

# “I give and bequeath . . .”<sup>1</sup>

by Marjorie Halligan

With these words, Mr. Kiely, the lawyer, pierced the impeccable good behaviour of Mrs. St. Charles as she realised that her husband had left all his property to their daughter, Iris Aroon. Thus Molly Keane completed her darkly amusing dissection of life in the big house of Temple Alice. Mrs. St. Charles protested that Temple Alice really belonged to her. Her protests were of no avail, Mr. Kiely reminded her that she had made Temple Alice over to her husband five years previously. This piece of fiction highlights the importance of a will not only in settling property, but in giving an insight into family relationships. Recently, while researching the Molyneux family of Castledillon, I came across the wills of three of its members. They give a nice perspective on the family in that they span the eighteenth, nineteenth and twentieth centuries.

## “...charged thereon by the will of Sir Capel Molyneux...”

This quotation is taken from the brochure produced in July, 1926, by Thomas Brooks & Co., Auctioneers in Armagh, for the sale of Castledillon estate. Sir Capel (1717-1797) made his will on April 21, 1792, a copy of it exists in the National Library of Ireland in Dublin (Black 3). The phrase referred to relates to a perpetual Rent charge set up by Sir Capel on his lands of Kilmachugh and Tirnascoke to provide £30 (Irish) for the distribution by the rector of Grange Parish to the deserving poor of that Parish. Today, this translates into £45 paid per annum to the rector of the Grange for charity work in the parish (McAdam). For further information on this will I am relying on Dr. Eileen Black's notes on the “Molyneux Family History”. These notes were made in relation to

the Ulster Museum's restoration of the John Astley (1724-1787) painting of the Molyneux family (1758). I focused on the notes for the distribution of his personal effects. Sir Capel wished to be buried in a private manner with as little expense as possible in Grange Parish churchyard. Of his personal property, he stipulated that his wife should have his gold repeating watch and chain. His jewels should be hers for her lifetime and were then to go to his son, Thomas. He made provisos to ensure that the jewels remained with his sons, John and George William in the event of the early death of Thomas. His wife was to have the use of his plate until Thomas was thirty. Again, in the event of Thomas's early death there were the same conditions guaranteeing its inheritance by his younger sons. His wife was to get his post chaise, post coach and the choosing of three of his 'draught horses'. To his heir, Capel, he left his books and family and other pictures. Every servant in his

house was to get a year's wages over and above what they were due, at the time of his death. A specified number of labourers on his estate got a guinea on the same terms (Black 3). Then followed the aforementioned bequest for the Grange Parish.

His wish for burial in Grange parish churchyard was understandable as he had provided the land for the building of this church in 1773. His life is commemorated by a fine memorial plaque presented to the church by his son and heir, Capel (1752-1832) in 1801. The plaque describes his father as one who had discharged with great credit for sixty years the duties of an “Improving Country Gentleman”. As his father's heir, Capel was mentioned only once in the distribution of the personal possessions getting his father's library and the family portraits. These, however, were important bequests as they were symbols of the family's status. The bequest of family jewels and plate to



Sir Capel Molyneux's memorial in Grange Parish church

1 (Good Behaviour, 244)

Thomas, Capel's half brother suggests a close relationship between Thomas and the first Sir Capel. It could also suggest that Sir Capel's second wife, Elizabeth Aldercron was protecting the interests of her son Thomas. Relations between the half brothers deteriorated after their father's death to such an extent that Capel sold off the furniture in Castledillon House with the exception of the library contents. He removed these to a house he rented in Merrion Square, Dublin. Here he spent the last year's of his life. The Honourable Margaret Caulfeild (1801-1878) who was brought up at Castledillon supplies this information in her article "An Ulster Squire in the reign of George III" (161-162). Relying on information from her aunt, Caulfield suggests that relations between Capel father and son were not good. The elder Capel, however, seems to have made a fair judgement of his son's character knowing that the bequest of his library would be appreciated by his son. Finally, in the bequests of horses and carriages to his wife it is possible to see the importance of keeping up appearances to maintain the family dignity. The generous treatment of servants and estate workers reflects Sir Capel's appreciation of his place in Armagh society.

