

The Will of Colonel John FitzPatrick

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Abstract

Transcribed here are records contained in National Archives PROB 11/430/361, which bears the title, 'Will of the Honorable John FitzPatrick, Colonel of Park Place, Saint James Westminster, Middlesex'. The record contains four documents, being three wills and one probate, which provide understandings of the colonel's estate at the time of his death, his family members, and acquaintances.

The probate was contested by the colonel's sisters, who claimed his last will was a counterfeit. Three further sets of records that are accounted for in National Archives PROB 18/23/52, PROB 18/23/136, and PROB 18/23/137, detail their lawsuit against the Duke of Ormond, an executor of the estate.

Introduction

The National Archives of the United Kingdom at Kew holds '1000 years of history'¹, which includes Public Record Office documents of the Prerogative Court of Chancery, which had various legal powers, including the jurisdiction to grant probate.

Record PROB 11/430/361, entitled, 'Will of the Honorable John FitzPatrick, Colonel of Park Place, Saint James Westminster, Middlesex'. The record contains four documents – three wills and one probate. The overall record provides important understandings of Colonel John FitzPatrick's personal and real estate, his close family members, including three of his sisters Joan, Catherine, and Bridget, as well as his distant kin, viz., Colonel Edward FitzPatrick and Captain Richard FitzPatrick, and his trusted acquaintances.

The will of Colonel John FitzPatrick has previously only been published in part, that being a small extract transcribed by Rev. William Carrigan². PROB 11/430/361 is transcribed here in full, with some punctuation added for clarity. The record of probate is translated from Latin.

The will of the Honourable John FitzPatrick: PROB 11/430/361

Whereas I have by my last will bearing [the] date the first day of June one thousand six hundred and ninety and one disposed of my real estate, which disposition I do hereby confirm, but declare this to be the disposition of my personal estate and desire it may be affixed as a codicil to my former and will imprimus³.

¹ The National Archives: <https://www.nationalarchives.gov.uk>

² Fitzpatrick, M (2024). The Co. Laois Rental Roll of Edward and Richard Fitzpatrick, 1679-1697. *The Journal of the Fitzpatrick Clan Society* 5, 11-24. [doi:10.48151/fitzpatrickclansociety01924](https://doi.org/10.48151/fitzpatrickclansociety01924); Carrigan Manuscripts, Vol. 83.

³ That is, first or chiefly will.

I will, and my will is that the five thousand one hundred [and] fifty and eight pounds of quit rents granted to the now Earl of Longford⁴, in trust for me, lying in several Counties in the Kingdom of Ireland, for one and twenty years, be disposed of as follows.

I do hereby give to my nephew, Lieutenant John Coghlan, one hundred pounds per annum during the said lease. The remainder to be divided among his younger sisters and brothers, begat on the body of my sister Joan Coghlan.

Item: my will is that my kinsman Colonel Edward FitzPatrick shall have all the rest of my personal estate, he paying thereout the following legarito⁵, to my kinsman Captain Richard FitzPatrick, five hundred pounds.

⁶To my sister Catherine Butler, two hundred pounds. To my sister Bridget O'Bryan, five hundred pounds. To Madam Elizabeth Hamilton⁷, one hundred pounds. To my servant John Jurant, fifty pounds. To [the] rest of my esquires, one hundred pounds. I desire to be decently buried and do hereby nominate and appoint as curate the now Archbishop of Canterbury, Johann Tillotson⁸, my kinsman, the Lord Blessington⁹, and my Lord Chief Justice Reynell¹⁰, my trustees and executors of this as well as my former will.

I witness my hands and state this, the first day of June, one thousand six hundred [and] ninety and one. Sealed, published, and declared as a codicil and part of the last will and testament of the said John FitzPatrick in the presence of the undernamed witnesses who subscribed their names thereinto in the presence of the said Colonel John FitzPatrick.

In the name of God, Amen. I John FitzPatrick, of Park Place in the Parish of St James, Esquire, do hereby declare this to be my last will and testament, and my will is that my kinsman Captain Richard FitzPatrick shall have, hold and enjoy to him and the heirs males of his body the castle, towns and lands of Grantstown, Rahandrick, Bordwell, Court, Curragh, Oldglass, Clonkeenaghan, and Kyletilloge¹¹, also the lands mortgaged to him by me of Ballycolla¹² and other lands mentioned in the said mortgage.

