessed yet able to acquire new estates. Their 'new interests' consisted of land purchased from Cromwellian soldiers and Irish Protestants, or Irish Catholics who, though they regained their estates, became heavily indebted in the process and were forced to sell their land.⁴ Perhaps 29% of profitable land in Ireland was in Catholic hands by the mid-1670s, in number a little over 1,300 landowners. West of the Shannon, Catholic landownership remained strong in the counties of Mayo, Galway and Roscommon, as it did in the counties of the Pale.⁵ These landowners were as reliant as their Protestant counterparts on the Restoration land settlement – which had its legal foundations in the acts of settlement (1662) and explanation (1665) – for the security of their land. So too were the beneficiaries of Ormond's and Charles II's patronage and the 'innocents' of the court of claims.⁶

The emergence of the Catholic 'new interest' complicates the traditional historiographical tendency to identify and emphasise tensions between discrete Catholic, Protestant and Dissenter interests, invariably at odds over land

³ For a summary of the historiography of the Restoration land settlement, see Michael Perceval-Maxwell, 'The Irish Restoration land settlement and its historians' in Coleman A. Dennehy (ed.), *Restoration Ireland: always settling and never settled* (Aldershot, 2008), pp 19–34. See also John Cunningham, *Conquest and land in Ireland: the transplantation to Connacht, 1649–1680* (London, 2011); Jane Ohlmeyer, *Making Ireland English: the Irish aristocracy in the seventeenth century* (London, 2012), pp 300–46; Margaret Anne Creighton, 'The Catholic interest in Irish politics in the reign of Charles II' (Ph.D. thesis, Queen's University Belfast, 2000).

⁴ The term 'new interest' was originally used to refer to English Protestants who had arrived in Ireland after 1649. The term evolved to encompass any person who had purchased land after the Irish parliament approved the act of settlement in 1662. For a general analysis of the emergence of the Catholic 'new interest' during the reign of Charles II, and their political activities during the reigns of Charles II and James II, see Eoin Kinsella, "'Dividing the bear's skin before she is taken': Irish Catholics and land in the late Stuart monarchy, 1683–91" in Dennehy (ed.), *Restoration Ireland*, pp 161–78. See also Sheila Mulloy, 'Galway in the Jacobite war' in J.G.A.H.S., xl (1986), pp 1–19; eadem, 'The transfer of power: Galway, 1642–1702' in Gerard Moran (ed.), *Galway: history and society* (Dublin, 1996), pp 223–4.

⁵ By 1675 Protestant and Catholic shares of landownership in Ireland had completely reversed from their standing in 1641: from 30% to 67% and 66% to 29% respectively (Kevin McKenny, 'The Restoration land settlement in Ireland: a statistical interpretation' in Dennehy (ed.), *Restoration Ireland*, pp 35–52).

⁶ The Restoration land settlement was given legislative force by the act of settlement (1662) and act of explanation (1665). See K.S. Bottigheimer, 'The Restoration land settlement: a structural view' in I.H.S., xviii (1972–3), pp 1–21; L.J. Arnold, *The Restoration land settlement in County Dublin, 1660–1688: a history of the administration of the acts of settlement and explanation* (Dublin, 1993); idem, 'The Irish court of claims of 1663' in I.H.S., xxiv (1985), pp 417–30; Geraldine Tallon (ed.), *Court of claims: submissions and evidence, 1663* (Dublin, 2006).

and religious policy.⁷ The Catholic ‘new interest’ had much in common with Protestant counterparts who had similarly benefited from the Restoration land settlement, and who feared any attempt to revisit the land question. The ‘new interest’ constituted a powerful and wealthy new Catholic polity, distinguished from the majority of the Catholic population by their determination to preserve the status quo in land ownership.

The rapid rise of the Catholic ‘new interest’ during the 1660s and 1670s has largely been painted in broad brush strokes, with little attention paid to the processes whereby they actually acquired their estates. They had little standing with co-religionists who suffered dispossession in the 1650s and regarded the ‘new interest’ as having ‘purchased from usurpers the inheritance of their own countrymen’.⁸ Often they benefited from the misfortune of family members, as did John Browne, an exemplar of the rise of the ‘new interest’. Originally from the Neale, County Mayo, Browne later established himself at Westport (Cahernamart) on land previously owned by the Viscounts Mayo. He took advantage of his wife’s family’s financial difficulties to acquire an enormous estate in Counties Mayo and Galway, and was a well-known and influential figure within Connacht society. Tracing his rise to prominence, alongside that of the wider ‘new interest’, provides essential background for the activities of Catholic landowners during the Williamite war and the two decades that followed. When contextualised alongside those of his ‘new interest’ contemporaries, Browne’s career provides a wealth of insights into Catholic landownership and politics in the late seventeenth and early eighteenth centuries.⁹

Browne personified many of the key attributes of the ‘new interest’, including a shrewd and advantageous marriage, education at the London inns of court

⁷ For important exceptions, see Anne Creighton, ‘The Remonstrance of December 1661 and Catholic politics in Restoration Ireland’ in *I.H.S.*, xxxiv (2004–5), pp 16–41; eadem, “‘Grace and favour’: the Cabal ministry and Irish Catholic politics, 1667–73” in Dennehy (ed.), *Restoration Ireland*, pp 141–60; Hayton, *Ruling Ireland*, pp 16–18.

