

# Land-fraud in Seventeenth Century Limerick: A Unique Case

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*The displacement of a whole property-owning class, and the immigration of tens of thousands of settlers brought a new cycle of anglicisation to the latter half of seventeenth-century Ireland. Historians often treat this change in terms of the political and economic transformation achieved, or measure it by reference to percentages or proportions of profitable lands held by native Irish before and after confiscation and plantation. Less often are the fraudulent dealings in land between the newcomer settlers themselves, - dealings which were rampant during this period - the focus of treatment.*

*The following is a specific study of fraudulent dealing relating to a large portion of land in Limerick and Tipperary. In particular it involves Limerick lands lying east of the River Maigue in the north-west quarter of the Barony of Pubblebrien, and lands farther west in the Barony of Connello.*

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Though carried out by means of a well planned procedure, land distribution among settlers in seventeenth century Ireland often gave rise to disputes. The fact that the dispute to be discussed in this paper was unique in a special way lends to its importance. Its claim to singularity lies in the fact that this was the only problem of its kind which was by law entrusted to the Lord Lieutenant and Council of Ireland to settle, whereas disputes over title in all other cases were settled by the Commissioners of Settlement through the Court of Claims. An outfall of this uniqueness are scores of references to the case in the *Calender of State Papers, Ireland*, which help to piece together the case in minute detail.

To help set the historical scene one recalls to the reader's memory that land redistributions under the Acts of 15 & 16 of Charles I (1642) were required to be made by means of a land lottery, and that the baronies of Pubblebrien, Connello, Kenry and Coonagh in the County of Limerick fell by lot to the Adventurers, the other baronies in the county falling to the soldiery. For purposes of redistribution each barony was first quartered, the Barony of Pubblebrien being quartered in such a manner that it had a north-west and a north-east quarter. Indeed that barony first was halved by a line which corresponded more or less with the present Limerick/Cork road as it passes from the bridge over the the Barnakyle River to the western bounds of the townland of Attyflin, though not congruent with that road at all points.

The required lottery was undertaken in various stages, beginning in 1653, a final stage being the drawing for lands in definite quarters of baronies. Even before the lotteries, in fact from 1642 onwards, trading in receipts or land-bonds for moneys adventured under the above-mentioned Acts was commonplace. Of course there were several instances in which purchases of receipts or bonds took place *after* lots had already been drawn, the purchasers *then* knowing for certain in which county and in what quarter of which barony the drawn lot of land lay.

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The restoration of Charles II to the English Throne in 1660, eleven years after his father, Charles I, had been beheaded following prolonged dissension between himself and Parliament, ended an era of political turmoil into which England had sunk. Two years later James Butler, 12th Earl and 1st Duke of Ormond, the most famous Butler of all, took up duty as Lord Lieutenant of Ireland, having been from 1650 until 1660 one of "the merry monarch's" most faithful supporters and closest advisors at the King's court-in-exile in Paris. Lord Arlington, (Henry Bennet) was Secretary of State under Charles II, and brother-in-law to Ormond's son, Thomas (Lord Ossory). While Ormond held his position all three men, King, Lord Lieutenant and Secretary, were in frequent correspondence with each other concerning the administration of Irish affairs.

Although the King at this stage had reached a happier relationship with Parliament than existed twenty years earlier when his father reigned, he endeavoured nonetheless to revive the Privy Council, both in Ireland and England, as an organ of decision-making, seemingly preferring it to Parliament. The visible point of contention between him and Parliament was interpretation of the Act of Settlement. Parliamentary opposition to the King on this point was headed by Richard Jones (Lord Ranelagh) of whom we shall read more in this article.

Ireland at this time was, in Ormond's opinion "as divided and unsettled a country as is, or ever was in Christendom". Most of the Adventurers or their assignees (that is, persons who had purchased, inherited or otherwise come into ownership of land entitlements from those who adventured moneys in 1642 to quell rebellion in Ireland) had come over to Ireland in 1656 or in 1659 and had, either themselves or by their agents, taken up possessions of lands allotted in satisfaction for moneys bona fide paid under the Acts of 15 & 16 of Charles I. Furthermore, Irish soldiery who had fought abroad for the honour of their King were returning to Ireland in large numbers on foot of promised resettlement in their former estates. Still others, who as yet had failed to be admitted to Irish lands but who were entitled to them under the Acts, or deserved them for having in some manner supported Charles II, were continually pressing for admission. Petitions to Ormond or to the King from anxious or unsatisfied claimants, some facing ruin, were commonplace.

