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Chapter 13

Editor's note: this chapter contains McPeake extracts from items 44-90, correspondence from Caesar Colclough to his attorney, initially John C Martin, then Messers Reeves of Merrion Square, Dublin, covering the period 1832 to 1840, inserted by Bernard Colclough in 2002. To distinguish them from the original ms., the inserted items are highlighted, and have been verified against the original McPeake source.

Copied from brief in Colclough v Colclough 1865, page 86. Exemplification of recovery suffered by Caesar Colclough.

George the Third by the grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith and so forth, to all to whom these our present Letters shall come, greeting - know ye that among the pleas of land enrolled at the Kings Courts before John Lord Norbury, and his Brethren, Our Justices of one Common Bench of Ireland, of Michaelmas term in the 59th year of our reign, it is thus contained County of Wexford to wit. James Charles Martin, of the City Of Dublin, Gentleman, personally demands against Peter Burrows of Leeson Street in the said City, Barrister at Law. All that and those, the Manor of Tintern, with the appurtenances etc., of the dissolved Abbey, and also 20 castles, 1000 messuages, etc., and the towns and lands of Tintern, Castleisell otherwise Castleworkhouse, Newtown, Saltmills, Ballygarret, Cappaclonane, Gibstown, St.Keiran, Garrycullan, Tallaght, St.Leonards, Ballyhackby, Curraghmore, Milltown, Dunmaine, Ballyfleming, Ballytarsney, Nashe, Garryduff, and Booley, Yoletown, Cheristown, Owenduff, Tobernassen, Ganestown, Ballygarvan, Cloonagh, Keinagh, Cooleroe, Ballycullane, Ballyroan, Duraght, Prieststown, Brandon, Island of Banno, and the watercourse and ferry of Bannow, £2 sterling yearly rent issuing out of the lands of Buggarie and Stonehouse, £1 sterling out of the lands and villages of Colebrick and Ballywilliam, 5/-sterling out of the Rectory Church or Chapel of Killay in the County of Wexford aforesaid. And also all that and those the Rectories, tithes and Churches of The Union of Tintern, St,Keiran, St. Leonards, Nash, Owenduff, Dunmaine, Clonmines, and Arklow, Kynnagh, Banno, and the Island of Banno, and also the great and small Tythes of Tintern, St. Keiran, St. Leonards, Nash, Owenduff, Dunmaine, Baylestown, Clonmines, Arklow, Kinnagh, Banno, and Island of Banno, Inch, Taylorstown, and of the town and lands of Tinecurry and Rathnageera, and all Glebe and Glebe lands contained therein. And also, All that and those, such part of the great and small tythes of the Rectory and Parish of St. Molins, as are situate in the said County of Wexford, and all and every other the manor of Tintern with its rights etc., together with all fairs, markets etc., And also, all that and those the town and lands of Wheelagower, Tumwona, Cluneen, Duneane, Knocknemeil, Curraghduff, Tincurry, Glaslacken, Clonyburn, Keila, Mandoran, Ballylusk, Keinteige, Coolcarney and Ballyneboola, in the County of Wexford. Also two parks of land, one garden, twenty four Burgages, and the fourth part of a burgage, lying in St. Johns Street, Wexford, And also three quarter parts of the land of the town and land of Mangan, and one half of Ballylusk, Shroughmore, Ballyneculla, Ballynesnananagh, Coolevane, and Tomcurry, and also one third part of the lands of Ballytarsney, Boladurragh,

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Ballynevocrane, Rylanemore, Rylanebeg, otherwise Nyland, Castlekirk, and Killmashell, in the County of Wexford, and one sixth part of a third part of the lands of Rylanemore, Rylanebeg, Rossard, Castlekirk, and Killmashell in the County of Wexford, and also the one eleventh part, of the said one third part of the lands of Rylane, Castlekirk, and Killmashell, aforesaid, and one yearly rent of £100 sterling out of the lands of Moynart, Ballybrannish, Coregraige, Mineglass, Shanballyangaughrine, half Keinisperin, Ballydagin, and other lands in the Baron of Scarawalsh, County Wexford. One chief rent of £40 sterling, out of the whole territory of the Duffry in the County Wexford, and also one other Chief rent of £1 sterling out of St. Johns Street in town of Wexford, Also, all that and those two messuages in St Bridgets in Taghmon, also the rectories, etc. and tithes of Ballhshelane otherwise St. Andrews, Kilbride, St. Bridgets in Taghmon, Whitechurch, St. Michaels near Wexford, St. Ivory in Wexford, Templecorran, St. Michaels and Muchrath near Ballybrenane, Ballymitt, Dennispark, alias Glebe land, and Thomoland, in or near Wexford, two messuages and several acres of land in St Bridgets of Taghmon, the rectories and parish church of Inch, otherwise Chapple Inch, St. Johns, and St. Bridgets, and St. Marys in or near Wexford, the hospitals of St. John and St. Bridgets in the said town of Wexford, and also the impropriation of Enniscorthy, the chancel of Enniscorthy, Kileanna, Clooghvarey, and Mountreally, in the County Wexford, together with all fairs, markets, etc.,

In testimony whereof, we have caused our seal appointed for sealing writs in our said Bench to be hereunto affixed. Witness John, Lord Norbury, at the Kings Courts the 12th day of February in the 59th year of our reign. (1819) **Norbury.**

Copied from Respondents Cases in the House of Lords, page 185.

