

Chapter 14. More family documents 1842-1855 pp301-329

Extracts from original letter of Major Beauchamp Colclough to the present writer, Toronto July 6th 1842.

Dear Beauchamp, Your letter of the 26th June only came to me this morning, and as you don't mention the post town, I enclose this letter to John Ussher to forward it to you with an enclosure of twenty Dollars. I would send you more only I was robbed of two hundred and fifty Dollars last Wednesday three weeks ago by a servant I have had since last August xxxxxx It was dire necessity that obliged you to write to me I am convinced- your letter was sent to Chippawa, and sent after me here- as you say nothing of your health, I presume you are well, and remain your affectionate grandfather, Beauchamp Colclough, Beauchamp H. Colclough Esq., Fenelon Falls.

Note: My poor grandfather liked me to write to him very often-oftener than it was possible, living as I then was in the Backwoods, perhaps 100 miles from a Post Office.

Copied from brief in Colclough (P.S.C.) v Colclough (J.F.R. and wife) Wexford 1865.

Case tried in 1865. Extracts from Bill filed in Chancery, December 12th 1842, by Sarsfield Colclough against Mrs Caesar Colclough (afterwards Mrs Boyse) of Tintern Abbey.

“That the ancestors of your suppliant were natives of and residents of the County Wexford, and seized of very extensive estates therein, consisting of the Manor and Lordships of Tintern Abbey, and several Townslands belonging thereto, as also the Manor of Duffry Hall and its various sub denominations, and that from the reign of King Henry the second down to the time of the decease of Caesar Colclough hereinafter more particularly mentioned, the same has been held and enjoyed in uninterrupted lineal descent in the name family and blood of your suppliant. Your suppliant further sheweth unto your Lordship, that in and previous to the year 1770, Caesar Colclough, the grandfather of your suppliant, was seized in fee of said estates, and died in the year 1774, leaving issue Agmondisham, his eldest son, and Adam, Thomas, and Richard Colclough, his younger sons, him surviving. Your suppliant further sheweth unto your Lordship, that the said Agmondisham Colclough had issue only (one) son-Vesey Colclough, and the said Vesey Colclough had issue two sons, Caesar Colclough, the alleged testator, hereinafter more particularly mentioned, who died without issue on the 23rd day of August last, and John Colclough who died in the year 1807 (*shot in duel by W.C. Alcock*) also without issue. Your suppliant further sheweth, that said Adam Colclough, the second son of the first mentioned Caesar Colclough had issue five sons- namely Caesar, Agmondisham, Dudley, John, and your suppliant, all of whom survived their said father, Adam Colclough. Your suppliant further sheweth that the said last named Caesar, Agmondisham, and John Colclough, all died without issue male, and that your suppliant's said brother, Dudley Colclough, had issue three sons, viz, Caesar Colclough, Dudley Colclough, and Agmondisham Vesey Colclough, of all of whom died without ever having had any issue, and the said Dudley himself departed this life on or about the 12th day of August 1830, leaving your suppliant his heir at law, and your suppliant sheweth that he is also the heir at law of the said Caesar Colclough, the alleged testator herein before more particularly referred to”.

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Note: This is full of errors The Estates were acquired in the reign of Elizabeth. Caesar (the elder) died in 1766, his eldest son (who arrived at the age of manhood) was Vesey, the father of Sir Vesey, Agmondisham was the second son, and Adam third son- Agmondisham died unmarried, suppliant's brother Dudley had as stated three sons, viz. Caesar Dudley, Agmondisham Vesey, and Luke Gavin- the 1st and 3rd died unmarried, Agmondisham left a daughter (Matilda) who is still living (1875). It seems strange that knowing this, Sarsfield should still consider himself Dudley's heir at law, and also knowing that Caesar, his eldest brother had a daughter living, he should also consider himself heir at law to Caesar the alleged testator, but it is still more strange that Caesar the Chief Justice should in his 2nd Will which sic- style his brother Dudley, his heir at law though his own two daughters were then alive, but the fact is, one thought the heir male must succeed, and the other thought he should.

Copied from the foregoing Brief, page 41

Memorandum by Mrs Susan Colclough, (widow of Chief Justice Caesar)

Sunday 19th March 1843.