In an effort now to reward his supporters, Charles II was encouraging the discovery of flaws in land claims, so that if frauds might be discovered the lands associated therewith could be repossessed and redistributed to his friends. In an effort to settle as many claimants as possible the Act of Settlement contained a clause which compelled all persons to accept two-thirds of their entitlements *in full satisfaction* for moneys properly adventured in 1642. For Adventurers to be bona fide under the Act of Explanation and made secure in their lands it was imperative that by the 7th of May 1659 at the latest (which date predated the passing of this latter Act) they should have been in possession of lands claimed. The new residents therefore still felt insecure in their holdings while they awaited final official confirmation of ownership. Meanwhile Ormond, together with his Committee of Settlement and Explanation, was busy with the work arising from settlement issues, and above all he had resolved that available Irish lands would be granted only to bona fide settlers.

Disgruntled claimants could scarce make recourse to law to settle their disputes, for title under the Adventurers' Act was grossly defective. The Act of Settlement recognised this, one of its clauses specifically indicating that in cases of dispute a last recourse could be had to the King's "natural inclinations to mercy" rather than to "the positive reason of law". Disputants were thereby indirectly invited to petition for the King's merciful verdict.

At a meeting in 1665 at the King's palace at Hampton Court (London) attended by both the King and the Lord Lieutenant Ormond, Ormond was informed of existence of a great land fraud in Ireland. Allegedly this fraud involved land in the counties of Limerick and



Tipperary, to an extent of 15,555 acres. It was intimated to him that it could be established that the current holder of this land lacked bona fide entitlement to it, and that the fraud could be uncovered.

Immediately steps were taken to uncover the fraud, and so that the perpetrators might not benefit by it in the meantime these lands were vested in the King. A special clause was caused to be inserted into the Act of Settlement requiring the original Adventurers to prove that their adventure was bona fide, and on the passing of the Act two months time was given for that proof to be made. (One shortly shall see that this clause was particularly relevant to the dispute under discussion.)

In order to discover the proof of this fraud Ormond was obliged to promise a large part of the 15,555 acres to the discoverers, by way of payment or reward. He proceeded therefore to draw up a sealed contract for 3,000 acres of the discovered land in the Barony of Iffa and Offa, Co. Tipperary, to be given to one Joseph Ruthorne, by way of reward for his pains should he successfully prove the fraud. This contract was made with Ruthorne, with the King's knowledge and agreement, both as reward and in order to encourage others to make similar discovery. That the King might subsequently forget this commitment to Ruthorne was later to fill Ormond with anxiety.

A Colonel Vernon and friend of Vernon called Phillips were also involved in the discovery, and the question of reward for them also arose. The remainder of the reconfiscated land was ear-marked for granting to yet others to whom (in Ormond's view) it rightfully belonged that is, certain others who could not as yet get into the Act of Settlement.

The lands allegedly fraudulently acquired were currently in the possession of an Alderman William Barker and others. Two clauses in the Act of Explanation referred in one way or another to this man or these lands. He himself was not an original Adventurer, nor was it ever asserted that he had perpetrated a fraud. The alleged perpetrators were two men, Sir Thomas Cunningham and Captain Lewis Dick, but in consequence of being the purchaser of receipts to a value of £7,000, obtained in 1642 by these two men, Barker and others had become the latest assignees of Cunningham and Dick, entitled to whatever Irish lands were due to this pair. Should these two men, or their assignees who had taken possession of the lands prior to 7th May 1659, prove, within two months of the passing of the Act, that the money allegedly adventured for it under the Acts of 15 & 16 of Charles I, amounting to this £7,000 had in fact been properly and bona fide paid at that time, then the disputed lands would be returned to them, and not remain confiscated or be redistributed.

But both Cunningham and Dick were at this stage dead, and the onus was now upon the assignees to make the required proof. A Gilbert Marshall had at one stage been one of these assignees, but he had sold his interest to William Barker, and it was the latter who now was obliged to give open and clear proof.

