

Abstract of Title
To
The Estate known as “The Carbery Estate” in the
Barony of Carbery and County of Cork
As to the two thirds
Of
The Right Reverend Maxwell Homfray Maxwell-
Gumbleton
And as to the one third of Major John Bagwell

And to the sums of £2266.17.3 and £1392.12.7 Consols
being the redemption prices of certain tenants rents on
the Carbery Estate.

1830, November 1st. Registered 10th December 1833 B20 No.84. Original forthcoming abstract taken from W E Gumbleton's part of Deed and checked with copy furnished by Messrs Christopher

By Indenture of this date and made between the Rt. Hon. Baron Riversdale and Charlotte Baroness Riversdale his wife of the 1st part the Hon Charles Ludlow Tonson and the Hon and Revd. Ludlow Tonson Trustees named in a certain indenture of the 1st day of May 1813 of the 2nd part and Robert Warren Gumbleton of the 3rd part

After reciting as therein

And the treaty for purchase

And Agreement that said Charlotte Baroness Riversdale should jointly with her husband the said Wm Lord Baron Riversdale levy and acknowledge unto the said Robert Warren Gumbleton his heirs and assigns such fine as thereafter mentioned of the several lands tithes and premises from and against all right claim of dower or jointure of the said Charlotte Baroness Riversdale should she survive her said husband from or out of the same or any part of them.

It is witnessed that in pursuance of said agreement and in consideration of the sum of £21907.14.2 stg. by the said R W Gumbleton to the said Charles Ludlow Tonson and Ludlow Tonson or to one of them for both of them as therein (the receipt acknowledged) and also for and in consideration of the sum of 10/- stg. to the said William Lord Baron Riversdale in hand paid (the receipt acknowledged) they the said Charles Ludlow Tonson and Ludlow Tonson with the consent of the said Wm Lord Baron Riversdale and Charlotte Baroness Riversdale granted released and confirmed according to their respective estates and interests unto the said Robert Warren Gumbleton in his actual possession then being by virtue of a bargain and sale to him thereof by the said Charles L Tonson and Ludlow Tonson made for one whole year by indenture bearing date the day next before the day of the date of the Indenture now in recital in consideration of the sum of five shillings sterling by force of the statute for transferring uses into possession and to his heirs and assigns

All that and those the towns and lands of Keamore alias Keaghmore alias Keymore one Plowland containing 204 acres 3 roods and 8 perches of profitable land together with the Mill and Mill land at the leap next and

immediately adjoining the same lands situate lying and being in the Barony of West Carbery and County of Cork

And also all that and those one half of the tithes of the ten ploughlands¹ of the lands of Kilmacabea in the Parish of Kilmacabea being the said William Lord Baron Riversdales impropriate share and proportion of the tithes arising from and out of the said ten ploughlands in as full large and ample a manner as the same any and every of them were or have or hath been at any time heretofore held and enjoyed by the said William Lord Baron Roversdale [sic] or any of his ancestors and as then vested in said Charles Ludlow Tonson and Ludlow Tonson situate lying and being in the Barony of West Carbery and County of Cork

And also all that and those the three ploughlands of Droureagh alias Dromreigh otherwise Dromreagh Dromelower Murreigh and Ardogenna otherwise Ardeganna otherwise Ardeginna and also the impropriate tithes yearly arising growing and renewing in and out of the Parishes of Durrus alias Durris Kilcrohane and Kilmacomage all situate in the Baronies of West Carbery and Bear and Bantry and County of Cork in as full large and ample manner as the same and every of them were or was or have or hath been at any time theretofore passes held and enjoyed by said William Lord Baron Riversdale or by any of his ancestors and as the same then were vested in the said Charles Ludlow Tonson and Ludlow Tonson

And also all that and those the Plowland of West Ballyrune (except that part of Ballyrune containing one acre statute measure more or less on which a signal tower had been theretofore erected and enclosed by a stone wall,) Lahendotha otherwise Burnt half Plowland the half plowland of Reanagashill the half plowland Cahirowlagh alias Cahirourlagh the half Plowland of Iskarahy the Plowland of Gurtineas alias Gurteen alias Gurtenis the Plowland of Murrys Letter and the Plowland of Maulnaskehy being in the whole six Plowlands situate lying and being in the West division of the Barony of West Carbery and County of Cork in as full large and ample a manner to all intents and purposes as the same any and every of them at any time therefore were or was or have or hath been held and enjoyed by the said William Lord Baron Riversdale or by any of his ancestors and as the same then were vested in the said Charles L Tonson and L Tonson

Also all that and those the town and lands of Ballinatra alias Ballinaltra six Gneeves containing 416 acres profitable land plantation measure be the same more or less estimated as containing three lowlands with all sub denominations thereof comprising Ballinaltra Ballinatra Aughaleig Cahirgall Ishnacashel alias Ishacashie Bohommor Upper Letter Lower Letter Ballyrune Cora Maughadough and Rearour situate lying and being in the West Division of the Barony of West Carbery and County of Cork aforesaid in as full large and ample a manner as the same any and every of them were or was or have or hath at any time theretofore been held or enjoyed by the said Wm Lord Baron Riversdale or by any of his ancestors and as the same then were vested in the said Charles L Tonson and L Tonson

Also all that and those the lands of Gearhies otherwise Gerres alias Gerris contains 168 acres profitable land plantation measure and 134 acres unprofitable land more or less with all the sub denominations thereof comprising Rhine Coppul Tullighilskilly Donore and Faughane otherwise Faghan situate lying and being in the West Division of West Carbery and County of Cork in as full large and ample manner to all intents and purposes

¹ A plough land can refer to a land measure (otherwise known as a caracute). Originally it was the land a plough team of eight oxen could till in a single annual season. The actual size could vary but would equate to about 120 acres.

as the same any and every of them at any time theretofore were or was a or have or hath been held and enjoyed by the said Wm Lord Baron Riversdale or by any of his ancestors and as the same then were vested in the said Charles L Tonson and L Tonson