"Mr. Colclough (Sarsfield) came and for the first time told us he had filed a bill against Mrs Caesar Colclough, but he was asked by Sir Thomas Esmonde in Wexford, if he had a niece-he answered yes. On Saturday, March 18th Mrs Kirwan, who said to him, if you go on with your law suit, what will you do with your niece? Mr Colclough said, that in consequence of those observations he would relinquish his claim, and he had not yet replied to said bill, which reply he would stop, as it would cost him £40 or more. Wanted Mary to join him in the suit-Mary declined said she would do nothing at present,"

Memorandum taken down on March 19th 1843 by Mary Grey Wentworth Colclough.

"Sunday (this day) my uncle came and said that Mr.Kirwan, brother to Mrs.Colclough said "have not you two nieces? What do you mean to do with them? We saw that I am heiress at law, and he wishes me to join him in a law suit."

Extracts from Disentailing Deed, made 2nd January 1843.

Beauchamp Colclough of Sion in the Co of Carlow Esq of the one part, and Charles Hamilton of Lower Mount Street in the City of Dublin, Esq., of the other part.

Recites interest of said Beauchamp Colclough in the property devised by Will of Miss Sarah Mc Carty and also interest in the town and lands of Bennekerry, now called Mount Sion, with the appurtenances in the Barony and County of Carlow, Recites that doubts exist as to the nature and extent of the interest of said Beauchamp Colclough in said lands, and that for the purpose of putting an end to such doubt, and barring any estate tail, and destroying all remainders and reversions, and in considerations of the sum of 10/- sterling paid by said Charles Hamilton to said Beauchamp Colclough said Beauchamp Colclough confirmed etc., unto said Charles Hamilton, his heirs and assigns, all that and those, the aforesaid lands and premises etc., to the use and behoof of him the said Beauchamp Colclough, his heirs and assigns for ever, freed from all Estates tail, and all remainders, reversion, etc., whatsoever.

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Beauchamp Colclough

No. 1321. Enrolled in the Office of the Rolls of H.M. High Court of Chancery in Ireland
27th January 1843.

Extracts from original letter, Beauchamp U. Colclough to Beauchamp Colclough
Elm Grove, 28 May 1843.

My dearest Father,

I wrote you a long letter on the 9th of last month. xxxxx Such a prospect of plenty never was in this Country, and I fear we wont have peace to enjoy it. Before the breaking out of the last rebellion, Ireland could not have been more excited than it is at present on this confounded repeal- O'Connell is the destruction of the unfortunate Country. The meetings he has is frightful, and the sums of money collected is enormous, the collection of the last week alone was £2202, and what this is for God only knows except to buy arms for these villains. The Government permitted them to go too far, and now, like the Emancipation, they will find it very difficult to stop. The only step as yet taken is to deprive a few Magistrates of the commission of the peace for being present at the meeting, but that has done more to forward the thing than anything else, as O'Connell tells the people that both Peel and Wellington are afraid to take measures to put him down, and that it was only spite made them deprive a few Magistrates with himself of the paltry Commissions they held, but all this you see by the papers xxxxx. I cannot as yet say what will become of me as to this place, one of my numerous landlords returned from America last week, and when they all meet, there being six of them, something will be done. Xxxxxx I forgot to mention to you I thought my son Beauchamp's education not sufficiently forward to send adrift on the world, so have him still at school, and what to put him to I know not. Xxxxxx Unfortunate John was obliged to go to sea again-he left Liverpool about a fortnight back in a ship bound to Montreal- had I room for him and able to keep him, I would, but my family is too large. He is the most improved man in the world in his habits- while he was with me I could not get him to take a second tumbler of punch. Believe me my dearest father your sincerely attached and affectionate,

Beauchamp U Colclough.

Major Colclough, Chippawa, Upper Canada.

From the same to the same. Elm Grove 1st June 1844.

My dearest Father.

Xxxxxxxxxxxxxxxxxx I forward yesterday's (Carlow Paper) by the post that takes this, in hope it will go by the Packet of the fourth- it will shew you how O'Connell and Co. have been treated, the best thing that ever happened this Country, for it will shew his dupes that the laws and the Government are stronger than he is. The Judges have at last passed sentence-he has got 12 months imprisonment, and fined £2000- the others 9 months and small fines and securities to keep the peace for 7 years- it is wonderful how quiet the people are now.xxxx My next, which will be please God by the Packet for July, will be a longer letter, and I will make Jane write you all the news. John James of Ballychrysal is dead, indeed almost all your old acquaintances in this Country are gone- I hope to a better world.

