

‘The Cat’s Paw’: Helen Arthur, the act of resumption and *The Popish pretenders to the forfeited estates in Ireland, 1700–03*

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ABSTRACT. *This article examines the case of Helen Arthur, a Catholic and Jacobite Irish woman who travelled with her children to France following William III’s victory over James II in the War of the Two Kings (1689–91). It considers Helen’s circumstances and her representation in The Popish pretenders to the forfeited estates in Ireland, a pamphlet published in London in 1702 as a criticism of the act of resumption. The act, introduced by the English parliament in 1700, voided the majority of William III’s grants to favourites and supporters. Its provisions offered many dispossessed, including the dependants of outlawed males, a chance to reclaim compromised or forfeited property by submitting a claim to a board of trustees in Dublin. Helen Arthur missed the initial deadline for submissions, but secured an extension to submit through a clause in a 1701 supply bill, a development that brought her to the attention of the anonymous author of The Popish pretenders. Charting Helen’s efforts to reclaim her jointure, her eldest son’s estate and her younger children’s portions, this article looks at the ways in which dispossessed Irish Catholics and/or Jacobites reacted to legislative developments. More specifically, it shines a light on the possibilities for female agency in a period of significant upheaval, demonstrating opportunities for participation and representation in the public sphere, both in London and in Dublin. It also considers the impact of the politicisation of religion upon understandings of women’s roles and experiences during the Williamite confiscation, and suggests that a synonymising of Catholicism with Jacobitism (and Protestantism with the Williamite cause) has significant repercussions for understandings of women’s activities during the period. It also examines contemporary attitudes to women’s activity, interrogating the casting of Helen as a ‘cat’s paw’ in a bigger political game, invariably played by men.*

In 1702, a pamphlet of anonymous origin entitled *The Popish pretenders to the forfeited estates in Ireland, unmask’d and layd open* was printed and sold in London and Westminster.¹ Positioned as a response to a purported letter

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¹ Anon., *The Popish pretenders to the forfeited estates in Ireland, unmask’d and layd open. Being an answer to a letter from a member of parliament, desiring his friend to inquire into the character and circumstances of some persons, who (by the act relating to the forfeitures,) have been, or are like to be restored to their estates* (London, 1702). This was among a number of pamphlets produced in response to the act of resumption. For

from a member of parliament, the tract was a circumspective criticism of the English parliament's act of resumption of 1700.² The legislation was designed by disgruntled members of the House of Commons as a check to the 'exorbitant grants' of Irish land made by William III in the course of the 1690s.³ The grants were a result of William's victory over James II in the War of the Two Kings, waged in Ireland from March 1689 until October 1691.⁴ Despite early assurances that estates forfeited by rebels would be used to offset the cost of a successful military campaign in Ireland, the king proceeded to grant some 656,807 Irish acres to Williamite military commanders and personal favourites.⁵ In truth, the struggle between king and Commons for control of the Irish forfeitures reflected a much larger battle for political control, with William unwilling to temper the royal prerogative and the lower house tightening the leash by way of the purse strings.⁶ War on the continent and the parliamentary clout of the Whig junto shielded the king for much of the 1690s, but the signing of the treaty of Ryswick in 1697 brought a temporary peace which allowed focus to shift from the continent back to domestic affairs and the long-festering discontent over the Irish forfeitures.⁷ A failed bill of resumption in 1698 was followed by the appointment of a commission of inquiry into the Irish forfeitures in 1699.⁸ Perhaps unsurprisingly, a bill for the vacating of grants passed the Commons unanimously a matter of hours after the commission submitted their report in December 1699.⁹ The act of resumption represented a seismic shift in the realisation and resolution of the forfeitures in Ireland. The first two clauses of the act effected what amounted to a conclusion of outlawry proceedings and an almost wholesale resumption of the grants awarded by William in the preceding decade.¹⁰

I

Claiming 'in all respects to be a stranger' to Irish affairs, the author of *The Popish pretenders* discovered a general opinion that the 1700 act of resumption

an overview, see Patrick Walsh, *The making of the Irish Protestant ascendancy: the life of William Conolly, 1689–1729* (Woodbridge, 2010), p. 50, n. 37.

² 11 & 12 Will. III, c. 2.

³ The accusation of exorbitance was made in a pamphlet printed and sold in London by B. Bragg in 1703, post-dating the king's death. The pamphlet was entitled *The exorbitant grants of William the III examin'd and question'd* (London, 1703).

⁴ On the war and the circumstances surrounding it, see John Childs, *The Williamite wars in Ireland, 1688–1691* (London, 2007); D. W. Hayton, *Ruling Ireland, 1685–1742: politics, politicians and parties* (Woodbridge, 2004), pp 8–34; J. G. Simms, *Jacobite Ireland, 1685–1691* (London, 1969).

⁵ *Commons' jn.*, x, 445 (17 Oct. 1690); H.M.C., *House of Lords MSS*, new series, iv, 38. J. G. Simms incorrectly records this figure as 636,807 acres (J. G. Simms, *The Williamite confiscation in Ireland, 1690–1703* (London, 1956), p. 87).

⁶ See Craig Rose, *England in the 1690s: revolution, religion and war* (Oxford, 1999), pp 63–104; Henry Horwitz, *Parliament, policy and politics in the reign of William III* (Manchester, 1977).

⁷ Simms, *Williamite confiscation*, p. 96.

⁸ *Ibid.*, p. 97; *Commons' jn.*, xii, 90 (7 Feb. 1698).

⁹ *Commons' jn.*, xiii, 65–6 (15 Dec. 1699).

¹⁰ Some of the king's grants were maintained. See 11 & 12 Will. III, c. 2, ss 55–6; Simms, *Williamite confiscation*, p. 115.

was 'design'd well, and had the privilege of claiming been limited to the Protestant Creditors, it might have tended to the publick good'. The issue was that the legislation did not discriminate on grounds of religion and therefore both Catholics and Protestants were permitted to submit a claim. The result, according to *The Popish pretenders*, was that the resumed estates had been 'snatched from the hands' of the king, his grantees and some 103 Protestant purchasers, and were instead 'dispos'd of to *Popish* claimants'. This was owing to the apparent leniency exhibited to the

Popish heirs of Popish parents, who were all of them in actual rebellion, many of them dying therein, the survivors attain't'd, outlaw'd, fled and actually in the late King's service might (tho' many of them were themselves one way or other concern'd in the rebellion) have liberty to claim inherit; and where their estates were intail'd or in jointure, secured from paying their debts due to Protestant creditors, who had been undone by their ancestors.¹¹

There was some substance in the pamphlet's assertion that the legislation was lenient to Catholics in its implementation. In its first two clauses, the act of resumption created the framework for the submission and hearing of claims on resumed estates, as well as establishing the criteria for claiming. The first clause of the act dictated that all property belonging to or in trust for anyone who stood attainted for domestic or foreign high treason since 13 February 1689 was to be vested in a board of trustees, who were tasked with the management and eventual sale of all identifiably forfeited estates.¹² The second clause nullified any grants of forfeited or forfeitable estates made by the king since 13 February 1689 and further stipulated that any person with a pre-existing interest in such an estate was entitled to submit a claim to be heard and adjudicated on by the trustees.¹³

While the first clause effectively closed the door on those who were found to be outlawed by the prescribed date, the second clause ensured that any other individual with an interest in a forfeited estate that predated William and Mary's accession could submit their case to the trustees. To do so, they had to register their claim and supporting papers at Chichester House, the old parliament building on Dublin's College Green, which was chosen by the thirteen trustees as their administrative home.¹⁴ The deadline was fixed for 10 August 1700, with the registrar instructed to leave the doors open until midnight, to allow for the entry of as many claims as possible.¹⁵ When Chichester House finally closed for business on that date, some 3,092 claims

¹¹ *The Popish pretenders*, p. 4.