No baronies or townlands are specifically named in either of the clauses in the Acts of 17 & 18 of Charles II, giving the location of the disputed 15,555 acres of land, they being merely stated to be in the counties of Limerick and Tipperary. But William Barker is named in one of the clauses in connection with Limerick lands in Pubblebrien and Connello in his possession as assignee of Gilbert Marshall from whom, as already stated, he had purchased his land interest therein.

The clause in the Act which names Barker was inserted in it following complaint by Barker himself, in order to prevent him being obstructed in making entry to these lands by the Bishop of Limerick Edmond Synge. The Bishop had been granted lands in the vicinity of the Castle of Carrigogunnel, adjoining parts of Barker's Holdings, and was acting on the strength of a custodium on the Barker lands, granted to the Bishop, or of a clause in the confirmation



of a patent granted to John Lord Kingston. Though the main dispute was in progress, this clause declared that Barker was to possess these lands with benefits and advantages "as any other Adventurers ought to have by this Act".

The history of the alleged adventure of £7,000 by Cunningham and Dick needs elaboration. It dated from 1642 when steps were taken to suppress widespread rebellion which had erupted in Ireland during the reign of Charles I. In order to quell it both Houses of Parliament decided, on April 16 1642, that ships also should be sent to serve on the coasts of Ireland against the rebels there, in addition to arrangement for the adventure of money for land forces to go there to put rebellion down. The King, for a long time in dissension with Parliament, - and perhaps on this occasion suspicious of its motives - did not give his consent to these sea forces. Against the King's wishes, Parliament proceeded with its plan. It also agreed that subscribers to these sea forces should, as would subscribers to the land forces, have satisfaction in allotments of Irish land proportional to the extent of their subscriptions. Again, the King withheld consent.

One of the several responses to Parliament's decision was made jointly by Sir Thomas Cunningham and Captain Lewis Dick. These two, on July 2 1642, undertook with the committee of sea force adventures, at their own charge, to set to sea the ship *Lyon* and the frigate *Lorne*, to serve on the Irish coast for six months. Two days later Cunningham subscribed an amount of £1,800 and Dick similarly subscribed an amount of £5,200. On 18th July 1642, they were in possession of receipts for the total amount of £7,000, but it was not clear from their documentation whether they had actually subscribed this amount as real money, or merely as service to be performed by them.

Neither of these ships, the *Lorne* or the *Lyon*, ever served on the coast of Ireland as intended. In fact, in the following month, in the civil war which at this stage had broken out between King and Parliament, they were employed in the Parliament's service against Charles I on the west coast of England near Plymouth.

After six months both Cunningham and Dick sought to have his service recognised for the purpose of acquiring land in Ireland. But of course their claim was not in accord with any Act of Parliament. In lieu of the service which they had provided they submitted a bill exceeding £8,000. A part-payment of only £2,000 was made by the Treasury at the behest of the Navy, and, while awaiting payment of the remainder, which had been promised out of customs at this stage, Cunningham sold his interest to Dick.

Following the execution of Charles I in January 1649 by the Parliamentarians, Parliament was in control, and in that year an expedient was found to transfer the payment of Dick and Cunningham from the proper funds of the Navy upon forfeited lands in Ireland, granting Irish land in lieu of the sum of £7,000 originally allegedly adventured by Cunningham and Dick. But Dick seemingly placed such little value in this that in 1654 he gave away gratis, for use by a "Maurice" (Morris) Thompson, his receipt for, and interest in, the £1,800 paid by Cunningham.

Two years later the heirs of Dick sued Cunningham and Thompson. In giving evidence Cunningham and Thompson answered on oath that no money was paid originally for the £1,800 subscription paid by Cunningham, but that service for that amount was to have been given against the Irish rebels, which service was never performed. It then transpired in a follow-through enquiry that the Irish land which was laid out was for service performed for the Parliament. It was this court case which clarified the nature of the subscription of the men in 1642, revealing that no money had ever changed hands, but that service to an amount of £7,000 was promised. The total land measure due on the strength of a £7,000 subscription was 15,555 acres.