⁴ That is, Francis Aungier, first Earl of Longford. Dictionary of Irish Biography: Francis Aungier, <https://www.dib.ie/biography/aungier-francis-a0276>, accessed 22 August 2025.

⁵ That is, legacy or bequest.

⁶ This paragraph is a marginal note and is in a different hand. Based PROB 18/23/52, discussed later in this article, it was probably added *post-facto*.

⁷ Probably Elizabeth Hamilton neé Colepeper, then widow of Sir James Hamilton who was a well-known socialite of the era and a contemporary of Colonel John Fitzpatrick (Burke, B and Burke, A, 1915. A Genealogical and Heraldic History of the Peerage and Baronetage, the Privy Council, Knightage and Companionage. London: Harrison & Sons).

⁸ Archbishop John Tillotson. Lee, S (1898). Dictionary of National Biography. London: Smith, Elder & Co.

⁹ Murrough Boyle, first Viscount Blessington. Dictionary of Irish Biography: Murrough Boyle, <https://www.dib.ie/biography/boyle-murrough-a0851>, accessed 28 August 2025. His kinship relationship with Colonel John FitzPatrick is unknown.

¹⁰ Sir Richard Reynell. Dictionary of Irish Biography: Richard Reynell, <https://www.dib.ie/biography/reynell-richard-a9617>, accessed 22 August 2025.

¹¹ These townlands are Baile an Ghrótaigh, Ráth Anraic, Bordaíol, An Chúirt, Churraigh, and An tSeanghlais, in the parishes of Aghaboe or Bordwell. Clonkeenaghan is now part of Oldglass (Carrigan, W, 1905. The History and Antiquities of the Diocese of Ossory. Dublin: Sealy, Bryers & Walker).

¹² Baile Cholla in Aghaboe Parish.

And I do hereby nominate and appoint me Baron James Duke of Ormond¹³, the Lord Blessington, and Michael Hill of Hillsborough¹⁴, Esquire, to be my trustees and executors. Witness my hands and state the first day of February 1693.

Published and declared to be the last will and testament of John FitzPatrick Esquire, in the presence of the undernamed witnesses who subscribed their names therein in the presence of the said Colonel John FitzPatrick, Esquire.

In the name of God, Amen. I, John FitzPatrick, of Park Place in the Parish of St James, Esquire, do make this my last will and testament touching the disposition of my real estate in the Barony of Upper Ossory in the Queens County in the Kingdom of Ireland in the manner and form following imprimus.

I do hereby revoke all former wills by me made and annul them, and my will now is that for want of heirs males of my own body that my kinsman Colonel Edward FitzPatrick shall have and enjoy to him and the heirs males of his body all the manors, lands and inheritance belonging to me in the Barony of Upper Ossory aforesaid except what part thereof I have settled on his brother Captain Richard FitzPatrick.

And for want of heirs male of the body of the said Colonel Edward FitzPatrick, the said lands come to his brother Captain Richard FitzPatrick and his heirs male of his body. And for want of heirs males of either of them, the said Colonel Edward FitzPatrick or Captain Richard FitzPatrick, my will is that my estate in the aforementioned Barony of Upper Ossory, the said lands come to my right heirs.

And I do likewise declare and my will is that my kinsman Colonel Edward FitzPatrick shall likewise have and enjoy my house in Park Place with all my furniture and plate, and I do hereby declare his Baron James Duke of Ormond, my Lord Blessington and Michael Hill Esquire to be executors of this my last will and testament and witness my hands and state dated this twelfth day of March one thousand six Hundred [and] ninety three.

Published and declared to be the last will and testament of the said Colonel John FitzPatrick in the presence of the undernamed witnesses who subscribed their names thereinto in the presence of the said Colonel John FitzPatrick, Esquire.

Probate for definitive confirmation of the estate, as was approved and recorded, contained the last will and testament of the honourable John FitzPatrick, Esquire, lately of the parish of Saint James, in the County of Middlesex. The oath was taken by the most faithful servants, James Duke of Ormond and Lord Richard Reynell, knight and baronet; the latter is one of the two executors named in the last will.