¹² 11 & 12 Will. III, c. 2, ss 1, 2.

¹³ 11 & 12 Will. III, c. 2, ss 2, 11.

¹⁴ 'Minutes of the proceedings of the commissioners appointed by a late act of parliament made in England, for inquiring into and taking an account of the forfeited estates within the kingdom of Ireland' (hereafter cited as 'Minutes of the proceedings'), 3 June 1700–25 Mar. 1701 (P.R.O.N.I., Annesley MSS, ii, f. 1). On Chichester House, see J. T. Gilbert, *A history of the city of Dublin* (3 vols, Dublin, 1854–9), iii, 57–73.

¹⁵ 'Minutes of the proceedings', 3 June 1700–25 Mar. 1701 (P.R.O.N.I., Annesley MSS, ii, ff 110–11).

had been submitted to the trustees at the court of claims.¹⁶ This figure included a significant number of ‘Popish heirs to Popish parents’ or, broadly speaking, many individuals whose interests were enmeshed with those of the forfeiting proprietors. These claimants had to prove their title beyond doubt, but the trustees’ application of the law without discrimination prompted one of them, Sir Henry Sheres, to note that a ‘new and unknown practice’ had come into existence whereby ‘a Protestant knave was sure not to succeed against an injured Papist’.¹⁷

It is clear that the purported M.P. addressed by *The Popish pretenders*’ author served as an avatar for the interests of the king, his grantees, and the Protestant purchasers of grantee estates; after all, the act of resumption represented a direct rebuke to the royal prerogative and a considerable financial blow to grantee and Protestant interests. While the ‘fatal bill’ included a proviso for the exemption of grantees from the repayment of rents, issues, or profits accruing from their awards, they were required to repay the Exchequer any money that they had received for the satisfaction of debts due to the forfeiting proprietors of the estates awarded to them.¹⁸ As Patrick Walsh has pointed out, the ‘real losers’ in the wake of resumption were the Protestant purchasers.¹⁹ The act provided a compensatory sum of £21,000 to over 100 out-of-pocket individuals, but this represented just over one third of their combined outlay of £58,000.²⁰

Unsurprisingly, the purchasers proved to be vocal opponents to the act of resumption as it passed through parliament and, as Walsh observes, they couched their arguments against it ‘not just in terms of self-interest but also in terms of the damage that the act would do to the Protestant interest in Ireland’.²¹ This attitude was reflected in *The Popish pretenders*, with the anonymous author lamenting that ‘nothing could have been devised more injurious and detrimental to the English Protestant interest in Ireland, than that fatal bill’. The grantees and purchasers, furthermore, were a group ‘under whom the poor *British* Protestants there [Ireland] might have lived securely and comfortably’.²²

¹⁶ *A list of the claims as they are entred with the trustees at Chichester-House on College-Green in Dublin, on or before the tenth of August, 1700* (Dublin, 1701). Three folio versions of the printed *List* were produced, a number of which contain hand-written adjudications, additional claims and indexes. Surviving copies of the *List* are held in repositories in Ireland, the United Kingdom and the United States, with two copies in private ownership. The present article uses the copy held at N.L.I., MS 3012. A modern edition is forthcoming with the Irish Manuscripts Commission.

¹⁷ Sir Henry Sheres to John Ellis, 1700 (B.L., Add. MS 28,886, f. 45).

¹⁸ 11 & 12 Will. III, c. 2, s. 5.

¹⁹ Walsh, *Protestant ascendancy*, p. 50.

²⁰ Register’s minute book, 14 June–17 Sept. 1700 (P.R.O.N.I., Annesley MSS, viii).

²¹ Walsh, *Protestant ascendancy*, p. 50. On the Protestant interest more generally, see Rachel Wilson, *Elite women in ascendancy Ireland, 1690–1745: imitation and innovation* (Woodbridge, 2015); D. W. Hayton, *The Anglo-Irish experience, 1680–1730: religion, identity and patriotism* (Woodbridge, 2012); idem, *Ruling Ireland*; C. I. McGrath, *The making of the eighteenth-century Irish constitution: government, parliament and the revenue, 1692–1714* (Dublin, 2000); S. J. Connolly, *Religion, law and power: the making of Protestant Ireland, 1660–1760* (Oxford, 1992).

²² *The Popish pretenders*, p. 3.

II

The Popish pretenders' principal focus was not on the thousands of claims that were given legitimacy by the resumption legislation in 1700, however, but on another, much smaller, cohort of claimants. This group, the majority of whom had failed to meet the 10 August deadline prescribed by the act, ultimately benefited from an extension to the deadline for the submission of claims to be heard by the trustees. The extension was achieved by 'tacking' clauses to a supply bill, in this case, 'A bill for granting to his majesty several duties upon low wines or spirits of the first extraction', which was first brought before the English House of Commons on 6 June 1701.²³ The bill was designed to raise funds for the royal coffers, with the English Exchequer struggling to meet the debts from the 1689–97 war. A house committee was appointed to report on the bill and submitted their findings to the Commons in mid-June, with a number of proposed amendments. Among them a 'clause was offered to be added ... for giving a new time for the entering of claims touching the *Irish* forfeited estates'.²⁴ With the assent of the house, this clause was included, as was another concerning the time provided for the sale of the forfeited estates in Ireland.²⁵

The author of *The Popish pretenders* asserted that the act of resumption would have 'been less fatal' without this 'unheard of indulgence' tacked to the 1701 low wines act. The frustrations among those adversely affected by the 1701 extension were compounded by the efforts of some among the dispossessed Irish to reclaim property that had already been adjudged forfeited. These efforts centred largely on the presence of an Irish 'lobby' in Westminster, and on a number of petitions presented to the lower house in May 1701 by the trustees for the forfeited estates.²⁶ In seeking to establish 'the character and circumstances' of those who sought the extension, the anonymous pamphleteer alleged that it would be of most benefit to 'those who by reason of their residing in France and depending on the late king [James II], durst not think of claiming within the time first appointed by the Act'. These Irish émigrés would never 'have set foot in *England*, but for the Incouragement given them by some of their Friends there, who had been equally guilty, and yet fared so well that they prevail'd with them to come and try their fortunes too'. Such was their success, in turn,

that instead of being questioned for presuming to venture here contrary to an Act of Parliament (which makes it capital for anyone who has been in the service of the late king, or anytime in France, to return to England without license) that they were received, as it were, with open arms, and comply'd with in everything they desir'd.²⁷

²³ *Commons' jn.*, xiii, 598 (6 June 1701).

²⁴ *Ibid.*, 630 (14 June 1701).

²⁵ *Ibid.*

²⁶ On eighteenth-century understandings of the terms 'lobby' and 'lobbying', see F. G. James, 'The Irish lobby in the early eighteenth century' in *E.H.R.*, lxxxi, no. 320 (July 1966), pp 543–57. See also John Bergin, 'Irish Catholic interest at the London inns of court' in *Eighteenth-Century Ireland*, xxiv (2009), pp 36–48.

²⁷ *The Popish pretenders*, p. 4.