As earlier stated, Cunningham and Dick were well dead in 1665 when the Act of Explanation was being drafted. Before 1659, but subsequent to the deaths of Cunningham and Dick, Alderman William Barker had purchased a large share of the £7,000 adventure originally made by these two men, and sometime after the restoration of Charles II (1660) other persons - William Bulkeley, Thomas Warren, John Seed and a widow Scutt - came into possession of the balance, seemingly by purchasing from the holder who at that stage had drawn a lot for Irish land in Tipperary. Barker, as we have seen, had purchased from Gilbert Marshall who had already drawn for a lot of land in Co. Limerick in the Barony of Connello in the land lottery which settled the Adventurers. By May 7 1659 he (Barker) or his agents had taken up possession of more than 6,000 acres of land in that barony, and of further land in the Barony of Pubblebrien, Co. Limerick.

Ormond at no stage appeared to show sympathetic consideration for the assignees of Cunningham and Dick, apparently being convinced of fraud from the outset. Rather was he more worried about not getting his hands on the 15,555 acres and about being unable to redistribute it in accordance with the pre-arranged scheme.

The two months time allowed them after the passing of the Act of Settlement went by without response from Barker or the others. Then, in a petition to the King, sometime before 8th March 1666, Barker explained that he was quite unaware of the clause in the Act requiring original Adventurers to prove that their adventure was bona fide - inserted surreptitiously, he felt. His alleged ignorance failed to impress Ormond, who believed that no man with such contacts in London as Alderman Barker had, could have been so unaware of events in Ireland so important to him as were the contents of the Act of Explanation, and its included disconcerting clause. After all, the Act of Explanation had its first reading in the House of Commons on 11th November 1665, and further readings up to December 23 when it was passed. Barker's behaviour was, in Ormond's view, contrived, and merely a pretence and a deliberate ploy. Yet, he was given an extension of six months time to establish the acquired proof.

In a petition to the King, Barker explained his position, pointing out that Dick had originally paid £5,200, of which £2,600 was afterwards assigned to Gilbert Marshall. He, Barker was the assignee of Marshall, and he could, he asserted, provide the necessary proofs of payment by Cunningham and Dick.

By March 26 of that year the other assignees of Cunningham and Dick - Warren, Bulkeley, Seed and widow Scutt - had also entered a petition, and similarly were granted a six month extension of time. But, after only three of this six months time extension had passed, Barker and the others sought a further extension of six months, to run from that point in time, their reason being that most of the witnesses whom they expected would provide evidence for them were old and infirm, whilst some others being of great estates were unwilling to cross the seas to Ireland to give evidence, because of the war with the Dutch which was at this time in progress. They affixed the names of these witnesses to this petition and asked that a commission should be sent from Ireland to England to examine them in England. They also pleaded that in the meantime no disposal should be made of their estates.

A further three months, to run consecutively with the six already granted was given. To this extension Ormond was not opposed, though he was set against a hearing in England, for it was in Ireland, he stated, and not in England, that proof was required to be made before himself and the Irish Privy Council and judgement given.

In July 1666 Colonel Vernon attempted to stop the issuing of the Commission. He failed, but then sought and was granted six weeks time in order to send into Ireland to find out whether the parties interested on behalf of the King would produce witnesses before the



Commission or would cross-examine those produced by the Commissioners. As this six weeks was not to run concurrently with the time extension already given to Barker, it gave, in effect, a further extra six weeks to Barker and the others to produce their proofs.

Barker now set about discovering whatever account books or papers of the Adventurers might still be in existence in England since 1642. He succeeded in coming upon some, and seemingly made copious notes from them. But it came to Ormond's ears that discovery had been made of these books and papers - in the house of an Alderman Bence and in the possession of Morris Thompson who was treasurer for the sea force money, and had contracted with Cunningham and Dick for the services which they undertook to perform (and presumably he who had in 1654 been involved in the court case with the heirs of Dick). Ormond thereupon set about having the Secretary of State, Lord Arlington, locate them and transmit them speedily to Ireland, on the grounds that they were of public concern. Though Barker opposed this move - on the grounds that the papers were of private concern only - seemingly the papers reached Ormond nonetheless and he had them conveyed to the Commissioners of Settlement.

In October 1666 the King received from Barker yet another petition claiming that the case had been fixed by his "prosecutors" for hearing in his absence on October 27, before the Court of Claims in Ireland. The assertion was investigated, and the inquiry showed that although that date had indeed been fixed it had been done at the behest of Barker's own counsel. The court, when the day arrived and the situation was explained, postponed the case to a later date.