⁸ Charles O’Kelly, *Macariae Excidium, Or, The Destruction of Cyprus; Being a Secret History of the War of the Revolution in Ireland*, ed. J.C. O’Callaghan (Dublin, 1850), p. 71.

⁹ Though he merited an entry in the *Dictionary of Irish Biography*, Browne has received almost no scholarly attention. His rental accounts were utilised in Raymond Gillespie’s examination of the economic development of County Mayo in the seventeenth century, while J.G. Simms briefly noted that Browne established himself as a landowner of considerable influence after the Restoration. Neither scholar appears to have had access to the majority of John Browne’s papers, formerly in Westport House and now in the National Library of Ireland. The Westport papers (which were formerly known as the Sligo papers) are a source of exceptional quality and importance for the history of the Catholic landed class of Connacht in the late seventeenth century (Raymond Gillespie, ‘Lords and commons in seventeenth-century Mayo’ in Raymond Gillespie and Gerard Moran (eds), *‘A various county’: essays in Mayo history, 1500–1900* (Westport, 1987), pp 44–66; J.G. Simms, ‘Mayo landowners in the seventeenth century’ in *J.R.S.A.I.*, 95 (1965), pp 237–47; idem, ‘Connacht in the eighteenth century’ in *I.H.S.*, xi (1958–9), pp 116–33; Brigid Clesham, ‘The Westport estate papers’ in *Cathair na Mart*, 26 (2008), pp 90–105).

and a reputation as an excellent lawyer.¹⁰ By the 1680s his estate was one of the largest in the kingdom. Browne also embarked on a disastrous attempt to establish himself as an entrepreneur and ironmaster during the 1670s. It was perhaps ironic that Browne, who had profited so handsomely from the financial distress of others, was himself heavily indebted by the time of James II's accession in 1685.¹¹ While in some ways unique, Browne's case nonetheless throws many sidelights on seventeenth-century estate management and the private finances of an Irish landowner.¹² As with the other members of the 'new interest', the future ownership of Browne's estate was plunged into uncertainty following the accession of James II and William of Orange's subsequent invasion of England in 1688. The decision by James II's Irish parliament of 1689 to pass an act reversing the Restoration land settlement, and the partial implementation of that act, tested the loyalty of the 'new interest' and gravely undermined the Jacobite war effort.

Though the political and military aspects of the Williamite war have been studied extensively, very little is known of James II's wartime administration, or the manner in which his army was supplied. It has, for example, gone entirely unnoticed that John Browne (now with the rank of Colonel) was one of the Jacobite army's principal suppliers of materiel.¹³ Browne does feature in most modern accounts of the Williamite war, though only in passing

¹⁰ For a skilful reconstruction of the career of Sir Richard Nagle, who was a contemporary of John Browne's at Gray's Inn and later served as James II's attorney general in Ireland, see James McGuire, 'A lawyer in politics: the career of Sir Richard Nagle, c.1639–1699' in H.B. Clarke & Judith Devlin (eds), *European encounters: essays in memory of Albert Lovett* (Dublin, 2003), pp 118–31; repr. in N.M. Dawson (ed.), *Reflections on law and history: Irish Legal History Society discourses and other papers, 2000–2005* (Dublin, 2006), pp 18–31.

¹¹ The discussion of Browne's iron making business is placed within the parameters established in T.C. Barnard, 'An Anglo-Irish industrial enterprise: iron-making at Enniscorthy, Co. Wexford, 1657–92' in *P.R.I.A.*, 85C (1985), pp 101–44; idem, 'Sir William Petty as Kerry ironmaster' in *P.R.I.A.*, 82C (1982), pp 1–32; J.H. Andrews, 'A note on the later history of the Irish charcoal iron industry' in *J.R.S.A.I.*, lxxxvi (1956), pp 217–9; idem, 'Notes on the historical geography of the Irish iron industry' in *Irish Geography*, 3 (1956), pp 139–49; H.F. Kearney, 'Richard Boyle, ironmaster: a footnote to Irish economic history' in *J.R.S.A.I.*, lxxxiii (1953), pp 156–62.