Letter from Caesar of Tintern to the Rev. Dudley Colclough

Tintern Abbey 14th March 1820.

My dear Dudley

I have not been myself since the illness of my dear Jane who yesterday at length had symptoms of convalescence. The arrangement in politics, which I would not confide to paper, require our utmost exertion in favour of Carew and Valentia, if you wish ever to see myself or one of my name (of whom your sons are the nearest of kin) represent this County. I would willingly communicate the circumstances which imperiously demanded my resignation, but you must be well aware that I could not commit to the post a recital of such consequence. I therefore expect and trust, my dear Dudley, that you will use your exertions and influence as if I were a party in the present election, and believe me your affectionate friend and relative.

The Rev. Dudley Colclough, Duffry Hall.

Copied from Brief in Boyse v Colclough, 1857, page164.

Letter from Caesar of Tintern to Sarsfield Colclough.

Tintern Abbey, 8th March 1822.

My dear Sarsfield.

I received yours of the 25th of February, which being directed to Fethard, remained long on the road as Arthurstown is my Post Office at present. I had as you suppose, a letter from your sister in law communicating your brother's death, and I shall answer her, but will not attempt to advise or meddle in their affairs, as you my

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dear Sarsfield know them better, and I not at all. You are an excellent counsellor and I am sure will do all you can for your orphaned nephews (nieces) uniting the advantages of head and heart for the benefit of your nearest of kin next your own household. On consideration I believe it would be better for you, in order to save postage (to say) that I have heard from Mrs. Colclough but am not at all in a state to advise or concern myself, in anybody's affairs but my own. I suppose, my dear Sarsfield the £1100 odd which my brother John advanced to Caesar, I must consider as lost. Give my compliments to all yours, and believe me sincerely,

Your friend and kinsman, Caesar Colclough.

Copied from the same, page 204.

Letter from Mrs. Susan Colclough to Caesar C. of Tintern.

Versailles, July 29th 1822.

Dear Sir,

I am sorry to intrude again upon your time and attention, but as you must be aware of the great consequence it is to me to ascertain how my late dear and lamented husband's affairs really stand, before I go to the expense of administering to his will, and more particularly as to any bond debts to which his estate may be liable. For whatever the remnant may be, it is, I am sorry to say, the only thing I and my poor children have to look up to for our maintenance and support. I trust therefore, you will have the goodness to favour me with an early answer, in consequence of an observation in Mr. Sarsfield Colclough's letter, in which he says you have a large demand upon the estate, indeed an overwhelming demand, which, if enforced, would annihilate the property- my anxiety is the greater on this subject because I cannot find any document by which such debts can be ascertained, nor any letter from you to my poor husband, in which the slightest allusion is made to them. I trust our very helpless situation therefore will induce you to give me all the information in your power, not only as relating to any sums due to yourself, but also to other claims, which may have come to your knowledge, so that I may regulate my proceedings accordingly, as I must leave this for some place less expensive, and at present am uncertain where. Please direct to me at Doctor Asplin's Hotel de Bourbon, Rue de la Paix 22a, Paris. I remain Sir, your obedient servant etc.,

Susan Colclough.

Caesar Colclough Esq., Tintern Abbey.

**Extracts from Bond, Beauchamp Colclough to Guy Carleton Colclough.
dated 23rd January 1827 at Montreal Canada.**

Know all men by these presents that before the undersigned Public Notaries duly commissioned and sworn, in and for the Province of Lower Canada residing in the City of Montreal, in the sd Province- Personally came and appeared Beauchamp Colclough of Bertier County of Warwick, in the district of Montreal, in sd Province, Esq., who for and in consideration of the sum of £400 current money of the said Province to him in hand well and truly paid on the passing of these presents by Guy Carleton Colclough of Sherbrooke, in the township of Ascote, District of Three Rivers in sd Province, Esq. hath, and by these presents doeth declare himself to be justly and truly indebted unto the said Guy Carleton Colclough accepting thereof in the like sum of £400 said current money, which sd sum, he the sd Beauchamp Colclough

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doth hereby bind and oblige himself his heirs and assigns to pay unto the sd Guy Carleton Colclough, his heirs or assigns at his or their order, within the space and terms of four years to be reckoned from and after the date of these presents, together with the legal interest thereon etc., and the said Beauchamp Colclough hath and by these presents doeth mortgage and hypothecate, all and singular his real and personal property, present and future wherever the same be found and situated. Done and passed at Montreal aforesaid, in the office of George Dorland Arnoldi, one of the undersigned Notaries, this 23rd January, 1827, and signed by the said Beauchamp Colclough and Guy Carleton Colclough in presence of the said Notaries who have likewise subscribed their names to these Presents.
Beauchamp Colclough. Guy Carleton Colclough.