This was an unequivocal indictment of the leniency apparently shown to Irish Catholics, many of whom were guilty of foreign treason. The author continued that there were 'several' such people, but that inquiry had failed to deliver names and the only ready example was a woman who was expressly named in the 1701 supply act. This was, as recorded in *The Popish pretenders*, one 'Ellen Arthure', who was permitted by a clause added to the 1701 legislation to 'go into Ireland and claim her Joynture &c'.²⁸

It is not clear at what point in the drafting process 'Ellen Arthure' was included in the act. She was not named among proposed amendments in a report from the Commons committee appointed to consider the bill in June 1701.²⁹ A month prior, however, the trustees for the forfeited estates had presented a petition to the English parliament on behalf of Helen Arthur and her two daughters, Frances and Dymphna. Therein, Helen pleaded ignorance to excuse the fact that she had missed the deadline for submitting her claim to the trustees in Dublin, stating that

they happening unfortunately at the time of the said [Resumption] Act passed and sences [since] untill lately to be beyond Seas, where they had not Correspondences or Communication with any English, or Irish, they did not hear of the said Act or the contents thereof untill about the beginning of November last, when the time for entering their claimes was over.³⁰

Describing her 'unfortunate circumstances & the Deplorable condition of her said two daughters', who were 'helpless, fatherless and grown up to be women', with 'nothing to maintain or prefer them', Helen asked that the House 'be pleased to enable them by a clause in such Bill as shall be thought proper'. The petition was punctuated by a single line from the trustees, supporting Helen's claim.³¹ When the bill passed in the House of Lords on 23 June 1701, a clause for 'Hellen Arthur, widow and relict of Robert Arthur of Hacketts Town in the County of Dublin' stipulated that it was lawful for her

to go into Ireland and in Behalf of herself and of her Children to enter her and their respective Claim and Claims before the Trustees appointed by an Act ... for the several Purposes therein mentioned or before any Seven or more of them to and for her and their respective Rights and Titles to any Manors, Lands, Tenements or Hereditaments and to the respective Portions of the said Children.³²

The clause permitted Helen to prosecute her claim in Dublin at any time before 1 September 1701 and was followed by another, which accommodated others who had likewise petitioned the Commons. This latter clause dealt with both

²⁸ *Ibid.*, p. 10.

²⁹ *Commons' jn.*, xiii, 592–3 (3 June 1701), 633 (16 June 1701).

³⁰ 'The humble Petition of Hellen Arthur, widow and relict of Robert Arthur of Hackettstown in the County of Dublin Esq. Deceased, in ye behalfe of herself and their two Daughters Frances & Dymphna Arthur', 22 May 1701 (Bodl., Rawl. MS A 253, f. 134).

³¹ *Ibid.*

³² *Lords' jn.*, xvi, 765 (23 June 1701); 12 & 13 Will. III, c. 11, s. 28.

claimants who had failed to meet the prescribed deadline and those who had submitted their claims in an incorrect manner during the original submission process. Any claimants who had been named by the Commons' committee in their June 1701 report were allowed to 'enter his, her and their respective Claims before the said Trustees or any Seven or more of them in Manner and within the Time aforesaid'.³³ The actual number of claimants (including the Arthurs) for whom the extension of the deadline represented an opportunity was relatively small: in all, some forty-seven claims were admitted to be heard by the trustees between 1701 and 1702. Of those forty-seven, Helen Arthur acted as the claimant or guardian in eight.³⁴

III

Aside from *The Popish pretenders'* positioning of Helen Arthur as representative of the deleterious Catholic interest in the forfeitures, and aside from her role in the closing stages of the Williamite confiscation, she does not feature prominently in the historical record. This is unsurprising: the upheaval of the 1690s was not a friend to correspondence or personal account, with exile proving both destructive and prohibitive. The Venn-diagram narrative of women's history, overlapping public and private to create a more pliable intersection, is contingent on the excavation of women's lives within the domestic, social and political worlds.³⁵ The displacement caused by war and by the rise of the Protestant ruling class meant that a number of the women attached to the Jacobite cause lost their homes and immediate social circle, and found themselves at a physical remove from the organs of Irish and English political power. Without correspondence or autobiographical writings, and without household accounts or inventories, any understanding of the lives of individual women must be fashioned, piecemeal, if at all.³⁶ France, and particularly the

³³ 12 & 13 Will. III, c. 11, s. 29.

³⁴ *A list of the claims*, claim nos 3111–3118.

³⁵ For interrogations of the boundaries between public and private spheres in seventeenth-century England, see, for example, Robert Shoemaker, *Gender in English society, 1650–1850: the emergence of separate spheres?* (London, 1998); Paula R. Backscheider and Timothy Dykstal (eds), *The intersections of the public and private spheres in early modern England* (London, 1996). In an Irish context, interest in the fields of women's and gender history has been slower to ignite. Mary O'Dowd's pioneering work has, however, had a significant impact and, as a result, there is a growing body of work on women and womanhood in early modern Ireland. See Mary O'Dowd, *A history of women in Ireland, 1500–1800* (Harlow, 2005); Margaret MacCurtain and Mary O'Dowd (eds), *Women in early modern Ireland* (Edinburgh, 1991); M. L. Coolahan, *Women, writing and language in early modern Ireland* (Oxford, 2010). Wilson's *Elite women* examines members of the Protestant ascendancy and is a positive indication that attention has finally turned to women in the period immediately succeeding the Williamite–Jacobite war. By contrast, Protestant Irish women are relatively well represented in studies of the mid- to late-eighteenth century.

³⁶ The only 'Irish' exception to this rule is the English-born Frances Talbot, countess and titular duchess of Tyrconnel, whose correspondence, particularly with her influential sister Sarah Churchill, is relatively considerable. See the correspondence of the duchess of Marlborough with her eldest sister, Frances, 1675–1725 (B.L., Add. MSS 61,453, ff 41–185b); correspondence of the duchess of Marlborough with the daughters of her sister, Frances, and Sir George Hamilton, 1691–1702 (B.L., Add. MS 61,454,

Jacobite court at Saint-Germain-en-Laye, did supply new ‘spheres’, but evidence of Irishwomen’s lives there reveals a precarious arrangement rather than a thriving community.³⁷ Consequently, little is known or has been written about high-ranking Irish Catholic women at the time, and even less about those in the ‘lower orders’.³⁸ The absence of material that would establish domestic and social contexts precipitates what appears to be a scavenger’s errand. Government and clerical records, manuscript and printed petitions, legal papers, bank and stock company records, genealogies and pamphlets, alongside threads of information unpicked in a trawl through the archives, provide the broad basis from which a history of Catholic Irish women after the Williamite–Jacobite war can be written.

In this light, it is not surprising that nothing remains of Helen Arthur’s personal writings and, beyond *The Popish pretenders*, little other account of her life. The sum record of her time in Saint-Germain is a brief entry in the parish registers, which record that she acted as a witness to the baptism of Jacques, son of Richard Hougan (Hogan) and Margueritte Aguera, on 4 May 1692.³⁹ There remains evidence of Helen’s lineage, however, and this is owing to her position as a daughter of two Old English families of rank. Helen’s mother, Frances, was one of sixteen children born to Sir William Talbot and his wife, Alison Netterville, with *The Popish pretenders* correctly identifying Helen as a niece through her mother of James II’s lord deputy in Ireland, Richard Talbot, earl of Tyrconnel, and his brother, Peter Talbot, the Catholic archbishop of Dublin.⁴⁰ Frances Talbot married Helen’s father, James Cusack, sometime in the 1620s. Cusack also came from Old English stock and his family boasted a long tradition of service in the Irish administration. He trod the same path and studied at the Inner Temple before becoming one of a small number of Catholics to serve in government in Ireland during the reign of Charles I.⁴¹

ff 1–100b); French letters from the duchess of Tyrconnel, 1707 (Bodl., MS Carte 210, ff 5–77); letters to Richard Talbot, earl of Tyrconnell, and other documents, 1679–90 (N.L.I., MS 37, ff 94–96v). A number of petitions submitted by, or on behalf of, Lady Tyrconnel are also extant. See, for example, ‘Tyrconnel (Mme de). Supplique et mémoire’, 1699 (Bibliothèque Nationale de France (hereafter B.N.F.), Arsenal, MS 6040); ‘The humble Petition of Sir John Temple and Anthony Guidott, surviving Trustees for Francis [*sic*] Countess Dowager of Tyrconnel’, 23 May 1701 (Bodl., Rawl. MS A, 253, ff 151–2).