Also all that and those the town and lands of Fannmore otherwise Fanmore alias Fanmore Rhaferigeen and Ardahill as containing in the whole by common estimation four plowlands be the same more or less situate lying and being in the West Division of the Barony of West Carbery and County of Cork in as full and ample manner to all intents and purposes as the same any and every of them at any time theretofore were or was have or hath been in the possession and enjoyment of the said William Lord Baron Riversdale or any of his ancestors and as the same then were vested in the said Charles L Tonson and L Tonson or by whatever name or names whether as capital denominations or sub denominations the same or any of the same towns lands hereditaments tithes and premises were called named known or reputed together with all and singular the Castles messuages houses, barns, stables, outhouses, cottages, lofts, mills, mill streams, mill dams, mill lands, tenements, orchards, gardens, dove houses, rents woods, underwoods, meadows, pastures, feedings, turberies, moors mountains, furzes, heaths, bogs, loughs, pools, waters, watercourses, fishings, fishing places, and all the ground to the middle of the streams of the rivers streams or loughs so far as said lands or any of them mear or bound or adjoin such rivers seas or loughs weirs mines minerals and all other royalties commons ways quarries rights jurisdiction franchises liberties privileges immunities advantages easements profits commodities immoluments and all other heredit whatsoever or of what nature or kind soever they should be to the aforesaid premises or any part thereof belonging incident or appertaining or accepted or reputed or known as part parcel or member of the premises or any part thereof or therewith used held occupied or enjoyed and the reversion and reversions remainder and remainders yearly and other rents issues and profits thereof and of every part and parcel thereof and all the estate right title and interest possession property claim challenge and demand whatsoever both at law and in equity of them the said Wm Lord Baron Riversdale Charles L Tonson and Ludlow Tonson each and every of them their each and every of their heirs of and in and to the same any and every of them and every part and parcel thereof together with all and every patents grants enrollments exemplifications Indentures Probates Deeds Documents Writings Evidences Muniments of title or concerning title touching or in any wise relating to the premises in the hands custody power or lawful procurement of the said Wm Lord Baron Riversdale Charles L Tonson and Ludlow Tonson or any or either of them or which they or any or either of them can come at and procure together also with (but subject also to) the counterpart of the leases of the several under tenants in the Schedule thereto annexed particularly named

To hold all and singular the said several and respective thereby granted and released towns tithes tenements hereditaments and premises or thereby meant and intended so to be with all and every their right members appurtenances and appendences unto the said Robert Warren Gumbleton his heirs and assigns to the only proper use behoof and benefit of the said Robert W Gumbleton his heirs and assigns from thenceforth for ever.

And it is by the now abstracting indenture further witnessed that in further pursuance of the said agreement and for such and the like respective considerations as aforesaid they the said William Lord Baron Riversdale Charles L Tonson and L Tonson according to their several and respective rights interests and estates Granted Bargained sold assigned transferred and made over unto the said Robert Warren Gumbleton his exors admors and assigns.

All that one annuity or yearly rent charge of £205 late currency equivalent to £189.4.71/2 sterling to be issuing growing and payable had taken and received out of All that and those all and singular the Towns and Lands of Bally Desmond alias Ballydevlin (alias Baldullin alias Bealedillen) Carrigacath Clahanakilleen Clahanakillid alias Clahanalehid Milleen and Kilbrown situate lying and being in the Barony of West Carbery and County of Cork aforesaid in as full and ample manner to all intents and purposes as the same annuity was granted by the thereinbefore mentioned indenture of the 2nd day of November 1821 together with the said last mentioned indenture and all and every and singular powers remedies and authorities by the same indenture given and granted as to for and concerning the same annuity in relation to enforcing the due and regular payment of the same in manner and form by said last mentioned indenture directed and appointed.

To have and to hold the same unto the said R W Gumbleton from the 29th day of September then last past and from thenceforth for ever
 Covenant by said Wm Lord Baron Riversdale for good title
 And for quiet enjoyment and further assurance.

Schedule referred to in the forgoing deed containing a rental of the lands and premises sold to Robert Warren Gumbleton Esquire and by said deed conveyed to him.

No	Dates of Leases	Lessors	Lessees	Denominations	Term	Yearly rent Late Currency/ British currency	Observations
1	1765 Sep 24 {Redeemed in Morris Estate}	Richard Tonson of Dunkettle in the County of Cork Esquire	Richard Evanson of Four Mile-Water in the County of Cork Gentleman	The three ploughlands of Droumreigh Murreigh and Ardeginna and also the impropriate Tithes of the Parishes of Durris Kilcrohane and Kilmacomoge all situate lying and being in the Baronies of West Carbery and Bear and Bantry in the County of Cork.	Three lives renewable for ever	£85.0.0 £78.9.2	And six pence in the pound receivers fee

2	1818 Apr 3	The Rt Hon Wm Lord Baron Riversdale and the Hon Charles Ludlow Tonson and the Hon & Revd Lulow Tonson for the said Wm Lord Baron Riverdale	James Donovan of Clonakiltie and County of Cork Esquire Doctor of Physic	The towns and lands of Keymore together with the Mill and Mill Land at the Leap next and immediately adjoining the said demised lands and also one half of the tithes of the ten plough lands of the lands of Kilmacabea in the Parish of Kilmacabea being the said Lord Wm Riversdales Improprate share and proportion of the tithes arising from and out of the said ten ploughlands situate lying and being in the Barony of West Carbery and Coy of Cork	Three lives and 31 years	£300.0.0 £276.18.5	This denominati on was demised to said James Donovan by lease dated 25th March 1814 at the yearly rent of £360 but is now reduced by the present deed of 1818 to £300 yearly
3	1821 Nov 2 (Being redeemed)	The Rt Hon Wm Lord Baron Riversdale The Hon Charles Ludlow Tonson and The Hon and Revd Ludlow Tonson	Chambre Corker Townsend and Thomas Somerville Fleming Trustees for Lionel John Fleming of Derry in the County of Cork Esq	The lands of Ballydevelin alias Ballydevlin Carrigacath Clahanakilleen Clahanalehid alias Clanakilid Milleen and Kilbrown situate lying and being in the Barony of West Carberry and County of Cork	Fee farm Grant for ever reserving annuity or rental charge with power of distress & Reentry	£205.0.0 £189.4.7	