R. O'Keefe N.P.

G.D. Arnoldi N.P.

Copy of original Bond was verified by the proper Canadian Authorities in Montreal, on the 9th and 11th of June 1866.

Copied from Brief in Boyse v Colclough 1857 page 234.

Letter from Caesar Dudley Colclough to Mrs. Susan Colclough 15th November 1828

My dear Madam.

I this morning received your letter enclosing a copy of one from Mr. Maunsell. My only advice is, return no answer, and be not uneasy. With you I shall divest myself of professional caution, and state upon my honor, the more I consider your case, the less I think you have to apprehend. The case admits of a question, and barely a question, in favour of Sir Richard. So long as it does so, I would be wrong to state you were you absolutely certain of success, but I again repeat I think you are morally certain. Answer the question as to age in my last letter. Should you want your rent before the 25th, call on me for it. Let me again request of you not to be uneasy whenever Sir Richard attacks you. I again repeat I shall be ready to defend you. In me you shall ever find a faithful friend. Where is Louisa? Love to Mary. Sincerely yours,
C. D. Colclough.

Copied From Respondents Case in House of Lords

Letter from Caesar Colclough of Tintern to Sarsfield Colclough.

36 Upper Sackville Street, 2nd May 1831.

Dear Sarsfield,

I received yours, but have resolved this long time past to do my own political duty without ever attempting to solicit or control that of my neighbour, I have refused the two Anti-reformists, Valentia and Rowe, of course you may judge of my private sentiments, but I will not attempt to shake those of any other.

Your friend and kinsman, Caesar Colclough.

27 February 1832

John C. Martin (Caesar Colclough's attorney), Ely Place, to Caesar Colclough, Paris, about Chancery proceedings which Caesar Colclough is taking to recover Duffry Hall estate and another estate sold by his father to one Rowe.

31 July 1834

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Caesar Colclough, Sackville Street Upper, to J C. Martin,

stating his recollections of the the transactions with Rowe.

'... the deeds were all prepared during November 1787 in Dublin, but my father (as he oft times did when the House was up), went to spend his Christmas at Tintern Abbey. There the conveyance was executed. Rowe, my Uncle Tom Grogan, Loftus, Hatton, William Harvey Junior (?) and I went from Ballyhealy across the Broadwater and Scar and "pounced on my father like so many kites on a pigeon" these were his words. However, Rowe beckoned us to leave him alone with the pigeon, and called us back in a few minutes, when all was settled, as Rowe told us, for 20 guineas. The rent charges were executed, I think, in Wexford a few days afterwards at my mother's house in George Street.

25 November 1836

Caesar Colclough, London, to Messrs Reeves, Merrion Square South, Dublin,

explaining that he entered into litigation over the sale of Duffry Hall and Ballycross, not of his own volition, but at the instigation of Martin, who assured him and then mismanaged the cases.

9 December 1836

Caesar Colclough, to Messrs Reeves, Merrion Square South, Dublin,

about settling the Rowe case.

'... I am surprised at what you say of Martin's ignorance or neglect not to have stated to English counsel, in Rowe's case, my coming of age and levying a fine, etc, which necessity forced me to do in order to get the two annuities for my mother and self (I may add my brother). The deeds and grants were both drawn originally during my father's life, but at the instance of some of my friends, Rowe consented to substitute, in my mother's deed, her own life instead of my father's, and she in consequence gave me a letter of indemnity, in case she survived my father, to abate £100 per annum of her demand by jointure, which by her marriage settlement was £500 per annum, and she strictly and honourably adhered to her agreement, and passed receipts to me for the whole, although she received on my part only £400 per annum, and the other £100 from Rowe. ... my annuity was paid until my father's death, and several letters of my mother and brother show how difficult it was often to extract the amounts from the parsimonious grantor. Mr Richards decided, in my presence, with Martin that the levying the fine "would be considered by a court of equity as a continuance of the same one fraudulent act, and therefore no bar. He suggested the commencing the suit before the lapse of 20 years after my arrival from beyond the seas in an enemy's country, prisoner and without scarcely any communication, would bar (what I believe he called) laches[?]. The written documents, bills, bonds, letters, etc, prove the state of indigence in which I was at the time, and the hold it gave over me to the defrauding parties. I was forced on my coming of age to run off from examination in Trinity College to avoid being arrested for my schooling, diet, lodging and clothing, persecuted by my improvident father to join him to raise money to furnish aliment for his profligate life with a servant maid, his mistress, and her children, whilst my brother, self and mother were pensioners of her five brothers (except Cornelius Grogan). Many a day, a penny cake from the corner of Grafton and King Street furnished my dinner, and counting the trees then

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in the beau walk my dessert. T'was then I learned independence and frugality, which now in opulence I still practise in my 71st year. ...'