The case of Barker and his companions was heard on 6th February, 1667, before the Lord Lieutenant and Privy Council of Ireland. Joseph Ruthorne prosecuted on behalf of the Crown. Speeches and arguments by Barker's counsel went on till late at night, and were so lengthy and involved that the hearers could not possibly retain in memory till another day all that passed. No judgement could be made on that day, and on February 13 1667, just a week later, the matter was taken into further consideration. A summary was necessary in order to refresh the judges minds on the vast number of facts presented at the first hearing by counsel for each side, and so February 15 was appointed for this further summary.

On February 15 Barker dissented, alleging that the time limited by the King's letters for the hearing had elapsed. But in fact he had obtained, but deliberately concealed from the Privy Council (which later they learned) that he had been granted a further extension of time, the new limit being April 8 1667.

Ormond made no delay in informing Arlington about the events, and on February 16, the day following the aborted hearing of summaries, he wrote to Arlington to say that he (Ormond) felt Barker had failed to make the proof required of him by the Act of Explanation of the original investment by Cunningham and Dick. According to Ormond he (Barker) would rather depend on the King's grace than come to a strict search into the foundations of his right. A report to the King from the Lord Lieutenant was to follow, and then, Ormond stated, the King must decide whether to give the lands "to Alderman Barker and the rest of his Partners" on certificates and lots without money given or service done, or else give them to nominees mentioned in the last Act "who are else like to perish with their families notwithstanding the provision made for them". The early letter was written, he explained, to prevent any further representation by Barker "whom I find to be very industrious (in his own cause)".

As his time limit was at this stage known to have been extended to April 8, Barker now claimed that the hearing on February 6 had taken place within the extension of time given to him by the King to find the needed proofs, but curtailing the length of time rightfully due to



him. And so it was not the case that he could not give proof but rather that he had not been given the allotted time in which to do so. Refusing repeatedly to co-operate in a further hearing, he then claimed that his counsel was now gone into the country on their (law) circuits, and he could do nothing but supply an abstract of the earlier proof given.

On 11th March 1667, Barker and the others were notified to attend the Council to ascertain whether the time allowed by the King beyond the two months specified in the Act of Explanation was or was not expired before the Council hearing had taken place on February 6. Three days later Barker submitted to the Council a petition on behalf of himself and the others, entitled "The Rehearsal and State of William Barker, Esq. and others concerned in the adventure of Thomas Cunningham and Lewis Dick". It, or a copy thereof, was passed on to Ruthorne who, taking exception to several points therein, responded some day's later with a petition on his own behalf and that of others, and a document giving the state of the evidence as it appeared on his Majesty's behalf. From what is known about the contents of these two documents by the present writer, that of Ruthorne is far the more coherently and lucidly set out.

Both parties were now ordered to establish the facts in their respective papers by reading the proofs, but Barker, at several sittings of the Council, refused. These delays meant that judgement was greatly delayed, indeed not given until June 12.

While in Ireland Barker had won over a strong party in Council and made many friends for himself. He exerted an influence which Ormond acknowledged. So, in reference to him in April 1667 the Lord Lieutenant pointed out that he needed watching, lest the King favour him before he (the King) knew what his obligations were upon himself.

Only thirteen members of the Privy Council who were present at the first hearing in February 1667 were again present on June 12 when judgement was given. Voting in private, Barker's case was lost on a vote of 7-6 against, the Lord Lieutenant being among those who opposed. Barker soon learned of the vote, private though it was, and immediately petitioned to the King, telling him that at the hearing on February 6 most of the Council took the view that he had adequately proved his case; that on June 12 Lord Kingston was at the same time one of the judges and an interested party, and that as Ruthorne had been promised 3,000 acres by Ormond the Lord Lieutenant was also both an interested party and a judge. Requesting an appeal, and that it be heard in England either by the King or as a direct trial at law, Barker gave as reasons for the request

1. that the case could properly be tried in England
2. that since the two months allowed under the Act of Settlement was passed, the Irish Privy Council had no legal consequence of the case, and
3. that the Irish judges erred in judging the fact.

He also presented the long delay which had taken place between the hearing of the case by the Irish Privy Council in February 1667 and the judgement in June 1667 as a ploy by Ormond so that, some of the Council which heard the case in February being absent in June, and others taken off the Council, at last by a narrow majority judgement was given against the petitioners.