³⁷ See Mary Ann Lyons, “‘Digne de compassion’: female dependants of Irish Jacobite soldiers in France, c.1692–c.1730” in *Eighteenth-Century Ireland*, xxiii (2008), pp 55–75; Edward Corp, *A court in exile: the Stuarts in France, 1689–1718* (Cambridge, 2004); Nathalie Genet Rouffiac, ‘The Irish Jacobite exile in France, 1692–1715’ in Toby Barnard and Jane Fenlon (eds), *The dukes of Ormonde, 1610–1745* (Woodbridge, 2000), pp 195–210; eadem, ‘Jacobites in Paris and Saint-Germain-en-Laye’ in Eveline Cruickshanks and Edward Corp (eds), *The Stuart court in exile and the Jacobites* (London, 1995), pp 15–38.

³⁸ 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” (Ph.D. thesis, U.C.D., 2015), pp 1–21.

³⁹ C. E. Lart (ed.), *The parochial registers of Saint Germain-en-Laye: Jacobite extracts of births, marriages, and deaths; with notes and appendices* (2 vols, London, 1910), i, 82.

⁴⁰ *Burke’s peerage, baronetage and knighthood* (107th ed., 3 vols, London, 2003), iii, 3990; *The Popish pretenders*, p. 5; James McGuire, ‘Talbot, Richard (1630–91)’, in *D.I.B.*

⁴¹ Micheál Ó Siochrá, ‘Cusack, James (c. 1590–c. 1659)’, in *D.I.B.*

Cusack was also an M.P. in the Irish House of Commons before he joined the ranks of the Irish rebels in 1642, representing the boroughs of Old Leighlin in Carlow and Ballyshannon in Donegal. He was then elected to the first Confederate Supreme Council in Kilkenny and, afterwards, served as Confederate attorney general and judge of the admiralty. Having navigated the turmoil of the 1640s, Cusack's fortunes fundered with the arrival of the Cromwellian army in Ireland and he was not among those included in the general pardon of 1652.⁴² The Cusacks had four children before James died in 1659: Thomas, William, Nicholas and Helen (recorded occasionally as Ellinor or, as in the case of *The Popish pretenders*, Ellen). The year of her birth is not on record.

The articles of marriage that underpinned Helen's claim at Chichester House are no longer extant, but the list of claims, printed by order of trustees in 1701, states that she married Robert Arthur of Hackettstown, County Dublin, in 1671.⁴³ Robert was the son of John Arthur, who was enrolled in Gray's Inns in London in 1641, and grandson of Robert Arthur, who was an alderman of Skinner Row in Dublin.⁴⁴ The Arthurs lost their estates under Cromwell, but a letter from Charles II in June 1661 provided for the restoration of 'all the lands in Dublin and Ireland of which he [John] or his father was dispossessed by the late power'.⁴⁵ As Harold O'Sullivan notes, John Arthur may have engaged in money lending, as he sought numerous encumbrances at the court of claims in 1663 on estates in Dublin, Louth, Roscommon, Mayo and Sligo.⁴⁶ Robert Arthur served as a major in Galmoy's Regiment of Horse during the Williamite–Jacobite war and continued to fight until the Jacobite surrender at Limerick in 1691. He was temporarily held hostage by the Williamite forces, in order to ensure the due performance of the terms agreed by the two sides.⁴⁷ Robert's role in the Jacobite army led to his prosecution for domestic treason and his name appears on three separate occasions in the numerous outlawry lists compiled by the commissioners of inquiry into the Irish forfeitures in 1699. Included in the tenth list for Dublin city, and in the County Dublin and County Louth lists, his outlawry resulted in the forfeiture of the Arthur estates in both of those counties.⁴⁸ These lands were entailed to the Arthurs' eldest son, John, with Helen's jointure settled on part of that estate alongside the portions of her daughters and younger sons.⁴⁹ It was these entitlements that formed the basis of the family's claims at Chichester House.

⁴² *Ibid.*

⁴³ *A list of the claims*, claim nos 3111–3118.

⁴⁴ Harold O'Sullivan, 'Land ownership changes in County Louth in the seventeenth century' (2 vols., T.C.D., Ph.D. thesis, 1991), i, 251.

⁴⁵ The king to the lords justices for John Arthur, 11 June 1661 (*Cal. S.P. Ire., 1660–2*, p. 352); O'Sullivan, 'Land ownership', i, 251.

⁴⁶ O'Sullivan, 'Land ownership', i, 251–2

⁴⁷ John D'Alton, *King James' Irish army list (1689)* (Dublin, 1855), pp 966–7.

⁴⁸ Lists of persons outlawed for high treason in Ireland (T.C.D., MS 744, ff 12, 17v, 22); J.G. Simms (ed.), 'Irish Jacobites: lists from T.C.D. MS N.1.3' in *Anal. Hib.*, no. 22 (1960), pp 30, 36, 40; *A list of the claims*, claim nos 3111–3118.

⁴⁹ *A list of the claims*, claim nos 3111–3118.

These details of Helen Arthur's life assume increased significance when set within the context of *The Popish pretenders*, the author of which purports to have a 'very particular account' of 'who and what this Ellen Arthure is'.⁵⁰ This account was based on the alleged testimony of the Protestant widow of a Jacobite soldier who knew Helen at James II's exiled court at Saint-Germain. The pamphlet's depiction of Helen as 'Zealous ... for the cause' is obvious in its intent, with the author keen to cast her as an emblem of Catholic Irish interests. One such accusation was that at the end of the 1689–91 war, Helen, 'fearing her Husband (who had an inclination to stay) should lay hold to the benefit of the Articles [of Limerick], and return to his Habitation ... immediately convey'd herself, & her other Children into *France*, as the greatest inducement for him to follow'. Helen's plan, as presented in the pamphlet, 'fell out as expected'; Robert Arthur did follow his wife and children into exile on the continent.⁵¹

Helen is depicted in *The Popish pretenders* as a conniving and influential wife, but she is also described as possessing unambiguous allegiance. The pamphlet does not explicitly describe Helen as Jacobite, but it does place her foremost among the 'Popish pretenders' to the forfeited estates.⁵² The pamphlet's reinforcement of Helen's Catholic identity and the charge of zeal 'for the cause' exemplifies what Mark Knights has observed, in an English context, to be the 'politicization of religion',⁵³ a phenomenon summed up by Philip Connell as 'the assimilation of religious arguments and identities into an emergent public political culture' in the second half of the seventeenth century.⁵⁴ As Melinda S. Zook states on developments in England, 'the debates, crises and controversies of the Restoration and [Glorious] Revolution were neither simply political nor simply religious but intrinsically both'.⁵⁵ The immediacy of events like the Glorious Revolution, the Irish war and the subsequent confiscation of estates, and the emergence of the Protestant ascendancy, cast the political, socio-cultural and economic divisions of 1690s Ireland in unambiguously religious terms. Printed in England, *The Popish pretenders* dealt predominantly with the impact of English legislation on Irish affairs, and reflected English Protestant concerns as well as Irish Protestant fears and grievances. There is no doubting that the sympathies of the author lay with the Protestant purchasers and with British Protestant settlers in Ireland. Rooted in an ideological conflict that redefined kingship, and addressing the political, social and economic fallout of war, it stands to reason that the pamphlet was a product of 'politicized religion'.⁵⁶

The war in Ireland was followed by the outlawry of an almost entirely Catholic body of Jacobites and evidenced what Knights has identified as 'an intrinsic link between dissent and political sedition'.⁵⁷ Following the act of

⁵⁰ *The Popish pretenders*, p. 5.

