

WORKING DRAFT

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Consistory Court

The consistory or diocesan courts regulated property within the jurisdiction of the Bishop of each diocese. Fees paid to the Bishop covered the cost of executing the will or administration. The establishment of the Prerogative courts resolved potential disputes between the Bishops of individual dioceses.

“The jurisdiction of the archbishops and bishops in their several dioceses was of a twofold nature, being (1) a voluntary jurisdiction, consisting of the granting of probates and administrations; sequestrations of livings; institutions and collations; licenses for marriage, for curates, schoolmasters, etc.; conservations of churches and churchyards; granting of faculties for building and altering glebe houses, and churches, etc., and (2) a contentious jurisdiction, which comprehended testamentary and matrimonial suits, tithe cases, and causes of correction, such as simony, immorality, non-residence of clergy, and defamation, adultery, etc., of the laity.

“Upon the passing of the Probate Act of 1857 (20 and 21 Vic., C. 79), these Courts and the Court of Prerogative were deprived of their testamentary jurisdiction, and most of the testamentary records belonging to the Diocesan Registries were transferred to the Central and District Registries of the Court of Probate, from whence they were removed to the Public Record Office after the passing of the Public Records (Ireland) Act in 1867.

“By the Act of 32 and 33 Vic., C. 42, it was ordered that all the remaining jurisdiction of these Ecclesiastical Courts, whether contentious or otherwise, in all matters matrimonial, spiritual or ecclesiastical, should cease from 1st January, 1871. By the Act of 33 and 34 Vic., c. 110, a Court for Matrimonial Causes and Matters was constituted, to which all matrimonial causes still pending in the Ecclesiastical Courts at the end of the year 1870 were transferred.”¹

The Consistorial Court was the court of a bishop that dealt with breaches of Canon Law and the general administration of a diocese, matrimonial cases, questions of divorce, wills, administration of property, and tithes. It was presided over by the chancellor of the diocese. The Prerogative Court was the court of an archbishop to deal with cases of wills in which effects had been left in two or more dioceses of his province. Its jurisdiction was transferred in 1857 to the Probate Court. The High Court of Delegates was composed of commissioners appointed under the Lord Chancellor's great seal to hear appeals in ecclesiastical and Admiralty causes. It also dealt with divorces on the sole grounds of adultery. (Catholic bishops applied the Roman Canon Law in their own courts, if they ever summoned them, and disclaimed all rights of interference in civil jurisdiction.)

An appeal lay in Cork and Cloyne to the Archdioceses of Cashel and on a point of law to the Civil Courts. In some case that meant going as far as the House of Lords in London.

The Irish Courts were administered as part of the Churches in England and Wales and returns were filed with Parliament in London.

Source: Herbert Wood, *A Guide to the Records Deposited in the Public Record Office of Ireland* (Dublin: His Majesty's Stationery Office, 1919) 225-6.

Before 1857 Wills were proved in the Consistorial Court, that is the Court of the Bishop or Ordinary within whose diocese or jurisdiction the testator dwelt; but if there were effects to the value of £5 in two or more dioceses the Will had to be proved in the Prerogative Court of the Archbishop of Armagh, Primate of All Ireland, which was the Supreme Court in matters of which the ecclesiastical jurisdiction had cognisance. The jurisdiction of the Ecclesiastical Courts was abolished and transferred to the Probate Court by the Court of Probate Act 1857 (20 and 21 Vict., c. 79). Sir William Betham, Ulster King of Arms, compiled his valuable Will Pedigrees from all the Prerogative Wills up to the year 1800. His volumes of these, pedigrees, now at the Genealogical Office, Dublin Castle.

Records of Wills:

Books from 1521 to 1612, then gap 1612 to 1682.

1641:

Possibly he was identical with the Thomas Ronayne¹ mentioned on p. 315 of the same work—who is described as “of the City of Corke”—in a list of his “goods, creditts and chattells, which since the death have come to the hands and possession of Alice Ronan, alias Meade, the relict 2 of the said deceased, and James Ronan, Cozen German of the said deceased...valued...by virtue of a commission out of his **Majestie’s Court of Prerogatives...the fifth day of June, anno dni one thousand six hundred ffortie and one...**” The list contains entries of “silver quilted salters, silver wyne boules, silver beere boules, silver spoones and chaines, Gould signetts, Gould juells, drawing boards, stooles covered with Turkey cushions, Turkey carpetts, diap napkins, linen napkins, Duaske potts,” etc., followed by a list of lands, agricultural produce, cattle, etc.

1665 Kinsale. Resolved², that if Mr. Will. Hovell, one of the Church Wardens, do sue Geo. Nicholson, Town Clerk, and one other of the Church Wardens, to any charge in the Consistory Court, on account of the money pretended by said Hovell to be due) to him, for his disbursements on the seats in the church, same to be defrayed by the charge of the parish.

Excommunication³ Rev Hilkins Hussey By Ecclesiastical Court:

¹ <https://scholarlylaw.files.wordpress.com/2016/05/the-ronaynes-of-cork-and-waterford.pdf>

²

http://www.corkpastandpresent.ie/places/southcorkcounty/kinsalecouncilbook/courtbookofthetownofkinsalepages1-300/court_book_Part5.pdf

³ Maziere Brady

F. Z. 10. J

Hilkins Hussey, A.B., T.C.D., in 1623. Afterwards A.M. and S.T.D.

Deacon and Priest on 26th January, 1624, by Bp. of Cork.

He was, in 1626, Treasurer of Cork and V. Ringrone, and in 1627 R. Templetrine. He held these livings (except Ringrone, which he resigned in 1634) until 1666, when he was deprived.

He was alive in 1683 and afterwards, for the court books of Cork of that date contain records of proceedings against "Hil-kiam Hussey, S.T.D. in casu substr. salarii sive feod," for which the sentence of excommunication was decreed by the Ecclesiastical Court.

Excommunication was an extremely severe penalty wie widespread implication.for someone with property it deprived them of the means of accessing the courts to enforce contracts.

1679, Registrars⁴ of Marriage Licence Bonds, Cork and Ross, James Weekes (Notary Public Registrar, 1681), John Fitzgerald

1685

Registration for Midwives, Bishops Court.

1698, Registration Marriage Licence Bonds Cloyne, George Donelan, Peter Lethume, Edward Sampson.Cloyne

1703

William Vayle, Notary Public and Register.

1724

That⁵ Mr. Mayor, Ald. Crone, Ab. French, and Mr. Atkins attend the Lord Bishop of Cork on Friday next, in the afternoon, about 4 o'clock, and show him the probate of Mr. Joseph Harris's will and consult with him what is necessary to be done. That Ald. Morley, Phillips, Mr. Croker, Foucault, and .Austen do inspect the Chamberlain's accounts and report. Present-Mr. Mayor; Alden. Crone, Delahoid, A b. French, Lavit, Morley, Phillips; Mr. Masters, Croker, Foucault, Austin, Atkins, Sher. Huleat.

⁴ Herbert Gillman, Guide Sample MLB

⁵ http://www.corkpastandpresent.ie/history/caulfield_complete.pdf

Registrar, Thomas Weekes

Proctor: Allyn

Apparitor: Thomas Croneen

1758

Roger Power Esq., Admitted a Notary Public before Philip Tisdall, Judge of Prerogative Court.

1760

KENNEDY, JAMES, Teacher this 14 years past at the library in St. Finn Barry's

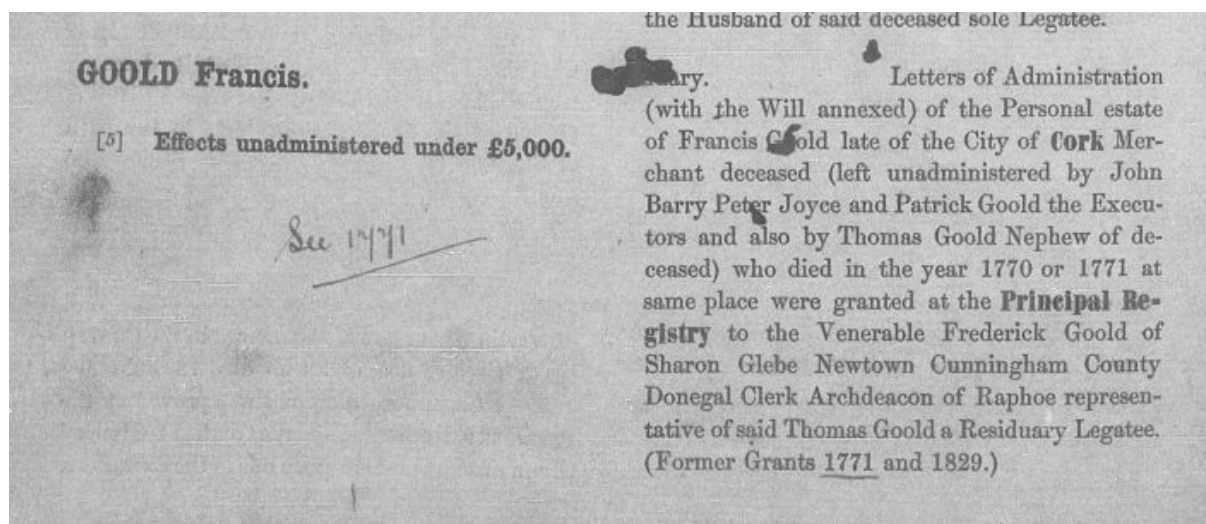
1766 Cloyne Registrar:

John Hanning (James Haning Notary Public appears in deeds subscriptions in 1726, 1766 for Cloyne)

1770

AUSTIN, ROBERT, REV. - (16/7/1770) - Last Tuesday the Rev. Robert Austin, Chancellor of this Diocese, took out his degrees of Doctor in Divinity in Dublin.

1770/1771, Allusion to Grant of probate:



1778 Extract from parish Record of Murragh (Bandon), produced 1808.:

P.1 Speare a wife and Foott and Foott, Chancery This book or paper was produced to the Reverend Ambrose Hicky at the time of his examination in this cause from the 20th and 21st .. and by him deposed to portion of the entry of the 10th November 1778 in the book contained Thomas Foott,...Townsend... Daniel Connell, Thomas Pope Comm (issioners?)