On the fourth day of the month of March in the year of our Lord one thousand six hundred and ninety five, administration was granted of all and singular, the goods and chattels of the

¹³ James Butler, second Duke of Ormond. Dictionary of Irish Biography: James Butler, <https://www.dib.ie/biography/butler-james-a1260>, accessed 27 August 2025.

¹⁴ Michael Hill (1672-1699) of Hillsborough, County Down. Hayton, D, Cruickshanks, E, & Handley, S (2002). The History of Parliament: The House of Commons 1690-1715. London: Her Majesty's Stationary Office.

deceased, to well and faithfully administer the same, according to the order and Holy Gospel. The oath was taken before James Duke of Ormond, in the presence of the honourable Sir Littleton¹⁵, Lord Richard Reynell, and the honourable John Cooke, Royal College of Physicians.

Substituted by oath, with power reserved to the honourable Lord, and with the direction of the Count Blessington and Michael Hill, two other executors named in the last will, in common agreement with the honourable reverend in Christ, Doctor John Tillotson, lately Archbishop of Canterbury, executors in the last will and testament of the deceased before the death of the deceased.

The controversy

Shearman¹⁶ referred to a lawsuit that Colonel John FitzPatrick's sisters, Catherine, Mabel, and Bridget, brought against the Duke of Ormond¹⁷ concerning the will; however, he did not come close to providing an understanding of the controversy concerning the deceased's estate that erupted after his death. Records PROB 18/23/52, PROB 18/23/136, and PROB 18/23/137 detail the various allegations, witness testimonies, and questioning, and are also reviewed and transcribed or summarised here, with punctuation added for clarity. An example copy of a page from the lawsuit is provided in Appendix I.

In essence, the chief allegation brought by Colonel John FitzPatrick's sisters was that the last will and testament, which instructed his estate go to Colonel Edward Fitzpatrick, was counterfeit, and that they had been illegally deprived since the estate did not belong solely to Colonel John FitzPatrick, but to his family. Ultimately, a compromise was reached via Colonel Edward Fitzpatrick's offer of "two hundred pounds or some other sums ... upon condition that he might meet with no opposition in proving of the pretended will". Colonel Edward Fitzpatrick died in 1696, but his beneficiary and brother, Captain Richard FitzPatrick, is recorded making regular payments to Catherine from 1701 to 1716 and to Bridget from 1701 to 1709¹⁸.

Witness testimony: PROB 18/23/52

There are two discrete records in PROB 18/23/52. The first is dated 'the afternoon of 22 November 1694' and bears a heading in Latin that explains it relates to the business of the probate of Colonel John FitzPatrick of the Parish of Saint James, Westminster, Middlesex. The signatory of the record, Robert Peirson, then explains he was promoted by 'the noble baron James, Duke of Ormond, executor for the deceased' to hear witness testimonies of Catherine Butler, Mabel Thomas, and Bridget Bryan, the natural sisters, and the closest relatives of the deceased. Pierson says he is the nominated procurator for the Duke of Ormond and presents four points for the Duke's case, which he explains, by introduction,

¹⁵ Sir Thomas Littleton alias Poyntz, third baronet (1647-1710) of North Ockendon, Essex; Stoke Saint Milborough, Salop. Henning, B (1983). *The History of Parliament: The House of Commons 1660-1690*. London: Her Majesty's Stationary Office.

¹⁶ Shearman, J (1879). *Loca Patriciana: An Identification of Localities, Chiefly in Leinster, Visited by Saint Patrick and His Assistant Missionaries and of Some Contemporary Kings and Chieftains*. Dublin: M. H. Gill.

¹⁷ That is, James Butler, second Duke of Ormond.

¹⁸ Rental of Captain Richard FitzPatrick's estate in Leix, 1700-1719. The National Library of Ireland MS 3000.

are a response to attempts to invalidate the last will of the colonel, which was dated 12 March 1693.

(1) First, that Colonel John FitzPatrick, the testator had an intent to make his last will and testament, and being of sound and fit mind and memory did, on or about the twelfth day of March one thousand six hundred and ninety three, being the day of the date of the schedule testamentary which with his own hands [he] did make and write his last will and testament, being the schedule testamentary in this case, and also subscribed his name at the bottom or end thereof. And of the said will did nominate, ordain, and appoint the most noble James Duke of Ormond ply¹⁹ in this case, the right honorable Lord Blessington, and Michael Hill, Esquire, his executors. And afterwards, to wit, on or about the 24th day of August 1694, departed this life and [he] was at the time of his death a widow.