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I am joined by all here in affectionate love to you, and believe me my dearest father,
your sincerely attached,

Beauchamp U. Colclough.

Major Colclough, Chippawa, Upper Canada.

Extracts original letter of Bombardier Guy Carleton Colclough 4th Troop Bombay Horse Artillery to the present writer. Deesa, June 5th 1844.

My dear Beauchamp.

Your kind letter of the 19th November reached me in due course. You can imagine what pleasure it gave me to hear that you were well, but on the other hand it grieves me to hear of your misfortunes-God help us, what will become of us yet- the only pleasure I have in this infernal Country is to receive a letter from you. Xxxxxx
As you mention in your letter, only for that word hope, I would try some other plan, but believe me Beauchamp, there is not much occasion for trying a Gooly, as the natives call a ball in this Country for we are carried off quick enough. Would to God my dear brother I had no further news to communicate, but alas the pestilential climate of India has done its work, and our dear brother Crawford is its victim. I know not how to enter my dear Beauchamp, upon the details of his sickness, months have now elapsed since the melancholy event occurred, and still I feel unequal to the task, there is a degree of self reproach mixed up with my grief- still all was done for the best. When I left Poona and my brother for the Troop to which I at present belong, I was suffering from the effects of a long and painful attack of Dysentery. I imagined that change of air would benefit my health, it has done so, and thank God since I have been in Deesa I have enjoyed as good health as can be expected in this Country, but a pang will shoot through me when I think (But now Beauchamp how unavailing the regret) that had I been by my brother's bed side, if I could not have saved, I could have soothed his agony, a brother's voice would have cheered him under his affliction, and a brother's ear would have heard and obeyed his last request. He was attended Beauchamp by strangers, but they were comrades of a good order- they had not a brother's feelings, but like the good Samaritan they poured oil upon the wounds of the afflicted, and I firmly believe that our brother was aided and attended upon during his sickness, well and truly. xxxxxxxx You wish to know if we were in any battles-we were too late for them- there is great talk though of an army going to a place called the Punjab, a long way from this part of the Country. If we go, there will be some hot work you may depend. I have been promoted to the rank and pay of a Bombardier- there is one thing Beauchamp, if I rise to the rank of Sergeant which I have a great chance of doing, and serve my last 8 years as such, I will go home with 2 Shillings a day, but 17 years more is a long time- write as soon as possible, and let me know if your prospects have improved. Your sincere and affectionate brother,
Guy Carleton Colclough.
To Beauchamp Colclough Sr. Fenelon Falls, Canada West.

From Major Beauchamp Colclough to Beauchamp H. Colclough, Fenelon Falls, Peterboro, Canada West, Chippawa July 6th 1844.

My dearest Beauchamp.

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Your Letter was handed to me on Thursday last at Slaters by Mr. Dennestown, as fine a young a fellow as I could wish to see. Your Uncle, James Ussher was with us when he came up stairs, and knew him very well- he often saw him at Peterboro at John Ussher's and you may be assured I did everything in my power, from your letter, to pay him all attention. Xxxxxx For some time back my distress has been great, not being able to command a pound in consequence of the situation Ireland has been in these last two years, and my Dublin property not worth anything-the houses almost all fell and the tenants ran away, and Mr. Maxwell only pays me four and a half interest money instead of six,xxxxxxx But your Uncle Beauchamp says, can I get over this distressed year, and the country at the eve of a rebellion in consequence of this villain O Connell, who is in the Penitentiary for his villainy about Repeal. Ireland will never be the same for fifty years. In short, it is impossible to know how it will end. Wishing you my dear fellow, every happiness that your present situation can afford. Jane joins me in very affectionate love to you, and I hope on your return I will be in some way to assist you, and remain your ever affectionate grandfather, Beauchamp Colclough.

From Bombardier Guy Carleton Colclough, 4th troop, Horse Artillery, to Beauchamp Colclough Sr, (the present writer) Fenelon Falls, Upper Canada.