¹² The scholarship concerning private finances in seventeenth-century Ireland is not extensive: see Patricia Stapleton, '"In monies and other requisites": the 1641 depositions and the social role of credit in early seventeenth-century Ireland' in Eamon Darcy, Annaleigh Margey & Elaine Murphy (eds), *The 1641 depositions and the Irish rebellion* (London, 2012), pp 65–78; Jane Ohlmeyer & Éamonn Ó Ciardha (eds), *The Irish statute staple books, 1596–1687* (Dublin, 1998); Michael MacCarthy-Morrogh, 'Credit and remittance: money problems in early seventeenth-century Munster' in *Irish Economic and Social History*, xiv (1987), pp 5–19. Chapter 1 draws upon scholarship on private finances in early modern England to supply an interpretive framework.

¹³ The most recent, and fullest account of the war, makes no mention of Browne. See John Childs, *The Williamite wars in Ireland, 1688–91* (London, 2007). Detailed as this study is, its usefulness is hampered by its reliance on printed sources and failure to utilise any of the available manuscript sources in Ireland.

reference to the mysterious circumstances surrounding the inclusion of article 13 in the terms of surrender signed at Limerick. Despite their importance to the history of Catholic Ireland over the next 140 years, the negotiation of the articles of Limerick has been similarly neglected in recent historiography. This is especially true of article 13, negotiated specifically for the benefit of Browne and his creditors, to whom he became indebted *before* the outbreak of the war.¹⁴

II

Irish Catholics who went into exile on the continent after 1691 have been the subject of many studies, especially those who pursued military careers or attended the vibrant Irish colleges. The mentalités of these displaced elites have been convincingly mapped.¹⁵ Catholics who had their lands confiscated, and those who voluntarily or otherwise went into exile, are properly an important part of most historical accounts. Less well known are the lives and fortunes of Catholics who chose to remain in Ireland and sought to enjoy their estates and the rights promised them in the articles of surrender.¹⁶ Formerly members of the ‘new interest’, they became known as the articlemen. The importance of the articles of Limerick and of Galway to the survival of a reduced Catholic landowning class has long been recognised. The practicalities of that survival have nonetheless never been laid out in detail, while the other articles of surrender have largely disappeared from the historical memory.¹⁷ Catholic political activity in the two decades that followed the surrender of Limerick was of a scale that has not fully been appreciated, as the articlemen sought the implementation of the articles and later fought to prevent the enactment and enforcement of the penal laws. The overall experience of Catholic landowners at the turn of the eighteenth century has

¹⁴ The origins of article 13 have been mentioned briefly in the historiography, but never given extensive treatment. See J.G. Simms, ‘The original draft of the civil articles of Limerick, 1691’ in *I.H.S.*, viii (1952–3), p. 44; James McGuire, ‘The Treaty of Limerick’ in Bernadette Whelan (ed.), *The last of the great wars: essays on the war of the three kings in Ireland* (Limerick, 1995), p. 129.

¹⁵ Patrick Kelly, ‘“A light to the blind”: the voice of the dispossessed élite in the generation after the defeat at Limerick’ in *I.H.S.*, xxiv (1984–5), pp 431–62; idem, ‘The improvement of Ireland’ in *Analecta Hibernica*, 35 (1992), pp 45–84; Vincent Geoghegan, ‘Thomas Sheridan: toleration and royalism’ in D.G. Boyce, Robert Eccleshall & Vincent Geoghegan (eds), *Political discourse in seventeenth- and eighteenth-century Ireland* (Basingstoke, 2001), pp 32–61.

¹⁶ T.C. Barnard, ‘Historiographical review: farewell to old Ireland’ in *Historical Journal*, 36 (1993), pp 914–15.

¹⁷ The wider context is laid out in Simms, *Williamite confiscation*. For a case study of one family, see W.A. Maguire, ‘The estate of Cú Chonnacht Maguire of Tempo: a case history from the Williamite land settlement’ in *I.H.S.*, xxvii (1990–91), pp 130–44.

also remained obscure, particularly when compared with the depth and range of the historiography of eighteenth-century Irish Protestantism.¹⁸ Though this can be partly explained by the scarcity of sources, the more pertinent factor is that the history of those ‘worsted in the game’ is rarely attractive as an avenue of research.¹⁹ As a result, Irish Catholic politics and society remain largely unexplored.²⁰

The articlemen adopted a pragmatic attitude towards the Williamite government. They were Catholics who, though initially ardent supporters of and active participants in James II’s reign, eventually adopted accommodationist tactics rather than exile. Several retained contacts with the Jacobite court in France after 1691.²¹ Yet their decision to engage with the Williamite administration was informed by the certain prospect of the loss of their estates in the event of the return of James II to the throne.²² Part II of this book examines the articlemen, including John Browne, through the prism of their interaction with the Irish and English governments. Despite the readily accessible nature of many of the sources for this examination, the place of the articlemen in the history of the 1690s and early decades of the eighteenth century has remained largely ignored. Catholic Ireland has long been regarded as moribund in the decades after the defeat of the Jacobite army, a casualty of the consensus view

¹⁸ See, for example, Patrick Walsh, *The making of the Irish Protestant ascendancy: the life of William Conolly, 1662–1729* (Woodbridge, 2010); D.W. Hayton, *The Anglo-Irish experience, 1680–1730: religion, identity and patriotism* (Woodbridge, 2012). The most authoritative accounts of the broader contours of the Protestant polity during William III’s reign are C.I. McGrath, *The making of the eighteenth-century Irish constitution: government, parliament and the revenue, 1692–1714* (Dublin, 2000), pp 15–192; Hayton, *Ruling Ireland*, pp 35–105.