4	1823 Feb 1 (Redeemed in Birds Estate)	Same parties	Timothy O'Donovan of Mirtervarra County of Cork Esq	The lands of Fanmore Rhaferigeen and Ardahill containing by common estimation 4 ploughlands by the same more or less situate lying and being in the West Division of West Carbery and in the County of Cork	9000 yrs from 1st May 1823	£80.0.0 £73.16.11	
5	1825 Aug 23 {Redeemed in Birds Estate}	Same parties	Charles Evanson the elder of Ronaynes Court in the South Liberties of the City of Cork Esq	The ploughland of West Ballyrune (except that part of Ballyrune containing 1 acre SM More or less on which a signal tower has been erected and enclosed by a stone wall) Laherndotha otherwise Burnt Half plowland, the half plowland of Reangashilla the half lowland of Cahirowlagh the half lowland of Iskarahy the plowland of Gurtineas the plowland of Murrays Letter and the plowland of Maulnaskehy being in the whole six plowlands situate in the Barony of the West Division of West Carbery in the County of Cork	Three lives renewabl e for ever	£160.0.0 £147.13.1 0	One shilling renewed fine on the fall of each life if demanded

6	1825 Aug 23	Same parties	Charles Evanson the Younger of Ronaynes Court in the South Liberties of the City of Cork Esquire	The lands of Ballinatra containing three plowlands with all the sub denominations thereof comprising Ballynatra Aughalieg Cahirgall Ishnacashel Bohomoore Upper Letter Lower Letter Ballyrune Cora Maughadough and Rearour in the Barony of the West Division of West Carbery and County of Cork	Three lives renewable for ever	140.0.0 £129.4.7	One shilling renewal fine on the fall of each life if demanded
7	1827 Jan 12	Same parties	Richard O'Donovan Esquire and Danl O'Donovan Doctor of Physics both of Donovan Cove in the County of Cork	The lands of Gearhies with all the sub denominations comprising Rhine-cappul Tulligfilekilly, Donore and Fanhene situate lying and being in the Barony of the West Division of West Carbery and County of Cork	Three lives renewable for ever	£216.13.4 £200.0.0	One shilling renewal fine on the fall of each life if demanded

Executed by all parties and attested

1823 October 21st

By his will of this date R W Gumbleton after making several devises and bequests therein mentioned but which do not affect the said Carbery Estate

After reciting that he had four sons namely Richard, John, George and Robert Appointed his wife Margaret GUMBLETON and his sons Richard and John executors and trustees of his said will. The will makes no reference to the Carbery Estate

Executed by the Testator in presence of 3 witnesses.

1839 [sic 1829?] February 9th

By the first codicil to his said will of this date

After reciting as follows:- "And whereas I have purchased from Thomas Poole Esq Agent and Receiver of the Rt Hon Lord Baron Riversdale the Hon Charles Tonson the Hon and Reverend Ludlow Tonsons and the Hon Hester Baird several denominations of land situate lying and being in the County of Cork (the conveyance of which has not yet been executed) but an acknowledgement from the said Thomas Poole that the rents of the said several estates were to be my property from the 1st day of Novr 1830. The

said Testator devised the said estates to his trustees thereinbefore named to support contingent remainders and to the following uses intents and purposes, that is to say, I leave devise and bequeath to my dearly beloved wife for life the property of William Lord Baron Riversdale.”
The said Testator made no further reference to the said lands in said will.
Executed by Testator and attested by three witnesses.

1832 June 30th

By a second codicil to said will of this date
After reciting the death of his fourth son the said Robert Gumbleton Testator made two further codicils to his said will but did not thereby alter the devise of the said lands.
Executed by Testator and attested.

1834

The said Testator died in or about the year 1834 and

1835 January 20th

Letters of Administration with the Will and four codicils annexed were granted forth of the Court of Probate Principal Registry on this day to Richard Gumbleton one of the executors therein named.

The said Testator Robert W Gumbleton died as above stated, survived by his widow, the said Margaret Gumbleton and his three sons Richard Gumbleton his eldest son and heir at law John Bowen Gumbleton his second son and George Gumbleton his third son.

1834 December 17th. Registered

By deed of this date and made between the said Richard Gumbleton of the first part the said John Bowen Gumbleton of the second part and the said Revd. George Gumbleton of the third part (being the three surviving sons of the said Robert Warren Gumbleton decd) the said Margaret Gumbleton (widow of the said R W Gumbleton) of the fourth part and John Thomas Cramer of the fifth part

After reciting the will and codicils of the said R W Gumbleton and that after the making of the said will the said testator purchased and acquired divers estates and lands tenements and hereditaments as to which and also as to certain estates and reversions in said estates and lands mentioned in said will and codicils the testator died intestate whereupon by reason of the said several changes in the disposal of all the properties of the testator difficulties might arise amongst the several parties thereto

And that the parties thereto had agreed to grant to the trustee therein named to the use of the several parties thereto

The lands hereditaments and premises therein mentioned And after reciting as therein

The said Richard Gumbleton John Bowen Gumbleton and the Revd George Gumbleton and the said Margaret Gumbleton conveyed to the said John Thomas Cramer

The said Carbery Estate, comprising amongst other lands the lands and premises set forth in the hereinbefore abstracted Conveyance of the 1st day of November 1830

To hold the said lands upon trust for the said Margaret Gumbleton and her assigns for life and from and after her decease As to one third thereof for the use of the said Richard Gumbleton (party thereto) his heirs and assigns for ever And as to one other one third part or share thereof from and after the decease of the said Margaret Gumbleton upon trust for the use of the said John Bowen Gumbleton (party thereto) his heirs and assigns for ever And as to the remaining one third part

or share thereof from and after the decease of the said Margaret Gumbleton upon trust for the use of the said Revd. George Gumbleton his heirs and assigns for ever.

Executed by Richard Gumbleton, George Gumbleton and John Bowen Gumbleton and Margaret Gumbleton and attested. The said deed of the 13th December 1834 or the part thereof found in William E Gumbleton's safe does not bear any registry certificate but on search of the Registry of Deeds made on behalf of Major Bagwell it has been found to be registered.