My dear Beauchamp. Camp Deesa 13th August, 1845.

xxxxxx I dare say you have heard long before this of poor Henry's death, what a melancholy affair. I little thought when I last wrote to you of poor Crawford's death, that such a short time would elapse between his death and poor Henry's, that is two of our family that has left this world without one relation near them, poor fellows. The account I got of his death troubles me greatly-you also must have been greatly shocked-he was a good hearted boy, and to think that he should have lost his life in such a melancholy way. We are an unfortunate family altogether. Xxxxx I took great delight in the description you gave of your hunting excursion-it put me in mind of old times. Xxxxx Poor Henrietta, I am glad to hear she is well- give her and the Doctor my kindest love, hoping to hear from you soon, I remain your affectionate brother,

Guy Carleton Colclough.

From Major Beauchamp Colclough to Beauchamp H.Colclough, Fenelon Falls, Canada West, Darlington, August 21st 1846.

My dear Beauchamp,

I arrived at this beautiful place about this day week, and when I came, I was fully determined to have let you know, but on my arrival there was no bed for me, and poor David Mitchell most kindly gave his bed up to me and slept on the floor, on blankets-otherwise I should have gone to the Hotel- so had you come, it must have been most unpleasant both for you and myself, but when I come again I will have a bed for you. Xxxx I have been at Thomson's in Toronto since 6th July, and return there again tomorrow. I met an old friend of mine here yesterday- you remember Templeton, who lived formerly in the Townships, he now lives at the Credit, but does not like that part of Canada. Sam Ussher, with the boys and Mitchell send their love to you, and remain my dear Beauchamp, your affectionate grandfather

Beauchamp Colclough.

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From McCarty Colclough to Beauchamp H. Colclough, Chippawa, Canada West.

Clonmel, January 30th 1848

My dear Beauchamp

I now sit down to answer your letter of the 10th December last, announcing the melancholy account of my beloved uncle, (Major Beauchamp Colclough's) death. Xxxx I was quite unprepared for it. Xxxx The Packet that brought me your letter, also brought me one written by himself. Xxx What a blessing it was that you were with him to sooth his last moments and close his eyes. Xxxx I loved him equal to my father, and I know he loved me as a son. Your Uncle John is the only surviving child of your grandfather-he is residing in Liverpool. Xxx should you be the person selected to come over to manage the matters, I am sure I need not say what sincere pleasure it will give Mrs.Colclough and self, that you will make my house your own home during your sojourn in this Country, xxxx but every thing that I can do to assist you all will afford me sincere pleasure. Xxxx I believe you are the only surviving son of my poor cousin Guy (my brother Carleton was living at this time), xxx your late uncle Beauchamp's family are living and well. His two children by his first marriage, I have at school. This Country is in a dreadful state xxxx
I remain my dear Beauchamp your most affectionate cousin,

Mc Carty Colclough.

**From John Colclough, to Beauchamp H. Colclough, Chippawa.
42 Charlemont Street, Dublin, 9th May 1848.**

My dear Beauchamp,

Xxxxxx I perfectly recollect you, and if I were to meet you among one hundred persons I would know, it was at Doivillier I saw you last. It would be hard for you to know where I went to, as I did not know myself for some time-however, I came to Ireland and from that proceeded to Van Diemen's Land, where I remained for 11 months, but when I see you I will give you an accurate account of my adventures. The first intimation I got of my father's death was from a stranger, xxxx when I called to see your mother (at Quebec in 1838) it was my intention to go up to my father, only I had not sufficient means. Xxxx Please let me know where your sisters are, or whether any of them are married, as they are the only part of the family, I want to look to. I don't think it necessary that you should wait for a power of attorney from Carleton, as you are the head of my brother's family, you can transact business for them yourself. Xxxx Come home as soon as you can by way of Quebec, as it will be much cheaper that way than any other. Xxxxx When we do meet we will never part again, for what I will have, you'll have the same, or one of your father's children shall never want while I am in possession of it. xxx

I remain my dear Beauchamp your affectionate, Uncle John Colclough.

P.S. My wife desires her best respect to you, xxx not having any children of her own, she will adopt you as her son, and when we meet you'll find an old fellow without a grey hair in his head for your uncle, and never had a head ache in his life, farewell J. Colclough.

Note: His wife (widow) kept me (Beauchamp) in litigation for twenty years and did me all the harm in her power.