⁵¹ *Ibid.*

⁵² *Ibid.*

⁵³ Mark Knights, *Representation and misrepresentation in later Stuart Britain: partisanship and political culture* (Oxford, 2005), pp 18–22.

⁵⁴ Philip Connell, *Secular chains: poetry and the politics of religion from Milton to Pope* (Oxford, 2016), p. 5.

⁵⁵ Melinda S. Zook, *Protestantism, politics and women in Britain, 1660–1714* (London, 2013).

⁵⁶ Knights, *Representation*, pp 20–1.

⁵⁷ *Ibid.*, p. 21.

resumption, the ire of the Protestant purchasers, for whom the pamphlet expressed a clear concern, found a natural target in those 'Papists' who would benefit at their expense. The conflation of religious identity with political and cultural identity throughout the pamphlet is perhaps most clearly exemplified by an aggressive and frustrated reflection upon 'the many and great Opportunities, even since the Revolution, of ridding the poor Protestants in that unhappy Country of their implacable and irreconcilable neighbours'. The threat posed by dispossessed Catholics might have been expunged, the author of *The Popish pretenders* lamented, if the victorious Williamites had 'forc'd them into *Lymrick*, where they might have starv'd, or hasten'd the Surrender? Or else pent them up in some Nook of the Country, as their old Friend *Cromwel* served them.'⁵⁸

IV

While it might be easy to dismiss *The Popish pretenders* as an exercise in unabashed polemic, it reflected a genuine anxiety amongst Protestants, both in Ireland and in England. It also evidenced the need among the fledgling Irish Protestant ascendancy to align themselves with English or British interests.⁵⁹ The role of women in this milieu was significant and there existed obvious concern over the impact of female entitlements (typically in the form of encumbrances like jointures, portions and maintenances), alongside unease over women's capacity to act in the interests of themselves, their families, their church, and their king. It is perhaps unsurprising therefore that Helen Arthur was not the only Irishwoman branded a bulwark of subversive religious and political identity during and after the war. A report on Jacobite activity made in June 1690 by John Skeffington, second Viscount Massereene, named a 'Mrs Stafford' as one among a network of women 'who daily procure intelligence and bring an account to King James of the state of the Duke of Schomberg's army and its motions'.⁶⁰ This was Sarah Stafford, daughter of Sir James MacDonnell of Moye, second baronet, and Mary (née O'Brien), and wife of Francis Echlin (*alias* Stafford).⁶¹ Evidence of Sarah's proclivities appeared again later, in the petition of Lieutenant Edmund Stafford, the Protestant heir to the family's estate in County Antrim. Stafford's petition, submitted to the Irish parliament in October 1692, stated that his uncle 'is much influenced by his wife and will in probability, give away all or a great part of the said estate from the petitioner, who is a Protestant, and will settle same on his Popish issue, unless restrained by act of parliament'.⁶² Similarly, an informant to James Butler, second duke of Ormond, on Irish Catholic activity in London, noted that Lady Mary Bellew was a 'cunning intriguing woman very violent against the Protestants, as her husband and son are,

⁵⁸ *The Popish pretenders*, p. 8.

⁵⁹ *Ibid.*, pp 3, 10, 12. The peculiarities and progressions of ascendancy identity are teased out by D. W. Hayton in *The Anglo-Irish experience*.

⁶⁰ John Skeffington, second Viscount Massereene, to Robert Southwell, 7 July 1690 (N.L.I., Killadoon papers, MS 36,027).

⁶¹ John Burke and Bernard Burke, *A genealogical history of the extinct or dormant baronetcies of England, Ireland and Scotland* (London, 1844), p. 611.

⁶² Petition of Lieutenant Edmund Stafford, Oct. 1692 (T.N.A., SP 63/353, f. 253b). The parliamentary session was prorogued before Stafford achieved his aim, but another attempt in 1695 was successful.

who are both in command in the Irish army. Tis supposed she continues in this town only to do service to their cause and is very capable of doing it.⁶³ Elsewhere, Helen Arthur's half-sister, Catherine Luttrell, was described as 'a very intriguing woman' who travelled to France 'on a very intriguing message'. This accusation was levelled by her brother-in-law, the Williamite informant Colonel Henry Luttrell, in a letter to the lords justices in 1699.⁶⁴ Luttrell's interest in seeing Catherine waived was not political, however, but part of an ongoing dispute over her jointure on the estate of her late husband, Simon, who died in France in 1698.⁶⁵

While other women among the Jacobite elite were accused of procuring intelligence and of being 'cunning' and 'intriguing', and while twenty-two women and girls were waived for domestic or foreign treason,⁶⁶ Helen Arthur stands alone as a female focus for anti-Catholic printed polemic. It is this anomalous circumstance that gives Helen a singular importance. Hers is a fulsome account of a woman in pursuit of personal gain, but also of a woman predominantly motivated by religious and, by extension, political allegiance. Indeed, *The Popish pretenders* reinforces division through confessional difference by claiming that Helen also induced her own brother to reject the articles of Limerick and 'most ungratefully leave' his Protestant wife. His actions left this 'poor lady (who had made him a man) expos'd to all the hardships imaginable', as her jointure was forfeited and seized during her lifetime.⁶⁷ Although the author does not name him, this brother was almost certainly Nicholas Cusack, whose 'poor lady' was the Protestant Katherine Cusack (née Keating). Katherine was the widow of Nicholas's cousin, Adam Cusack, who died in 1682 and left her with a life interest in houses and lands in Dublin, Down, and Kildare, by way of her jointure.⁶⁸ Nicholas served in his uncle Tyrconnel's Regiment of Horse, was one of the signatories of the articles of Limerick and was subsequently included in four of the lists of outlawries for domestic treason.⁶⁹

Nicholas was present in Saint-Germain in the 1690s but no corroborating evidence exists to suggest that Helen influenced her brother's decision to leave Ireland.⁷⁰ The reported circumstances of the woman described as having 'made

⁶³ Note on Jacobite activity in London, c.1690 (B.L., Add. MS 28,939, f. 85).

⁶⁴ Col. Henry Luttrell to the lords justices, 1699 (B.L., Add. MS 21,136, f. 59).

⁶⁵ Nolan, "Jacobite" women', pp 92–7.

⁶⁶ Women were said to be waived and not outlawed because they were 'not sworn to the King as men are, to be ever *within* the Law'; as such, they were 'not regarded but forsaken by the Law' (Giles Jacob, *New law dictionary* (London, 1729), entry on 'Waifs'). Twenty-four female names were included in the inquiry commissioners, lists of outlawry in 1699, with fourteen women waived for domestic treason and ten for foreign treason. There was duplication in two cases: those of Honora Sarsfield and Mary O'Gara, who were included under different names. See 'List of persons outlawed for high treason in Ireland' (T.C.D., MS 744, f. 47v); 'List of persons outlawed for foreign treason' (T.C.D., MS 744, ff 49v, 53v, 71v); Simms, 'Irish Jacobites', pp 65, 66, 71, 88; Nolan, "Jacobite" women', pp 257–9.

⁶⁷ *The Popish pretenders*, p. 5.

⁶⁸ C. E. A. Roper, 'The Cusacks of Rathgar and their descendants' in *Journal of the County Kildare Archaeological Society*, iv, (1911), pp 466–7.

⁶⁹ D'Alton, *Irish army*, p. 61; Aoife Duignan, 'Cusack, Nicholas (fl. 1688-91)', in *D.I.B.*; 'List of persons outlawed in Ireland' (T.C.D., MS 744, ff 12, 17v, 38v); 'List of persons outlawed for foreign treason' (T.C.D., MS 744, f. 72); Simms, 'Irish Jacobites', pp 30, 36, 56, 89.