Chancery

Speare and wife and Richard and George Foott. This book or paper writing was produced to Robert Longfield Cannon on his examination to the 24th Interrogatory and by him deposed to the 1st day of November 1808 Thomas Pope Thomas Foott Comm...

1776, 1817, Cloyne

James Henning, Notary Public

1787, John Bastable Proctor and Attorney, Patrick's Street, Georges St 1809. John Bastable Freeman 1780 Gentleman. "Served Thomas Chatterton one of the Attorneys of the Tholsel Court

1798:

Register Cloyne Arthur Browne LLD DMP. Cork and Ross : Rev. James Kenny LLD

1799, example of grant on intestacy: SM50/4⁶ Copy administration, 6 Sep 1799, of the effects of Benjamin Barter, Summerstown, Cork, Lime Manufacturer, deceased, who died intestate. Issued by **Thomas Gregg, Lord Bishop of Cork**, appointing Elizabeth Barter, eldest daughter, administrator. 2pp

1800 Listing:

Vicar General Rev. Kyle £132 p.a. Registrar Henry Stopford Kyle £86 p.a. Registrar W.C. Bennett net £719, Clerk Daniel O'Keeffe £42 p.a.

Proctors: John Franklin, William Verling Gregg £61 p.a., Francis Hodder £27 p.a.,

1803 Appointments

Walter Hore, Seafield Wexford and John Joseph Heard, Cork, registrars

1806 Divorce Case

Anthony Connell BL and Joseph Dennis BL for complainant, Proctor Richard Chinnery.

Return for 1806-1806 to Commissioners for Charitable Donations and Bequests

H.J. Heard, Notary Public, Register Cork and Cloyne

Cloyne Vicar General Rev James Hingston LL D, Deputy Register John Lawless.

1810 Personnel

Vicar General John Kenny LL D, Rev. Horatio Townsend, Fortescue, John, Rev., George's St., Rector, St. Nicholas, Surrogates.

Henry Joseph Heard LL.D., Walter Heard, Registrar, Appirator Austin Beere on his death 1813 replaced by Dick Neal (1799-1866) alos bellows blower.

Proctors, Thomas Gregg St. Barys died 1811 replaced as clerk by Henry Bennett, William Gregg, Patrick St., Richard Chinnery, South Mall, Jacob Crawford died and

⁶ <http://www.corkarchives.ie/media/SM50web.pdf>

replaced by Nicolas Vincent Patrick St, William Phillips, South Mall, Thomas Pope,
South Mall, Davys Tuckey,

1816 Cloyne

Registers Benjamin Burton Johnson Esq., Spring Hill, Waterford, Deputy John
Royaal Wilkinson, Cloyne.

Dublin Evening Post 19 September 1822

Cork Consistory Court 1817-1822, 195 Tithe cases, Cloyne 158.

1824 CONSISTORIAL COURT OF CORK AND ROSS, BISHOP STREET

Judge, Henry J. Heard, L.L.D., Vicar General

Registrar, John Heard, esq. (12 Bishop Street)

Advocates, William L. Webb and A. Connell, esqrs., Barristers.

Proctor of Office, Thomas Pope, esq.

Proctors; Thomas Pope, Nicholas Vincent, William Gregg, Richard Chinnery,

and Henry Bennett, Gents.

Advocate 1824

William L. Webb, barrister.

Cloyne 1824

Austen, Robert, Rev., L.L.D., Precentor, Middleton (NGC)

Wilkinson, John Rayal, Esq., Registrar (NGC)

1827

Cork and Ross, Register and Vicar General Rev. Henry Joseph Heard, Esq.,
Register Cloyne, John Heard

1830, Sample from Kilkenny⁷ of administrative issues. 1830:1834 Photocopies of letters from William Grace, Register, Consistorial Office, Kilkenny, to Rev Armstrong mainly relating to chapters and visitations.

1832 case of McCarthy Probate

Recorder Waggett and Kellett other side Francis McCarthy, barrister. Proctor Chinnery.

1843

Vicar General Samuel Kyle Cork and Ross since 1837 and Cloyne since 1840.

Judge, Henry J. Heard, L.L.D., Vicar General

Registrar, John Heard, esq. (12 Bishop Street)

Advocates, Henry Kellett, Robert Bennett, .C. Kyle.

Proctor of Office, Proctors; Richard Exham, Denham Franklin, James Morgan, Nicholas Vincent, George Gregg, and James Lane, Francis H. Tuckey, Gents.

Cloyne 1843:

Registrar: John R. Wilkinson.

Proctor of Office, Proctors; Richard Exham, Denham Franklin, James Morgan, George Gregg, and Samuel Fleming, John Lawless,

Advocates, Robert Bennett, Henry Kellett, John Gibson,

1841 Cloyne:

John Cooke Wallis (Provenant): Proctor Denham Franklin, Advocates; Francis J. Walsh, J. Perrier,

⁷ <http://www2.ul.ie/pdf/943693677.pdf>

Ellen Harrington (Impugnant): Proctor George Gregg, advocates, Richard Kellett, Joseph Scannell

1828 Ross Hearing:

Other proctors in newspapers.

William Colburn may also have been Registrar pre 1840.

George I Hodder from 1846

Denham Franklin died 1846

Cloyne

1830s court heard in chapter room attached the cathedral every third Tuesday

Reported Case 1838 Murphy (Promovant):

Advocates, Morgan O'Donovan, William C. Kyle, Robert Bennett.

Lawton, (Impugnant):

Proctor, Nicholas Vincent, advocates; Richard J. Lane, Henry Kellett.

1850 Evidence of The Venerable Samuel Kyle, LLD, Vicar General of Dioceses of Cork and Cloyne. His unpublished memoir is in the library of Trinity College Dublin.

He died aged 89 in 1890 at 37 Upper Fitzwilliam Square, Dublin, sole executor Colonel Samuel C. Kyle, R.A., same address £47,000

On Consistory (Probate) Court, Registrar Henry Stopford Kyle, Barrister, Resident in London, 6 Proctors, Advocates All Protestants. In Registry Attached to St. Finbarr's Cathedral, Cork, Book of Wills since 1575, Classified wills from 1606-1850, Court Documents from 1755, all probably lost in 1922. Average of 50 cases per year for each Dioceses, one of the few in Ireland regarded as well run. Proctors Richard Exham (Senior), George Gregg, George I Hodder, Lane, James Morgan, Tuckey.

The Consistory Courts were abolished and replaced by the Dublin Probate Office.

Summaries of wills from 1865 are online at :

<http://www.willcalendars.nationalarchives.ie/search/cwa/home.jsp>

Samuel Moore Kyle, LLD, Vicar General 1845-48 after his father Bishop's stroke and death in 1848.

Archdeacon Samuel Moore KYLE, A.M., was the Archdeacon of Cork from 1833 until at least 1864. Is promotion coincided⁸ with his father's elevation to Bishop of Cork. In 1833 he married Jane, eldest daughter of John Cotter, esq, of Ashton, County Cork. The Cotters were bankers and merchants.

His father was Samuel Kyle b.1770, son of Samuel Dungiven Castle, Co. Tyrone, ed Londonderry Diocesan college, TCD 1788,stroke 1845, d.18 May 1848) was an Irish bishop in the Church of Ireland. He was educated at Trinity College, Dublin. He was Provost of Trinity College, Dublin from 1820 to 1831,[1]Bishop of Cork and Ross from 1831 to 1835 [2] and Bishop of Cork, Cloyne and Ross from then until his death on 18 May 1848[3] His eldest son, Samuel Moore Kyle, became Archdeacon of Cork.

Another son Rev. John Torrens Kyle Incumbent Inchigeela and Clondrohid.

1801-1890	Venerable Samuel Moore Kyle, LLD	Vicar general Judge Consistory Court of Dioceses of Cork and Ross,	Son of Bishop of Cork former Provost Trinity College. Regis	1865. 9 June: Frederick Hardy & Kate Cotter Kyle. In St. Luke's	Archdeacon Samuel Moore KYLE, A.M., was the Archdeacon of Cork				
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⁸ Diary of Otho Travers quoted in Ian D'Alton

		and Cloyne	trar Henry Stopf ord Kyle, Barris ter reside nt in Londo n work done by Deput y Willia m Cock burn Benn ett. Cout held 2 days a month avera ge 50 per annu m for each Doice ses regar ded as well rum. Holde	Churc h Cork, Major Frede rick Hardy , 84th Regi ment, to Kate Cotter Kyle daugh ter of the Vener able Samu el Moore Kyle LLd Archd eacon of Cork and Vicar Gener al of the dioce se	from 1833 until at least 1864. In 1833 he marrie d Jane, eldest daugh ter of John Cotter , esq, of Ashto n, Count y Cork.				
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			r of multip le benefi ces and sinec ures. Fee 1800 £132 per annu m						
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Sacred to the Memory of ANNE Relict of Right Revd. SAMUEL KYLE D.D. Lord Bishop of Cork, Cloyne and Ross, and daughter of WILLIAM DUKE MOORE Esq. and ELIZABETH GRIERSON his wife died Sept. 28th 1852 aged 74

Family links:

Children:

[Alicia Dorothea Moore \(____ - 1876\)*](#)

[John Torrens Kyle \(____ - 1883\)*](#)

[Hallam D'ARCY Kyle \(____ - 1857\)*](#)

[Samuel Moore Kyle \(1801 - 1890\)*](#)

[Frances Mary Kyle \(1815 - 1895\)*](#)

*Calculated relationship

Burial:

[Mount Jerome Cemetery and Crematorium](#)

Dublin

Sacred to the memory of

one of the best of men and purest of Christians

John Cotter Esq.

of Ashton House, County of Cork,

who departed this life 10th August 1864,

in his 92nd year.

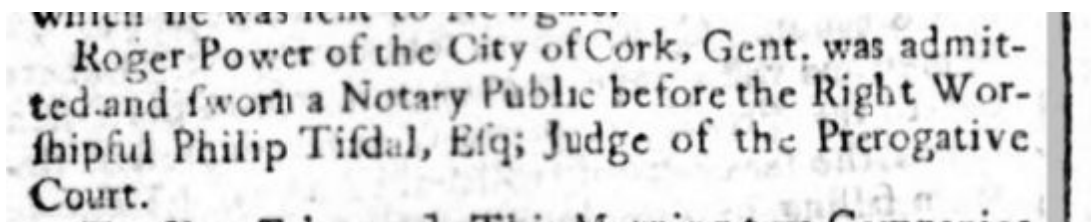
"Blessed are the dead who die in the Lord"

This tablet is erected to his memory

by his affectionate widow.