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**Extracted from Book C. (Appellants case in the House of Lords, Appendix p.p.1)
Bill in Chancery filed 7th January, amended 11th September and further amended
17th November 1849).**

To the Right Honourable Mazier Brady, High Chancellor of Ireland.

Humbly complaining, shew unto your Lordship, your suppliants John Thomas Rossborough, Gentleman and Mary Grey Wentworth Rossborough, otherwise Colclough his wife, both of Portland Row, Summer Hill, Dublin. That etc., Recites family pedigree, deeds of settlement etc., and Wills of Caesar Colclough of Tintern (the alleged testator) acts of his wife, and widow, afterwards Mrs Boyse. The rights of Petitioner Mary Grey Wentworth Rossborough as heiress at law, and prays that the said alleged Will of the 6th of August, 1842 (which see) may be set aside and declared null and void, and be delivered up to be cancelled as have been obtained from said Caesar Colclough the alleged testator by undue influence and misrepresentation, as having been executed by him when not capable of exercising his judgement in such matters, and therefore as not being his genuine last Will and testament, or if the Court shall think fit that an issue may be directed to the County of Wexford to try whether the freehold estates of the said Caesar Colclough, the alleged testator, were by said alleged Will devised or not, and if it shall be found that the said estates descended on your suppliant Mary Grey Wentworth Rossborough, as his heir heiress at law, then that the said defendants may be ordered to hand over and deliver up to your suppliants all the deeds, documents, title deeds and papers in their or either of their hands relating to same, and to come to an account with your suppliants for all the rents and profits of said lands received by them or either of them, or for their or either of their use since the death of the said Caesar Colclough, the alleged testator, and to pay over to your suppliants what shall be found due on taking such accounts, or that your suppliants to be at liberty to proceed at law by ejectment for recovery of the said lands and premises of which the said Caesar Colclough was so seized at the time of his decease, and that the said defendants may be restrained from relying on the said outstanding tenancies, or any outstanding terms of years, or temporary bars, as a defence against your suppliants said proceedings, and that your suppliants may have such further and other relief. May it therefore please your Lordship to grant unto your suppliants her Majesty's most gracious Writ of Supoena to be directed to the said defendants, Thomas Boyse and Jane Stratford Boyse his wife, and the rest of the defendants when discovered, thereby commanding them at a certain day and under a certain pain therein to be inserted, personally to be and appear before your Lordship in this honourable Court, and there to answer the premises, and to stand to and abide such further order and decree therein as to your Lordship shall seem agreeable to equity and good conscience.

And your petitioners will ever pray.

Jacob Powell

R. Chambers Walker.

Baptist Kernaghan, Solicitors for Plaintiffs.

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Extracted from the same, page 24.

The defendants answer, filed 24th January 1850.

“These defendants now, and at all time hereafter, saving and reserving to themselves all and all manner of benefit and advantage of exception to the manifold errors, untruths, uncertainties and insufficiencies in the complainant’s said Bill of Complaint contained, for answer thereunto or unto so much thereof as it is material or necessary for these defendants to make answer unto answering say.” Here follows in due course, admissions as to truth of certain parts of the Bill, uncertainty as to others, and a denial of the remainder, much too voluminous to be set down here, and ends as follows, “And these defendants admit for the purposes of this said suit, that the said real estates of the said Caesar Colclough, called in the Bill the alleged testator, are subject to outstanding terms, and various tenants leases, which would prevent the plaintiffs proceeding to try their title effectually by ejectment, unless these defendants were willing and agreed to waive temporary bars, and these defendants have never threatened to set up any such outstanding terms or tenants leases, but are willing to act in the premises as this honourable Court shall direct. And these defendants deny all combination by the Bill charged. Without this, that any other matter or thing material or effectual in the law or these defendants to make answer unto, and not herein or hereby will and sufficiently answered unto, confessed, or avoided, traversed or denied, is true, All which matters and things these defendants are ready to aver, maintain and prove, as this honourable Court shall award, and therefore pray to be hence dismissed with their reasonable costs and charges in this behalf most wrongfully sustained.

Richard Reeves.

Johanathan Christian.

Samuel Spraight Reeves, Solicitor.

Copied from the same, pages, 106, 107, 109, 110, 111.