⁷⁰ Lart (ed.), *Parochial registers*, i, 27, 116.

him a man' do, however, bear signs of truth. In March 1693, for example, a petition from Katherine Cusack was forwarded by the then secretary of state, Daniel Finch, earl of Nottingham, to the commissioners of the treasury, along with reports on Katherine's case from the lord lieutenant of Ireland, Henry, Viscount Sydney. While the original petition and the reports no longer exist, it is evident that Katherine sought the return of her jointure lands or an award of equal value, that she did so from Ireland and in the absence of her husband.⁷¹ This corroborates at least part of the account given by the author of the pamphlet. The award of an annuity of £100 from the treasury to Katherine somewhat contradicts the suggestion that she was 'exposed to all the hardships imaginable', although the laboured mechanics of the English administration meant that many who petitioned for redress were left waiting in hope.⁷²

Helen's connivance, tenacity and avarice were alleged to have manifested themselves in France too, although in reality the Arthurs' circumstances on the continent more readily evidenced the importance of rank and familial connections within the exiled Irish community. According to the author of *The Popish pretenders*, her efforts to eke out a comfortable existence for her family proved remarkably successful and were accomplished through the intercession of her uncle's widow, the influential Frances, countess of Tyrconnel.⁷³ Robert was reported to have gained a commission as ensign of the Irish Troop of Guards in the French army, and he did in fact die in service at Namur in 1693.⁷⁴ Like their father, the two eldest Arthur boys, John and James, gained commissions, while their three younger sons, Thomas, William, and Richard, were placed under the tutelage of the Jesuits with a view to their entering the priesthood.⁷⁵ Helen purportedly secured a pension through Lady Tyrconnel (the informant in *The Popish pretenders* did not know exactly how much she received) and retained it even after Robert entered the French military. The pamphlet further alleged that Helen's eldest daughter, Frances, 'liv'd always with the Lady Tyrconnel, as she now does'. The result was that Helen 'has but one Daughter [Dymphna] who depends on her' and who lived with her in a house in Saint-Germain, formerly owned by John Drummond, earl of Melfort, and 'assign'd for her habitation'.⁷⁶

V

Of course, the principal aim of *The Popish pretenders* was to decry the indiscriminate nature of the act of resumption and the further damage inflicted

⁷¹ Earl of Nottingham to the commissioners of the treasury, 22 Mar. 1693 (*Cal. S.P. dom.*, 1693, p. 79).

⁷² *Ibid.*

⁷³ Lady Tyrconnel was a considerable ally for exiled Irish women, securing a number of pensions and awards from Mary of Modena. See Rouffiac, 'Irish Jacobite exile', pp 199–200; eadem, 'Wild Geese', pp 27–9; Lyons, "'Digne de compassion'", p. 69.

⁷⁴ H.M.C., *Stuart MSS*, i, 69, 80; Melville Henry Massue, *The Jacobite peerage, baronetage, knightage and grants of honour* (Edinburgh, 1904), pp 239, 241.

⁷⁵ It is likely that the younger Arthur boys were enrolled in St Omer's College near Calais, which was run by the English Jesuits, in the Jesuit Collège Louis-le-Grand in Paris or in the Jesuit college at La Flèche, near Angers (this point draws on Corp, *A court in exile*, pp 149–50).

⁷⁶ *The Popish pretenders*, pp 5–6; see also Corp, *A court in exile*, p. 143.

by the enlarging of the time allowed to make claims. The author looked upon the Williamite victory as ‘an opportunity ... for keeping them [Catholics] forever under’ and lamented how it was ‘improved by seizing their Estates and vesting them in the Crown, till mar’d by the passing of this Act, which allow’d them the privilege of Claiming their Estates, tho’ really Forfeited’.⁷⁷

As already noted, the suggestion that the act was favourable to Catholic property owners was not entirely without foundation.⁷⁸ The relatively favourable climate created by the act of resumption and the rulings made by the trustees at the court of claims at Chichester House was therefore seen to offer hope to several among the exiled Irish.⁷⁹ Helen, who had resided at Saint-Germain for nigh on a decade, was one of those encouraged by developments in London and in Dublin. As *The Popish pretenders* tells it, she was initially reluctant to leave her pension behind in France ‘but by the sollicitation of her friends’ she sought a pass from Louis XIV and travelled to secure an extension to the deadline for the admission of her claim.⁸⁰ Her absence from lists of individuals awarded licences to return from France between January 1698 and November 1701 suggests that she actually committed a capital offence by returning to England without licence from William III.⁸¹ Thus Helen’s excursion to London left her open to prosecution for high treason until at least the end of Trinity term 1701, when proceedings against Irish Jacobites for their role in the war were halted by a clause in the act of resumption.⁸² After that, the return of exiled Jacobites without licence does not appear to have been pursued with any great conviction, although they must have been common enough to raise concern. A House of Lords address from 1703, for example, thanked the queen for the ‘care she has shown in not awarding more licenses’, but called on her to issue a proclamation for the discovery of individuals who returned without a pass and to offer a reward for their discovery.⁸³

Without the threat of prosecution, Helen’s campaign came into the open. As a well-connected family with a claim to a sizeable estate, the Arthurs had much to gain if they secured positive adjudications at the court of claims in Dublin. Helen’s clause in the 1701 low wines act represented a considerable prize and according to the author of *The Popish pretenders*, Helen was not reticent about her success in London, and had apparently boasted that ‘she was Caress’d by all those Members she waited on’ in Westminster.⁸⁴ Among these ‘Members’, the pamphlet further suggests, were the Whig, Charles Godfrey, and the Tory, Dr Charles Davenant. Godfrey may well have been of assistance to Helen, as he was the husband of James II’s former mistress Arabella Churchill, a reputed connection of some significance, given that Arabella was the sister of John Churchill, then earl of Marlborough, and Marlborough’s wife was Sarah Churchill (née Jenyns), who herself was the sister of Frances, countess of Tyrconnel. As for Davenant, he might have been named simply as a means of casting a somewhat ignominious light on Helen’s cause: he had been embroiled

⁷⁷ *The Popish pretenders*, p. 8.

⁷⁸ Nolan, ‘“Jacobite” women’, pp 189–244.

⁷⁹ *The Popish pretenders*, p. 4.

⁸⁰ *Ibid.*, p. 6.

⁸¹ H.M.C., *House of Lords MSS*, n.s., v, 203–9.

⁸² 11 & 12 Will. III, c. 2, s. 1.

⁸³ H.M.C., *House of Lords MSS*, n.s., v, 203; *Lords’ jn.*, xvii, 274–5 (9 Feb. 1703).