26 December 1836

Caesar Colclough, London, to Messrs Reeves, Merrion Square South, Dublin,
about leases granted by his father to Caesar Colclough, his father's cousin and to Richard and Thomas Boyce. He then goes into great deal of detail about his title to Tintern and his other estates, which dates from about 1570 and was not affected by the Act of Settlement. It appears that the Boyces have lived in the same area for a very long time, and that the problem lies in sorting out what they hold by virtue of the lease of 1779 and by virtue of an earlier lease of 1695.

24 June 1837

Caesar Colclough, London to Messrs Reeves, Merrion Square South, Dublin.
'... I am now confirmed in what counsel in England told me, to look sharp to my solicitor (Mr Martin) and first opened my eyes to his proceedings in Baganel Colclough's case, which caused me to look into his accounts, correspondence and conduct conjointly with his brother-in-law, Mr Burrowes, since 1807. I find him the agent and his brother -in-law the adviser in all the parliamentary and law proceedings carried on without my knowledge, and mostly contrary to my positive directions in my letters to them. ...'.

1 November 1837

Caesar Colclough, Paris, to Messrs Reeves, Merrion, Square South, Dublin.
John Rowe, the grand son of the man to whom Sir Vesey Colclough sold this property, is now prepared to admit that the sale was fraudulent. However, the Rowes have so slandered the Colcloughs and in particular have spread the falsehood that Lady Colclough used to subsist of their charity, that Caesar Colclough feels that his character is involved in the case, and is determined to let it run its course.

4 December 1837

Caesar Colclough, Paris, to Messrs Reeves, Merrion Square South, Dublin.
reciting the history of the lawsuits in which he became involved some 20 years ago after his release from France in 1814. He again asserts that, although he was aware of the frauds committed by his uncle, Grogan, and D.R. Rowe, it was Martin who persuaded him that there was sufficient proof to re-establish his rights after such a long lapse of time. Until he saw the papers produced by Martin, he had not realised the full extent of the double capacity in which Grogan and Rowe had acted- trustees and purchasers at the same time-- and in particular that Rowe had paid Grogan a douceur of £500 at time of Rowe's purchase from Sir Vesey Colclough.

25 November 1838

Caesar Colclough, Boulogne to Messrs Reeves, Merrion Square South, Dublin,

about the Rowe case. '... there must be some error in the statement to Mr Reeves, "He was in treaty with Blackney" (if this is said for me), as Cornelius Grogan (as Rowe said) had been promised £500 for his bargain by Blackney, which he, Cornelius, said

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to Rowe in my presence, and Rowe was obliged to give that in addition to the annuity he offered me of £200 per annum to be party in the conveyance, and which (to relieve the distress of my mother) by my consent was divided as appears in pleading. ...'

Lines on the death of Luke Colclough Esq., (youngest son of The Rev. Dudley Colclough) who died April 26th 1833.

Oh! yes the glad'ning hour is nigh,
When Summer shall unfold her flowers,
But not for us we weep -we sigh,
her darkest willow must be ours,
Full long that willow shall we wreath,
Around the grave where Colclough sleeps,
Where feelings fondest murmurs keep,
Where friendship mourns, where genius weeps.
Alas, how sad when now we meet,
Beneath the College roof to share.
This common grief, no more to greet,
our much lamented Colclough there.
With him no more we tread the path,
when learning woos the youthful mind,
And view him with us as bright a wreath,
As taste and genius ever twined.
He is not gone, he could not go,
But lives in memory's deathless bloom,
'Twas not in death's destructive blow,
To give that mem'ry to the tomb,
The flowers may fade, and droop, and die,
Beneath the chilling wintry blast,
But still the perfume lives on high,
so thou, dear Luke are gone to rest.

I.---

Newspaper Advertisement for the sale of Erin Dale.

To be sold. That Beautiful establishment of the undersigned, in the village of Sherbrooke (lower Canada) consisting of a two storey house, two good kitchens in the rear, a large shed, stabling for several horses, cow house, store rooms, etc., with a first rate garden, and a good well of water at the kitchen door. Also the privilege of cutting firewood for the house, all standing on fifteen acres of the best land, well fenced. For further particulars, enquire of the proprietor.

Guy Carleton Colclough. Sherbrooke 4th July 1834.

Extracts from two of my father's letters to myself, Port St. Francis, 4th September, 1836.

My dear Beauchamp

As your grandfather is going to Sherbrooke, I write you a line. You know by my father's letter, what plan I have struck out for you and Carleton. Xxx I send two

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notes, one for Moore and the other for Pennoyer and am sure they will give you all the assistance in their power in looking out for good land. I wish to purchase you a lot of land each, on the river and as close to the new road as possible. You must be the active man(!!!) in the business, as Carleton cannot go up- let your land join if possible. It is now so late in the season, that it would not be profitable to clear the land this fall, and all that can now be done is to slash five acres on each farm complete, and by that means it will be ready to clear early in the spring, fit for potatoes and corn. I will get you a small house put up after a burn takes place. I have spoken to Mr. Webster on the subject. Take care of all the little traps you have-I will do all in my power for you both and am sure you will do well. I must sell the farm, and perhaps your grandfather will do so before he returns, xxx it would not answer you, the expense would be too great, and another thing between ourselves xxxxxx The farm utensils you both can have, I will give a yoke and oxen, provision, and a cow, to go on in the spring. As soon as you return from Victoria I want you down for two or three days, as we can do more by talking than writing. Have you got that five dollars from Adams? Don't let him humbug you, I have been very unwell, but feel much better. Don't neglect coming down, as I have a great many subjects to talk to you on.