### "Settlement of a Curious Will Case"

This heading is taken from an article in the Freeman's Journal of April 28, 1880, relating to a court case, Cleland v Blogg arising out of the will of Sir Capel Molyneux (1841-1879). Whereas Black's notes on the will of the first Capel Molyneux suggest clear cut bequests, the will of the seventh baronet is described in this newspaper article as "formal and elaborate". It was made on September 7, 1864, and between then and Sir Capel's death on January 24, 1879, four codicils were added.

The original will is reasonably short in length. It does not begin with the usual preamble of its author being in sound mind, nor does it make any provision for his burial, nor are there any bequests to servants. Instead reference is made to an indenture of December 10, 1862,



Sir Capel Molyneux, 1841 - 1879

made between Sir Capel, Lieutenant Colonel James Stronge of Tynan Abbey, Lieutenant Colonel John Keogh of Kilbride Manor, County Carlow and James Vance Cleland of Stormont Castle. The full title of this indenture was the "Resettlement of His several Estates". It, in turn, harks back to indentures made in 1834, between Sir Capel's grandfather, Sir Thomas Molyneux and his father, Sir George Molyneux and Arthur Irwin Kelly and Leonard Dobbin as tenants. These indentures are complicated and very wordy but simply put, it seems that the family broke the original entail on the

estate and created a new entail with these tenants to raise £35,000 for the payment of family jointures like the annuity of 1838, granted to Lady Emma Molyneux of £500. Dobbin and Kelly were also free to sell off some of the land owned by the family in Dublin. Through time, Dobbin became the chief tenant under this agreement, and Sir Capel was keen to break it. This he achieved by a Disentailing deed of 1862. His new settlement guaranteed by Stronge, Keogh and Cleland whereby he limited certain lands for their use as tenants and gave him the rest of his estate in fee simple. It guaranteed him £30,000

by which he was able to make provision in his will for his wife and child.

After these complicated legal agreements, his will is reasonably straightforward. He made provision for his wife of £1,000 per annum. A subsequent clause raised the amount to £1,500 if he had no surviving children. His wife would live rent free at Castledillon House during the minority of his heir. The use of the residence was hers for her life together with all furniture and contents. All his horses, carriages and farming implements were hers. He instructed her to make an inventory of all his possessions on his death and this list was to be handed over to his executors. His executors were his wife and his brother-in-law James Vance Cleland. His daughter, Julia Mary Elizabeth Molyneux was born on March 9, 1864, and to her he left his estate provided that there was no other child of his body. In the event of her death without issue, his estate went to his sister Emily Cleland. In the event of her death without issue the estate went to his wife. His provision for his daughter at the early age of six months may have been prompted by the fact that his father, Sir George Molyneux died intestate. One final bequest granted his mother, Dame Emma Molyneux (wife of W.E. Fox Esq.) an annuity of £200 to add to the £500 to which she was already entitled. The most striking provision of this will is the generous allowance made for his wife, suggesting a close and happy union between he and Emily Frances Fitzgerald.

## Codicils

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The codicils, especially, the last made on November 11, 1878, suggests otherwise. In it he left an annuity of £400 for life charged on his estate of Stockhole in Dublin to Elizabeth, wife of Thomas Marks of 133 Alexander Road, St. John's Wood, Hampstead. This codicil was witnessed by Henry T. Tiddeman, Solicitor, of Finsbury Square, London and Thomas John Upton, attendant to Sir Capel Molyneux. This was the codicil which was challenged by his executor, Cleland, and led to the court case which delayed the granting of probate of his will. What makes it more intriguing is that the