(2) That the schedule testamentary in this case has the name J FitzPatrick at the bottom or end thereof, and are, and was, totally wrote and subscribed by, and with the proper handwriting of Colonel John FitzPatrick, the testator in this case. And this was and is now public and notarised, and so was and is well known to be true by such as those acquainted with him and with his manner and character of handwriting.

(3) That the last will and testament of the said Colonel John FitzPatrick, the testator in the case, now deceased, was found in a strongbox in the dressing room of his house in Park Place at Saint James on the 24th August 1694, being the day whereon he died, among his papers and writings.

(4) That the party proponents, with intent to find a comparison and to all other intents and purposes in law, did and does attain instrument or letter of attorney marked (i), beginning thus: Know all men by this that I, Colonel John FitzPatrick, have hereto put my hands and state this 16 November 1690, and this subscribed J FitzPatrick, and did and does allege: His said instrument or letter of attorney was on or about the day or date thereof, duly signed, sealed, and delivered by Colonel John Fitzpatrick, the deceased in this case, in the presence of the witnesses thereto subscribed, who subscribed their names as witnesses thereto, in the said deceased's presence, and: Colonel John FitzPatrick, in the said letter of attorney and thereto mentioned subscribed, and Colonel John Fitzpatrick, testator in [this] said case, was and are the same persons and not diverse.

The second record in PROB 18/23/52, which is in a different hand to the first, has an introduction in Latin that states it is questions via an administrator on behalf of Catherine Butler, Mabel Thomas, and Bridget Bryan, the legitimate sisters of John Fitzpatrick, deceased, and concerns how they discard the testimony of James Duke of Ormond, one of the executors of the last will of the deceased, as follows:

(1) How long have you known Colonel John FitzPatrick, the pretended testator, and Colonel Edward FitzPatrick mentioned in the pretended will exhibited in this case? What relation were or are you to, or dependence had or have on them, or either of them? At whose request did or do you come to be a witness in this case? What communication and with whom, if any, have you had about what you should recieve, showing what you received, was

¹⁹ Archaic, probably meaning 'over'.

promised, and expected to receive? And by and from whom, in case the pretended scroll or papers exhibited should be pronounced for a will, or for your deposition herein, have you [in] any way, and how, sollicitised in or applied to any person or paid any money (and to whom and by whose direction and when) in order for the prosecution of this case?

(2) How long did the said Colonel John FitzPatrick continue ill of the sickness of which he died? Did any person or persons, and whom, as you know, followed or have heard speak to him in his said sickness, or at any time before, and whom, about making his will? If yes, what answer did he make thereto? Do you know or have you heard of any will or wills formerly made by him? In whose custody did he put or place such will or wills, if any? Did he at any time after, and when, take out of that custody, and what became of the same, and when, and in what month or months was, or were, such will or wills made by the said Colonel John FitzPatrick, and afterwards delivered by him to be kept, and who remanded and so delivered, as you now believe or have heard?

(3) Did you go to any person or persons, and to whom, and when, and how long after the death of the said Colonel John FitzPatrick, to inquire after the will of the said Colonel? What were the words used by you upon such inquiry? Did you not then declare that no will could be found made by him, or to that effect?

(4) In case any witness should depose to the finding of the paper or writing exhibited for a will in this case, whose, and in what room of the house and place of such room, and at what hour was such pretended will or writing so found, and by whom first, and who besides yourselves were those then present? Did you not then, or at some other time, and when so, find some other will or wills or writing importing a disposition of his estate or giving away of legacies? If yes, what is becoming of the same as you believe or have heard?

(5) John Byrne, were you not sick at the time of the decease of the said Colonel John FitzPatrick, and did not a certain person come, after the said Colonel's death, and how long after the visit, and ask you about the said Colonel, mentioning his will? Did he not tell you that the report in town was that the said Colonel died without a will? Did he not tell you that report was true or not? Did you not make answer that if there was a will that Michael Exham was the writer thereof or wrote the same or that the person or men that went out did write the same? Was that not the said Exham, when that said person came so to visit you, present and with you? And did he not get out presently, or some short time after the said persons coming to him? Let the witness name the person coming so to visit and ask him the said question. And what discourse happened between him and the said person touching the said Colonel making a will?