Ever your affectionate father,
Guy Carleton Colclough.

Be sure to take Hardwood land, but not a Beech ridge, as it will be sandy and stoney.
Mr. Beauchamp H. Colclough, Sherbrooke.

Port St. Francis 22nd October 1836.

My dear Beauchamp,

I hope you have returned from Victoria, and that you have made a good choice of land. I expect I have sold the farm, xxxx don't decide upon anything yourself till I see you. Little Henry is at the College, we have not heard about Crawford for some time. I thought some of us had let you know about my setting up for Drummondville, it is against my wish, however, the people will have me. It takes place on the 8th of next month, and if I cannot be there, my father will- so you can come down and see it if you wish. We are all well here. God bless you, and believe me ever.

Your affectionate father,

Guy Carleton Colclough.

Beauchamp Colclough, Sherbrooke

Administratory Newspaper Notice, Nicolette, 14th February 1838.

All persons having claims against the Estates of the late Guy Carleton Colclough Esquire, in his lifetime of the Port Saint Francis, are requested to send in their accounts, duly attested, and all those indebted to the said Estate, to pay immediately to the undersigned.

L.M.Cresse', Notary.

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**Copied from Appellants Case in House of Lords.
Letter from Caesar Colclough of Tintern to Messrs, Reeves,
Boulevard des Capucines, no. 11 Paris, 1st November, 1837.**

Dear Sir,

I received a few days ago from Mr. Goff a letter relating to the suit now pending between Mr. Rowe and me, of that part, I send you the following Copy, "Since I last saw you, I have had frequent letters from John Rowe on the subject of the suit now pending between you and him, and he has authorised me to communicate to you, that he is ready to admit that the sale of property, made to his grandfather, was fraudulent, and therefore impeachable, by you. In fact he will admit anything you please so far as he is personally concerned, but cannot answer for Lady King. John Rowe therefore throws himself on your mercy. I certainly think he is apprehensive he has a bad cause and therefore ought to submit to you as you promised to make him a good title on his doing what he states he is now ready to accede to. I will communicate your address to Messrs Reeves etc., As John Rowe comes too late to offer terms, and even falsifies any proposal, and the only proposal I made previous to filing my bill, and as he swears in answer that my mother was dead, and that she had subsisted by the charitable donations of his grandfather and self, and that the deeds of annuity to her and myself, were frauds on my part, my character is too far at stake to forego on any terms a public hearing. You will please let me know your ideas on these matters and call on Mr. Goff if necessary, for copies of his correspondence with Mr. Rowe on the alleged promise of a title which I never made, or could make, after the vexation and cost he has put me to. Direct as above, and believe me yours sincerely,

Caesar Colclough.

R. Reeves and Sons 22 Merrion Square, Dublin.

**Copied from the same, page 375.
Letter from Caesar Colclough, to the Messrs Reeves Dublin.
Paris. B. des C. no.11. 4th December, 1837.**

Plaintiff has no intention of contesting the validity of these sales (for want of proof) any more than those to Robert Shapland Carew, Anthony, Thomas, Adam Colclough etc., from his total ignorance of his affairs during his 24 years, 16 of which he was a prisoner in France. His title accrued in July 1794, on his father's death, when Plaintiff was in the Cachots of Robespierre, and did not return until the downfall of Bonaparte in 1814. His recollections were renewed from the studying two appeals before the House of Lords, against two suits which had been carried on by Mr. Martin and an adverse decree pronounced by Chancellor Maunees. Plaintiff is full aware that every kind of fraud was committed, yet despaired of evidence to litigate, until his return from Italy a few years after the gaining his appeal causes Mr. Martin told plaintiff that he had made successively during two years diligent searches in the office, and discovered documentary evidence sufficient to ensure success in the case of Duffry Hall, and invalidate the sale to Rowe, although plaintiff was convinced of the unfair advantage taken of his distress by his father, and uncles Cornelius Grogan, and E.R. Rowe. Plaintiff despaired of finding proofs after 40 years, and had not much confidence as he already lost two causes conducted by Mr.