Denny Lane, Imprisoned Young Irelander Barrister later Writer and Businessman on
Rev. Kyle 1845:

Pue's Occurrences 7th February 1756:

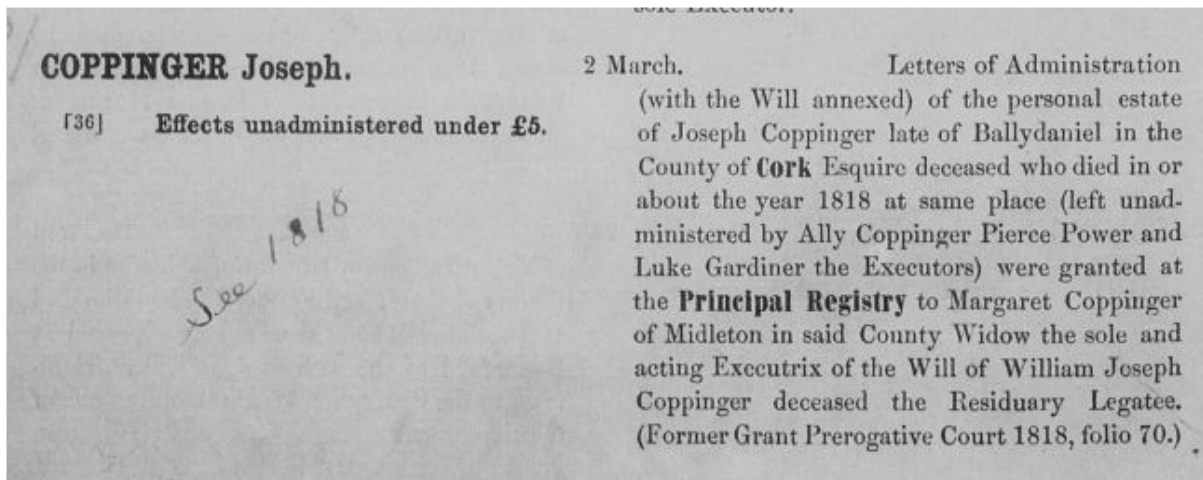
A snippet of an old newspaper clipping, likely from the 'Pue's Occurrences' mentioned in the text. The text is printed in a serif font and is partially obscured by a vertical line on the right side. The visible text reads: "Roger Power of the City of Cork, Gent. was admitted and sworn a Notary Public before the Right Worshipful Philip Tisdal, Esq; Judge of the Prerogative Court." The text is arranged in four lines.

Roger Power of the City of Cork, Gent. was admitted and sworn a Notary Public before the Right Worshipful Philip Tisdal, Esq; Judge of the Prerogative Court.

Cork Examiner 12 March 1845

troversial which are "all on one'side like Christ church" (great laughter). If we now go from the South to the North Main-street we find the *Venerable* Samuel Moore Kyle at St. Peter's; and indeed we cannot pass this establishment too without some praise to the system. No one is more deserving of our respect and admiration than a good father; and if there is in the world a good father it is the Right Rev. Father in God, Samuel of Cork, Cloyne and Ross (cheers and laughter). One Rev. son is rector of Clondrohid; a Rev. relative and son-in-law is rector of Athnowen, Vicar of Kilnaglory, and a Prebendary of the Cathedral; another son is ready to give his assistance as an advocate to any suitor in the Consistorial Court; but it is towards the Ven. Saml. Moore Kyle that this pattern of paternity has especially manifested his natural affection. Although Sir Boyle Roche's bird could be in two places at once, he was nothing to the venerable and ubiquitous Samuel. In Cork we find that he is Archdeacon, Vicar-General, Judge of the Consistorial Court, and Vicar of St. Peter's (hear, hear). But he, like Figaro, is here, there, and everywhere—north, south, east and west (laughter). If we go to the north we will find this shepherd tending his flock as pastor of Carrignavar—if to the south, we see this "fisher of men" attending to the "care of souls" of the fishermen of No-hoval and Kilmanogue—if to the east, we find the "rising son" shines on the suitors of the court of Cloyne, whilst in the west, he reluctantly sheds his parting rays on the hills of Duniskey (laughter). Surely, the spectacle of so paternal a father and so worthy a son is cheaply paid for by a trifle of Ministers' Money! We next come

Sample Grant 1818.



Evidence at Pages 87 onwards:

<http://www.dippam.ac.uk/eppi/documents/12721/page/157472>

Consistory Court Office, Bishop Street.

Some of Proctors mentioned all Attorneys:

Richard Exham:

Attorney, Commissioner of the Court of Exchequer for taking Affidavits and for taking Special Bail 1835. Probably senior Proctor Consistory Court 1850. George's St., also 1838. Purchased Cornwall (Brewers) interest in North St., Bandon 1839. 1862 Richard K. Exham, 10, South Mall. Apprentice Godfrey Smith 1820. Signed petition for abolition of Consistory Court allegedly without reading it. His son William Allen, Grey's Inns, 1840, father then at South Mall

William Gregg:

Attorney, Notary, Proctor of Consistory Court, St. Finbarrs. Patrick St. 1824
Commercial Buildings

George I Hodder:

Attorney, Proctor Consistory Court. Replaced Denham Franklin 1846.

James Morgan:

Attorney, Wintropp-street, Proctor Consistory Court, Senescal of Manor of St.
Finbarrs 1837. Deed Alleyn, Franks, Lt. Colonel Nagle Dundanion 1837
Parliamentary Report submitted Seneschal return address 68, South Mall.

Advocates:

Thomas Forsythe:

Barrister, 13, Henry St., Recorder, Advocate Consistory Court. 1850 very extensive
private practice

Justin McCartie:

Protestant, resident.

Catholic Barristers Mentioned:

Joseph Scannell:

Barrister, 1824, 4, Smith St., 13 Marlboro St 1845. Catholic. 1830 Finny Almanac.
Pigot 1824. 1850 very extensive practice. Listed in St. Ann's Shandon Ministers list
1793 and 1829 as living on Fair Hill valuation of £5 high for area, the Catholic
enclave.

Francis A Walsh:

Admitted Grey's Inns, 1845 Barrister 12 Marlboro St. Catholic. 24 in 1845, only son Francis late Cork. 1850 very extensive practice Professor of Law at Queens College

McCarthy/Ursuline Convent, Blackrock, Cork, Court Case, House of Lords Ruling:

Alexander McCarthy, a Cork butter merchant, who died intestate in 1843. Because there was no will and his estate was worth over £80,000, there was a series of court cases arising from his endowment of £1,000 to the Ursuline Convent in Blackrock on the entry of his daughter. Her brothers brought a series of actions challenging this and the House of Lords in London ruled that the bequest was void a Sister McCarthy being a nun subject to a Reverend Mother and not have legal capacity. The ruling caused outrage in Cork among Catholics. In the Rev. Kyle's evidence and the questioning the religious tension are never far from the surface.

The size of the McCarthy estate probably in the region of €100 million in current money is indicative of the transformation of the fortunes of Cork Catholics who by 1800 held the upper hand economically. They were even after emancipation subject to petty tyranny as the dismissal of Catholic Magistrates by the Lord Chancellor in 1838 for attending Repeal Meetings.

The evidence of The Rev. Kyle shows him genuinely surprised at the drift of questions, oblivious to the appointment of a non resident registrar, the absence of Catholic Proctors or Advocates and the subjection of priestly function in the administration of Probate suits by a Protestant Minister.

It might be noted that in 1827 ⁹St Finbarrs Protestant Cathedral forgave the tithes on arable land owned by the Ursuline nuns.

Report of Divorce Belfast Commercial Chronicle: 07 April 1806

⁹ Windle

On last Wednesday fortnight, was concluded in the Consistorial Court of Cork, a cause of complaint of Margaret Ann Fitzmaurice, against her husband Captain James Fitzmaurice, late Paymaster of the 4th battalion 60th regiment, in Jamaica, for *Cruelty, &c. &c.*—Advocates for the complainant, Anthony Cohnell and Jos. Dennis, Esqrs.; Proctor, Richard Chinnery, Esq.; when Mrs. Fitzmaurice's complaints being fully proved, at the petition of her Proctor, the Judge pronounced a sentence of Divorce in her favour, from Bed and Board.

Matrimonial Jurisdiction.

The enclosed is a sample of an Armagh case:

CONSISTORIAL COURT OF ARMAGH. 1845

Heath v. Heath.

BEFORE DR. MILLAR, VICAR-GENERAL. The arguments¹⁰ in this cause were so voluminous as to render it utterly impossible for us to do more in a weekly journal than state the bare facts.

On Tuesday, (as we stated in our last,) Dr. Gayer resumed his arguments for the Impugnant, dwelling at great length on the causes that induced Mrs. Heath to separate from her husband, citing several high authorities, human and divine, on the nature of the matrimonial contract as well as the judgments of ecclesiastical courts. When Dr. Gayer had concluded, the usual papers were put in, and the celebration of the marriage having been admitted, the depositions of Frederick Rogers and James Johnston were given as to the separation, when Mr. Stanley, proctor for the Impugnant, read the evidence of the witnesses examined as the cause of Impugnant's separation. Among those were the depositions of Mr. and Mrs. Cope and several others. To annul the testimony of Boyle and Best, the depositions of a number of persons were read.