The sensitivities of Ormond were greatly wounded by the stinging allegations made by Barker, a copy of which was dispatched to Dublin to reach him in mid July. Outlining for the English Privy Council once again the developmental phases in the case, he pointed out that all which was factual in Barker's "proof" fitted in so well with Ruthorne's detailed and well-structured version of the events from the time Cunningham and Dick had sent the ships to sea in 1642, that credence was given to Ruthorne and the Dublin judgement had been made accordingly.



The dismay which the case was now causing in England can be detected from a letter to the Lord Chancellor there, seemingly from Ormond and in response to correspondence received by him earlier from the Chancellor. In that letter he (the Chancellor) wished the business well over, assuring Ormond that the King "can set things right". The phrase wounded Ormond deeply. Becoming increasingly disenchanted with his King, and feeling calumniated against by Barker, and libelled, he indicated to the Chancellor that vindication and reparation of the King's authority was necessary.

On the other hand Barker, rebuking his opponents as "some evil persons coveting their [the petitioners'] vineyards", issued pamphlets in support of his cause and put his castigating statements about Ormond, and the Privy Council into the hands of several members of the House of Commons. Ormond in December 1667, referred to those, and in a letter to Arlington he reminded the Secretary that it was at the King's behest that he (Ormond) undertook to grant 3,000 acres to Ruthorne. He now asked that all earlier letters of his relating to this point be kept for use later to vindicate him.

Those who prosecuted for the King had been seeking reward, or at least the expenses undergone, out of the rentals of the Barker lands. Up to December 1668 Colonel Vernon had allegedly spent £1,500 managing and asserting the King's title, and wanted recompense. Barker attempted to prevent the issue of letters approving such remuneration, but failed. The King directed that rentals from the lands be used to make good these losses, and made arrangements empowering Vernon to sue for these. In the same month, in a letter to Ormond stating that the assigns of Cunningham and Dick had failed both in Ireland and England to make out their proof, the King directed that Richard Jones (who had been opposed to Ormond up till 1665) be granted a lease of some 14,000 acres of the disputed lands, to be held from 1st May 1668, "during our will and pleasure". This letter indicates to us that the King himself was at last convinced that the basis on which Barker held his Irish estates were indeed fraudulent, and that the latest appeal by Barker and his companions had produced a fruitless result.

Ormond, at last overwhelmed by the plotting of his several enemies, and showered with unfounded and malicious charges against him, retired as Lord Lieutenant on 14th March 1669, having conducted the government in person for nearly seven years, and having suffered heavy personal financial losses in the service of the King. In the same year there are records of various other people still petitioning the King for portions of the disputed lands, a Colonel Fitzpatrick being one of those claiming lands in Connello.

One of two Memoranda of July 1669 sets out the following distribution of the lands, from which distribution one may also deduce that the lease to Jones was a custodium for one year only. According to this Memorandum of July, about 13,000 acres were leased to Vernon, but for uses of the following:

Colonel Vernon 3,000a. Philip Alden 1,200a.  
Ruthorne 2,000a. Maximilian Dempsey 1,500a.  
Viscount Iveagh 1,500a. Sir Edward Everard 1,500a.  
Colonel John Fitzpatrick 800a. acres.

The second Memorandum is almost the same as that described above, except that the land is leased directly to the persons named in it and not all to Vernon; Mrs. Dempsey is listed instead of Maximilian Dempsey and Fitzpatrick is omitted but 800 acres is set aside for him should the King wish to grant it. What happened the remaining 1,000 or so acres, (*i.e.* those lands in excess of the 13,000 acres listed) is not stated therein though they may well have been adjudged to "Innocents" by the Commissioners of Settlement.



Though this recovery and redistribution of the Cunningham and Dick lands would seem to have signalled the ultimate defeat of William Barker to retain lands in Limerick, and would have vanquished less tenacious men, such was not the case with Barker. One finds that by July 1670 he again was petitioning the King concerning divers hindrances and obstructions he had met in prosecuting his claim this right to certain lands in the barony of Pubblebrien. How he had come once again to claim this right is as yet unknown to the present writer, but the King obviously entertained the petition, and directed the Lord Lieutenant (presumably Ormond's successor) to consider the allegation therein, and should he find them to be true he was then to see that justice be done to the petitioner. The outcome of the Lord Lieutenant's considerations is not known, but Barker was successful in his bid to retain his Limerick lands in Pubblebrien. It would seem to have been the King's "natural inclinations to mercy" rather than "the positive reason of law" which secured Barker in Pubblebrien sometime between July 1669 and July 1670.

