

historical synthesis regarding the Confederation.<sup>54</sup>

Robert Forstall's will offers us a glimpse of the wealth and lifestyle of a mid-seventeenth century landed gentleman. It is interesting to compare it with, for example, the will (dated 13 January 1613) of his near contemporary (and his father's overlord), Thomas, tenth earl of Ormond, which survives amongst the Ormonde MSS in the National Library.<sup>55</sup> What is needed is the study of a number of gentlemen's (and gentlewomen's) testamentary records from the seventeenth century so that we may learn more about this social class at that time.<sup>56</sup> Finally, one curious feature of Robert's will is that it has the signatures of four witnesses: Fr James Walsh, Patricke Forstall, Daniel Macher, and John Weyry. English law in Ireland did not require the signatures of witnesses to the signing of a will by the testator until 1695.<sup>57</sup> Perhaps the uncertain times of the mid-1640s prompted Robert to have his will endorsed with the signatures of the witnesses so named.

## TRANSCRIPT

by

Kenneth W. Nicholls

In dei Nomine Amen. The seventh day of July, one thousand six hundred fortie and five. I Robert Forstall of Kilferagh in the Countie of Kilkenny gentleman, sick of boddy but of perfect witt and memory (God be thancked) doe hereby make and declare my last Will and Testament in writing revoking thereby both in deede and in lawe all former wills and Testaments.

First I commende my soule to Almighty God my maker and redeemer and my boddie to be buried in my parish Church of Kilferagh in my Auncestors Monument.

First, I doe leave and bequeath unto my son and heire Patricke Forstall the Lordship mannor towne and lands of and in [Kil]feragh and the Kill of Kilferagh with all the members appurtenances and appendances thereunto belonging and the cheefe [rents] signories and suites of Courtes due or belonging to the same. To have and to houlde all the bequeathed premisses unto my said sonn and heire Patricke Forstall for and during his naturall life and imedeatie after his decease unto his son and heire apparent Robert For[ ] the younger and the heires males of his bodd[y] lawfully begotten and to be begotten. The said Patricke and the said Robert succeeding him and satisfiing and paying unto mr Patricke Mourphie of Kilkenny marchant or to his assignees six pounds sterling English money yearely as interest money due yearely by the forbearance of sixty pounds sterling English money, the said rent to be paid yearely and [galy] untill the said sixtie pounds sterling be paied unto the said Patricke or his assigns according to his agreement with me.

For as much as my sonn Patricke hath heretofore covenanted and agreed with Mr Richard Purcell of Garryduff gentleman to pass unto him as joynture for his daughter Joha[n] Purcell the townes and lands of Rahine Rotch, Tiaghcouke als Kilincosse and the moietie of the toune and lands of Kilmo[ ]metime which was formerly intend to be for Margaret Purcell als Forstall as in joynture untill with her friends and her owne consent the same was consented to be past as aforesaid. I doe therefore consent unto my sonn to performe the same as he thincke fitt.

And for as much as uppon the intermarriage of me and my wife Giles Laffin als Forstall the moiety of the towne Castle and lands of Balyfroncke was past unto her for aer joynture during life I doe leave and bequeath unto my said wife Thirtie pounds sterling being the moiety of the rent

54 Ó Sióchú, p. 34.

55 See C. A. Empey, 'Ormond deeds in the National Library of Ireland,' *Journal of the Butler Society*, no. 7, pp 519-21 (especially pp 519-20 for a list of the items that Thomas bequeathed to his wife). See also note 49 above for the locations of other seventeenth-century will abstracts.

56 References to other published wills and will abstracts (of various dates) can be found in Holiott and O'Byrne, pp 174-80, Grenham, pp 59-63. A few seventeenth-century wills from the diocese of Ossory have been abstracted and are published in J. C. Walton, ed., 'Kilkenny will abstracts by Edmund Walsh Kelly,' *Old Kilkenny Review* (1988), pp 503-20; while the abstracts compiled by Carrigan are indexed in *Irish Genealogist* (1970). Those relating to Waterford have been indexed by J. C. Walton, in a series of articles in *Decies* XVI to XXIII.