¹⁹ Ciarán Brady, ‘Introduction: historians and losers’ in idem, (ed.), *Worsted in the game: losers in Irish history* (Dublin, 1989), pp 3–4.

²⁰ Recent doctoral scholarship has also begun to address this deficit. See Frances Nolan, ‘Jacobite women and the Williamite confiscation: the role of women and female minors in reclaiming compromised or forfeited property in Ireland, 1690–1703’ (PhD thesis, University College Dublin, 2015); Philip Walsh, ‘The Blakes of Ballyglunin: Catholic merchants and landowners of Galway town and county in the seventeenth and eighteenth centuries’ (PhD thesis, University College Dublin, 2017), pp 66–86.

²¹ C.J., xii, pp 186–7.

²² It is worth noting that, in a proclamation issued in April 1693, James II promised to respect the land settlement in Ireland, implicitly disowning the 1689 act of repeal. In a letter explaining this pronouncement to an outraged Justin McCarthy, Viscount Mountcashel, the earl of Middleton reassured Mountcashel that James II would compensate Catholics who had suffered by the Restoration land settlement: ‘I mean those who have served him; and not only those here, but all who were included in the capitulation of Limerick, which will be a better security for them, than what they have by the acts of the Dublin Parliament’. Middleton’s promises demonstrate that James II had not learned the lessons apparent from Charles II’s failure to resolve the land question in Ireland after 1660 (Bodl., Ms Carte 181, f. 525; James Macpherson (ed.), *Original papers, containing the secret history of Great Britain, from the Restoration, to the accession of the House of Hannover* (2 vols, London, 1775), i, 446).

of Irish historians that Catholic society was stripped of all of its natural leaders with the flight of the wild geese in late 1691.²³

Some of the most prominent Catholics of the Jacobite administration chose to remain in Ireland after Limerick, a fact that has been ignored by historians who have struggled to identify the fractures within Irish Jacobitism.²⁴ Éamonn Ó Ciardha's examination of Irish support for the Stuarts includes an extensive discussion of Catholic society in the 1690s, but there is little sense within his analysis that there were tensions within the Irish Catholic community.²⁵ Some landowning Catholics viewed the prospect of a Stuart restoration with unease, while others simply repudiated Jacobitism. During James II's reign Catholic landowners, merchants and lawyers had been appointed to the judiciary, the Irish privy council and, for the first time in a generation, admitted as members of corporations and elected as MPs to an Irish parliament. Not all remained in Ireland after 1691, of course, but very many did. They feature little in accounts of post-Revolution Irish Jacobitism. The articlemen remain outside Ó Ciardha's analysis of Jacobitism in the aftermath of Limerick, despite their status as leaders of the landed Catholic elite. There is, it seems, no place in the historiography for Catholics who do not fit neatly into the archetype of dispossession, discontent and resistance. By concentrating on Catholics dispossessed of their land, either during the 1650s or the 1690s, the recent historiography of Irish Jacobitism does little to acknowledge the more complex milieu of Catholic loyalty and political activity that was apparent during William's reign and, indeed, throughout the eighteenth century.

Despite their evident willingness to co-operate with the Williamite regime, rumours of Jacobite plotting regularly dogged the articlemen, leading to their occasional imprisonment. Some articlemen certainly plotted or corresponded with the exiled Stuart court. The analysis presented here nevertheless brings to mind Lecky's conclusion that, mindful of their treatment by Charles II and James II, the Irish Catholic nobility and gentry had no wish to put their estates in jeopardy again by supporting James II's restoration to the throne after 1691.²⁶

²³ For a summary of the views of Irish historians regarding the Catholic population in the decade after the Jacobite surrender see Éamonn Ó Ciardha, *Ireland and the Jacobite cause, 1685–1766: a fatal attachment* (Dublin, 2002), pp 24–5.

²⁴ For surveys on Irish Jacobitism, see Ó Ciardha, *Ireland and the Jacobite cause*; Vincent Morley, *Irish opinion and the American Revolution, 1760–1783* (Cambridge, 2002); idem, *The popular mind in eighteenth-century Ireland* (Cork, 2017); Breandán Ó Buachalla, *Aisling ghéar: na Stíobhartaigh agus an taos léim, 1603–1788* (Dublin, 1996); idem, 'James our true king: the ideology of Irish royalism in the seventeenth century' in D.G. Boyce, Robert Eccleshall & Vincent Geoghegan (eds), *Political thought in Ireland since the seventeenth century* (London, 1993), pp 7–35.