Third deponent, Patrick Sarsfield Colclough (known as Sarsfield Colclough) of Castlelawn, near Douglas in the Isle of Man, aged 80 years and upwards, who having been duly sworn and cross examined, deposeth as follows:

To the first cross interrogatory, I did after the death of the said Caesar Colclough, file a Bill sometime in or about the month of December, 1842, as I now best recollect and believe, in this honourable Court, to set aside the Will of the said Caesar, bearing date the 6th of August 1842, and I do believe that in such bill I stated that I was the heir at law of said Caesar Colclough.

Same deponent, Patrick Sarsfield Colclough, to the eight cross interrog.

During the lifetime of the said Caesar Colclough, I never pretended or alleged that I was his heir at law until both he himself, and the defendant Jane Stratford, stated that they believed me to be his heir at law- that was in the year 1841 or 1842, and from that time I looked upon myself to be heir at law through the male branch of the family of the said Caesar Colclough, and I continued to be under that impression until some time after the filing of the Bill referred to in my answer to the first cross interrogatory.

Same deponent to 13th cross interrogatory.

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I never heard the said Caesar Colclough complain upon any occasion of any of his family or relations, except his brother John, with whom he expressed himself dissatisfied in consequence of his having entered into the Banking business. I cannot call to my recollection that I ever heard him upon any occasion complain of the manner in which he had been neglected by his family while abroad. I recollect, however, upon one occasion having heard him say, that he thought he would have had on his return to this Country from France £50,000 in Bank, instead of which he had been brought into debt £30,000 in his absence. This, however, was a charge against his agent, Mr. Thomas McCord, because none of his relatives, except indeed his said brother John, had anything to do with the management of his property during his absence.

I certify that the said Patrick Sarsfield Colclough was duly sworn and cross examined by me this 14th day of November, 1850

H. Quinan, Chief Examiner.

**Copied from Book G. Brief in P.S. Colclough v J.T.R. Colclough.
Letter from plaintiff's wife to defendant, 1850, page 48.**

My dear Jane, It is now three weeks since you promised me to try and arrange with Mr. Whitton about poor Patts letter of licence. He must leave at the end of this week, what an awful thing it would be to have him clapped in the Wexford Jail, and us all in Dublin. Could you arrange any hour tomorrow for meeting Mr. Whitton of 70 Upper Dorset Street on Patt's affairs. We had most interesting information from Wexford this morning. xxxxx I was delighted to hear from Beauchamp Colclough that my dear Aunt Mary and the dear children were looking so well. That God Almighty may keep them is the sincere wish of your affectionate cousin,
Frances M. Colclough.
(J) Thomas Rossborough Esq.

From original letter of McCarty Colclough to the present writer (*B Colclough*)

Wexford 28th of November 1850.

My dear Beauchamp,
I was very ill when your letter of the 15th reached me and unable to answer it until now. Mary, who was also ill at the time, wrote to Bella to say how ill I was -thank God I am now quite recovered and hope to hear you are quite yourself again. I now write to say that whenever you come over here, I shall be most delighted to see you, and give you every assistance and information in my power respecting your grandfather's property. Mrs Colclough is rather better, but still confined to her bed, where I fear she will have to pass the greater part of the remainder of her life. I heard from Bath yesterday that poor Mrs MaGrath has not yet spoken, nor is it likely she ever will. Mary unites with me in most affectionate love to you and your sisters, and believe me yours most sincerely,

McColclough.

Beauchamp Colclough Esq., 2 Haverstock Hill, London.

**Copied from Book G. Brief in P.S. Colclough v J.T.R. Colclough. 1865, page 50.
Letter from plaintiff to defendant, 14 June 1851.**

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My dear Rossborough,

In arranging my affairs with Mr. Reade, it appears, that on my coming of age my property was not made over to me by the trustees named in my grandfather's Will. They are now dead, and it is necessary to raise new trustees, I was obliged to name them yesterday, and as it is a matter of form, I took the liberty of naming you, I had not had time to write to you or I should ,etc.,
Love affectionately to your circle, your sincere friend.

Patt S Colclough.

Note: My grandfather was the surviving trustee, and as his legal representative, I was subsequently obliged to join Patt and his son Adam in a disentailing deed, before the property of the former could be sold.