57 J. C. Brady, 'Legal developments, 1801-79,' in *New History of Ireland*, v, p. 454.

due for the same of Catherine Archer lessee of [the] premisses and doe leave that the said Catherine and her assignees shall yearely satisfie unto my said wife Thirtie pounds sterling English money free and discharged of anny rents or intrest for use of money which [ ] ent I doe assigne to her to have and to hold unto her my said wife the said thirty pounds rent during her [natur]all life and after her decease to my said sonn Patricke during life the remainder to his son Robert [the] younger.

I doe also leave and bequeath unto my said sonn Patricke to be payed out of the other moi[ety of the sa] id towne [and] lands of Ballyfranck to him [ ] heirs the summe of foure and twentie pounds [ste]rling English money yearely and that the said Catherine Archer and her assignees shall satisfie and pay [ ] he cont[ ] of her lease during larin [ ] for the other six [ ] he remaine of her rent per annum.

I doe leave and bequeath the same six pound sterling [ ] the said Catherin and to her assignees [in] full satisfaction of the six p [ ] sixty pounds sterling by me received. To have [ ] detaine the said six pounds sterling yearly unto the said Catherin Ar[cher ] pay [ ] to the sa[id] Catherin [ ] said summe of Sixtie pounds sterling in [one] intier payment and after the [ ] pay [ ] [ ] t gale as [ ] the said [ ] satisfie and pay unto the said Patricke or his heires the one moiety of the said rent if th[ ] quarter [ ] r..y [ ] and six pounds sterling [ ] continuance of her lease according the interest thereof to be paied unto the said Patr[ ].

Item I doe leave and bequeath [ ] [ ] Archer and her assignees the said [ ] of Ballyfrancke to continue unto her and to her assignees as well during the residue of the [ ] unexpired in her first lease and also during the ole(?) yeare in her second lease in reversion to [ ] according the true meaning of the said leases, she and her assignees satisfying and paying the [ ] incerted in the said lease [ ] yearely according the con[te]nts of this will. And alsoe observing and performing [the] other Covenants conditions and clauses which on her parte are to be performed by the said leases [ ] alsoe leave and bequeath unto my said sonn Patricke [ ] parcell of land commonly called Gurtinemucke lying [ ] and being in Corrstone mearing with Curragh leogho to have and to hould unto him the said Patricke [ ] e Gurtinemucke and the rents and reversions thereof during his naturall life, the remainder to his sonn Robert.

I doe also leave and bequeath unto him the said Patricke tenn shillings rent due to me out of. [ ] more yearely. To have and to hould unto him d[ur]ing his naturall life the remainder to his son Robert.

And further I doe leave and bequeath unto my said wife Giles forstall alias Laffan for her o[wn] dwelling house and place of habitation and as a third parte of the rest of my lands, saving of the moietie of Kilmanihine the Castle, townes, lands, tenements and hereditaments of Castlegarden Killellis [C]arraman, Newgrandge, Kilbride, Curraghbochellan and Teaghcowman with all the parks, meadows, moores, pastures, feedings, arable lands, woods and underwoods, waters, watercourses, mountaines, hills, On [ ] and with all and singular their appurtenances appendances thereunto belonging or in anywise appurtayning. To have and to hould unto her during her natural life and after her decease the same to be unto my sonn Patricke for and during his naturall life, the remainder to be to his sonn Robert the younger.

And for as much as I have thorough omission and forgetfullness charged the said Castlegarden with his appurtenances with tenn pounds sterling English money of rent chardge p annum unto Mr Patrick Murphie aforesaid marchant for the forebearance of one hundred pounds sterling during the non payment thereof. Nowe my will is, for [re]dresse of the same, and soe do leave bequeath and assigne the twelve pounds sterling due to my son Patricke out of the moietie of Kilmanehine payable unto me or my assignees for the yeares yett to runne unto my said wife for to discharge the said rent due uppon Castlegarden unto Mr Patricke Murphie. And if the said yeares to runne by the said Patrick's lease be expired during the lityme of my wife, I doe leave and bequeath unto her the verie moitie of Kilmanehine alias Ballireg.. during her naturall life for to descharge the said tenn p(oun)ds due out of Castlegarden yearely during her owne life. Provided

and it is my true intent and meaning that if [ ] sonn Patrick and his heires doe undertake and give good securitie to my said wife for to pay and satisfie the said tenn pounds yearely rent unto Mr Patricke Murphie or his assignees in the dischargd of the said tenn pounds sterling due unto him out of Castlegarden, then and not before, my will is that my sonn Patricke shall have hold continue and enjoy the said moitie of Kilmanehin als Ballyregan unto himselfe during his life, the remainder to my sonn Robert.