²⁵ Ó Ciardha, *Ireland and the Jacobite cause*, pp 87–111. See also idem, "A lot done, more to do": the restoration and road ahead for Irish Jacobite studies' in Paul Monod, Murray Pittock & Daniel Szechi (eds), *Loyalty and identity: Jacobites at home and abroad* (Basingstoke, 2010), pp 57–81.

²⁶ Lecky, *A history of Ireland in the eighteenth century*, i, 413.

J.G. Simms has examined the progress and outcome of the Williamite confiscation extensively.²⁷ Aside from his seminal study of the land question in the 1690s, the breadth of Simms' scholarship on Jacobite and Catholic Ireland looms large on the historiographical landscape. Few other scholars have done as much to illuminate the history of Catholic Ireland between the Restoration and the Hanoverian succession.²⁸ While his *Williamite confiscation* discussed the articlemen and provided vignettes of the attempts by several individuals to prove their eligibility to the articles, Simms' primary focus lay on the complex processes of outlawry and attainder and the act of resumption of 1700. That focus had the unintended consequence of deflecting attention from the vibrancy of Irish Catholic lobbying in Dublin and London. The detailed analysis of the articlemen and their lobbying presented here reveals the speed with which the Irish Catholic elite transferred their energies and resources from the military to the political arena. It enables an upwards revision of the number of Catholics who claimed the benefit of the articles of surrender, as well as those who were eventually adjudicated within the articles.²⁹ It also allows for a major reassessment of Catholic political activity in the 1690s, and of the overall vitality of Catholic Ireland in the two decades after Limerick.

From the early nineteenth century the surrender signed on 3 October 1691 became known as the 'Treaty of Limerick', a term that has become established in the Irish cultural lexicon and has led to the christening of Limerick as the Treaty City. It is, however, technically incorrect.³⁰ The surrender was never recognised as a formal treaty between sovereign entities. It was, rather, regarded as a bargain made between a king and his rebellious subjects. The terms of surrender were most commonly referred to as 'articles' or 'capitulations' in the 1690s; only rarely does the term 'treaty' appear.³¹ Simms also spent considerable time considering the Irish and English governments' attitudes towards

²⁷ Simms, *Williamite confiscation*. This study of the Williamite confiscation, which arose from Simms' doctoral dissertation, was the only substantive engagement with this issue for more than sixty years.

²⁸ Simms, *Jacobite Ireland*. For a select bibliography of his shorter works, see J.G. Simms, *War and politics in Ireland, 1649–1730*, eds. D.W. Hayton and Gerard O'Brien (London, 1986), pp 15–21. See also Gerard O'Brien (ed.), *Catholic Ireland in the eighteenth century: collected essays of Maureen Wall* (Dublin, 1989).

²⁹ I have made no attempt to re-examine Simms' figures in relation to Catholic land possession in the 1690s. Simms' estimation of the extent of Catholic landownership in 1688 has, however, been challenged recently: cf J.G. Simms, 'Land owned by Catholics in Ireland in 1688: historical revision ix' in *I.H.S.*, vii (1950–1), pp 180–90; Kevin McKenny, 'Restoration land settlement in Ireland'.

³⁰ McGuire, 'Treaty of Limerick', pp 132–3.

³¹ See for example *C.S.P.D., 1691–2*, pp 118–19. Sir William Trumbull made a rare use of the word treaty when he referred to them as the 'articles of the treaty of Limerick' (Trumbull to Sir Charles Porter, 12 Sep. 1695 (H.M.C., *Downshire Mss*, i, 548)).

the various articles of surrender, particularly those of Limerick. His assessment was overly generous, swayed perhaps by the fact that so few of the articlemen's claims to their estates were rejected.³² In reality, many claimants to articles may simply have never appeared before the courts, either aware that the government had built convincing cases against them or simply unable to meet the excessive costs associated with the courts. The Irish government generally sought to interpret the articles as narrowly as possible, and grudgingly inched towards a piecemeal implementation.

What success the articlemen did meet with was largely due to their own efforts. F.G. James has previously outlined the work of a Protestant lobby in London in the first half of the eighteenth century, funded and directed from Ireland.³³ The constraints imposed by Poynings' Law on the Irish parliament meant that London was often the best place to influence legislation proposed by, or to be sent to, the Dublin administration. Irish Catholics likewise gravitated to London in the 1690s, lobbying at the privy council and before parliament as their circumstances dictated. Individual Catholics lobbied according to their needs. The articlemen often worked together under their discrete terms of surrender, sending money and instructions to their agents. On rare but significant occasions lobbyists appeared on behalf of all of the articlemen. Their goal was to initiate, modify or suppress proposed legislation, either to ensure that the articles of surrender were implemented or at least that they were not contravened by acts of parliament. When the efforts of Irish Catholics to prevent the early penal laws of the 1690s are considered, it is fair to say that they 'met with small success'.³⁴ On the other hand, concessions for individuals and small groups such as the articlemen were possible and Catholics consistently engaged with the administrative machinery of the Williamite state. Intensive lobbying and occasional bribery of Irish politicians was matched by similar activity in London. Poynings' Law provided, for all kinds of interests, a second forum where bills could be altered to an individual's or group's advantage.³⁵ Lobbying