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Martin. Plaintiff resisted Mr. Martin's suggestions for a considerable time until his esteemed Counsel (Baron Richards) decided him to file the Bills. Plaintiff can swear ignorance of Grogan and Rowe's acting at that time culpably in the double capacities of Trustees and Purchasers, also of the numerous documents since discovered in plaintiff's papers, and elsewhere also as to the original value above the purchase of which Rowe gave in annuities to himself, plaintiff and his mother, and £500 Douceur to Grogan, and a sum unknown to plaintiff's father. J. Rowe is now (as plaintiff thinks) representative of his grandfather, he having administered to his Grandmother, who had done so to his grandfather. Mr. Martin's neglect must be repaired, he had the affidavits, and I need not say correct the copies. The annuities to plaintiff and his mother were not registered, nor were there counterparts of them, as plaintiff believes. The superficial contents of the Duffry Estate is set forth in the printed rent rolls or may be known from Mr. Agmondisham Colclough, Newtownbarry. John Rowe has, or ought to have the original deeds which his grandfather most carefully kept in the iron press of the parlour, on the right hand of the Hall door at Bridewell. On the demise of his grandfather there were there, as will appear from the inventory taken in plaintiff's presence by Mr. Kidd. Lady King can be called on to state her father's case and preservation of deeds and papers. Plaintiff's birth on the 8th of May 1766, was proved on his father's demise, also the marriage of his parents in Scotland, in the ejectment case, Colclough v Richards, Gurley, and others, to enable his brother under power of Attorney, to carry on several suits against Leases, contrary to powers, made by plaintiff's father. Plaintiff, was on the above date born at Miller Clifford's house, nearly opposite the Church in Wexford, and christened shortly afterwards by the Rev Mr. Huson. Plaintiff attained majority in May 1787 when these sales were going on, and by Baron Grosse's friendly advice, plaintiff wrote to the parties of his disapprobation, this delayed the execution until plaintiff was persecuted into terms by writs being marked against him for schooling, diet, lodgings, clothing, etc during his minority, and forced to hide in the country. Plaintiff's brother (still a minor) made terms with the creditors, as will appear from bills, letters and accounts in plaintiff's possession. Plaintiff was entrapped to suffer the recovery of Ballycross, of which he was ignorant until finished. Judge Kelly doubted plaintiff's age, and forced Rowe in Court to swear to it. Rowe agreed to give £200 per annum to plaintiff, which plaintiff consented to divide with his mother, and second deed was drawn to compensate plaintiff, made for her life. The annuity granted by plaintiff's father, to his cousin Caesar, as plaintiff understood, but only from hearsay, was compromised by the parties previous to the sale, and Rowe agreed to give a new lease for lives to Adam, Caesar's father, and to put his own, said Caesar's and his next brother Dudley's, in lieu of those extinct in the old one, thus by a fraudulent agreement, they thought to get rid of plaintiff's further claims. The documents of plaintiff's distress and persecution in 1787,88,89, are forthcoming and numerous. Plaintiff has no recollection of a "letter put in issue by Defendants" except it was to press Rowe to close, as John Blakeney had offered Cornelius Grogan £500 for his bargain, which Rowe refused, having offered the annuity to plaintiff, Grogan extracted, however from his brother in law a further proof of the undervalue of the lands. Plaintiff's brother's and mother's letters prove the payments by Rowe to him and her, and the receiver's accounts prove those during the minority of defendant.

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Dear Sir.

I think Mr. Brook's opinion is very fairly stated, and with precautionary foresight. I do think the lapse of time a heavy weight in the opposite scale- but we must go on however. Let me know the amount of the purchase of the Duffry, from which I would deduct the costs to which I have been put, and pay the difference to avoid a suit, and also would give a lease of lives renewable for ever of the Ballycross Estate @ 1/- per acre, and £1 renewal fine for each life. These I would not write but to you, as I know the defendant is unprincipled, and would swear and break faith, when his interest was even at war with his character. You will of course take such steps towards a compromise, as your candid advice ancillary to it, may suggest. You can let me know if I should commit myself by writing to Rowe, or rather to Jacob Goff. I surmise, other parties (as in Cuthbert's case) might plant the seeds of litigation in case of a compromise with one side or other, and involve us in future interminable litigation. Make up my dear sirs for Martin's neglect or ignorance, by the most efficient preparations for war, as the best guarantee of advantageous negotiation for peace or future victory.

4th December.

I received yours of 29th November with the Ballycross case and opinion. I find it accords with my own idea, as to the folly of such an undertaking, this since Martin looked into, he even expressed doubt of, and ought to have been more decided. I confide in you to take the most prudent steps, and think my proposition, above, comes more opportunely from the reading of Mr. Brook's lucid opinion on Ballycross. However, John Rowe did defend the suit, and refused twice a compromise. I think it but just he should sacrifice the costs he put me to. I shall have a pleasure in hearing how you proceed in peace and war. And am my dear sirs, Yours Sincerely, Caesar Colclough
The Messrs Reeves, Dublin.

Copied from the same, page 388.

Letter from Caesar of Tintern to the Messrs. Reeves.

London, 14th June 1839.

Dear Sirs.