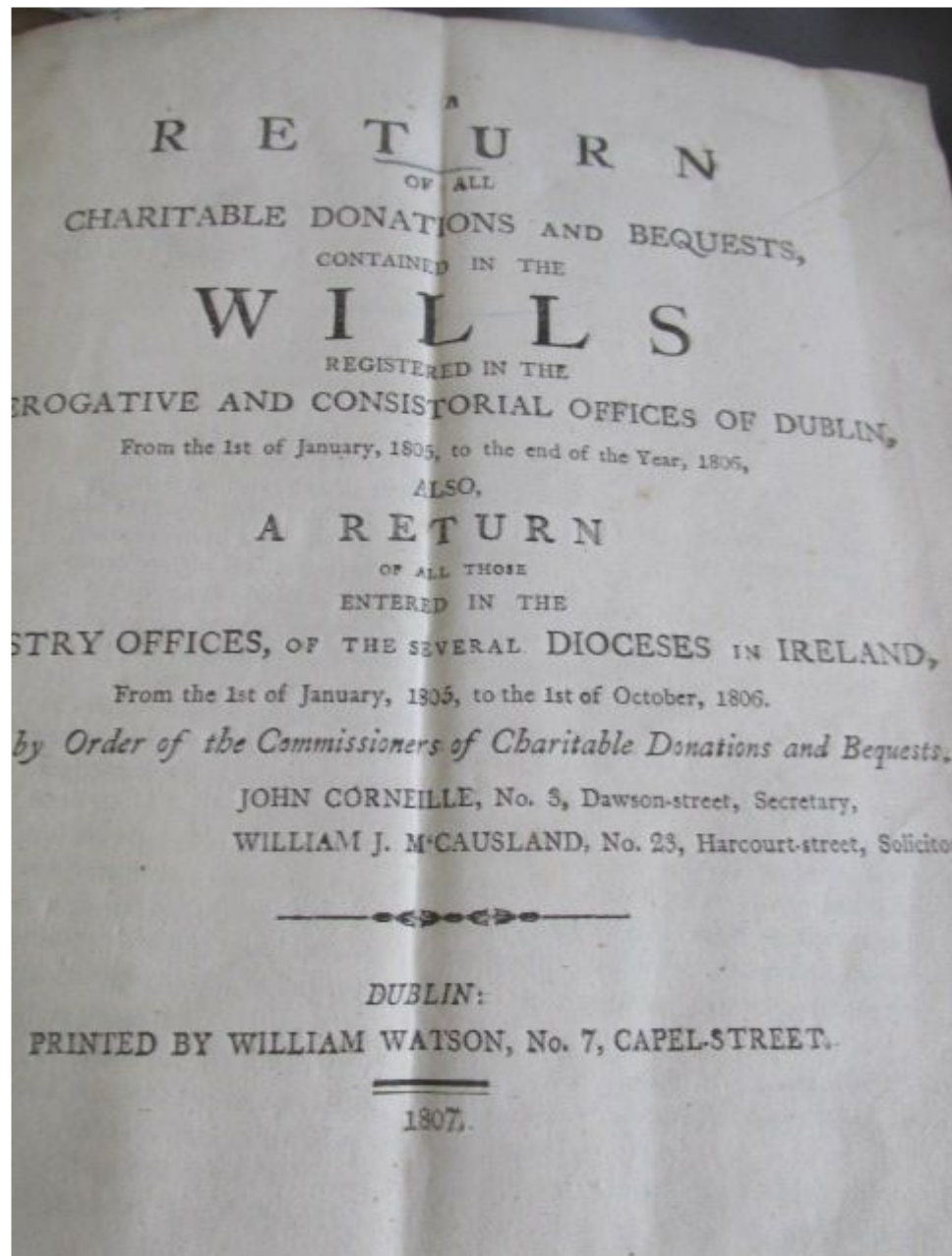
The whole of the evidence was then re-read by Mr. Barrett, proctor for Promovent. Ross S. Moore, Esq., one of counsel for Impugnant, then addressed the court in a speech of considerable ability, observing on the cruelties alleged to have been practised by Promovent to Impugnant, and citing authority which went to prove that a separation between husband and wife, might, under certain circumstances, be voluntarily entered into. The court was shortly after adjourned to Wednesday.

On Wednesday Sir Henry M????th, replied in a speech of nearly four hours, commenting on the nature of the evidence adduced. He concluded by leaving the case to the sound

¹⁰ <http://www.irelandoldnews.com/Armagh/1845/18450805.html>

judgment of his Honor. It was then announced that judgment would be delivered on Tuesday, the 12th of August, until which day the court was adjourned.

Return Commission of Charitable donations and Bequest 1807 fro 1805-6



CARPENTER. JOSEPH CARPENTER, of Eden-hill, in the county of Cork and diocese of Cloyne, by his last will, bearing date the 20th day of June, 1805, bequeathed the sum of five guineas to the poor of the parishes of Ballyclough and Mallow, in the words following, viz.

" And I also give and bequeath unto the poor of the parishes of Ballyclough and Mallow, in equal shares, five guineas,—two guineas and a half thereof to be distributed among them within one year after my decease, and the remaining two guineas and a half, within two years after my decease,"—and of said will appointed his son Joseph Verling Carpenter, sole executor.

Probate granted to sole executor, October the 18th, 1805, by Rev. Jam Hingston, L. L. D. Vicar General of the diocese of Cloyne.

JOHN LAWLER, Deputy Register, diocese of Cloyne

Diocese of CLOYNE, 1806.

JOHN LAWLESS, Deputy Register, Diocese of Cloyne.—A negative Return.

CONSISTORY COURT OF CORK & ROSS,
WEDNESDAY, MAY 28,

Sullivan v. Sullivan, Administrator of Sullivan.

The Administrator had filed his inventory of the estate of the intestate, to which the Promovent had put in a number of exceptions on a former Court day.

Mr. CONNELL this day appeared on the part of the Impugnant, and contended against the admissibility of the exceptions, upon the ground that the Court had no jurisdiction to allow exceptions to an inventory; that the inventory was in itself conclusive in that Court, and that the temporal Courts have granted prohibitions where similar exceptions had been taken, and for that purpose cited several cases where prohibition was granted by the Court of King's Bench.

Mr. KELLETT, for Promovent and excipient, contended that the cases cited by Mr. Connell were cases of Creditors, and differed materially from that of the next of kin claiming a distributive share of the personality of the intestate, and excepting to the inventory exhibited by the Administrator; that if the Court had a jurisdiction to distribute the effects of an intestate, it must consequently have a jurisdiction to compel a fair account and inventory, but that the case of a creditor was quite different.

Dr. HEARD expressed his opinion to be favourable to the reception of the exceptions, being the uniform practice of the Court to do so; but as Mr. Connell quoted cases impugning the exercise of such a practice, he begged to hear the case more fully on a future day, and the further argument was adjourned to Wednesday week.

The Ecclesiastical Register; Containing the Names of the Prelates, Cork and Ross,
 1820

CONSISTORIAL COURT.

Vicar General, ~~~~~ Henry Joseph Heard, Esq. L.L.D.

Registrar, ~~~~~ John Heard, Esq.

Proctors, ~~~~~ Messrs. Pope, Philips, Chinnery, Tuckey,
 Vincent, Gregg, and Bennet.

Cloyne 1820

CONSISTORIAL COURT.

<i>Vicar General,</i>	Rev. James Hingston, Sen. L. L. D.
<i>Registrars,</i>	Rev. Benj. Burt Johnson, and
	John Royal Wilkinson, Esq.
<i>Surrogate,</i>	Rev. William Heles Hingston.
<i>Proctors,</i>	Messrs. Lawless, Bennet, Tuckey, Milward,
	Hobbs, and Gibson.

DIACON AND SCHOOL-MASTER.

1828, Cloyne re Tithes:

IMPROPRIATE TITHES.

CONSISTORIAL COURT OF CLOYNE.

TUESDAY, MAY 20.

ROGERS and WELDON lessees of the late **CHARLES SILVER OLIVER, Esq.** **PROMOVENTS**—**JOHN RYAN** and others, inhabitants of the parishes of Buttevant, Bregogue and Drumdowney, **IMPUGNANTS.**

A case of considerable importance to the lay impropritors of tithes, was tried in the Court to-day. It was as follows:—Several of the inhabitants of these parishes have refused to pay their tithes to Messrs. Weldon and Rogers, the lessees of Mr. Oliver, the lay impropritor, citations were brought in the above Court against them returnable the 18th March last, on which day Ryan filed a plea, and verified it by the usual affidavit, under the statute, contraverting the title, of Silver Charles Oliver, Esq. who is the eldest son and heir at law, of the Lessor of the Promovents to the tithes in question, which are of considerable value—In consequence of this plea, the hearing was then postponed to the following court day, the 22d of April, when the Agents of Mr. Oliver made an affidavit that they were not then prepared for the trial, and it was adjourned to this day, when it came to be finally heard before the Vicar General. The Lord Bishop was also on the Bench, and appeared to take considerable interest in the trial.

Mr. WAGGETT, who appeared for Mr. Oliver, said,

Southern Reporter and Cork Commercial Courier 09 October 1838

CORK AND LOSS CONSISTORIAL COURT.

IMPORTANT WILL CAUSE.

Patrick Murphy, Promoveant—Hugh Lawton, Impugnant.

This cause, which was at hearing on last Wednesday and Thursday—the Vicar General (Archdeacon KYLE,) presiding—was instituted by Mr. LAWTON, who sought to impeach the validity of a Will alleged to have been made by his brother, the late John Lindsey Lawton, Esq., a medical student, by which Will the deceased left to his relative, John Lindsey, Esq. of Maryville, his lands at Blackrock—to the House of Industry £100—to the poor of the Parish of Glanmire £500. and to Promoveant's wife his funded property. By a Codicil he left to his brother, the Impugnant, one shilling, and by a subsequent Codicil he left him £10, and a family silver cup; and to his relative, John Lindsey, Esq. attorney, he left £100, together with the remainder of his plate.

The Will and Codicils were impeached on these grounds: First, that the deceased, at the time of making them, laboured under *delirium tremens*—secondly, imbecile mind, caused by enervating diseases—thirdly, undue influence upon the part of Promoveant's wife, alleged to have been obtained through improper familiarity.

It appeared in evidence that the deceased had lodged some months previously to his death, at the house of Promoveant, at Glanmire, and that, during his last illness, which was long and tedious, he, (the Promoveant) and his wife were particularly attentive to him, and that their servants, to each of whom he left £15, were also unremitting in their care of him.

The property at stake, exclusively of that in land, was stated to be about £30,000; but how much was really involved in the decision of the case did not appear on the hearing. Amongst the witnesses examined were Doctors Ellice, Murphy, Bull and Townsend.

Judgment deferred.

ADVOCATES for Promoveant—Messrs. Robert Bennett, William C. Kyle and Morgan O'Donovan. PROCTOR—Mr. Denham Franklin.

