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Probate

*The last Will and Testament
of Thomas Barry late
of Upper Oakes Street, in the City of Dublin
Esquire Deceased*

25 Jan 1838

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Extracted by

John Guor

Proctor

Office, 15 Bolton Street

In the Name of God Amen

I Thomas Berry of Dorset Shire in County of Dublin Esquire Son and Heir at Law of John Berry late of Cleenagh in the Kings County Esquire deceased being of sound mind memory and understanding do hereby make and publish this my last Will and Testament hereby revoking and making null and void all former and other Will or Wills bequest or bequests by me at any time heretofore made and declaring this only to be my last Will and Testament In the first place I do hereby declare that after my just debts and funeral expenses be paid as soon as possible after my decease by my executors hereinafter named out of the rents and profits of the lands and premises hereinafter mentioned which shall be due out of same at my decease, And in case there shall not be any due out of same or not a sufficiency to discharge the amount of said Debts and funeral expenses then I hereby expressly charge said lands and premises with the payment thereof - I give devise and bequeath all my Estate right title and Interest of in and to the Castle town and lands of Donaullet otherwise Donalthen otherwise Donalthen situate lying and being in the Barony of Moycashell and County of Westmeath whereof I am Seized of an Estate in fee simple together with all and singular the rights members and appurtenances whatsoever to the said premises belonging or in any wise appertaining subject nevertheless to payment of the quit rent payable thereout and also subject to my Mothers jointure and the incumbrances created under and by virtue of her marriage settlement of twenty first day of November One thousand Eight hundred and four unto my Uncle Francis Berry, and Marlborough Parsons Berry both of Pallamoa in the Kings County Esquires and to the Survivor of them and the Heirs and assigns of such Survivor. In Trust to pay aparty and discharge the rents issues and profits of the same to between and amongst or otherwise to permit and suffer my two Sisters Frances Sophia Mulloy the wife of Thomas Mulock Melloy of Dillan in the Kings County aforesaid Doctor of Medicine and Elizabeth Bury Berry (The Berry) Spinster to have receive and take the same as Tenants in common and not as joint Tenants and to their several and respective Heirs and assigns, and my Will is and I hereby order and direct that the rents issues and profits of the said moiety of the said lands and premises to which my Sister the said Frances Sophia Mulloy shall become entitled under and by virtue of this my Will shall be paid by my said Trustees and the Survivor of them and the Heirs and assigns of such Survivor to her or her Sole and separate receipt notwithstanding her coverture by her present or any future husband and which receipt of the said Frances Sophia Mulloy I hereby declare to be a sufficient discharge to my said Trustees or the Survivor of them or the Heirs and assigns of such Survivor for so much money as shall in and by such receipt be thereby received. And I also hereby order and direct that the rents issues and profits of the said moiety of the aforesaid lands and premises to which my said Sister Elizabeth Bury Berry shall become entitled under and by virtue of this my Will shall be paid by my said Trustees and the Survivor of them and the Heirs and assigns of such Survivor to her or her Sole and separate receipt notwithstanding she may be under coverture at the time of my decease or at any time thereafter, and which receipt of the said Elizabeth Bury Berry I hereby declare shall be a sufficient discharge to my said Trustees or the Survivor of them or the Heirs and assigns of such Survivor for so much money as shall in and by such receipt be expressed to be thereby received. And my Will is that the same or any part thereof shall not be subject to the debts contract or engagements of any husband to whom she may be then married or whom she may thereafter marry. I give devise and bequeath all my Estate right title and Interest of in and to all That the town and lands of Donaullet otherwise Donalthen otherwise Donalthen situate lying and being in said Barony of Moycashell and County of Westmeath aforesaid together with all and singular the rights members appurtenances and appurtenances whatsoever to the said premises belonging or in any wise appertaining subject nevertheless to the payment of the quit rent and also subject to my Mothers jointure and the incumbrances created under and by virtue of her marriage settlement of twenty first day of November One thousand Eight hundred and four unto my said Trustees Francis Berry and Marlborough Parsons Berry their Heirs and assigns as Administrators and assigns. In Trust to pay to or otherwise permit and suffer my said Sister Elizabeth Bury Berry Spinster her Heirs and assigns to have receive and enjoy the rents and profits thereof. And I hereby order and direct that my said Trustees to pay the same and every part thereof to the Sole and separate use of the said Elizabeth Bury Berry and upon her Sole and separate receipt, notwithstanding she may be under coverture at the time of my decease or at any time thereafter and which receipt of the said Elizabeth Bury Berry shall be a sufficient discharge to my said Trustees or the Survivor of them or the Heirs and assigns of such Survivor for so much money as in and by said receipt shall be expressed to be received. And my Will is and I hereby declare and direct that the same or any part thereof shall not be subject to the Debts contract or Engagements of any husband to whom she may be then married or whom she may thereafter marry. And my Will is that it shall and may be lawful to and for my said Sister Frances Sophia Melloy notwithstanding her coverture by her present husband the said Thomas Mulock Melloy or by any future husband whom she may marry and also for my Sister Elizabeth Bury Berry notwithstanding she may be under coverture at the time of my decease or be married to any husband thereafter from time to time during their respective lives by any deed or deed

This Will executed in
Original form

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STAMP.

By the Tenor of these Presents, We

By Divine Providence, Archbishop of Armagh, Primate and Metropolitan of all Ireland, also Judge or President of His Majesty's Court of Prerogative, for Causes Ecclesiastical, and for Faculties, in that part of the United Kingdom called Ireland, by Royal authority rightly and lawfully constituted and established, DO make known unto all Men, that the last Will and Testament

and two Codicils (hereunto annexed) of *Thomas Berry late of Dorset Street in the County of Dublin Esquire Deceased*

and at the time of *his* Death, Goods, Rights, Credits or Chattels, in divers Dioceses or peculiar Jurisdictions, were proved and approved in Common Form of Law, and the Validity thereof Decreed for and Registered in the said Court on the *twenty fifth* day of *January* in the Year of Our Lord One Thousand Eight Hundred and *thirty eight* and the Burden of the Execution thereof and Administration of all and singular the Goods, Rights, Credits or Chattels of said Deceased were and are granted by these Presents, by US to

Thomas Mullock & Molloy Esq^{rs} M.D. one of the Executors named therein

He being first *sworn personally* well and Faithfully to Administer and dispose of all and singular the Goods, Rights, Credits or Chattels of the said Deceased, and to perform the said Will and Codicils, and to pay the Debts and Legacies of the said Deceased, and also to make a true, full and perfect INVENTORY of all and singular the Goods, Rights, Credits or Chattels of said Deceased, and to Exhibit the same into the Registry of His Majesty's said Court of Prerogative, on or before the last day of *July* next ensuing, and also to render a true, full and perfect Account thereof unto the said Court when the Right of *Thomas Berry the other* Executor named therein and of every person whatsoever

IN FAITH and TESTIMONY whereof, WE have caused the Seal of His Majesty's said Court of Prerogative to be affixed to these Presents, the Day and Year above written.

Extracted by *John Mullock*