case was listed as Cleland versus Blogg in the court lists. Blogg was the surname of Emma Caroline Blogg of London, a lady granted an annuity of £300 by an earlier codicil to his will of November 11, 1875, witnessed by E. Fullerton of Armagh and Thomas Boulding of Castledillon. The press reports offer no explanation of this mystery save to say that on April 19, 1880 the will "is contested on the usual grounds, and a large sum of money is involved" (Freeman's Journal). The report from the same paper of April 28, 1880, is more forthcoming as it hinted that there would be revelations of a "romantic nature". There the revelations rested and the grounds for the dispute were given. The family claimed that Sir Capel was not of sound mind, memory or understanding when he signed the codicil. The case was about to proceed, when Mr. Porter, Q.C. for the defendant informed the court that the case had been settled out of court. On the evidence of Henry Tiddeman, solicitor, in whose presence the codicil had been signed, Sir Capel was found to be of sound mind at the time of signing. The annuity to Mrs. Marks, however, was to be reduced to £200 per year and the defendants were to have their costs out of the assets. The hearing was adjourned for a week, but perusal of court lists for the rest of the year produced no more information. The copy of the will studied showed that a court order settling the case of Cleland v Blogg was granted on December 14, 1880 and that probate of the will was granted on December 24, 1880. The mystery of the case being taken against Emma Caroline Blogg, yet the annuity queried was that to Mrs. Elizabeth Marks remains. Its importance to the family was indicated by the noting of Elizabeth Marks' death on March 26, 1923, in the family records. The remaining codicils which were not challenged dealt with an annuity to Sir Capel's steward Joseph Munnery of £40 and the setting up of guardians for Julia's person and fortune. The first of these was made in 1866 and the second in 1872. That of 1872 was witnessed by Dawson Nesbitt, MB, of 27 Herbert Place, Dublin, and Albert Horton Jones whose address was given as "Villa, St. Dizier, Cannes, France". The purpose of this codicil in

creating guardians for his daughter aged eight, together with the witness Nesbitt's medical training and the address in the south of France suggest that Sir Capel may have been there for health reasons. An entry in Grange Vestry Minutes for 1875 supports this, as the Vestry welcomed Sir Capel back from abroad hoping that his health was restored. Sir Capel's death certificate certifies that he had suffered from "organic disease of the heart". At first reading, I thought that Albert Horton Jones was the owner of the Villa at Cannes, but reading the will of his daughter, Julia Talbot, proved that this was a misconception, so Sir Capel's will remained curious to the end.

## "...my inheritance was heavily encumbered..."

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This phrase comes from the will of Julia Talbot made on May 15, 1916. Its terms are very clear. After expressing her regrets about inherited encumbrances and the injurious land legislation which made it difficult to "maintain the dignity of the barony". She then made provision to prevent any further decline in the estate by setting up a trust to maintain the estate for the male line if the family. Her trustees were Sir Reginald N. Custance, John McNeile Miller and Raymond Carew Meredith. Whilst her mother's right to the estate would be protected by the trustees, no money would be provided for her under the terms of this will. Julia felt that her mother had been well provided for in her father's will. She made it clear that her aunt, Frances Fitzgerald would inherit nothing. This intention had been made clear in 1914, in a conversation with her aunt, at "63 Duke Street". Equal briskness was shown in the dispersion of her personal belongings. To her husband she left her wearing apparel together with her diamond tiara and chain, emerald and diamond rings and a cameo comb; her motor car and any article of his choice from their home in Armagh, Little Castledillon. This was an odd selection of items. Amongst the trustees she distributed a ruby and gold bracelet given by Napoleon I to his sister Princess Borghese and the remainder of

her jewellery including two pearl necklaces and a diamond fleur de lys drop brooch. Pictures and paintings also went to the trustees. Then, followed annuities to servants; Emily Harding, the cook got £25, Fred Kerr, steward of Castledillon got £20, John Macdonald of Grange gatelodge got £20 and Alfred Horton Jones, her mother's servant got £100. So the mystery of the witness to the 1872 codicil to Sir Capel's will is solved, he was a valued servant. Two codicils were made to her will, neither were of a controversial nature. On May 15, 1916, she left £60 in trust for the improvement of the stipend of the rector of the Grange, naming the Primate, the rector of the Grange and Baron Molyneux as trustees. The second codicil of April 3, 1919, granted an annuity of £30 to Fred Kerr's daughter.

The gross value of the estate was £74,469 12s 1d. Her personal effects came to £8,208 14s 8d. Her father's had been £8,000. Her debts and funeral expenses came to £3,431. Probate of her will was granted on July 13, 1922. By a court decision of 1923, all annuities granted by Julia were to be charged on Julia's personal capital not on the estate.

These three wills provide an insight into the fortunes of the Molyneux family. They chart the "decline in the dignity of the barony" from the confident assurance of the eighteenth century Sir Capel to the encumbered distress of Julia in the twentieth century. From the wills it is possible to attribute this decline to the personal foibles of the personalities and the change in attitude, in Ireland, to people of their class. ❖



Mrs. Julia Talbot 1864 - 1922

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## Acknowledgements

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