ADVOCATES for Impugnant—Messrs. Henry Kellett and Richard J. Lane. PROCTOR—Mr. Nicholas Vincent.

HOUSE OF INDUSTRY.

1841 Cloyne:

CONSISTORIAL COURT OF CLOYNE.

TUESDAY, NOVEMBER 9TH, 1841.

Before the Venerable Archdeacon KYLE.

John Cooke Wallis, Promovant—Ellen Horrigan, otherwise Moynihan, Widow, falsely calling herself, or pretended, Ellen Wallis, Impugnant.

The Promovent in this cause sought to annul his marriage with Impugnant upon the grounds set forth in the citation, which was returned on the 15th of April last, and is as follows :

" *Ellen Horrigan, otherwise Moynihan, widow, was cited to answer John Cooke Wallis, of Mine-hill, in the County of Cork, in a cause of nullity of marriage, and of declaring null and void to all intents and purposes in law, a certain pretended ceremony of marriage celebrated, or rather profaned between them by a Roman Catholic Priest, the said John Cooke Wallis, being at the time of the said marriage, a Protestant.*" The substance of Promovent's libel is as follows :—

First—That, by the 19th Geo. II, chap. 13, " An Act for annulling all Marriages celebrated between two Protestants, or between Protestant and Catholic, by a Roman Catholic Priest." And by the 6th Queen Anne, which enacts—" That, any marriage between a Catholic and a person who has professed himself to be a Protestant at any time within twelve months before said marriage ; or between two Protestants, if celebrated by a Roman Catholic Priest, shall be null and void."

Secondly—Promovent alleges that on the 5th of October, 1840, the day upon which the marriage took place, and from his birth up to that time, he was a Protestant, and is well known to every person to be such.

Thirdly—That the Impugnant, Ellen Horrigan, or Moynihan, was a Roman Catholic from her birth to the day of marriage with Promovent.

Fourthly—That, on the 5th October, 1840, the Promovent and Impugnant were married by a Roman Catholic Priest named the Rev. Justin McCarthy, in the Town of Mallow, in a Public-house kept by one Patrick Flemming, and in the presence of faith-worthy persons, which marriage Promovent submits is null and void, no marriage having previously taken place between the parties by a Protestant Clergyman.

The fifth allegation is, that the Rev. Mr. McCarthy, who performed the marriage ceremony, was never a Protestant Clergyman.

The Sixth—That the Promovent and the Impugnant did not cohabit after said marriage.

The Seventh—That the Impugnant lives in or near the Town of Mallow ; and the eighth, that she was duly cited to appear in this cause. And the ninth, that for the reasons above alleged, the marriage is null and void.

The personal answer of Ellen Wallis, the Impugnant, is as follows :—That she does not know, of her own knowledge the

Patrick St. 1824 Commercial Buildings

1846

Registrar Walter Hoare, Deputy, William C. Bennett.
Advocates Hedges Eyre Chatterton (later Chief Justice), Henry Forsythe.

1860 Listing:

Registrar W.C. Bennett net £719, Clerk Daniel O'Keeffe £42 p.a.

Proctors: William Verling Gregg £61 p.a., Francis Hodder £27 p.a., Tuckey

Apparitor; Richard Neil 46 years to death in 1866, , Bennett St., from 1833 verger of Cathedral.

Compensation 1867 for Loss of Office¹¹

Vicar-General Rev. Samuel Moore Kyle, £132.
Registrar of Cloyne REv. William Rogers £83, Clerk Daniel O'Keeffe £42 p.a.

Proctors: William Verling Gregg £61 Francis Hodder £27, Swithin Fleming (Cloyne) £3, John Franklin £29, Michael Green (Cloyne) £20,

Also probably staff under new regime, Cork District Registrar Henry Richardson £350, Clerk Richard Dowman £130.

¹¹

Salaries of Judges, Registrars and Clerks in Court of Probate in Ireland, 1867

1870

Rev. William Rogers
Proctor W.V. Gregg

Advocates W. C. Kyle, Justin McCartie, T. Forsythe.

From Bandon:

		Vicar General (Judge), Consistory Court, Diceses of Killaloe and Kilfenora, later Treasurer Cork	Fee £16 per annum. Probably of Upton family						
1800 and 1860	Rev Somers H. Payne								

1860, House of Commons Return with Relevant Fees Staf, Dates of Appointment from Cork and Cloyne

REGISTRARS, &c. (IRELAND).

RETURN to an Order of the Honourable The House of Commons,
dated 22 March 1860 ;—*for*,

DIOCESES OF CORK AND ROSS.

Registry.—The Registry Office is situate at St. Finn Barrs, city of Cork in a house, private property, and separate building in itself. There is no fire kept in the house except in the winter, when the office is opened, and it is carefully extinguished by the confidential clerk previous to the office being closed. This is the only fire ever permitted in the house. The original wills are kept in strong tin boxes, in a separate well-secured room in the house: the other documents and books connected with the registry are kept in secure presses in the same room.

Registrar.—Henry Stopford Kyle, of Lincoln's-Inn, in England; appointed 24th January 1848; is a barrister-at-law.

Deputy Registrar.—William Colburn Bennett, of the city of Cork, Notary Public, a solicitor; appointed 10th April 1843, and reappointed 29th January 1848.

Apparitor.—Richard Neil, of Bennett-street, Cork; appointed 30th September 1833; he is a verger of the Cork Cathedral, and care-taker of the churchyard.

Seal Keeper.—The Lord Bishop holds the episcopal seal; the Vicar General holds the seal of the court.

Vicar General.—The Venerable Samuel Moore Kyle, LL.D.; appointed 30th June 1837; a clergyman, and holds the preferment of the Archdeaconry of Cork.

Surrogates.—Rev. Thomas Bedford Jones, A.M., city of Cork, a clergyman; and Rev. John Jebb Sargent, residing at Skibbereen, county of Cork, a clergyman; are commissioners for granting marriage licences. The Vicar General performs the general business of the office, such as hearing causes, &c. There are no Surrogates for court business.

Proctors.—James Lane, South Mall, Cork, admitted 4th December 1839; Francis H. Turkey, Grand Parade, Cork, admitted 22d July 1846; William V. Gregg, South Mall, Cork, admitted 14th August 1850; Francis Hodder, South Mall, Cork, admitted 9th April 1851; John Franklin, South Mall, Cork, admitted 28th February 1854. All are solicitors, and, save James Lane, served apprenticeship to solicitors as such; said solicitors to whom they were apprenticed being practising proctors during their apprenticeship.

Advocates resident in the Diocese.—Thomas Forsayth, Esq., Q.C., Recorder of Cork; and Justin M'Cartie, Esq., barrister-at-law.

See Table of Fees annexed. The fees payable to the Bishop, Judge, Registrar, and Apparitor, are those authorised to be

DIOCESES OF CORK AND ROSS—continued.

FEES payable to the Bishop, Judge, Registrar, and Apparitor, as authorised to be taken in 1662, and sanctioned by his Grace the Lord Primate when Archbishop of Dublin in 1820, together with such as became subsequently payable.

	£. s. d.		£. s. d.
For every inhibition containing citation and monition:		For a decree for personal answers:	
To the judge - - - - -	- 6 8	To the judge - - - - -	- 1 -
Registrar - - - - -	- 17 4	Registrar - - - - -	- 2 6
For every exemplification, provided same does not exceed one skin of 880 words:		For special bonds:	
To the judge - - - - -	1 1 -	To the registrar - - - - -	- 5 -
Registrar - - - - -	1 - -	For the production of every witness and party principal:	
Apparitor - - - - -	- 1 -	To the registrar - - - - -	- 5 -
If the proceedings to be exemplified shall exceed in length one skin, the registrar charges for engrossing so much as it exceeds a skin, in the proportion before-mentioned.		And for the examination of each witness, according to the length.	
For every interlocutory decree on dismiss:		To the registrar for copies of pleadings, interrogatories, exhibits, depositions after publication in a cause, 9d. per sheet of 90 words.	
To the judge - - - - -	- 10 -	For every search, if short, 3s. 4d.; if long, 6s. 8d.	
Registrar - - - - -	- 3 4	For every certificate of costs:	
For every final sentence, or decree, or dismiss:		To the judge - - - - -	- 4 -
To the judge - - - - -	1 - -	Registrar - - - - -	- 6 8
Registrar - - - - -	- 10 -	To registrar for other certificates - - -	- 3 4
Apparitor - - - - -	- 5 5	For letters of orders:	
Court keeper - - - - -	- 5 5	To the registrar for drawing out or engrossing same, and entering in registry -	- 13 4
For apostles, where an appeal is made from the		Lord archbishop's seal keeper - - -	- 10 -