(6) John Byrne, did you not, upon the day of the funeral of the said deceased Colonel FitzPatrick, or sometime after his death, and when, tell Sir James Butler or someone else, and whom, that there could be no will of the deceased's found, or to that effect?

(7) John Rath, did you not, three days or some time, and how long, after the death of the said Colonel John FitzPatrick, declare and say to Sir James Butler or someone else, and whom, that a will of the said Colonel was some time, and how long, after his death, found in the custody of Madam Hamilton?

(8) John Rath and [John] Byrne, what directions have you had from Colonel Edward FitzPatrick about composing the differences in this suit between him and the sisters of the deceased? Did you not declare that the deceased left a will or paper importing that he had given and devised that his said sisters, or some or one of them, and whom and which, should have two hundred pounds or some other sums and what out of his estate, and that the said Colonel Edward FitzPatrick was ready and willing to pay sums or funds upon condition that he might meet with no opposition in proving of the pretended will now exhibited or to that effect?

(9) Let each witness be put in mind of a false oath: and that they are now as much upon their oath as at the time of their first examination.

Document dated second day of the case, 1694: PROB 18/23/136

The document has an introduction in Latin that states it relates to a lawsuit against James Duke of Ormond, and that Robert Cooke is representing the plaintiffs, Mabel Thomas, Catherine Butler, and Bridget Bryan; the points of allegation being:

(1) That near the twelfth day of March one thousand six hundred ninety and three, being the day of the date of the pretended will exhibited in this case, and more especially in the month of June 1694, Colonel John FitzPatrick the pretended testator had, several times or at least once, in this presence of diverse and credible persons of his intimate acquaintance, declared that he had burnt or cancelled the last will before him he now made, and that he had then no will made and said that he was about to make, or did in a short time intend to make, his last will, or to that effect.

(2) That some days or short time after the day of the death of the said Colonel John FitzPatrick, which happened on 24th August 1694, Colonel Edward FitzPatrick, in the said pretended will named, did declare and say to and before several persons, that diligent search was made in many places for a will but no will could be found, and thereupon did declare and manifest himself doubtful he would be at the charge of burying the said deceased John FitzPatrick because he apprehended there being no last will of the deceased, the said Colonel Edward FitzPatrick was to have nothing by his death.

(3) Point of allegation, that the said pretended schedule testamentary in this case and subscribed John FitzPatrick was not written nor signed by the said deceased, for that the writing thereof not only differs from the handwriting of the said deceased but also in the said pretended schedule testamentary are contained so much ill orthography and other incongruities and solecisms as sufficiently manifest that the said pretended will and schedule could not be proper handwriting of the deceased, who in his lifetime was a well read and knowing man and sufficiently expert in the writing and true orthography of the English tongue.

(4) Point of allegation, that the said pretended schedule testamentary or any other last will of the said deceased John FitzPatrick was not found in the house of the said deceased on the day whereon that he died. For that several persons who put up the said pretended schedule as the last will of the defunct and who affirm to have found the same the day of

the deceased's death, have severally and publicly acknowledged and declared some one or more days after the day of the death of the said deceased, that search was made in all parts of the defunct's house for the last will but all to no purpose and that no will of his was found. Then messages were sent to several persons of note and quality in and about London and Westminster for the will of the said deceased, and no will could be found.

(5) That at Michaelmas 1694, about the beginning of this contest, a copy of the pretended will of the deceased was brought in and produced in this Court by the proctor of the pretended estate of the deceased, and it was then alleged and affirmed by him, the said proctor, as is supposed by direction from his client, and also by one John Burns a prolonged witness in this case, that the said paper by him produced was a true copy of his, the deceased's will, and that the will was in Flanders in [the] custody of his Grace the Duke of Ormond, one of the supposed executors, and that for some years before the same was sent to the said Duke [when] the same was in Ireland, and that the same pretended will could not then for no reasons be brought to Court. Which copy so produced the said proctor did not register with this Court as he might, which matters, together with a second pretended will in writing and a written codicil lately discovered upon cross examination in this case, and not brought in with the schedule testamentary, [it is] sufficiently manifest the said pretended schedule testamentary is not the last will of the deceased John FitzPatrick, nor found at the time and place as the proponents also affirmed.