1835

The said Margaret Gumbleton the widow of the said Robert Warren Gumbleton died on this date

1835 June 30th. We have the original of this deed on behalf of Major Bagwell

By settlement of this date made on the marriage of the Revd George Gumbleton with Frances Penrose

After reciting said deed of Family arrangement of 17th December 1834 And that under it the said Geo. Gumbleton became seized and possessed of one third part of certain lands called the Carbery Estate being an estate in fee simple and therein described as comprising the town and lands of Keamore alias Keaghmore alias Keymore Barony of West Carbery and County of Cork, one half of the tythes of the ten ploughlands of the lands of Kilmacabea Barony of West Carbery and County of Cork, the three ploughlands of Dromreqgh alias Dromreigh otherwise Dromreagh, Dromelown, Murreigh and Ardegena otherwise Ardeganna otherwise Ardeginna, and also the impropriate tithes of the said parishes of Dorrus alias Dorris, Kilcrohane and Kilmacomage all situate in the Baronies of West Carbery and Bere and Bantry, The ploughland of West Ballyrune except that part of Ballyrune on which a signal tower has been erected, Laherndotha otherwise Burnt half ploughland, the Half ploughland Reanagashill, the half plowland of Cahirowlagh alias Cahirourlagh, the half plowland of Iskarahy, the plowland of Gurtineas alias Gorteen alias Gortenis the Plowland of Murrys Letter and the Plowland of Maulnas, Key on the whole six plowlands situate in the West division Barony of West Carbery and County of Cork, the town and lands of Ballinatra alias Ballynaitra with the subdenominations thereof containing about three ploughlands situate in the West Division of the Barony of West Carbery and County of Cork the lands of Geartues otherwise Gerris alias Girris with their subdenominations situate in the West division of West Carbery and Co. of Cork The town and lands of Faulmore otherwise Fanemore alias Foumore, Rhaferigheen and Ardahill containing four ploughlands situate in the West Division of the Barony of West Carbery and County of Cork

The said George Gumbleton released and confirmed the said lands amongst others to Trustees Upon Trust to secure to the said Frances Penrose a jointure of £350 a year in case she should survive him and subject to the said annuity for the heirs and assigns of the said George Gumbleton.

There was issue of the said marriage two children only namely the said William Edward Gumbleton an eldest son and George Gumbleton a second son.

1857 March 26th. We have probate on behalf of Major J Bagwell

By his will of this date the said George Gumbleton devised (inter alia) his said one third share of the above mentioned lands unto his trustees therein named Upon Trust to pay thereout an annuity of £350 to his said wife Frances Anne Gumbleton (since decd) in lieu of and in substitution for but not in increase or addition to the jointure provided for her by her marriage settlement. And subject thereto the Testator conveyed the said lands to his Trustees to the use of his eldest son the said William E Gumbleton for life without impeachment of waste with remainder to his first and other sons in tail male and in default

of issue male to the use of his second son the said George Gumbleton for his life with like remainders to his issue male and in default of issue then to the uses therein declared in favour of the daughter or daughters of the said W E Gumbleton and in default of such female issue then to the use of the daughter or daughters of the said Geo. Gumbleton and in default of such issue male or female of the said George Gumbleton then to the uses therein declared in favour of Testators nephew John Henry Gumbleton and his issue male and in default of such issue remainder to the Testators right heirs for evermore. Testator constituted and appointed the said W E Gumbleton his residuary Legatee.

1860 October 1829 [sic]

The said Testator made three codicils to his said will but did not thereby alter or revoke the disposition of his property above stated and died on this date without having revoked or altered the said will and codicils and

1860 December 6th

probate thereof was granted to the said Frances Anne Gumbleton the sole executrix at this date in Her Majesty's Court of Probate District Registry Cork

The said Testator left him surviving his said widow Frances Anne Gumbleton, the said William Edward Gumbleton his eldest son and heir at law and his said son George Gumbleton and he had no other children or issue.

1867 August 4th

The said Frances Anne Gumbleton died on this date

1889 13th July

The said George Gumbleton (the said W E Gumbleton's brother) intermarried with Jessie Ramsay Skinner on or about this date and

1894 May 25th

died without ever having had any issue at this date.

1854 December 4th

The said John Bowen Gumbleton died at this date and

1866 November 17th

his only son John Henry Gumbleton the nephew of the said Testator died at this date a bachelor

1906 February 3rd. We have probate of this will on behalf of Major Bagwell

By his will of this date the said W E Gumbleton appointed William Bagwell and North Ludlow Axel Beamish exors. and after bequeathing to his cousin Major William John Percy the sum of £1000 free of legacy and all other Crown duties and several national and quasi national and Charitable bequests and bequests to servants and others, Devised and bequeathed and in pursuance of any power vested in him appointed

All the residue of his real or personal estate unto and to the use of his Godson John Bagwell son of said William Bagwell, his heirs exors admors and assigns absolutely.

1911 April 4th

The said William E Gumbleton died on this date and

1911 June 9th

Probate of said will was on this date granted to said William Bagwell one of the said exors reserving to the said N L A Beamish power to take out a like grant.

The said W E Gumbleton was in receipt of the said one third of said rents of the Carbery estate from the death of his father in 1860 up to the date of his death, and the said John Bagwell since his death

As to the remaining two thirds of said Carbery estate

1849 June 20th We have certified copy of this probate for Major Bagwell

By his will of this date the said Richard Gumbleton the eldest son of said Robert Warren Gumbleton

After Reciting the settlement executed on his marriage bearing date the 23rd July 1823 which did not affect the Carbery Estate

made the following residuary bequest of his real estate:-

“And as to all the rest residue and remainder of my real estate I leave devise and bequeath the same unto my dear brothers John Bowen Gumbleton and the Revd George Gumbleton and to the survivor of then in trust to preserve and support the contingent remainders and uses hereinafter limited from being defeated barred or destroyed and to and for the several trusts limitations and purposes hereinafter mentioned that is to say Upon Trust to permit and suffer my son Richard John Maxwell Gumbleton (upon his attaining his twenty fifth year of age) during his life to have receive and take the yearly rents issues and profits thereof to and for his use and benefit and from and after his decease I give devise and bequeath the estate and estates given to may said sone for life as aforesaid”

Unto the use and behoof of the first son lawfully to be begotten of the said Richard John Maxwell Gumbleton and the heirs male of the body of such son lawfully issuing

and for default of such issue

To the use and behoof of all and every other son and sons of the said R J M Gumbleton and the heirs male of the body and bodies of his second third and other son and sons lawfully begotten or to be begotten severally and successively as they shall be in seniority of age and priority of birth the eldest of such son and sons and the heirs male of his and their bod and bodies being always to be preferred before the younger of such son and sons