³² *Williamite confiscation*, pp 45–55; *The Treaty of Limerick* (Dundalk, 1961). The latter is reprinted in Simms, *War and politics*. Simms' analysis of the articles of Limerick has also been supplemented by James McGuire and Wouter Troost (James McGuire, 'The Treaty of Limerick', pp 127–38; Wouter Troost, 'William III and religious tolerance' in Whelan (ed.), *The last of the great wars*, pp 39–54).

³³ F. G. James, 'The Irish lobby in the early eighteenth century' in *English Historical Review*, 81 (1966), pp 543–57. The terms 'lobbying' and 'lobby' properly have no place in a discussion of the seventeenth century as they did not acquire their modern meanings until the nineteenth century (*ibid.*, p. 543). The contemporary terms were to 'solicit' or 'manage' the affairs of petitioners before the Irish and English administrations or individual ministers. However, for ease of reference, 'lobby' and 'lobbying' have been used throughout this book to describe such activity.

³⁴ *Ibid.*, p. 545.

³⁵ For Poynings' law as it related to the period under review in this book, see Bergin, 'Irish legislative procedure', *passim*; C.I. McGrath, 'Government, parliament and the constitution:

in London was, however, possible only for those with the money to support agents and to bribe officials.³⁶

III

Colonel John Browne used his position as one of the Jacobite negotiators at Limerick to include article 13 in the terms of surrender, an article that existed solely for the benefit of Browne and his creditors. The vast majority of these creditors were Protestant, with the money they were owed arising from transactions completed before the outbreak of the war. According to Browne, by the war's end he was owed significant sums of money by the Jacobite administration. Under the terms of article 13, every estate retained by Catholics by virtue of the articles of surrender was subject to a special levy to make up the Jacobite administration's debt to Browne. That levy was payable to Browne's creditors. Part III of this book focuses on the several attempts by the Irish government to implement article 13 of Limerick and to distribute the levy to those creditors.

While Browne was in many ways a quintessential representative of the Catholic 'new interest' in the Restoration period, his personal circumstances after 1691 mark him as a unique figure. The Jacobite administration owed large sums of money to a multitude of its supporters, yet no other Irish Catholic was able to use the articles of surrender to recoup such debts. Article 13 was financially punitive to landowning Catholics. Collection of the levy was vigorously opposed by the articlemen, creating a unique situation where they actually lobbied against the implementation of one of the articles of surrender.

Despite its impact upon the wider Catholic population, and the Irish government's repeated engagement with the issue, the implementation of article 13 of Limerick has not featured in any discussion of the Williamite settlement in Ireland. It was the only one of the articles for which the Irish parliament actively sought to legislate, and no less than ten separate measures relating to

the reinterpretation of Poyning's law, 1692–1714' in *I.H.S.*, xxxv (2006–7), pp 160–72; Kelly, *Poyning's law*, pp 48–156.

³⁶ The analysis of Catholic lobbying in London presented in Parts II and III of this book forms part of an emerging field of scholarship on the Irish in eighteenth-century London. See also John Bergin & Eoin Kinsella, 'Hurling matches in London (1733–1818) and New York (1781–2)' in *Archivum Hibernicum*, lxviii (2015), pp 19–67; David O'Shaughnessy (ed.), *Networks of aspiration: the London Irish of the eighteenth century* (*Eighteenth-Century Life* special issue, 39:1 (2015)); Bergin, 'Irish Catholic interest'; Ian McBride, 'Catholic politics in the penal era: Father Sylvester Lloyd and the Delvin address of 1727' in Bergin *et al* (eds), *New perspectives on the penal laws*, pp 115–47; Nolan, 'Jacobite women and the Williamite confiscation'.

the levy (and John Browne's debts) were introduced to the Irish parliament, or considered by the Irish and English privy councils, between 1692 and 1709. Two were approved by parliament as private acts.³⁷ These private acts also included provisions designed to regulate the sale of Browne's estate to raise enough additional funds to clear all of his debts. By 1711 Browne had paid out more than £60,000 to his creditors, most of which was raised through the sale of more than 150,000 acres, but he remained in debt at the time of his death. The process whereby Browne pursued legislation for the sale of his estate and managed the settlement of his debts, though complicated by the articles of surrender, sheds light on estate management in the late seventeenth and early eighteenth centuries. It highlights the central role of the courts in recording debts and regulating the financial system, as well as the importance of private acts to debtors who sought legislative backing for agreements negotiated with their creditors.