(6) That the handwriting of the deceased was and is easy to be counterfeited and has been often counterfeited by one John St John and others, and the handwriting of the pretended copy mentioned in the foregoing estate was more alike to the handwriting of the deceased than the pretended will exhibited in this case, and therefore the party present does pray that the same may be brought and lodged in the registry of this Court.

(7) That no faith or credit, at least sufficient in law, is to be given to the sayings and depositions of John Byrne, a witness sworn and examined in this case, for that he has been various and contradicted himself in his sayings, sometimes declaring that the deceased had made no will, at other times declaring that there was a will and that he himself found it in the strongbox of the deceased, and Michael Exham drew it, and at other times that the will was found in the hands of the Lady Hamilton, and that he the said John Byrne has made the aforesaid declaration in the presence of several credible witnesses with several proclamations.

(8) That no faith or credit, at least sufficient in law, is to be given to the sayings and depositions of John Nash another witness sworn and examined in this case, for upon the Saturday after the day on which the deceased died, he, the said John Nash being asked whether the deceased had made a will, answered that he had twice made a strict search among the deceased's papers but could find no will and the said Colonel [Edward] FitzPatrick affirmed the same at the same time.

(9) That it was not in the power of the said deceased to dispose of his real estate by will or otherwise, for all that of the said estate mentioned in the pretended will was entailed²⁰.

²⁰ That is, it legally belonged to a family group, so limiting the inheritance.

The conclusion in Latin is a plea for swift law and justice.

There follows, also in Latin, a statement relating to a key handwriting witness brought by Mabel Thomas, Catherine Butler, and Bridget Bryan, who was questioned, as follows:

(1) John Juront²¹, how long did you know Colonel John FitzPatrick, the testator in this case? How and by what means did you become acquainted? Were you very conversant with him? If yes, on what occasion? Of what age was he? Describe his person and declare your truth by virtue of your oath.

(2) John Juron, where do you now live or lodge, at or near what sign, in what street, or place, in what parish, at whose house, and how long have you so lived or lodged? Declare yourself by virtue of your oath and answer for where you have lived or lodged for these three years last past. And if a lodger, at whose house or houses?

(3) John Juron, were you acquainted with the manner and character of handwriting of the said Colonel John FitzPatrick, the donor in the case? If yes, how came your so acquainted knowledge? Did you oversee him write, or review any letter from him, which you could swear were wrote by him? If yes, let the original will of the said donor, pleaded on behalf of his Grace the Duke of Ormond, be showed to said witness. And further, answer this if do you not believe. If yes, is the will his and totally handwritten and subscribed by and with the proper handwriting of the said Colonel John FitzPatrick?

(3) Do you know Brigadier Edward FitzPatrick? If yes, how long have you so known him? Have you not heard Colonel John FitzPatrick, the deceased in this case, speak very kindly of him, and make great profession of kindness towards him and his brother, Captain Richard FitzPatrick? If yes, speak the same, and how, and after what manner did the deceased so speak himself? And when, and how long before his death?

Document dated 5 December 1694: PROB 18/23/137

The introduction in Latin explains that the record is the response of the Duke of Ormond to Mabel Thomas, Catherine Butler, and Bridget Bryan, through Dominic Covington, and includes an introduction to Richard Fitzpatrick, who, by law, provides a response to the allegation that the deceased's estate has been stolen, according to the following:

(1) That John FitzPatrick, Esquire, the deceased in this case, and the said Richard FitzPatrick, Esquire, were Cousins German once removed²², and so accounted, reputed, and taken; and the said deceased had for several years before, and until the final of his days, agreed to lease and license to the said Richard Fitzpatrick, Esquire.

(2) That the said John FitzPatrick, Esquire, did usually make a will in writing for the in-lieu discharge of his full estate and another will, a codicil for the full and in-lieu disposal of his

²¹ Likely the same person recorded in PROB 11/430/361 as John Jurant.

²² That is, Richard FitzPatrick is said to be the child of one of Colonel John Fitzpatrick's first cousins, either paternal or maternal.

personal estate, and this was and is now publicised and notarised and well known to all persons who were well acquainted with the said deceased.