I doe institut and appoint for my moveable goods my wife and my sonn William to be joynt sole Executors of this my last will and Testament.

Item. I leave and bequeath unto my said wife as legacie to her owne use my plowgh of garrans [ ] leave unto her as legacies all my sheep which be both at Castlegarden and Kilferagh being but one flocke.

Item. I doe leave unto her a [ ] legacie for her and her servants riding my gray [ ]ard and her owne bay gelding.

Item. I leave and bequeath unto her as legacie my greate messing pann with a brand iron which I had of her father as parte of her preferment.

Item. I doe also leave and bequeath unto her as leg[ ] my smallest bowle of silver I have for beere and the cupp of silver I have for Wine.

Item. I doe leave and bequeath unto my sonn Patricke the biggest silver bowle I have for Beere and my cupp of silver for Aquavita.

Item. I doe leave and bequeath as legacie the little bay gelding I have unto my sonn William.

Item. My will is and soe doe leave unto my sonn Patricke all my boords, furmes, stooles, chaires, cuppards, bedsteads which I have in this toun.

Item. I doe also leave and bequeath unto him as legacies two Carpletts and the second best Carplett for my wife.

Item. My will is and soe do leave and bequeath that if I die before [ha]llentide next that the two partes of my Crophe and sowing shall be bestowed and sould for the expenses of my funerall and debts due to me for soe much as that will make up the third for my wife's use.

Item. Alsoe my will is that if I die by the said tyme, my sonn Patrick and my wife shall paye my sonn inlaw Mr Foulke Denn at hallantide next the Michaelmas rent next due of Ballyfrancke being after other payment heretofore made by my tenant unto me is but twentie three pounds sterling and that the remaine of fifty pounds sterling due to him after shalbe paid unto him by my said sonn and wife at Easter next or within a month after by the said rent due of Ballyfrancke then as the same is heretofore severally bequeathed unto them.

Lastly, my will is and soe doe declare it for true intent and leave and bequeath that if my sonn Patrick doe exact call or demand for anny heire lotts child's portions or anny other demand out of my goods or cattles then what is formally bequeathed and legacied to him thenn I doe hereby annull call back exclude and deprive him from getting the benefitt of any former bequest or legacie made unto him.

Item. I doe leave and bequeath that all the rest of my goods that [ ] Corne in ground or above ground and household stufte shall be divided into three partes, the third parte whereof I leave unto my wife as her own right another third parte unto my executors, and the other third parte unto [ ] sonn William and father Michaell the Franciscan friar as their child's porcion.

Item. My will is that my grandchildren Gerrott Baron and Onor Baron als fitzGerald is goods chattles and household stufte which lyeth [ ] hands my wife to have the manadging of them during her life and after it before she be not discharged of them leave them to a speciall friend of trust belonging to the sd children. And for the fortie pounds nineteene [ ]llings ster: due to them I doe leave and bequeath that my sonn Patrick and my wife shall pay the same out of the rents to be received by them out of my lands and the rather for the same mony was paid unto me d[ough]ter Catherin as parte of her preferment I doe constitut and ordaine my brother-in-law Robert St John of St John's towne in the County of Tipperarie Esqr., my cossen Peter Shortall of the County of

Kilkenny Esqr., and my sonn in lawe Mr William Faning to be overseers and tutors of this my last Will and Testament.