John Browne was among the most prominent of the articlemen, a figure well-known to the Irish government and to wider Irish society. He had the benefit of the tacit support of his Protestant creditors, an influential if self-interested group. Yet as a Catholic and as a former Jacobite, Browne was not above suspicion. On two separate occasions he was accused of masterminding Jacobite plots, both of which were entirely fabricated and politically motivated. These incidents, which also implicated other leading articlemen, illustrate the vulnerable position in which Irish Catholics found themselves as the Irish government and parliament set about securing the Protestant interest.³⁸

The final chapter of this book shifts the focus away from article 13 to consider the wider impact of Browne's debts on his familial and professional networks in Connacht. The last two decades of Browne's life were dominated by the sale of his estate and attempts to discharge his debts. Browne's four youngest children were largely peripheral to the management of the family's affairs. However, the marriages of two of his three daughters and the requisite dowries placed further financial burdens on Browne, bringing him into conflict with their husbands: Edward Bermingham, Baron Athenry, and Theobald Bourke, Viscount Mayo. Browne's debt did have a notable impact on the plans of his eldest son, Peter, who was forced to abandon his training in London for a career in the law. Called home to assist with the sale of the estate, Peter Browne witnessed his substantial inheritance dwindle away during the 1690s. From 1698 he increasingly shouldered the burden of managing his father's financial affairs, while concurrently rebuilding the family's fortunes.

³⁷ For a discussion of private legislation in this era, see Bergin, 'Irish legislative procedure', i, 9–11; Kelly, *Poynings' law*, pp 75–160.

³⁸ C.I. McGrath, 'Securing the Protestant interest: the origins and purpose of the penal laws of 1695' in *I.H.S.*, xxx (1996–7), pp 25–46.

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John Browne's nephew, Edmund Malone, acted as his legal representative in the 1690s and 1700s and played a prominent role in the management of the Browne family's business. Malone's work as London agent for a variety of families, including the Brownes of Westport, the Brownes of the Neale, and the Veseys, is particularly well documented. His correspondence offers a rare glimpse of the process whereby Catholics petitioned for personal pardons from William III, as well as the associated costs. Malone's career also provides one of the earliest examples of the eighteenth-century phenomenon of Irish Catholic lawyers acting as agents and lobbyists in London for Irish clients, of all denominations.³⁹ While in Dublin in 1707, Malone was one of a number of family members who were appalled by the conversion to the Church of Ireland of Francis Bermingham, later Baron Athenry and one of John Browne's grandsons. Bermingham was one of at least three of Browne's grandchildren who converted to the established church. His circumstances provide an early case study of the pressure brought to bear on the Catholic nobility and gentry – especially the heirs of the articlemen – by the imposition of penal legislation that targeted their property and gradually eroded the protections enshrined in the articles of surrender.

IV

This book presents for the first time a detailed analysis of the life of an Irish Catholic landowner in the late seventeenth and early eighteenth centuries. It seeks to understand the emergence of the Catholic 'new interest' in the reign of Charles II, and their reaction to the threat posed to the Restoration land settlement during James II's reign. By reconstructing the manner in which the articlemen negotiated their way through the Williamite settlement, what follows is intended to provide an insight into the economic, legal and political circumstances in which surviving Catholic landowners found themselves after the Jacobite surrender. In doing so, it offers a view into a world that has hitherto lain outside the historiography. In particular, it contextualises the rise and fall of John Browne, and of the 'new interest', within the conflicted politics and society of late Stuart Ireland. Browne was an unusual figure but his experience nonetheless reflects those of his co-religionists who sought to retain their property and social position after the collapse of the Jacobite regime. His life

³⁹ Bergin, 'Irish Catholic interest'; idem, 'Irish Catholics and their networks in eighteenth-century London' in O'Shaughnessy (ed.), *Networks of aspiration*, pp 66–102; idem, 'The world of Richard Lahy, an Irish law agent in eighteenth-century London' in Raymond Gillespie & Roy Foster (eds), *Irish provincial cultures in the long eighteenth century: essays for Toby Barnard* (Dublin, 2012), pp 75–92.

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and career enables us to examine the remnants of Catholic landed society at the beginning of the long eighteenth century. The attempts of the articlemen to safeguard their economic future, as they first sought the implementation of the articles of surrender and later opposed their progressive dismantling by the Irish parliament, were instrumental to the survival of the Catholic nobility and gentry in eighteenth-century Ireland.

Part I

The Rise and Fall of the ‘New Interest’



Plate 1: A portrait of Colonel John Browne, attributed to Godfrey Kneller (n.d.). The portrait currently hangs in the entrance hallway of Westport House. Reproduced by kind permission of Westport House.