(3) That the said deceased, being of sound and perfect mind, and memory, did on or about the first day of June 1691 make his will in writing bearing date the same day, and therein gave and devised his real estate, and was therein contained a subclause of which will the yearly provision does have, or provide, and prays the same may be paid and invested, and assigned, that the same was wrote and transcribed from the said original will and agreed with the sums or the subclause or effect thereof.

(4) That the said deceased did at or about the time of his making his said will, make his codicil in writing bearing date the same first day of June 1691, which was lately exhibited and now remains in the registry of this Court. And the same gave, bequeathed, and disposed of his personal estate and nominated and appointed his Grace Doctor Tillotson, deceased, late Archbishop of Canterbury, the Lord Blessington, and the Lord Chief Justice Reynell, his trustees and executors, and did give, will and bequeath in all things, and is therein contained, which codicil was wrote by his order and according to the directions and instructions of the said deceased and he well liked and approved thereof and signed tested, published, and declared the same as. And for his Codicil or part of his will in the so same presence of persons, who at his request and ruling so also subscribed their name as written. And at all and singular times, he, the said deceased, was of sound and perfect mind, memory, and understanding.

(5) That after those things, to wit, on or about 1 February 1693, being the day of the date of four of the wills or schedule testamentary presented in this case, and now remaining in the registry of this Court, the said deceased annulled and abridged his said will bearing date first day of June 1691 mentioned in the third item of this allegation but proved and kept unaltered his said codicil mentioned in the fourth item of this allegation.

(6) That at, or shortly after the death of the said deceased, there were found in his dressing room, in his dwelling house in Park Place where he died, among his writings and papers, the said codicil bearing date the said first day of June 1691, and the said will or schedule testamentary bearing date the first day of February 1693, and the said will or schedule testamentary bearing date the 12 day of March 1693, wrapped up together in one and the same group of papers, which said two schedules testamentary and codicil the said deceased intended should be, and used as and for his last will and testament and codicil, and his said two schedules testamentary and the said codicil were, and are, and did, and do contain the last will and testament of the said deceased and common was, and is, well known or firmly believed to be such by several persons who were well acquainted with the said deceased and his intentions.

A Subsequent lawsuit

An Exchequer bill book entry of 29 November 1695 records Mabel Thomas brought a lawsuit against Catherine Butler and Bridget O'Bryan²³ – clearly whatever compromise was reached regarding Colonel John FitzPatrick's will was not satisfactory to all of his sisters.

²³ Ireland Court of Chancery Records, 1633-1851: <http://www.ancestry.com>. Accessed 31 August 2025.

Appendix I: an example page from the lawsuit records

contained, which said will was made by the said deceased and according
 to the directions and instructions of the said deceased
 and the said will was approved thereof and signed
 by the said deceased and the said will was made and signed
 by the said deceased or some of his wife in the presence of several
 persons who at his request and in his presence
 subscribed their names as witnesses thereto and all
 and singular the premises the said deceased was of
 sound and perfect mind and memory and understood the
 point to make do and to do also tempore et loco supra
 5 Item that after the said deceased's death on or about the first
 day of February 1693 being the day of the date of some of
 the said deceased's Testamentary executed in his
 last and now remaining in the Registry of this
 Court the said deceased's will was destroyed and
 said will bearing date the said first day of June 1691
 mentioned in the 3^d article of this allegation but
 the said will was kept and preserved by the said deceased
 mentioned in the fourth article of this allegation
 point to make do and to do also tempore et loco supra
 6 Item that afterwards after the death of the said deceased
 there was found in his chamber in his dressing room
 in his dwelling house in Dorchester place where he dyed
 amongst his writings and papers of various and
 moment the said deceased bearing date the said first
 day of June 1691 and the said will or the said
 Testamentary bearing date the said first day of
 February 1693 and the said will or the said Testamentary
 bearing date the 12th day of March 1693 wrapped up
 together in one or the said pieces of paper which
 said two the said Testamentary and the said will
 the said deceased intended should be and stand as and for
 his last will and Testament and the said will and the
 said two the said Testamentary and the said will
 were and are and did and do contain the last will
 and Testament of the said deceased and so much
 was and is well known or firmly believed to be
 true by several persons who were well acquainted
 with the said deceased and his intentions point
 to make do

Image courtesy of [The National Archives](#)