And for want of such issue of the said R J M Gumbleton

To my own right heirs male in the Gumbleton line for ever

The said testator by his said will made certain provision for a daughter or daughters of his said son

And after reciting that his daughter Margaret Jane then Mrs Margaret Jane Homfray was entitled to a sum of £3000 on his decease

Declared it to be his wish to add to that sum an annuity of £150 yearly to be charged on his estates thereinbefore devised to his son payable as therein said annuity to be in addition to the interests on said sum of £3000 so long as said sum of £3000 should remain

unpaid by executors and after payment thereof to cease altogether. After making certain other bequests and giving certain other directions (which did not affect the bequest of his real estate) testator appointed his brothers John Bowen Gumbleton and the said Revd George Gumbleton executors.

1849 June 20th

The said testator made a codicil to his said will of this date but did not thereby alter or revoke said bequest of his real estate

1849 June 28th

The said testator died on this date without having further altered or revoked said will and same were duly proved in common form of law and probate granted by the prerogative Court to testator's brother the said John Bowen Gumbleton saving the right of the said Revd George Gumbleton the other exor to take out a like grant.

The said testator left him surviving his only son the said Richard John Maxwell Gumbleton and one daughter Margaret Jane who married Mr C J Homfray in her father's lifetime

1854 October 14th We have an attested copy memorial of this deed for Major Bagwell

By indenture of this date and made between the said John Bowen Gumbleton of the one part and said R J M Gumbleton of the other part the said J B Gumbleton granted and confirmed unto the said R J Gumbleton

All that and those the several towns lands tenements and hereditals following That is to say

All that and those the towns and of the three ploughlands of Droumreagh alias Dromreigh otherwise Dromreagh, Dromelowa, Murreigh and Ardegen otherwise Ardeganna otherwise Ardegonna, and also the impropriate tithes yearly arising growing and renewing in and out of the parishes of Durrus alias Durris, Kilcrohane and Kilemacomage all situate in the Baronies of West Carbery and Bear and Bantry and Co of Cork and also all that and those the ploughlands of West Ballyrune (except that part of Ballyrune containing 1 acre SM more or less on which a signal tower had been theretofore erected and enclosed by a stone wall) Laherndotha otherwise Burnt half ploughland, the Half ploughland Keanagashill, the half plowland of Cahironleagh alias Cahirourlagh, the half plowland of Iskarahy, the plowland of Gurtineas alias Gurteene alias Gurtenis the Plowland of Murrysletter and the Plowland of Maulnaskehy being in the whole six plowlands situate lying and being in the West division the Barony of West Carbery and County of Cork, and also all that and those the towns and lands of Ballintra alias Ballynaltra 6 gneeves containing 416 acres profitable land plantation measure be the same more or less estimated as containing three ploughlands with all the subdenominations thereof comprising Ballynaltra otherwise Ballynatra Aughaleig Cahirgal Ishnacashell alias Ishnacashee Bohomoore Upper Letter Lower Letter Ballyroon Cora Maughadrough and Rearour situate lying and being in the West Division of the Barony of West Carbery and County of Cork Also all that and those the lands of Gearhies otherwise Gerres alias Gerris containing 168 acres profitable land plantation measure and 134 acres unprofitable land more or less with all the subdenominations thereof comprising Rhine Coppul Tulligfile Killy Donore and Taughan otherwise Taghan situate lying and being in the West division of West Carbery and Co. of Cork Also all that and those the towns and lands of Faunmore otherwise Fanmure alias Fanmore, Rhafeirgeen and Ardahill as containing in the whole by common estimation four ploughlands be the same more or less situate lying and being in the West Division of the Barony of West Carbery and County of Cork or by whatever other name or names whether as capital denominations or subdenominations the same or any of the same towns lands hereditals tithes and premises thereby conveyed or agreed and intended so to be were or was or are or is called named known or reputed and all the estate and interest of the said J B Gumbleton of and

in the several hereditaments and premises corporeal and incorporeal conveyed and assured by the said hereinbefore recited indenture

And it is by the now abstracting indenture further witnessed that for the considerations therein the said J B Gumbleton according to his right interest and estate therein granted bargained sold assigned transferred and made over to the said R J M Gumbleton and to his exors admors and assigns

All that his the said John Bowen Gumbleton's one third share of one annuity or yearly rent charge of £205 late currency equal in value to £189.4.7 present currency to be issuing and payable out of All that and those the town and lands of Ballydesmond alias Ballydevlin alias Bialdullin alias Bealedillen Carrigacath Clahanakilleen Clahanakilled alias Clahanealehid Milheen and Kilbrown situate lying and being in the Barony of West Carbery and County of Cork

To hold the same unto the said R J M Gumbleton his heirs and assigns from the 25th day of March then last for ever. Executed by _ and duly attested

1858 November 2nd

A settlement of this date was executed on the marriage of the said R J M Gumbleton but the same does not affect the Carbery estate

1889 September 20th

The said R J M Gumbleton died on this date survived by his widow Isabella Matilda Gumbleton. There were two children of the marriage both of whom died in infancy in the lifetime of the said R J M Gumbleton

1882 My 23rd

By his will of this date the said R J M Gumbleton appointed James S Des Barres and Augustus John Henry Des Barres to be trustees of his will and after making certain specific bequests devised and bequeathed

All his freehold and leasehold messuages tenements lands and hereditis situate in the counties of Cork and Waterford or elsewhere in Ireland

To the use of his said wife Isabella Matilda Gumbleton during her life for her sole and separate use and after her decease

To the use of the said James Stuart Des Barres during his life and after his decease

To the use of the first and other sons successively of his late niece Emma Jane Smith deceased (late the wife of Edward Thomas Smith District Judge of Jamaica) according to seniority in tail male with remainder to the use of his own right heirs for ever

Executed by the testator and duly attested

1889 December 14th We have certified copy of this probate for Major Bagwell

Probate of said will was granted at this date by the executors in person forth of the Cork District Probate Registry to the executrix and two executors including Isabella Matilda Gumbleton in will called Matilda Gumbleton The affidavit bears a stamp of £450 and statement £150

On the death of the said Richard J M Gumbleton the said Isabella M Gumbleton entered into receipt of the rents and profits of all the estate of the late R J M Gumbleton and

amongst others of his two thirds of the Carbery estate and continued in possession up to her death at this date.