Apparitor - - - - -	- 5 5	To the registrar for drawing out or engrossing same, and entering in registry -	- 13 4
Court keeper - - - - -	- 10 -	Lord archbishop's seal keeper - - -	- 10 -
For apostles, where an appeal is made from the judge:	- 6 8	Apparitor - - - - -	- 1 -
To the judge - - - - -	- 1 -	For letters dimissory:	
Registrar - - - - -		To the registrar for drawing out and entering same - - - - -	- 12 10
Apparitor - - - - -		Lord archbishop's seal keeper - - -	- 10 -
For every attendance with a record from the office:		For a curate assistant or lecturer's licence:	
To the registrar for attendance in the country one guinea per day, and the like for clerk.		To the registrar for drawing out and engrossing same, and certificate to annex thereto, entering same, and attendance to administer oaths, and take subscriptions to canons, and declarations - - -	- 12 10
To the registrar for attendance in town -	- 6 8	Exhibiting and registering nominations -	- 2 8
Clerk - - - - -	- 4 8½	To the lord archbishop's seal keeper - -	- 10 -
For receipts for original papers:		For drawing out titles for orders, and nominations and process:	
To the registrar for drawing receipt -	- 6 8	To the registrar - - - - -	- 6 8
For the comparison of a record:		For exhibiting presentations and resignations to each benefice:	
To the registrar - - - - -	- 3 4	To the judge - - - - -	- 3 4
For every primary citation, except for tithes:		Registrar - - - - -	- 3 4
To the judge - - - - -	- 3 4	For entering patent from the Crown:	
Registrar - - - - -	- 3 4	To the registrar - - - - -	1 - -
For subsequent citations on processes:		To the registrar from a lay patron - -	- 13 4
To the judge - - - - -	- 1 4	For a notification of a vacancy of a living:	
Registrar - - - - -	- 3 4	To the registrar for drawing and registering same 7s. 11d., and delivering or serving same 5s. 5d. - - -	- 13 4
For monition for alimony or for tithes decreed:		For every sequestration:	
To the judge - - - - -	- 3 4	To the judge - - - - -	- 11 -
Registrar - - - - -	- 3 4	Registrar - - - - -	- 13 4
For citation on letters of request:		To the registrar for bond which is very special - - - - -	- 6 8
To the judge - - - - -	- 3 4	In many cases of sequestrations the registrar has to draw a draft of same, and to submit it to an advocate for perusal, for which and for necessary attendance he makes a reasonable charge for his trouble.	
Registrar and for act, and exhibiting process therein recited 9d. per sheet -	- 10 -	For every relaxation:	
For absolution from a decree of contumacy:		To the judge - - - - -	- 11 -
To the judge - - - - -	- 10 -	Registrar - - - - -	- 13 4
Registrar - - - - -	- 6 8	For a licence for ordination:	
To the apparitor for each primary citation returned into said court - - - - -	- - 6	To the registrar for drawing out and entering same - - - - -	- 12 10
And every oath - - - - -	- - 4	Lord archbishop's seal keeper - - -	- 10 -
To the registrar for copies of pleadings, exhibits and wills, and such like matters, 9d. per sheet.			
To the registrar for every sheet of 90 words in a transmit sent to the court of delegates in an appeal cause 9d. per sheet, to be paid by appellant.			
Where an appeal is sent from an inferior court to this court, the registrar charges at the rate above-mentioned, one-third to the appellant and two-thirds to the respondent.			
To the judge for seal to transmiss - - -	- 10 -		
Registrar for certificate and attestation thereto -	- 6 8		

DIOCESSES OF CORK AND ROSS—continued.

	£.	s.	d.		£.	s.	d.
For marriage licences :				For exhibiting proxies in the archbishop's provincial synod :			
Vicar General - - - - -	-	13	1	For every bishop not appearing, 6s. 8d. ;			
Registrar - - - - -	-	13	6	for every dean, 6s. 8d. ; for the chapter,			
For a parish clerk or schoolmaster's licence :				6s. 8d. ; for every archdeacon, 6s. 8d. ;			
To the judge - - - - -	-	11	-	and for the body of the clergy, 6s. 8d.			
To the registrar for drawing and entering same, exhibiting and registering nomination, and attendance with roll, administering oaths, and taking subscriptions to canons - - - - -	-	11	10	For exhibiting every proxy of every clergyman not appearing at visitation, and if no proxy, for non-appearance :			
Drawing and registering certificate of minister and churchwardens - - - - -	-	5	-	To the judge or archbishop - - - - -	-	1	-
Attendance with roll and administering oaths, and taking subscriptions to canons - - - - -	-	6	8	To the registrar - - - - -	-	1	-
For a commission to value buildings or improvements on church lands :				For exhibiting the clergy's titles in the archbishop's primary, triennial or annual visitation :			
To the registrar for drawing out commission - - - - -	-	13	4	For letters of deacon or priesthood, 2s. 6d. ;			
To the registrar for registering memorial therein recited, according to the length, from 3s. 4d. to 10s.				for every union, 6s. 8d. ; for every faculty or dispensation, 6s. 8d. ; for every institution and induction to each benefice, 2s. 6d. ; and certificates of oaths and subscriptions, 2s. 6d. ; for exhibiting &c., at every ordinary visitation half the foregoing fees, two-thirds of which goes to the archbishop or the judge, and the remaining one-third to the registrar.			
To the lord archbishop's seal keeper - - - - -	-	10	-	For every licence to a cure at a primary visitation, 2s. 6d. ; letters of orders, 2s. 6d. ;			
To the registrar for entering proceedings after commission returned, at the rate of 5s. per page of title book.							
To the registrar for archbishop's certificate	-	13	4				

DIOCESSES OF CORK AND ROSS—continued.

	£.	s.	d.		£.	s.	d.
For marriage licences :				For exhibiting proxies in the archbishop's provincial synod :			
Vicar General - - - - -	-	13	1	For every bishop not appearing, 6s. 8d. ;			
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For a parish clerk or schoolmaster's licence :				6s. 8d. ; for every archdeacon, 6s. 8d. ;			
To the judge - - - - -	-	11	-	and for the body of the clergy, 6s. 8d.			
To the registrar for drawing and entering same, exhibiting and registering nomination, and attendance with roll, administering oaths, and taking subscriptions to canons - - - - -	-	11	10	For exhibiting every proxy of every clergyman not appearing at visitation, and if no proxy, for non-appearance :			
Drawing and registering certificate of minister and churchwardens - - - - -	-	5	-	To the judge or archbishop - - - - -	-	1	-
Attendance with roll and administering oaths, and taking subscriptions to canons - - - - -	-	6	8	To the registrar - - - - -	-	1	-
For a commission to value buildings or improvements on church lands :				For exhibiting the clergy's titles in the archbishop's primary, triennial or annual visitation :			
To the registrar for drawing out commission - - - - -	-	13	4	For letters of deacon or priesthood, 2s. 6d. ;			
To the registrar for registering memorial therein recited, according to the length, from 3s. 4d. to 10s.				for every union, 6s. 8d. ; for every faculty or dispensation, 6s. 8d. ; for every institution and induction to each benefice, 2s. 6d. ; and certificates of oaths and subscriptions, 2s. 6d. ; for exhibiting &c., at every ordinary visitation half the foregoing fees, two-thirds of which goes to the archbishop or the judge, and the remaining one-third to the registrar.			
To the lord archbishop's seal keeper - - - - -	-	10	-	For every licence to a cure at a primary visitation, 2s. 6d. ; letters of orders, 2s. 6d. ;			
To the registrar for entering proceedings after commission returned, at the rate of 5s. per page of title book.							
To the registrar for archbishop's certificate	-	13	4				

denomination - - - - -	1 10 -	For significavit and inhibitions - -	- 5 5
To the registrar for same - - - -	2 6 8	For engrossing exemplifications and other matters, for each skin - - - -	- 2 8½
To the lord archbishop's seal keeper for same - - - - -	- 10 -	For copies of proceedings, 1d. per sheet.	
To the apparitor for same - - - - -	- 2 8½	For letters of orders, letters dimissory, and licences of every kind - - - -	- 2 8½
For an archiepiscopal or episcopal union:		For sequestrations - - - - -	- 2 8½
To the lord archbishop - - - - -	1 13 4	For relaxations - - - - -	- 2 8½
To the registrar - - - - -	1 13 4	For institutions and collations, and consecration of bishops - - - - -	- 11 4½
To the registrar for certificate of assent or consent 6s. 8d., and instructions for reading same, if required, 3s. 4d. - -	- 10 -	For commissions and certificate respecting glebe houses and consecration of churches	- 5 5
To the registrar for certificate of induction - -	- 6 8	For every search - - - - -	- 2 2½
To the registrar for registering constat - -	- 3 4	For every certificate - - - - -	- 1 1
To the registrar for drawing, engrossing and entering mandate to install or induct, and certificate - - - - -	- 15 10		
Seal keeper - - - - -	- 10 -	Fees payable since those sanctioned by his Grace the Lord Primate when Archbishop of Dublin in 1820:	
For registering small exhibits of any kind in title book, each - - - - -	- 3 4	Paid by Ecclesiastical Commissioners for Ireland for registry of certificate of perpetuity grant - - - - -	- 10 -
For large ditto, 5s. per page.		Registry of deed connected with glebe lands - - - - -	- 2 6
For proceedings upon the consecration of a bishop:		Amendment of certificate of composition, and the applotment under the order of the assistant barrister, pursuant to the provisions of the Tithe Composition Act -	3 3 -
To the judge - - - - -	4 - -	Copy certificate of tithe composition -	- 6 8
To the lord archbishop's household servants	4 - -	Extracts from applotment book 6s. 8d. each.	
To the registrar - - - - -	2 - -		
To the registrar for patent - - - - -	- 10 -		
To the registrar for drawing certificate - -	- 8 2		
To the lord archbishop's seal keeper - -	- 10 -		
To the apparitor - - - - -	- 10 -		

Cork and Ross,
21 January 1860.

Wm. C. Bennett, Notary Public,
Deputy Registrar.

Registrar.—Rev. William Rogers, Kilmahon, Cloyne; appointed 13th April 1854; a clergyman of the Church of England. He is not a Public Notary, but holds the preferment of Kilmahon, near Cloyne.

Deputy Registrar.—Strictly there is not a Deputy Registrar; but William Verling Gregg, of the city of Cork, one of the Proctors and a Public Notary, holds a deputation, dated 1854, for the purpose of producing papers in the temporal courts when required.

Apparitor.—Henry Baker, Cloyne; appointed April 1825. He has no other employment.

Sealkeeper.—The Lord Bishop holds the episcopal seal, and the Vicar General the seal of the Consistorial Court.

Vicar General.—The Ven. Samuel Moore Kyle, LL.D., city of Cork; appointed 10th December 1840. A clergyman, and holds the preferment of the Archdeaconry of Cork.

Surrogates.—The Rev. Thomas Bedford Jones, city of Cork; the Rev. William Walker, Fermoy; and the Rev. William Rogers, Cloyne, are Surrogates for issuing marriage licences only. The Vicar General performs the general business of the office, such as hearing causes, &c., in person.

Proctors:—

Names of Proctors.	Residence.	Date of Admission.	Whether Solicitors or Attorneys.
Swithin Fleming - - -	Midleton - - -	12 June - - 1838	- - yes.
Francis H. Tuckey - - -	Grand Parade, Cork - - -	8 September - 1840	- - yes.
William Verling Gregg - - -	22, Cook-street, Cork - - -	2 September - 1850	- - yes.
Michael Greene - - -	Midleton - - -	11 March - 1851	- - yes.
Francis Hodder - - -	South Mall, Cork - - -	April - - 1851	- - yes.
John Franklin - - -	ditto - - -	February - 1854	- - yes.
James Lane - - -	ditto - - -	Admitted to practice in Cloyne since 1841 -	- - yes.
John Bennett - - -	21, Warren's-place, Cork - - -		- - yes.