But further difficulty and dispute lay ahead for William Barker. At some stage having become a Baronet, he now held the title Sir William Barker, and was contemplating marriage, being seized in fee of lands in Pubblebrien, Co. Limerick, and also of the Manor of Bocking, in Essex. His intended wife, Elizabeth Alexander, was at that time seized in fee of the Manor (or reputed Manor) of Kilcooley and Grange Kilcooley, in Co. Tipperary. Sir William entered into a marriage agreement by articles of marriage dated 23 June 1676. In these he agreed to settle Bocking on his future wife, and after both their deaths, on any children they might have. He also had agreed to purchase an income of £300 more per annum in England, and further covenanted that his estate in Limerick should be settled on his said wife, as an addition to her jointure and as a form of security until the promised £300 per annum be purchased in England, but from which settlement he should be discharged on making that purchase.

The marriage duly took place. Dame Elizabeth and Sir William resided mainly in England, and their union was blessed with children - at least one son and one daughter - named William and Laetitia. But for some reason Sir William reneged on all articles of the marriage agreement. And so, in a bid to force him to make these good, however belatedly, both mother and son William, in March 1698, filed a Bill in the Chancery of Ireland.

Sir William at this stage was, or allegedly was, deeply in debt. The Bocking estate was in mortgage for £5,000. He also had mortgaged part of the Pubblebrien estate to Edward Riggs for £2,000 and another part to Colonel Percy Freak for £2,000 more, and by Judgements and Bonds had contracted several other debts, the several incumbrances seemingly totalling £7,000, excluding the mortgage on Bocking. As a result of threatened litigation, Sir William agreed in 1701 that part of Limerick should be sold to enable him to clear his debts, and to purchase the £300 per annum in England. But seemingly action by him in line with that agreement did not materialise, and there followed a series of legal hearings of the case, the first of which was in December 1702. Earlier in that year Dame Elizabeth had died, but as his son William should have benefited from the articles of marriage, he (the son) continued the litigation process, later hearings being 1707, 1708 and 1709.

By the same articles of marriage, Dame Elizabeth's Tipperary estate, valued at £1,500 per annum belonged after her death to her husband Sir William for life. But at this stage the son William took over his mother's estate, and although until about 1726 he mainly lived in Co. Meath, about sixty miles distant from Kilcooley, he eventually came to live at Kilcooley itself. In the intervening years that estate was managed for him by agents and servants, and set in small parcels to poor tenants, and was allegedly, most neglected.

The son William pursued his vested interests in the unfulfilled marriage agreements of his



parents. Indeed, he claimed that from the time of his father's death he ought have Bocking, with £500 per annum, free of incumbrances, and another estate in England of £300 per annum. Litigation between father and son continued.

A court decree of 1714 required that the Limerick estate be sold, that the purchase money be used to discharge Riggs and Freak with interest and costs, and that £300 per annum be purchased in England as per the marriage agreement, and that the money arising from the sale be also used to disencumber the Bocking Estate which continued to be in difficulties, and to pay the various creditors of Sir William.

In accordance with this decree the Limerick estate was put up for sale, and the sale took place in July of 1715. Among those anxious to purchase from Sir William was his own son, William. But the determination of another bidder, Thomas Ivers, that young William should not become the new owner, became evident in the sale price of £21,410 bid by Ivers to top the final bid of £21,400 made by William. Both prices were vastly greater than any Adventurer had paid for land, being in the region of over £6 per acre. (That it may have been a grossly inflated value possibly through the connivance of Sir William, should not be ruled out.)

The sale which followed this court judgement had a long epilogue. Ivers paid only a £1,000 deposit on the purchase price. An attempt by the young William to compel Ivers to bring the whole £21,410 of purchase money into court failed, and instead an order was granted that Ivers pay part of it to such persons as the elder Sir William should certify as his creditors. Complicating matters further, Ivers, sometime after purchase, made the allegation that the particulars of the sale had been misrepresented to him, and that he had been deceived. He claimed that the leases on the lands had been longer by ten years than he had been told, that the lands were liable to greater quit-rents than he had been told, and were set at rack-rents which were less by about £300 per year than was mentioned in the particulars of sale, and on the credit of which he had become purchaser. So in November, 1717, Ivers filed a Bill against Sir William and his son William for an allowance on that account.