The title of the said Richard John Maxwell Gumbleton and of his said widow Isabella Matilda Gumbleton and of Major John Bagwell to two thirds and one third respectively was fully proved in the following matters:-

Court of the Irish Land Commission. Land Purchase Acts.

Record No. CDB 2392. Estate of Robert George Bird and another, County Cork.

Title of William E Gumbleton to one third and Isabella Matilda Gumbleton to two thirds of head rent of £147.13.11 adjusted to £143.13.10 payable out of the lands of Ballyrune, Laheradotha otherwise Burnt Half Plowland, Reanagashill, Cahirowlagh otherwise Cahirourlagh, Iskarahy Guritneas otherwise Gorteen otherwise Gortenis Murrays Letter and Maulaskey otherwise Maulnaskey situate in the West Division of the Barony of West Carbery and County of Cork.

The ruling on this title was as follows:-

Ruling

The rents redeemed herein and CDB 5923 became vested in 1834 as to one third each in Richard Gumbleton, John Bowen Gumbleton and Revd. George Gumbleton.

As to John B Gumbleton's one third no question arises as it was by deed dated 14th October 1854 conveyed to Richard J M Gumbleton under whose will his widow Mrs Isabella M Gumbleton would appear to be entitled for life, and one third of the redemption price will be payable to Trustees for the purposes of the Settled Land Acts when appointed of that will.

The title to the two one third shares vested in Richard and George Gumbleton depends largely on matters of pedigree as to which Requisitions arise as after mentioned.

As to the one third belonging to George there is in his will (which has not been produced) an ultimate devise on failure of prior limitations to Testators Right Heirs. Under this ultimate devise the fee vested (in the events which happened) in his son William Edward Gumbleton as his heir at law at the time of his death 29th October 1860). The said William Edward Gumbleton died 4th April 1911 after the order for redemption herein and in CDB 5923, and accordingly one third of the redemption price is now payable to deponent as his executor.

As to the one third belonging to Richard Gumbleton there is in his will also an ultimate devise on failure of the prior limitations in favour of his son Richard J M Gumbleton and his heirs male in tail, to Testators right heirs, but with this qualification "Right heirs male of the Gumbleton line for ever". The proper construction of this devise is not free from difficulty. At the death of the Testator 26th June 1849 his heir at law was his said son R J M Gumbleton but at the date when the prior limitations in favour of his said son and his issue male in tail failed by his death without issue 20th September 1889, if the Testators right heir was properly to be ascertained then such heir within the limit defined by said devise was, so far as appears from the evidence, his nephew said W E Gumbleton. It does not appear however that any such claim was then made by the said W E Gumbleton. On the contrary, by the affidavit of title herein which is made by his executor it appears to be assumed and admitted that on the death of the said Richard J M Gumbleton without issue this one third by virtue of an estate in fee vested in him as the person who at the death of the Testator was his heir at law passed under his (Richard J M Gumbleton's) will to his said widow Mrs Isabella M Gumbleton for life, who has accordingly been since in receipt of two thirds of the rent.

On the admission therefore of the only person apparently interested in asserting an adverse claim this one third of the redemption price may be paid to the Trustees for the purposes of the Settled Land Acts of said Will of Richard J M Gumbleton when appointed.

Court of the Irish Land Commission
Land Purchase Acts
Record No CDB 5923

Estate of Robert George Bird, Kate Rebecca Bird and Hanoria Harding.
Continued as to the share of Hanoria Harding in the name of
Edward Harding as devisee and Executor of said Vendor deceased

Title of William E Gumbleton to 1/3rd and Isabella Matilda Gumbleton to two thirds of head rent of £80 Irish equivalent to £73.16.8 adjusted to £73.6.10 payable out of the lands of Ardahill, Faulmore, otherwise Fanemore, otherwise Fawnmore, and Rhalferigheen situate in the West Division of the Barony of West Carbery and County of Cork

The ruling on this title was as follows:-

The Rulings, Directions for searches and Requisitions on title issued in CDB 2392, Robert George Bird and Catherine Bird Vendors, apply also to the rent redeemed herein, and it is convenient that the two matters should be dealt with jointly, including the question of the costs of showing title, the affidavits filed in each case being practically identical.

In the High Court of Justice in Ireland
Chancery Division - Land Judges

In the matter of the estate of Elizabeth Burrowes Morris and Michael Hungerford Morris her husband and Catherine Beamish Morris wife of William Morris. Owners.
Catherine Crean Ellen Lane and Honoria Barry spinsters. Petitioners.

Title of William E Gumbleton to one third and Isabella Matilda Gumbleton to two thirds of head rent of £80.8.51/2 payable out of the lands of Droumreagh otherwise Dromreigh otherwise Dromreagh Murreigh otherwise Murreagh and Ardogenna otherwise Ardegenna otherwise Ardogenna and out of the impropriate Tithes of the parishes of Durrus otherwise Durrus otherwise Durrus, Kilcrohane and Kilmacomoge all situate in the Baronies of West Carbery and Bear and Bantry and County of Cork

The rulings on this title were as follows:-

John Bagwell is absolutely entitled to one third of the redemption money which may be paid to him
Isabella Matilda Gumbleton is entitled for life to two thirds of the redemption money under the will of Richard John Maxwell Gumbleton.
The two thirds of the redemption money may be paid to the Trustees of that will under the Settled Land Acts namely Philip Alan Simpson and Freville Gurney Christopher

1907 February 12th

By an order of the Court of the Irish Land Commission of this date made in the said matter of Estate of Robert George Bird Record No Cf1D.B 2392, the said rent of £143.13.10 (No 5 in Schedule to deed of 1st November 1830, hereinbefore abstracted) was ordered to be redeemed at the price or sum of £3730.0.0

1909 July 21st

By an Order of the Court of the Irish Land Commission of this date made in said matter of Robert George Bird and Others, Continued etc Record No CDB 5923, the said rent of £73.6.10 (No 4 in Schedule to deed of 1st November 1830 hereinbefore abstracted) was ordered to be redeemed at the price or sum of £1870.4.3

1899 January 11th

By an Order of the High Court of Justice in Ireland, Chancery Division. Land Judges, made in the said matter of Elizabeth Burrowes Morris & Others Owners Catherine Crean & ors. Petitioners of this date, the said rent of £80.8.51/2 (No 1 in Schedule to deed of 1st November 1830 hereinbefore abstracted) was ordered to be redeemed at the price or sum £1542.