*'I hope all will end well with our
New Interests': The rise and fall of a
'new interest' landowner, 1666–89¹*

John Browne of Westport, County Mayo, was the quintessential representative of the Catholic 'new interest'. Called to the Irish bar in 1669, he was a self-made man. As one of the greatest beneficiaries of the upheaval caused by the Restoration land settlement, between 1666 and 1685 Browne accrued an enormous estate in Galway and Mayo of more than 155,000 acres (with over 39,000 acres classed as profitable), as well as property in Counties Sligo, Roscommon, Clare and Dublin. He was an ambitious man who used family connections to great advantage. Married to a daughter of the 3rd Viscount Mayo, Browne was also linked by his siblings' marriages to several prominent families, both Catholic and Protestant, including the Dillons of Roscommon, the Malones of Westmeath, the Binghamms of Mayo and the Talbots of Dublin. At least one of his nephews, George Browne, was commissioned in the regiment John raised for James II in 1689. Two other nephews were prominent lawyers: Garrett Dillon in the reign of James II, and Edmund Malone from the 1680s until the 1720s. Both were intimately acquainted with Browne's financial affairs – Dillon became a business partner with his uncle in the 1680s, while Malone proved an important lobbyist for Browne and others in Dublin and London during the 1690s and beyond.

During the Williamite war Browne established himself as one of the most important Irish Jacobites and acted as a negotiator and signatory of the articles of Limerick. He used this position to secure a controversial article, which ensured that liability for his personal debts – at least £30,000, incurred *before* the outbreak of the war and owed mostly to Irish Protestants – was not to be borne by him alone, but shared with all Catholics who retained their land under the various articles of surrender. Nonetheless, the settlement of these debts eventually stripped Browne of almost his entire estate, a process that took more than two decades and was still not complete at the time of his death.

This chapter surveys Browne's rise to prominence as a landowner and lawyer, and his attempts to establish himself as an ironmaster. As with many of his

¹ The quotation is taken from Thomas Sisson to John Browne, 1 May 1686 (N.L.I., Ms 40,898/5/1).

‘new interest’ contemporaries, Browne’s training at the inns of court in London equipped him to explore opportunities for investment in land. The recovery of estates during the Restoration land settlement strained the finances of many Catholic families, allowing the ‘new interest’ to gain a foothold in Irish landownership through purchases and mortgages. Browne exemplifies the type. Yet by the time of James II’s accession in 1685 Browne was mired deep in debt and excluded from the Catholicisation of the Irish government by Richard Talbot, earl of Tyrconnell. The 1689 Act of Repeal threatened the ‘new interest’ with the loss of their estates; its implementation in late 1689 and early 1690 damaged their morale at a crucial juncture for the Jacobite cause.

I

The first Browne to settle at the Neale, County Mayo, was John Browne, mapmaker to Sir Richard Bingham in the 1580s, establishing a connection between the two families that would endure for the next century.² Browne claimed to have been the first Englishman to settle in County Mayo, though it seems that he was related to the Brownes of Kilpatrick, County Westmeath, and of Old English descent.³ Browne twice served as sheriff of County Mayo and in 1585 as a commissioner for the composition of Connacht, in the process gathering a personal estate in the Neale. Four years later he received a military commission from Bingham to help suppress rebellion in Mayo, an appointment that proved to be his last. Browne was killed in a small skirmish with the Burke and Joy families near Burrishoole, County Mayo, in February 1589.⁴ His only son Josias married Joan Birmingham of County Kildare and served as high sheriff of County Mayo in 1622. Their eldest son, also named John, married Mary Browne, daughter of Sir Dominick Browne of Castlemagarrett, County Mayo.⁵

² Sir Richard Bingham (1528–99) established the Bingham family in County Mayo during his tenure as chief commissioner of Connacht, bringing his brother George to serve with him. George served as sheriff of County Sligo, died in Dublin in 1599 and is the direct lineal ancestor of the current earls of Lucan and the barons of Castlebar, which title merged with that of Lucan in 1795 (D.I.B.).

³ J.H. Andrews, ‘Sir Richard Bingham and the mapping of western Ireland’ in *P.R.I.A.*, 103C (2003), pp 61–95; M.J. Blake, ‘A map of part of the county of Mayo in 1584’ in *Journal of the Galway Archaeological & Historical Society*, iv (1908), pp 145–8. Browne’s claim may have related to his belief that he was the first man of English descent to settle in Mayo.

⁴ Sir George Carew to Sir Thomas Heneage, 18 Mar. 1589 (J.S. Brewer and William Bullen (eds), *Calendar of Carew manuscripts, 1589–1600* (London, 1869), pp 2–3); Sir William Fitzwilliam to William Cecil, 31 Mar. 1589 (*Calendar of State Papers Ireland, 1588–92*, p. 140).

⁵ Sir Dominick Browne (c.1585–c.1656) was a convicted murderer who bought his pardon for £5. He sat in the Irish parliament of 1634 and was knighted by Thomas Wentworth in 1635. He married Anastase Darcy, daughter of James Riveagh Darcy, thus making him granduncle to Denis Daly of Carrownekelly, justice of the common pleas during the reign of James II.