Sir William died in 1719, having part-paid Ivers for his losses. His daughter Laetitia was appointed his executrix, and both she and her brother, now himself Sir William, (presumably having inherited his father's title, and to whom we shall henceforth refer as 'the young Sir William'), continued to be involved in increasingly complicated litigation in connection with the Limerick estate. For example, 268 acres in Clounanna had been purchased from Ivers in 1717 by Nathaniel Evans for £3,216, and he (Evans) asserted that between the times of purchase and 1731, when another appeal was being heard, he had expended a further £1,000 on land improvements.

A House of Lords judgement in 1724 decreed that the £300 per annum due the older Sir William's marriage agreement be not now purchased in England but that a sum of £17,600, computed as the value of £800 per annum from the time of his father's death, should be paid by Ivers to the young Sir William or his heirs. A further hearing of the case was arranged in 1728, but this did not resolve the issues, and a subsequent appeal to the Law Lords took place in 1731. The Barkers eventually regained possession of much of their former lands in Pubblebrien. As late as 1876 their total estate in Co. Limerick was 3,426 acres, and Kilcooley Abbey was still their place of residence.

The location of the Cunningham and Dick lands in Pubblebrien disputed by Alderman William Barker - along by the Mague-side from the Shannon southwards - will now be listed. There are in fact two different listing of the disputed lands. Only one of them, that drawn up by the king on 18th December 1668, for the Lord Lieutenant, names specifically certain Pubblebrien townlands (which were to be granted to Richard Jones). A list submitted



by Barker himself in a "caveat" dated 17th June, 1667, mentions no lands in Pubblebrien at all, and lists a total acreage of just over 12,000 acres compared to about 14,000 acres listed by the King.

In the King's list the Pubblebrien lands are in the north-west quarter of the barony, some in each of the parishes of Kilkeedy, Clounanna and Killonaghan, as follows:-

In Kilkeedy parish - Meelick and Ballytragh; Cragbegg; Cragan Farrenowney; Coolengore and Knockbrack; Inish Dromard; Barnard; Ballyfadine; Cahermore; Ballybeg; Upper Meelick; Ballyneveen; Lecarramore; Lecarrabeg; Kiltemplane; Liscoulta; Kilcolman

In the parish of Clounanna - Clounannabeg; Lisduff; Lisnewmore (Lisleenmore)

In the parish of Killonaghan - Ballyneronogue (Ballybronogue); Ballycarrane.

As earlier stated, by 7th May, 1659, Alderman, later Sir William Barker was in possession of land in Connello and in Pubblebrien. The lands in Connello claimed by Barker amounted to 6,113a. 1r. 16p., and were claimed on the strength of five different adventures, among them an adventure of £2,600 of the unpaid Captain Lewis Dick adventure. The reduction of land due because of the non-payment of this £2,600 by Dick was computed to be 5,777a. 3r. 13p., and this amount had to be forfeited by Barker. For another reason a further 55a. 2r. 8p. was taken leaving only 279a. 3r. 13p. of the original 6,113 acres claimed by him in Connello (calculation certified 17th June 1667). In other words, almost all land claimed by him in Connello was lost to Barker on this count.

In conclusion, we shall return to Thomas Ivers whose method of purchasing the Barker estates in Pubblebrien in 1715 seems so bizarre now. Very likely his father was Henry Ivers or Ievers who arrived in Ireland in the 1640s and worked first as a clerk to a barrister. Then he became Lord Clare's steward and, not being above enriching himself at the expense of his master as well as by other means became one of the wealthiest men in Clare by the time of his death in 1691 - his fortune having been made by a combination of judicious purchase of land and by fraud. Burke's *Irish Family Records* lists Thomas Ivers of Graymore and Corcomore as Henry's fourth son. Corcomore lies in the north of Pubblebrien, between the River Maigue and the former lands of Carrigogunnel Castle. In 1840 its extent was almost exactly 1,347 acres.

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