1912 April 29th

By an order of the High Court of Justice in Ireland, Chancery Division, of this date made in The Matter of two undivided third shares of the sum of £1870.4.3 now represented by the sum of £2266.17.2 New Consols the redemption price of a rent of £73.6.10 heretofore payable out of the lands of Ardahill Faulmore otherwise Fanemore otherwise Fawnmore and Rhalferigheen situate in the West Division of the Barony of West Carbery and County of Cork now standing to the separate Credit of the redemption of said head rent in the matter of the estate of Robert George Bird Record No CDB 5923

And of a sum of £3715.6.4 now represented by £4383.15.9 New Consols being the redemption price of the fee farm rent of £143.13.10 issuing out of the lands of Ballyrune Lahenadotha otherwise Burnt half ploughland Reanagashill Cahiolwagh otherwise Cahirourlagh Iskarahy Gurtinees otherwise Gorteen otherwise Gortenis Murrays Letter and Maulnaskey otherwise Maulnaskeyhy situate in the West division of the Barony of West Carbery and Co of Cork now standing to the credit of R G Bird Record No CDB 2392 and the separate credit of the redemption price of said Head rent

And in the sum of £1542 now represented by the sum of £1392.12.7 New Consols the redemption price of the fee farm rent of £80.8.51/2 formerly issuing out of the lands of Droumreagh otherwise Dromreigh otherwise Dromreagh Murreigh otherwise Murreagh and Ardogenna otherwise Ardegenna otherwise Ardogenna and out of the Improprate tithes of the Parishes of Dorris otherwise Durrus otherwise Durris Kilcrohane and Kilmacomoge all situate in the Baronies of West Carbery and Bear and Bantry and County of Cork and now standing to the credit of the estate of Elizabeth B Morris and others Land Judges and to the separate credit of the redemption price of said Head rent.

And of the dividends on said several sums of New Consols

And of the head rent of £189.4.71/2 issuing out of the lands of Ballydevelin otherwise Ballydevlin Carrigneath Clahamakilleen Clahanalehid otherwise Clahanakillid Milleen and Kilbrowne situate in the Barony of West Carbery and County of Cork. And of two undivided third parts of the lands of Keaghmore and of one half of the tithes of Kilmacabea in the Barony of West Carbery and County of Cork of the lands of Ballyreen, Ballinatra, Gearrhies Aughaleague Doonour Foilakilla Fahane Letter Lr. and Letter West Raynour Reenacoppal Ballydevlin and Tullig and all other lands known as the Carbery Estate all settled by the will of Richard John Maxwell Gumbleton late of Twynning Manor Tewkesbury Gloucestershire deceased bearing date the 23rd day of May 1882 and all other (if any) hereditaments subject to the said settlement.

And in the Matter of the Settled Land Acts 1882 to 1890.

It was ordered that Philip Alan Simpson of Lamberhurst in the County of Kent Esquire, and Freville Gurney Christopher of 5 Argyll Place Regent Street in the City of Westminster Solicitor be, and they were thereby appointed Trustees for the purposes of the Settled Land Acts 1882 to 1890 of the Settlement created by the will in the title thereof mentioned.

The rent of £189.4.71/2 issuing out of the lands of Ballydevelin otherwise Ballydevlin Carrigacath Clahamakilleen Clahanalehid otherwise Clahanakillid Milleen and Kilbrowne situate in the Barony of West Carbery and County of Cork (No 3 in Schedule to said deed of 1st November 1830 hereinbefore abstracted) is being redeemed in the Court of the Irish Land Commission, Land Purchase Acts, Estate of Henry Chevasse and the Reverend

Canon William Somerville Large, County Cork, but when this redemption is likely to take place, and the money paid out of Court is very uncertain as it entirely depends on when sufficient money will be advanced by the Commissioners to enable the sale of the Estate to be completed.

The portion of the Carbery Estate now remaining unsold comprises Two undivided third parts of the lands of Keaghmore, and of one half of the tithes of Kilmacabea in the Barony of West Carbery and County of Cork, of the lands of Ballyroon, Ballinatra, Gearrhies Aughaleague Doonour Foilakilla Fahane Letter Lower and Letter West, Raynour, Reenacoppal, Ballydevlin and Tullig and all other lands known as the Carbery Estate (Nos 2, 6, and 7 in Schedule to said deed of 1st November 1830 hereinbefore abstracted.)

August 23rd 1912. Enrolled 30th August 1912

By Disentailing Deed of this [date] made between the Rev. Maxwell Homfray Smith of the one part and Freville Gurney Christopher of the other part

After reciting the said will of Richard J M Gumbleton hereinbefore abstracted
And that the said Testator died on the 20th September 1889 survived by his said wife Isabella M Gumbleton
And the death of the said James Stuart Des Barres
And that the said Maxwell Homfray Smith was the first son of the said Emma Jane Smith referred to in said abstracted will.
And that the said R J M Gumbleton was at the date of his death seized of freehold hereditaments in the Counties of Cork and Waterford including in particular two equal undivided third shares of three head rents of £73.6.10, £143.13.10 and £80.8.51/2 issuing out of certain lands and hereditaments in the County of Cork.
And the redemption of said three head rents hereinbefore abstracted then represented by the sums of £2266.17.3 New Consols, £4383.15.9 New Consols and £1392.12.7 New Consols respectively.