None of the above had served apprenticeships to proctors, or had been articled clerks in proctors' offices.

The ministration of private baptism.

A report of a judgment in the case of Sommerville v. Robinson, in the consistorial court of Cloyne, delivered August 2, 1853.

Main Creator: [Kyle, Samuel Moore.](#)

Format: BOOK

Language: English

Published /
Created: Cork, Dublin, Purcell;
1853.
Hodges Smith,

Notes: Physical description: 20 p.
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Obituary of Rev. Samuel
Kyle.

Citation: [Proceedings of t](#)
310, 1847-50

Format: Journal Article

Publishe
d: 1847-50

Subjects [Kyle, Samuel](#) > !
:

Inventory of Records of Dioceses of Cork, Cloyne and Ross Destroyed, Stored in the Dublin Public Records Office in 1922, including Wills Book from 1454 and Cloyne Marriage License Bonds from 1630, Registrations of Priests and Sarsfield papers. This was compiled by Herbert Woods in 1919, he was the Assistant Deputy Keeper of the Public Records Office. One well known Irish historian starts every morning by cursing those who caused the 1922 loss.

DIOCESAN REGISTRIES.

The jurisdiction of the archbishops and bishops in their several dioceses was of a twofold nature, being (1) a *voluntary* jurisdiction, consisting of the granting of probates and administrations; sequestrations of livings; institutions and collations; licences for marriage, for curates, schoolmasters, etc.; conservations of churches and churchyards; granting of faculties for building and altering glebe houses, and churches, etc., and (2) a *contentious* jurisdiction, which comprehended testamentary and matrimonial

P

Herbert Wood. A guide to the records deposited in the

226 ECCLESIASTICAL AND TESTAMENTARY COLLECTIONS.

suits, tithe cases, and causes of correction, such as simony, immorality, non-residence of clergy, and defamation, adultery, etc., of the laity.

Except at the times when visitations were held, the bishop's duties were delegated to a judicial officer, who combined the offices of Official Principal, Vicar General, Chancellor and Commissary General, who could appoint a deputy or surrogate, and to a Registrar, who, either by himself or his deputy, kept the records and proceedings of the Court, issued copies of wills, prepared visitation books, prepared and registered titles of the clergy, etc. There was also a Seal Keeper and an Apparitor. Appeals from these Consistorial Courts were made to the Metropolitan Courts, and from them to the Court of Delegates.

Upon the passing of the Probate Act of 1857 (20 and 21 Vic., c. 79), these Courts and the Court of Prerogative were deprived of their testamentary jurisdiction, and most of the testamentary records belonging to the Diocesan Registries (with the exception of the diocese of Meath*) were transferred to the Central and District Registries of the Court of Probate, from whence they were removed to the Public Record Office after the passing of the Public Records (Ireland) Act in 1867.†

By the Act of 27 and 28 Vic., c. 54 (1864), certain of the Courts and Registries were united.

By the Act of 32 and 33 Vic., c. 42, it was ordered that all the remaining jurisdiction of these Ecclesiastical Courts, whether contentious or otherwise, in all matters matrimonial, spiritual or ecclesiastical, should cease from 1st January, 1871. By the Act of 33 and 34 Vic., c. 110, a Court for Matrimonial Causes and Matters was constituted, to which all matrimonial causes still pending in the Ecclesiastical Courts at the end of the year 1870 were transferred.

The remaining Matrimonial records were transferred from some of the Diocesan Registries to the Principal Registry of the Court for Matrimonial Causes and Matters, from whence they have been transferred to the Public Record Office, but in other registries, they were so mixed up with the remaining testamentary records that the separation would have involved much labour, so they were transferred with them to the Public Record Office. (See Deputy Keeper's Report, V., p. 15.)

In 1871, under the 47th section of the Act 32 and 33 Vic., c. 42, all deeds and papers respecting *Church property* in the different registries were handed over to the Commissioners of

* These were not handed over in 1858, as the diocese of Meath having been divided between the Mullingar District and Principal Registries, it would have involved separating the Wills according to the residence of the testator, etc.; consequently they were left with the Diocesan Registrar till transferred to the Public Record Office.

† See Deputy Keeper's Reports, III-VI. In Appendix 14 of Report III there is a Map of Ireland, showing the Principal and District Registries of the Court of Probate, together with the County and Diocesan Divisions.

Church Temporalities in Ireland,* by whom they were subsequently transferred to the Irish Land Commission, under the Act of 44 and 45 Vic., c. 71, whence they came to the Public Record Office.

All other matter was transferred to the Public Record Office direct from the District Registries. (See Deputy Keeper's Reports VII. and VIII.).

UNITED DIOCESES OF CORK, CLOYNE AND ROSS.

The diocese of Cloyne was united with that of Cork, 1431-1678, and the diocese of Ross was united with Cork and Cloyne in 1583. Cloyne was separated in 1678 but reunited in 1835. The Courts and Registries were united under the Act of 27 & 28 Vic., c. 54.

DIOCESE OF CORK AND ROSS.

(Administration).

Building Charge Application Papers, 1871-3.†

Building Papers, c. 1737-1870.†

Clergy Residence Returns (5 Geo. IV.), 1828-35.†

Commissions and Appointments (Surrogacy, etc.), 1641-1862.

Consecrations, Acts of, 1749-1868.

Council, Acts of, 1743-1869.

Dean and Chapter Accounts and Papers, 1699-1858. See also *Miscellaneous*.

Declaration or Subscription Rolls, 1731-1837.†

Deeds and Leases, 1348-1870.

Among these, the collection of deeds (1348-1721) was purchased at the sale of the books and MSS. of the late Dr. Caulfield, and consists mostly of deeds of messuages in Cork, Kinsale and Youghal; also an indenture setting out the bounds of the city of Cork, 7 Jas. I.; deed shewing how Gerald fitzJames Rotchford proved himself before the Lord Bishop of Cork and Cloyne to be the chief of his nation by the grant of his father, James, against John Rotchfort, 1514, and sentence of Lord Bishop of Cork, confirming Gerald in the principality of the Rotchfords, 1514.

Deeds (Perpetuity Grants), 1836-40.†

Diocesan Registry Books, 1707-1870.† For earlier dates, see *Will Books*.

Leases (See), c. 1660-1870.

Letters Dimissory, Requisitorial, etc., 1733-1865.

Licences and Petitions for non-residence, 1823-41.

Licences and Petitions for non-residence, Entry book, 1830-69.

Licences and Petitions concerning Pews, 1840-56.

Licences and Petitions for Vaults, exhuming bodies, etc., 1861-70.

Licences for Church Services, 1827-40.

Maps and Terriers, 1699-1856 (Cork, Cloyne and Ross).

Miscellaneous, 1567-1869.

The earlier portion of this collection consists of three books in which many documents connected with Rural Deans' Returns, appointments of schoolmasters, churchwardens' presentments, receipts for Cathedral buildings, etc., have been pasted. There are also some Sarsfield papers, 1614-1728.

Petitions and Memorials, 1613-1868.

Preachers' Lists, —

Precedent Books, —

Recantations, 1702-1782.

Returns (Misc.), 1774-1863.

Sequestration Papers, 1624-1869.

Tithe Papers, 1729-1850.

Titles, Patents, Presentations, Appointments, etc., c. 1711-1870.†

Visitation Books, 1639, 1841-68 (Cork).

Visitation Books, 1666, 1722-65, 1841-56 (Ross); cont. with Cork.

250 ECCLESIASTICAL AND TESTAMENTARY COLLECTIONS.

- Visitation Papers*, 1694-1862.† See also *Misc.*
Visitation Papers (Par. Returns), 1687-1859.
Visitation Papers (Rural Deans' Reports), 1781-1844. (See also *Misc.*)

(*Testamentary, Matrimonial and Court Records*).

- Administration Bonds*, 1612-1858.
Affidavits of Assets, 1814-47.
Cause Papers, c. 1637-1870.
Caveats, 1661-1843.
Certificates of Administrators and Executors, 1816-58.
Citations, 1722-1853.
Commissions, 1661-1803.
Court Books, 1635-1870.
Grant Books, 1750-1858.
Grants of Administration, Index to, 1620-1857.
Inventories, 1616-1854.
Marriage Licence Affidavits, 1845-70.
Marriage Licence Bonds, 1623-1845. 1623-1750 printed
Marriage Notice Books, 1845-70. (Cork, Cloyne and Ross).
Miscellaneous Papers, 1682-1866.
Monitions, 1831-59.
Precedent Books, —
Renunciations, 1638-1858.
Wills, 1605-1858.
Will Books, 1454, 1479, 1571-1618 (Cork, Cloyne and Ross, also containing documents 1548-68), 1750-1858. (For 1703-49, see *Dio. Registry Books*).

DISPOSSESS OF CLOYNE.

(Administration).

Building Charge Application Papers, 1871-3.†

Building Papers (various dates).†

Clergy Residence Returns (5 Geo. IV.), 1860-6.†

Clergy Widows' Fund Account, 1720-58.

Consecration, Sentences of, 1682-1863.

Dean and Chapter of Cloyne, Books and Papers, 1663-1869.

These consist of Lease and Chapter Books, 1663-1727; Act and Minute Book, 1711-95; Accounts, 1798-1869, etc.

Declaration Rolls. See *Subscription Rolls*.

Deeds and Leases, etc., 1663-1865.

Deeds (Perpetuity Grants), 1843-47.†

Diocesan Registry Books, 1683-1870.†

Leases (See), (various dates).

Letters Dimissory, 1697-1835.

Maps and Terriers, 1717-1870. See also DIOCESE OF CORK AND ROSS.

Miscellaneous, 1638-1868.

Amongst these may be particularly noticed, Manor of Cloyne Court Book, 1720-68; Old MSS. book on law, containing precedents and forms of writs; list of R.C. priests registered 1782-93; papers respecting Youghal College and Parish, 1638-1877; catalogue of the churches in the diocese of Cloyne compiled from ancient rolls, made 1631; and rentals.

† For explanation, see similar title, Dio. Clogher.

Non-Residence, Petitions and Licences for, 1824-63.