I received yours of the 4th and 9th and must repeat my former surmises that there is a further attempt to practise fraud on me, which four times failed as against my brother. The similarity of the transaction which took in the return for the Borough of Enniscorthy that might at this distance of time lend aid to the fraud, were on record 4 times to my knowledge defeated as against my brother when all parties were before the Court. Why were not these receipts, (if valid then) brought forward in the Bills filed 1st by Bayton against my brother in the case of Straboe, then by Mary Whaley, then by Cornwall and if my memory fails not, by others? These pleadings I left with you, if not get new copies of them and recollect to find out in the papers I left you, some documents of I believe the date of these bills on the execution of the mortgage of Straboe to acquit an old account before the beginning of an other. The word Mortgage in the receipt (if it be a true one) does not say of Straboe, or of any place, and was to screen the illicit agreement of the sale of the

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Borough to Lord Lismore, in which the £2,000 was withheld by the latter, as you will find I was only credited £13,000 by my brother instead of £15,000. The deed set up by Whaley to defeat this mortgage and declared in Cornwall's bill was fraudulent and not on record, and so the Master refused to recognise it, and the Chancellor dismissed the Bill, and my brother as you will find was decreed all his demands interest and costs. How I repeat could the Chancellor's Registrar hold in his possession, or be ignorant of the present receipts in April 1807, and allow his employer to decree the payment of a debt that he himself knew to have been acquitted! As to the story of my brother being a Trustee (after he was dead) you have found out the pretended report and may judge of the rest.

Yours sincerely, Caesar Colclough.

Extracts from original letter of Major Beauchamp Colclough to BHC (the present writer)

Chippawa, Canada West, July 12th 1839. (Battle of Aughrim)

My dear Beauchamp,

Your letter of the 29th June was handed to me at Fort Erie on Wednesday last, where I was at that time, being one of the judges of the Races there. You may picture to yourself what real happiness the contents afforded me, to think I had one of my own name- my God son, and my Grandson in the same part of the world as myself. We all wonder much that you did not know from some of the people (when passing this) where John Ussher and myself are living. I would have given worlds to have seen you, as I may say in truth, you are my own, and in any way in this world that I can be of any use to you, I promise you that I will. So look on me as your own father, I shall say no more to you on this subject as I pretty well explained to you my feelings, and my attachment for you. I have written two letters to Bessie (my mother) this last fortnight, which I wonder much she has not received. Xxxxx I write you to desire you to come off to me, should you wish, as I would have you settled for life. Xxxxxx My God, B. what I would give to have you with me. I did not receive a line from your uncle Beauchamp since last January. xxxxxx I thought to have gone home (to Ireland) this Spring, but the judgment debt I owe at home, I might be attacked for, that is my Bond debts, the limitation of the rest is over-can I get home, I will leave what I receive in this Country with your mother. Xxxx She will have what will make her comfortable. Answer this letter and let me know what you are about, as you are my first object now. I am so glad what you say about Crawford, and I trust in God, he will be a comfort to his mother. We have now opened a correspondence, which I trust will be kept, as between a father and a son, and God Almighty may bless and protect you. I know your love for your own family, and poor Bessie - remember me in the most affectionate manner to them all, and remain my dearest Beauchamp your ever affectionate and attached grandfather.

Beauchamp Colclough.

I suppose poor Henry will be off before this letter reaches you. John Ussher who I think you remember at Douvilliux, sends his affectionate love to you and Bessie. I have this nervous affection in my cheek and eye (Tic Doloieux) at times dreadfully. My dearest Beauchamp write to me soon. Give my affectionate love to Henrietta and the Doctor. Say what line of business you would like to be in, that I may commence

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(looking out) Had I you here last winter you would be now in some of those Regiments.

Beauchamp Colclough Esq. Quebec.

Copied from Appellants case in House of Lords.

Letter from Caesar of Tintern to John Kennedy, 15th June 1840.

Strictly Confidential, P.S.

Finding I had time to spare 'ere this can be put into the office, and finding I had subject matter to continue, I have made an extract of Mr. Goff's half yearly accounts, so far as regards the expenditures of improvements he says cost him so much, and also the credits on his part for the dilapidation of my woods, as if money, money, money was wanting for my gratification. But nothing can compensate for destroying my mother's Serpentine Walk. I was but 6 years old when the 12 trees now alluded to, were by her planted, my brother 10 months younger (now 69 years ago) and the last we knew of parental care, my father abandoned us all, went off in his Yacht, took up with a Welsh girl, Betty Watson, in Haverford West, and abandoned himself to dissolute habits, leaving my mother, self, and brother dependent on my grandfather Grogan for existence, yet, the trees my mother planted were the only produce of his vast estates he respected.

My brother, to the day of his death added to and cherished them, Burrows and McCord embezzled 36 thousand pounds of my revenues (from the 9th of June 1803 to the 26th of July 1841) and sent me £500 British- they still respected my trees. It remained to J Goff Esquire J. P. District Governor to make my 75th year the saddest of all my adventurous career, but as you say-what is done cannot be undone. In haste yours etc.,

Copied from brief in Boyse v Colclough, 1857 page 248.

Letter from Agmondisham Vesey Colclough to Mary Grey W. Colclough.

Merton, September 26th 1840.