Lastly my intent and due meaning is and soe doe leave and bequeath by this my last will and testament that all the lands tenements and hereditaments specified and comprised in this will, vizt the Lordshipp towne and manor of Kilferagh the signories [ch]eferie and suite of Courte thereunto belonging and the water Mill and Tucking Mill, river and fishing weares thereunto belonging with all and singular the profitts purtenances and appendances unto the [ ] belonging or appertayning in any wise [ ] the Castle t[own] lands tenements and hereditaments of Ballyfranke with all their appurtenances, Gortememu[cke] with his appurtenances and tenn shillings rent issuing and growing out of [ ] lands and tenements of Castlegarden als Caramo Corregh Cohelan and Teaghcowan with all [ ] appurtenances the townes and villages of Kilmanehin and Ballyregan with their app[urtenances] and the towne lands tenements and hereditaments of Rathinrotch Kilcorsie als Tigh [ ] after the uses and bequests and payments heretofore be determined to be and remain the [ ] to my son and heire Patricke Forstall for and during his naturall life and after his [ ] use of his sonn and heire my grandcchild Robert Forstall the younger during his natural life and after his decease to the use of Patricke Forstall the younger son and heire to Robert the you[n]ger during his natural life and the heires males of his boddy lawfully begotten and to be begotten and for lacke of suche heires males to the heires males of the said Robert the younger lawfully begotten [ ] and for lacke of suche heires males to the heires males of the body of my son Patricke lawfully begotten and to be begotten. And for lacke of such heires to the lawful heires of me the said Robert the elder lawfully begotten. And for lacke of such heires to the rightfull heires males of the boddy of my father James Forstall lawfully begotten forever.

In witness all and singular the premisses by me made I thereunto fix my seale subscribed my name the day and yeare first above written. Robert Forstall.

Being present at the declaring hereof Sr James Walsh priest: Patricke Forstall Daniell Mach [ ] John Weyry.

### Probate<sup>58</sup>

Tenor Literarum presentium Nos David Dei et apostolici sedis gratia Ossoriensis Episcopus notum facimus d[ ]s testamentum suprascriptum Roberti Forstall Armigeri defuncti decimo quinto die [mensis (?)] Decembris anno domini predicto coram nobis in specifica juris forma prelatum et insinuatum fuisse necnon Administrationem omnium et singulorum bonorum curium creditorum cattalorum dicti defuncti Executores in dicto testamento constitutis et nominatis commissum esse de bene et fideliter administrando eadem ac solvendo debita ac legata[ ] eiusdem defuncti iuxta iuris (?) formam et [ ] dicti testamenti, de quo condiciendo et exhibitendo (?) in Registrum nostrum plenum [ ] ac(?) integrum inventarium omnium et singulorum bonorum et cattalorum predictorum [Beate] Marie Virginis iam proximam sequentem cum ad id illi (?) requisiti ad Sancta Dei Evangelia premitis in debita iuris forma iuratis [salvo iure cujusunque]. Dat[ ] .

### Abstract of another deed in same collection

Deed poll of Patrick Forstall of Killferagh, Co. Kilkenny, Esq. Whereas there had been controversy between him and his ancestors on the one part and Marcus Shee of Waseshayes Esq. his ancestors and those whose estate in Waseshayes he hath on the other part concerning the possession right title and interest of 'the grinding mill, were, fishing, laken and parcell of land called Piers Rothes Croft with the falling ground betwixt that and the river of the Neore', all in or near Waseshayes and now in occupation of the said Marcus and his undertennants, and also the chief rent of 10s. Irish 'be it

58 Gaps denote words that were legible in the original but have unfortunately faded in the transcript.

more or less' claimed by Patrick and his ancestors out of Waseshayes, Blackhouse hayes and other lands adjoining. Now he, 'finding out by ancient evidences as by the testimony of ancient and credible witnesses' that they ought to belong to the said Marcus as proprietor of Waseshayes, and also in consideration of £25 Ster. paid to him by said Marcus, grants and releases, etc., to said Marcus, his heirs and assigns for ever, all his right etc. to said grinding mill, were and fishing thereunto belonging, or unto the land commonly called Piers Roothes Croft and the land betwixt it and the Neore, or to the said Chief rent, etc.

20 December 1649

witnessed by:

Richard Shee  
James (?) Shee fitz Mo:  
( ) Walsh  
Gorge C(?)eynan  
Raph St. Laurence  
John Shee

*Note: We acknowledge with gratitude the permission of the Council of Trustees of the National Library of Ireland to publish the above documents.*