Pipe Roll. St. Colman, 1364.

This roll contains copies of inquisitions, rentals, deeds, etc., concerning the See of Cloyne. See Cork Historical and Archaeological Journals for transcript.

See Estate Papers, 1593-1866.

Legal proceedings and other papers connected with the See Estate, especially in the case against Sir John FitzEdmund Gerald.

Sequestration Papers, 1681-1869.

Subscription Rolls, 1708-1865.†

Tithe Composition Papers, 1823-34.

Titles, Patents, Presentations, etc., c. 1663-1870.†

Visitation Books, 1673-1868.

Visitation Papers (Par. Returns), 1773-1859. See also *Miscellaneous* for some Visitation Papers.

(*Testamentary, Matrimonial and Court Records*).

Administration Bonds, 1630-1857.

Cause Papers, 1617-1856.

Caveats, 1731-1858.

Certificates of Administrators, 1822-57.

Commissions, 1670-1828.

Court Books, 1679-1854.

Inventories, 1620-1855.

Marriage Licence Bonds, Affidavits and Notices, 1630-1867.

1630-1867 printed

Marriage Notice Books. See DIO. CORK AND ROSS.

Miscellaneous Papers (Probates, copies of wills, etc.), 1617-1864.

Monitions, 1797-1854.

Renunciations, 1618-1847.

Wills, 1621-1858.

Will Books, 1750-1857. See also DIO. CORK. (For 1719-26, see *Dio. Registry Books*).

Marriage Licence Bonds:

...

From Herbert Gillman, Index to the marriage Licence Bonds Of the Diocese of Cork and Ross, Ireland, FOR THE YEARS FROM 1623 TO 1750,

Preserved in the Public Record Office of Ireland (Destroyed by Patriots 1922).

<https://drive.google.com/file/d/0B6hnQGE3ANjzaE5yemFTbEZTMkk/view?ts=560a8f7a>

Due to circumstances peculiar to the county of Cork, the Marriage

Licence bonds between the above dates are in most cases the only official evidence now available of the marriages to which they refer.

The best evidence of a marriage in past times is of course the entry

thereof in a Parish Register, but in county Cork very few of these

registers contain records earlier than about A.D. 1800, and none, except

Christ Church, Cork (A.D. 1643 to 1878, but with a large chasm from 1666 to 1708),

St. Mary Shandon, Cork (1671 to 1873), St. Multose, Kinsale (1684 to 1875), extend

back into the seventeenth century. Kilgariffe (Clonakilty) begins in 1700, but has a

chasm between 1753 and 1794. The next best evidence is a Marriage Licence, but

the Grant Books for Cork Marriage Licences, preserved in the Public Record Office,

only commence in 1750, so that before that date this class of evidence also is wanting

in most cases in county Cork.

In the absence of Parish Registers and of Marriage Licence Grants, the next best

evidence (which in such absence becomes then primary presumptive evidence) is a

Marriage Licence Bond. Such a bond had to be entered into before a Bishop would

grant his licence for a proposed marriage, because the Bishop was open to an action

for damages if he issued a licence for the solemnisation of a marriage against which

there existed some "canonical let or impediment," or some other legal objection such

as a pre-contract of one of the parties to marry some other person; and so, to protect

himself, the Bishop required two solvent persons, of whom the intending bridegroom

was generally one, to enter into a bond for a sum stated therein—generally propor-

tioned to the status of the parties—that there existed no such impediment or objection.

It will thus be seen that the Marriage Licence bonds of the diocese of Cork and Ross from their commencement to A.D. 1750 are of the highest value to genealogists, or to those who have to prove their descent for the purposes of claiming property, or making or proving pedigrees connected with that portion of the county Cork, included in the diocese of Cork and Ross.

These bonds contain the names of the respective persons proposing to be married, and of the surety who joins, generally with the intending bridegroom, in the bond, and the residences or parishes of these persons, with occasionally other particulars relative to them. The bonds themselves, to which the subjoined list of names and dates is the Index, are on record in the Public Record Office of Ireland, Four Courts, Dublin; and any person can, on application and payment of the prescribed fees (one shilling per folio) obtain from that office a certified copy of any of these bonds, or of any portion of a bond, e.g. omitting the merely formal part if not required.

The nature of the information afforded by these bonds may be gathered from the following copy of one of which I happen to have an official copy : —

Marriage Licence Bond, 1679. Diocese of Cork and Ross.

Know all men by these presents yt wee John⁽¹⁾ Gillman of Curraheen, in ye Liberties of ye City of Cork, gent., and Anthony⁽²⁾ Code of ye psh of Rathcony, in ye north Liberties of Corke, gent., are holden and firmly bound unto ye Rt. Rev^d father in God, Edward L^d Bp of Corke and Rosse in ye just and full sune of one thousand pounds ster' curr^t mony of England to be paid to ye s^d L^d Bp his heirs and success^{rs} at his or theire will and pleasure for ye wch paym^t well and truely to be made and done in manner and forme aforesaid, wee ye s^d John Gillman and Anthony Code do bind us and each of us our Exec^{rs} and admors jointly and severally firmly by these p^{rs}ents, sealed with our seal. Dated at Corke ye 28th day of June a^{no} Dⁿⁱ 1679^o.

The condition of this obligatⁿ is such yt if hereafter there doth not appe any canonically lett or impedim^t but yt ye above bounden John Gillman may solemnize matrimony with Mary⁽³⁾ ye daughter of Heyward St. Leger of ye psh of Rathcony in ye Liberties afores^d Esq^{re}, and yt there is noe suite depending in any Court concerning any p^r contract of marriage wth any other, and yt ye consent of ye parents and friends of both pties be thereunto, yt then this obligatⁿ to be voyd, otherwise to remayne in full force and vertue in Law.

(Sd.) JOHN GILLMAN. (SEAL.)
ANTHONY CODD. (SEAL.)

Signed sealed and delivered
for ye use of ye L^d Bp
in p^{rs}ence of
James Weekes
John Fitzgerald.

Marriage Licence Bond, 1698. Diocese of Cork and Ross.

Noverint universi p presentes nos Franciscum⁽⁴⁾ Bretridge de Mayallow [Mallow] dioces' Clon',⁽⁵⁾ gen', and Jacobum⁽⁶⁾ Weeks de civitate Cork' gen', teneri et firmiter obligari Rendo in xto Patri et D^{no} Dmo Edvrdo pvidia d^{na} Corcac' et Rossen E^po in quingentis libris ster', etc., etc.

Dat' vicesimo die mensis Septembris a^{no} Dⁿⁱ 1698^o.

The conditⁿ of y^s obligatⁿ is such yt if at all times hereafter there shall not appeare any canonically let or impedim^t but yt ye above bounder Francis Bretridge may solemnize matrimony with Mary Gillman of ye psh of Brinney, spinstres, etc. . . .

(Sd.) FRA. BRETTRIDGE. (SEAL.)
JAMES WEEKES. (SEAL.)

Sealed signed and delivered
for ye use of ye s^d L^d.
Bp in p^{rs}ence of
Peter Lethume
Geo. Donelan
Edward Sampson.

(1) Bridegroom's name and residence.

(2) Surety's name and residence.

(3) Bride's name, etc.

(4) Bridegroom's name (accusative case).

(5) The bride, and also the surety in this case, lived in the diocese of Cork, so naturally the bond was taken out there, though the bridegroom lived in Cloyne diocese. Even when this latter diocese was united with Cork and Ross, the records for these last were always kept separately from those of Cloyne.

(6) Surety's name (accusative case).

PREFACE.

v.

As a matter of fact, persons of the Roman Catholic religion often entered into such bonds as well as those of the Protestant faith, but the religion of the parties is not, so far as I know, stated in those documents for the diocese of Cork and Ross.

The publication of this Index is undertaken under the auspices of the Cork Historical and Archæological Society, and with the permission of the Master of the Rolls on the recommendation of J. J. Digges La Touche, esq., LL.D., the Deputy Keeper of the Records, Ireland, to whom the thanks of the Society have been gratefully given for this permission to print thus, in an accessible form, a work of use for all time to persons connected with the county of Cork, and prepared with that accuracy and skill which are habitual in the Public Record Office of Ireland.

H. W. G.

NOTE.—I have to apologise for using as illustrative bonds two relating to my own family, but beside that published at p. 288 of vol. ii., 2nd series of the *Journal*, I have none others at hand.

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.....

James Weekes

John Fitzgerald.

In some cases the obligatory pari of the bond is in Latin, as in the following copy :

Marriage licence JSon5, 169S. Diocese of Corh and IRose.

Noverint universi p presentes nos FranciscumU) Bretridge de Mayallow \JMallow~\

dioeces' Clon',(i) geii, and Jacobum(6) Weeks de civitate Cork' gen', teneri et firmiter

obligari Rendo in xto Patri et Dino Dmo Edvrdo pvidia dina Corcac' et Rossen Epo

in quingentis libris ster', etc., etc.

Daf vicesimo die mensis Septembris ano Dmi 1698°-

The condicon of ys obligaon is such yt if at all times hereafter there shall not appeare any canonicall let or impedim' but yt ye above bounder Francis Bretridge may solemnize matrimony with Mary Gillman of y pish of Brinney, spins/res, etc. . . .

(Sd.) FRA . BRETTRIDGE . (SEAL.)

Sealed signed and delivered JAME S WEEKES . (SEAL.)

for y use of yc sd Ld.

Bp in prsence of

Peter Lethitme

Geo. Donelan

Edward Sampson.

(1) Bridegroom's name and residence. 00 Surety's name and residence.

(3) Bride's name, etc. (4) Bridegroom's name (accusative case).

(5) The bride, and also the surety in this case, lived in the diocese of Cork, so naturally the bond was taken out there, though the bridegroom lived in Cloyne diocese.

Even when this latter diocese was united with Cork and Ross, the records for these last were always kept separately from those of Cloyne.

W) Surety's name (accusative case).

As a matter of fact, persons of the Roman Catholic religion often entered into such bonds as well as those of the Protestant faith, but the religion of the parties is not, so far as I know, stated in those documents for the diocese of Cork and Ross.

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1860, Rev. Jebb Searint, Skibbereen, Surrogate Consistory Court Commissioner for the Granting of Marriage Licence Bonds

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