It was witnessed that the said Maxwell Homfray Smith did thereby grant and dispose of unto the said Freville Gurney Christopher and his heirs

All and singular the freehold messuages tenements lands and premises comprised in or settled by the said devise contained in the said will of the said Testators freehold and leasehold messuages tenements lands rent charges and hereditaments situate in the Counties of Cork and Waterford or elsewhere in Ireland or which by virtue of any conveyance to the uses of the same devise or otherwise howsoever had become either at law or in equity subject to the subsisting uses of the said devise including the lands of Ardahill Fawnmore Rhalferigheen Ballyrune Lahernotha otherwise Burnt Half Plowland Reanagashill Cahirourlagh Iskarahy Gurtineas Murrays Letter Maulnaskehy Droumreagh Nurreagh and Ardageena Ballydevin Carrigacath Clahanakilleen Clahanalehid Milleen Kilbrowne Keaghmore and the tithes of Kilmacabea the lands of Ballyroon Ballintra Gearrhies Aughaleague Doonour Foilnakilla Fahane Letter Lower and Letter West Reyroure Reenacoppal and Tullig all in the Barony of West Carbery and County of Cork and the impropriate Tithes of Durris Kilcrohane and Kilmacamoge in the Baronies of West Carbery Bere and Bantry and County of Cork and all other the lands and hereditaments known as the Carbery Estate all in the County of Cork except the two undivided thirds of the said three head rents which had been redeemed as aforesaid

To hold the said premises subject and without prejudice to the estate for life of the said Isabella Matilda Gumbleton and to such of the powers and privileges thereto annexed or exercisable during the continuance thereof

as [were] then subsisting or capable of being exercised Unto the said Freville Gurney Christopher and his heirs To the use of the said M H Smith his heirs and assigns for ever

And it is by the now abstracting indenture also witnessed that the said M H Smith did thereby assign and dispose of unto the said Freville Gurney Christopher and his heirs

All that and those two undivided third shares of and in the said sums of £2266.17.3 £4383.15.9 and £1392.12.7 New Consols and all other if any the monies stocks funds and securities which or the monies to arise from the sale and conversion thereof were then applicable to the purchase of lands to be settled to the subsisting uses of the said devise

To hold subject and without prejudice to such estate for life powers and privileges as aforesaid unto the said Freville Gurney Christopher and his heirs In Trust for the said M H Smith his exors admors and assigns as personal estate freed and discharged from the Estate tail of the said Maxwell Homfray Smith.

Executed.

1916 June 23rd

By Deed Poll of this date the said Maxwell Homfray Smith in pursuance of clauses contained in the will of the said R J M Gumbleton renounced and abandoned the use of the surname of Smith and lieu thereof assumed and adopted the surname of Maxwell-Gumbleton, and

1916 December 11th

By Royal License granted by His Most Gracious Majesty King George the Fifth on this date, he assumed and adopted the surname and arms of Maxwell Gumbleton

1917 February 24

The said Isabella Matilda Gumbleton died on this date, whereupon the said Maxwell Homfray Smith Now Maxwell Homfray Maxwell-Gumbleton became entitled to two thirds share of the lands and premises known as the Carbery Estate under the devise contained in the will of the Testator Richard J M Gumbleton

1917 March 26th. Regd. April 18th 1917. B18 No126. Enrolled 23rd April 1917

By Indenture of this date made between the Rt. Revd. Maxwell Homfray Maxwell-Gumbleton DD Lord Bishop of Ballarat formerly Maxwell Homfray Smith of the one part and Freville Gurney Christopher of the other part intended to be supplemental to a Disentailing deed dated 23rd August 1912 hereinbefore abstracted (thereinafter called the Principal Indenture) whereby the said Maxwell Homfray Maxwell-Gumbleton then Maxwell Homfray Smith enlarged the estate in tail in the freehold hereditaments and premises and certain funds therein mentioned to which he was entitled under the will of R J M Gumbleton as in the Principal Indenture recited into a Base fee

After reciting that the Principal Indenture had been duly enrolled in the Consolidated Judgments Record and Writ Office of His Majesty's High Court of Justice in Ireland Chancery Division on the 30th day of August 1912
And that by deed Poll dated 23rd day of June 1916 hereinbefore abstracted the said M H Maxwell Gumbleton had renounced and abandoned the use of the surname of Smith and assumed and adopted the surname of Maxwell-Gumbleton.
And that by Power of Attorney dated 10th November 1916 the said M H Maxwell-Gumbleton appointed the said F G Christopher his Attorney to act for him and manage his affairs in the United Kingdom of Great Britain and Ireland and conferred

upon him (inter alia) the following power:- "To do and execute all disentailing and other [... missing ...] deeds necessary to enlarge the Base Fee created by the Principal Indenture into an estate in fee simple absolute as soon as might be after the death of Isabella Matilda Gumbleton in the Principal Indenture mentioned."

And further reciting therein

And that the said M H Maxwell-Gumbleton was desirous of enlarging into Estates in Fee simple absolute the base fee created by the Principal Indenture.

It was witnessed that the said Maxwell Homfray Maxwell-Gumbleton thereby conveyed and confirmed unto the said F G Christopher

All and singular the freehold messuages tenements lands hereditaments and premises comprised in and granted by the Principal Indenture

To hold the same unto the said Freville Gurney Christopher and his heirs to the use of the said M H Maxwell-Gumbleton in fee simple freed and discharged from all remainders reversion estates rights interests and powers to take effect after the determination of in defeasance of such the said Base fee into which the estate tail of the said M H Maxwell-Gumbleton was converted by the Principal Indenture, and to the intent that such Base fee might be enlarged into a Fee simple absolute.

And it is by the now abstracting indenture also witnessed that the said M H Maxwell-Gumbleton did thereby assign dispose of and confirm unto the said F G Christopher (inter alia)

All those the two undivided third shares of and in the therein mentioned sums of £2266.17.3 £4383.15.9 and £1392.12.7 New Consols in the Principal Indenture mentioned and all other monies stocks funds and securities which or the monies to arise from the sale or conversion thereof were at the date of the Principal Indenture of were then applicable to the purchase of lands as therein mentioned

To hold unto the said F G Christopher his exors admors and assigns absolutely freed and discharged from all remainders reversions estates rights interests and powers to take effect after the determination or in defeasance of the Base fee into which the estate tail of the said M H Maxwell-Gumbleton therein was converted by the Principal Indenture In Trust that for the said M H Maxwell-Gumbleton his exors admors and assigns as personal estate.

Executed by M H Maxwell-Gumbleton by his attorney Freville G Christopher, under seal and duly attested.