⁸⁴ *The Popish pretenders*, p. 6.

in a bribery scandal for his role in promoting the case of another Catholic Irishwoman, Jane Lavallin, who had travelled to France as a minor and was attainted for foreign treason, forfeiting an estate in Cork.⁸⁵

Helen's claims of preferential treatment went further, the pamphlet alleged. She was accused of boasting that 'She was so generally befriended, that there had been no farther time allow'd to any for entering their Claim, but for her sake'.⁸⁶ This was a misguided vanity, according to the author of *The Popish pretenders*, who claimed that she was no more than 'the Cat's Paw in the Fable'. This was possibly a reference to Jean de La Fontaine's adaptation of a fable, which he titled 'The monkey and the cat' ('Le singe et la chat'), and which was published as part of a collection in 1679. In La Fontaine's version, Bertrand the monkey convinces a cat named Raton to pull roasted chestnuts from the embers of a fire. In the end, the monkey eats the chestnuts and the cat gets nothing for his trouble except a burnt paw.⁸⁷

Helen, the pamphlet asserted, was employed as a dupe by two men who held a vested interest in the fate of the forfeited estates in Ireland. Thomas, Lord Coningsby and Sir Stephen Fox (described in the text, in a less-than-cryptic fashion, as 'the *L__d C_____by* and Sir *Ste. F__x*'), were cast as the monkeys, accused of hijacking Helen's case and acting in their 'own private interest' after their own claims had been rejected as imperfect on their initial application.⁸⁸ Helen's connections to either Coningsby or Fox are not readily apparent and their involvement in her case, if any, was either a product of necessity or a creation of convenience on the part of *The Popish pretenders*. An inveterate court Whig, Coningsby was an early and vocal advocate of William's right to exercise the royal prerogative in respect of the forfeited estates.⁸⁹ Serving as lord justice (alongside Henry Sidney and Charles Porter) between 1690 and 1692, Coningsby was a signatory to the treaty of Limerick, and it was this act that drew the ire of many among the Protestant elite, who viewed the terms agreed as too generous. His pronounced unpopularity, alongside his involvement in securing grants of forfeited estates for himself and for a number of William's 'favourites', led to his implication in allegations of corruption in the first years of the 1690s.⁹⁰ Irish Protestants determined to have Coningsby impeached, but failed in their attempts in Westminster in 1694.⁹¹

Coningsby's dealings in Ireland came back to haunt him again in 1699, when a commission of inquiry was appointed to look into the administration

⁸⁵ David Hayton, Stuart Handley and Eveline Cruickshanks (eds), *The history of parliament: the House of Commons, 1690–1715* (5 vols, Cambridge, 2002), iii, 855.

⁸⁶ *The Popish pretenders*, p. 6.

⁸⁷ Jean de La Fontaine, *Fables choisies mises en vers* (12 vols, Paris, 1668–1694), ix, 17. La Fontaine's version gave rise to the term 'cat's paw', but there were earlier idiomatic references to the monkey and the cat. See Elizabeth Dawes, 'Pulling the chestnuts out of the fire' in L. A. J. R Houwen (ed.), *Animals and the symbolic in mediaeval art and literature* (Groningen 1997), pp 155–69.

⁸⁸ *The Popish pretenders*, p. 7.

⁸⁹ Coningsby and Sydney to Portland, 27 Sept. 1690 (Nottingham University Library, Portland MSS, PwA 299b).

⁹⁰ Hayton, *Ruling Ireland*, pp 42–4.

⁹¹ *Commons' jn.*, xi, 33–4 (16 Dec. 1693), 73 (29 Jan. 1694); Articles of impeachment of high treason and other high crimes and misdemeanours against Sir Charles Porter, knight, and Lord Coningsby, late lords justices of Ireland (*Cal. S.P. dom., 1695 & addenda*, pp 228–9); Hayton, *Ruling Ireland*, p. 51.

of the forfeitures. The commissioners included the Irish estates awarded him by William in their book of grants, alongside accusations that he used his position to embezzle goods.⁹² This unwanted attention probably secured his support for the bill of resumption in the English parliament, although he supported a call for the king to be allowed to dispose of a third of the forfeitures as he saw fit.⁹³ Coningsby's interest in extending the deadline for submissions related to the estate granted to him by William for his services, and comprised some 5,966 acres in Counties Meath and Dublin.⁹⁴ Coningsby had since sold the estates comprised in his grant to his brother-in-law and lord chief justice of the common pleas, Sir John Hely. In May 1701, a petition of Thomas Lee and others, acting as executors of the then deceased Hely, was among a number presented to the Commons by the trustees for the forfeited estates. Their submission was in respect of a term of 1,000 years, a somewhat suspect arrangement agreed between Hely and Coningsby. Resumption proved a headache, as the estate was not included under the provisions of the act because it was neither freehold property nor an inheritance.⁹⁵

Nor did Coningsby and Fox appear to have been collaborating in pursuing their 'private interests'. Indeed, Fox blamed Coningsby for his son Charles's loss of the paymastership of the Irish forces in 1698, a slight which was not diminished by William's eventual award of a compensatory pension of £1,500 *per annum* to Charles.⁹⁶ The pamphlet alleged that both Coningsby and Fox pursued an extension of the deadline for the submission of claims because their original claims were 'not perfected according to the Act' and were, in consequence, unsuccessful. However, only Fox claimed before the trustees prior to the 10 August deadline. This claim was for a debt of £799 on the forfeited estate of Patrick Archer in County Meath, and was dismissed by the trustees for non-prosecution.⁹⁷ Fox was included among the forty-seven additional claims that were presented in the pamphlet as contingent upon Helen Arthur's clause in the 1701 supply act. But, in reality, Fox was to be the beneficiary of a 1702 private act which enlarged the time allowed him to pursue his claim in Dublin and he thereafter submitted a claim for a mortgage of £1,000 on the estate of Patrick Archer.⁹⁸

⁹² H.M.C., *House of Lords MSS*, n.s., iv, 33–8.

⁹³ *The parliamentary diary of Sir Richard Cocks, 1698–1702*, ed. D. W. Hayton (Oxford, 1996), p. 45.

⁹⁴ Warrant to the lords justices of Ireland to grant to Lord Coningsby a *custodium*, 8 June 1694 (*Cal. S.P. dom.*, 1694–5, p. 170); Warrant to the lords justices of Ireland to grant a new *custodium* to Lord Coningsby, 13 July 1694 (*Ibid.*, p. 225); List of arrears of rents out of the forfeited estates in the county of Dublin, due at or before 1 November 1695 (*Cal. S.P. dom.*, 1695 & *addenda*, pp 142–3); Warrant for a grant to Thomas, Lord Coningsby, 18 May 1696 (*Cal. S.P. dom.*, 1696, p. 182); H.M.C., *House of Lords MSS*, n.s., iv, 32.

⁹⁵ 11 & 12 Will. III, c. 2, s. 2; 'Petition of Thomas Lee and others, executors to John Hely, Gent., deceased, late Lord Chief Justice of his Majesty's Court of Common Pleas in Ireland', 31 May 1701 (Bodl., Rawl. MS A 253, f. 206); *Commons' Jn.*, xiii, 557 (19 May 1701).

⁹⁶ Autobiographical papers of Sir Stephen Fox, 1690–1714 (B.L., Add. MS 51,324, ff 57–9).

⁹⁷ *A list of the claims*, claim no. 556.

⁹⁸ 1 Anne, c. 67 [Eng., private act]; *A list of the claims*, claim no. 3144.