My Beloved Mary,

I make an effort to write you a few lines, perhaps the last I shall ever write to any person. You are aware that it is the will of the Lord to visit me with the same disease which carried to their rest our beloved brothers and sisters, and that it is likely I shall very shortly join them. I am thankful to be able to testify, that His dealings with me in this trying season are full of love and mercy, and that I am enabled to look to the crossing into the land of rest without dismay, through the perfect righteousness and complete atonement of my blessed Saviour, which I am in a measure enabled to appropriate through faith. May you, my darling Mary, and my beloved aunt, seek Him diligently by prayer, for the teaching of the spirit, and reading of the word that we may all meet together with those beloved ones who have preceded us, to sing the praises of His redeeming love in those green pastures where there will be no more parting, nor no more sorrow? Oh! my beloved Mary what would the world and all it contains be to me now? He is more precious to me than ten thousand worlds. I leave it as a dying request, my beloved Mary and Aunt, that you study His word with earnest prayer for the teaching of the Spirit upon it, and I pledge myself that He will shortly, be revealed to you as your beloved Saviour, in which service (which is that of peace) you will delight to run. Oh! Mary, my love,

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could fortune, could friend enable me now to contemplate for one moment with peace the prospect of separating from such a beloved partner and two such sweet babes as I shall, humanly speaking, close my eyes upon! No, it is alone the supporting arm and comforting spirit of Him, who restored the widow her son, and wept with Mary and Martha. Oh! Mary darling, never cease until you have Him as your reconciled friend, and then, come what will, you will be enabled to say, as blessed be His Holy Name, I am in a measure, it is well. It is in consequence, under the Lords blessing of having had a little comfortable sleep last night, I find myself equal to write this morning! I am sitting up in my bed in an easy position. I had almost despaired of ever being able to write, and thank God for this opportunity. The stamp on the lease, after all, was all right, as we sent to Dublin to ascertain, and the other part of the lease is prepared, and I have signed it. It is exactly the same as the one already. I send them both over, and all you have to do is to sign as you did on the former- You may retain which ever you please. From this forward, your rent will be the full rent. Remember my beloved Mary, should the Lord please to call my dear Aunt before you, my darling Matilda's house you must consider as your home. In her you will always, for my sake if nothing else, find a sincere and affectionate friend. I am nearly exhausted, and will now my ever beloved Mary and Aunt say farewell, and may the Lord Jesus be your abiding and satisfying portion here and hereafter is the earnest prayer of your attached cousin,

A.V. Colclough.

Copied from the same, page 140.

Letter from Sarsfield Colclough to Caesar of Tintern.

October, 1841.

Sir,

I shall take the trouble to write, and hope you will take the trouble to read this one letter, and as you allude to my visit to Tintern, I shall also barely do so too, and bring both to Mrs. Colclough's and your recollections, verbatim, what happened at it. viz-Went I went there I told you thus-"Caesar do not think when I come to see you, I come to ask any favour or compliment from you. I feel as independent of you as you are of me. I come to see you as my oldest friend, relation, and acquaintance, and want nothing from you. Your reply was, "Yes, Sarsfield, you are I believe independent, both as to property and principle" "Yet as to principle as much as any man, and as to property, I contrive to live respectable on it, and flatter myself am much respected by my acquaintances." "Then you will stay and dine, and you can have a bed." "I came to do so," and stayed xxxx I am thus minutely particular, to shew my own, and to refresh your recollection of the circumstances till your departure. Now to refresh hers, she commenced by stating that her first dislike to Dudley was his abuse of me to her-that she thought a person abusing his brother, a dangerous person, and that there were many letters written which she attributed to him. That he passes himself as your heir (a warning to me were I so inclined and even could do so, but then there was him and three sons alive) and many other charges. That as to me, she always looked on me as a perfect gentleman, and many other civil things, which she is very capable of, and ended by saying, when I went to that Country again she would be glad to see me. xxxxx I also again and again deny the authenticity or correctness of all the other charges that you have been told, and

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heard a variety of things of me and my family disadvantageous to us I make no doubt of, but we defy every inquiry and investigation - nay more- demand one. You have had heretofore some proofs of my honor. You at the most critical period of my life, the time of Mr. C. (Patrick Colclough, the writer's father in law) making his will wanted access to him. Did I prevent, or promote it?- though I knew your object would militate against me. I always obtained it for you. Applied to me to write a letter to him in favour of his son (Dudley Hartpole C.). I immediately did so, and gave it to you to put in the post. At your election, I was your confidential friend - I went with you to Lord Stopford- I was on all your confidential committees, and at the time, you expressed yourself more obliged to me than to any other person, which I felt ample repayment for, even venturing my life, which I did on more occasions than one. Can you then suppose me, the low, mean, despicable, dishonest part your note terms me? No, though both you and Mrs.Colclough stated me to my friend, sent to you to be your heir at law, never before so stated by me. Which I before then never did, or could, till a short time ago -though it may be as stated it would be profitless- yet it shall never be disgraced or tarnished, by what I before stated myself to be "Independent"

Sarsfield Colclough.

Caesar Colclough Esq., Botiler House, Cheltenham.

**Copied from the same, page 249.
Botiler House, August 23rd, 1842.**

Sir,

My sister has requested me to inform you of the death of Mr. Colclough which took place this morning, I am sincerely, A Kirwan.
H.K Grogan Morgan Esq., Johnstown Castle, County Wexford.