There exists no documentary evidence beyond *The Popish pretenders* linking Helen Arthur to Coningsby or Fox. She does not appear in their private correspondences concerning the act of resumption or the forfeited estates; nor does she appear in the parliamentary diary of Richard Cocks, who made note of the debate around the petitions submitted by Frances, countess of Tyrconnel, Maria Euphemia Dongan, countess of Limerick, and Hannah MacDonnell, wife of Sir Randall MacDonnell of Moye.⁹⁹ This does not necessarily mean that she did not benefit from their favour, or from the interventions of Godfrey or Davenant. Coningsby, for one, proved willing to advocate on behalf of dispossessed Jacobites: in April 1702 he was involved in bringing a bill to the English Commons in support of Sir Redmond Everard, fourth baronet. Everard was the twelve-year-old head of a Jacobite family and a convert to Protestantism, and Coningsby supported the bill as a favour to either Ormond or the incumbent lord lieutenant, Laurence Hyde, earl of Rochester.¹⁰⁰ But whatever the truth of Helen Arthur's case, *The Popish pretenders* was unflinching in its criticism of Coningsby and Fox, suggesting that they had opened a door 'for all the [Catholic] absentees, and a great many more ... to break in upon them, and to be Forever Thorns in their Sides, and Prickles in their Eyes'.¹⁰¹

VI

Helen Arthur travelled to Dublin at some point after she secured her clause in the 1701 supply act and appeared before the trustees in 1702, to claim the Arthur estate on behalf of her eldest son John. Her claim for her jointure and the claims of her younger children for portions also came before the court of claims and were unanimously successful. The abstract of encumbrances presented to parliament listed the total award to the Arthur children at £900.¹⁰² This was comprised of the several portions claimed by Helen and Robert's two daughters, Frances and Dymphna, as well as the portions awarded to their younger sons, Thomas, William and Richard. These sums were placed on the Arthur estate through Robert and Helen's marriage settlement, under the terms of which their eldest daughter, Frances, was entitled to and was awarded £300 for her portion, or £20 per annum maintenance until satisfied. Her younger sister and brothers were awarded £100 per annum each, or an annual maintenance of £10.¹⁰³

The estate which was claimed by Helen on behalf of her son John was part of a grant of 21,006 acres across fifteen counties, awarded to the widow of William's Dutch lieutenant general, Adam van der Duyn, Heer van 's-Gravenmoer, for his services.¹⁰⁴ The author of *The Popish pretenders* observed that at the time of writing, Helen possessed what she had claimed 'as the Parliament's Favourite' and enjoyed it. On the one hand, the pamphlet suggests,

⁹⁹ *The parliamentary diary of Sir Richard Cocks*, ed. Hayton, p. 230.

¹⁰⁰ Hayton et al. (eds), *House of Commons, 1690–1715*, iii, 673.

¹⁰¹ *The Popish pretenders*, p. 7.

¹⁰² A general abstract of incumbrances (P.R.O.N.I., Annesley MSS, xxxv, f. 42).

¹⁰³ *A list of the claims*, claim nos 3111–3118.

¹⁰⁴ H.M.C., *House of Lords MSS*, n.s., iv, 37. Alternative spellings are Scravemore, Scravenmore, or Gravemore.

it was ‘the same thing to the Publick, which one of them has it’, but had it remained with Lady ‘s-Gravenmoer:

Protestant tenants would have been encourag’d to settle thereon, which (as I am told) *Ireland* much wants, but none of that Principle must now expect to fix there; and this Gentlewoman [Helen] is sure, if she found any such at her entring upon it, they are ere now dismiss.

There is no way of knowing how Helen proceeded with the estate, although she appears to have been assertive in claiming what was owed her as John’s guardian. In December 1702, she appeared before the trustees to claim the rent and arrears from Houghstown and other lands in County Louth, as well as £3 that had been distrained from her tenants in Prieststown in County Dublin.¹⁰⁵

It is not clear if John Arthur ever returned to Ireland to enjoy his estate. There is a John Arthur of Dublin in the *Convert rolls*, listed as having conformed in November 1753, but it seems unlikely that they are the same person.¹⁰⁶ Frances and Dymphna are the only two Arthurs for whom there appears to be a verifiable record after 1702, with the elder daughter marrying Edward Hussey, and the younger becoming the wife of Patrick Dillon, brother of James, eighth earl of Roscommon.¹⁰⁷ Dymphna’s eldest son Robert inherited the earldom from his uncle, who died without issue in 1746, and was succeeded by his younger brother John in 1770.¹⁰⁸ The lack of information on the other Arthur children after 1702 is matched by the lack of information on their mother. There is no record of Helen after her appearance at Chichester House in late 1702 and it is not clear if she remained in Ireland after receiving her jointure, although it seems more likely that she returned to France.

Helen’s appearance in *The Popish pretenders* can be considered a fortunate quirk of history, one that has bequeathed to us a fulsome, albeit pejorative, account of an Irish Catholic woman during the Williamite confiscation. It is difficult to discern the truth of her story but the pamphlet’s account appears to be founded on facts, which are cloaked in the hyperbole of polemic. It is clear

¹⁰⁵ Secretary’s minutes of the trustees for the sale of forfeited estates, 6 Jan.–20 Sept. 1701 (P.R.O.N.I., Annesley MSS, iv).

¹⁰⁶ Eileen O’Byrne and Anne Chamney (eds), *The convert rolls: the calendar of the convert rolls, 1703–1838: with Father Wallace Clare’s annotated list of converts, 1703–1708* (I.M.C., revised ed., Dublin, 2005), p. 3.

¹⁰⁷ B.N.F., MS Français 32,103, f. 160, cited in Patrick Clarke de Dromantin, *Les réfugiés jacobites dans la France du XVIII^e siècle: l’exode de toute une noblesse pour cause de religion* (Bordeaux, 2005), p. 98. Frances Arthur appears twice in the parish registers for Saint-Germain in the course of the 1690s; first, on December 1696, as witness to the baptism of Richard Nugent, son of Richard and Bridget (née Shee); and second, in January 1698, as witness to the baptism of Christopher Tyrrell, son of Jacques and Honorée (née Malone) (Lart (ed.), *Parochial registers*, i, 111, 132).

¹⁰⁸ John Debrett, *The peerage of the United Kingdom of Great Britain and Ireland* (2 vols, London, 1822), ii, 945. Bernard Burke contradicted Debrett’s account, with the former suggesting that Patrick Dillon married Dymphna Talbot, daughter of Arthur Talbot and grandniece of Tyrconnel (Bernard Burke, *A genealogical history of the dormant, abeyant, forfeited, and extinct peerages of the British Empire* (London, 1866), p. 191). Given that Patrick and Dymphna Dillon had children named James, Robert, John, Arthur, Thomas, Frances and Helen, it seems likely that the woman in question was originally Dymphna Arthur (Debrett, *Peerage*, p. 945).

that Helen's gender influenced her depiction throughout; the vilification of her character hinges upon her influence over the men around her, on her determination in the pursuit of her family's entitlements, and on the explication of her actions as religio-politically motivated. She is portrayed as a mother who would 'spare from her Back and her Belly to support her Sons'; sons who were 'in the French King's Army ... poorly paid, tho' ready with Sword in Hand to oppose the present Government and Interest of *England*'.¹⁰⁹ Conversely, the casting of Helen as the 'Cat's Paw' in a greater game undermines her actions; she may have travelled from France to London without licence, bid her time and then pleaded her case in the lobby of Westminster, but she was preening and boastful, 'caress'd' and 'befriended' by powerful men who represented a greater threat. The depiction of Helen as a dupe is at odds with her representation elsewhere in the pamphlet, however: throughout, the concerns of the 'Popish' Irishwoman stand in clear opposition to English Protestant interests, and Helen is painted as politically aware and participant, as zealous 'for the cause'. It is this depiction that resonates, in part because it is a compelling account of a woman 'playing the game' in an effort to reclaim her family's estate, but also because a woman is cast as a spectre of Protestant fears and anxieties in the wake of the resumption legislation. In *The Popish pretenders*, Helen Arthur is the figurehead of the Catholic threat that lay just across the English Channel, steadily encroaching on the Protestant interest in Ireland.

¹⁰⁹ *The Popish pretenders*, p. 8. This article was the winner of the Women's History Association of Ireland—*Irish Historical Studies* Publication Prize in 2017. The author wishes to thank Dr C. I. McGrath (University College Dublin) for reading drafts of this article and for providing helpful feedback and encouragement. Thanks are due too, to the Women's History Association of Ireland and *Irish Historical Studies*, for the award of the WHA/I.H.S. Publication Prize, 2017. It is with gratitude that the author also acknowledges the financial support received for this research, both from an Irish Research Council Postgraduate Scholarship and the National Library of Ireland Research Studentship.