**From original letter, Patt Colclough to the present writer,
19 Marino Crescent, Clontarf, June 29th 1851.**

My dear Beauchamp,

When do you intend coming to Dublin? I should wish to know as it may be a saving of expense to me, when you can act as representative to my grandfather's Executors. It is immaterial when you come, only I should like know to about when, to state to my solicitor the period. If you can, let me have a reply by return of post, as we leave this house in a few days. Will you remember me kindly to McCarty Colclough and my other relations who may be with him and believe me yours very sincerely.

Patt S Colclough

B C Esq Wexford, care of Mc Carty Colclough. C.J.

**From original letter, Sarsfield Colclough to the present writer (*B Colclough*)
Castlelawn Douglas, September 24, 1851.**

My dear Beauchamp,

I received your letter and lose no post in answering it. I give you an extract out of a pedigree I have of our family, and will add a few remarks of my own.

"Henry, (your great great grandfather) married Margaret daughter of John Beauchamp of Ballyloughan, Co.Carlow Esq., subsequently, wife of Caleb Barns, Co.Carlow, her third Husband. She was sister of Mr. James Harvey of Killane Castle, Co. Wexford, and of Mr Walter Bagenal of Dunleckney, Co. Carlow. She had 4 sons and 1 daughter. 1st Dudley, died unmarried, 2nd Beauchamp married Bridget Mc Carty, and had 2 sons and 1 daughter, 1st Henry married Anne and 2nd Beauchamp married Catherine, Daughters of Crawford Esq. and nieces of Lord Dorchester. Henry's other 2 sons were Patrick and Caesar."

There appears a kind of contradiction about your great-great grandmother. She is in the first place stated to be Miss Beauchamp of Ballyloughan, 2nd to be sister of Mr. James Harvey of Killane Castle, and 3rd of Walter Bagenal. That she was and that nearly related to them all I have no doubt, and believe her maiden name was Beauchamp, that she was married three times also- 1st Henry Colclough, 2nd Coll . Harman, 3rd Caleb Barns. That she was nearly connected with Harvey I know from this reason your grandfather's brother Henry got some property somehow I don't know how, but he had to divide it with some of the Harveys, also that she was

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closely connected with the Bagenals for my Father in law and the late Beauchamp Bagenal were I believe first cousins, but by the above I think you can ascertain what you wish to know. Xxx I know of no other way any of the Colclough family were connected with the Beauchamps, and it is by your branch of the family the connection arose, yours still retaining the name. If this is not sufficiently clear, let me know and if I can make it more so I will. The girls not at home, at Col. Cox's.

Yours very sincerely, Sarsfield Colclough.

P.S. It strikes me, Mr. John Beauchamp had two other daughters beside Margaret, one married to Walter Bagenal, and the other to James Harvey, Esq., both brothers in Law to Margaret wife of Henry Colclough, a younger brother of Col. Caesar Colclough of Duffry Hall - she married Henry Colclough in 1729, and I believe was alive as Mrs Barnes up to about the year 90. I hope you are progressing favourably, and successfully.

Sarsfield Colclough.

Beauchamp Colclough Esq. Care of Captain Colclough, County Inspector, Wexford.

Note: Margaret Beauchamp was only married twice: 1st to Caleb Barns and 2nd to Henry Colclough, after whose death, and with the object as I suppose of distinguishing her from her daughter in law Mrs. Beauchamp Colclough of Bohermore, she was known in the family as Mrs Barnes, hence the mistake as to her. I think her son Bartholomew Barnes married a daughter of Colonel W. Harman.

Copied from Book G. Brief in P.S.C. v J.T.R.C page 42. 1865.

Letter from Sarsfield Colclough to Mrs Rossborough, 6th November, 1851.

My dear bereaved Mary, You have experienced what must inevitably be the case with my family e'er long, the loss of an only parent, a better than whom could not be had, and what loss you cannot too deeply deplore. xxx

And am my dear Mary your affectionate uncle,

Sarsfield Colclough.

Copied from Book C. (appellants case in the House of Lords) page 129.

Leading order of 31st January, 1852, for trial of issue. Lord Chancellor.

Between John Thomas Rossborough and Mary Grey Wentworth Rossborough his wife. Plaintiffs.

and Thomas Boyse and Jane Stratford Boyse otherwise Colclough, his wife, Defendants.

This cause coming on, on the 13th day of January 1852, and this present day to be heard and debated before the Right Honourable Lord High Chancellor of Ireland in the presence of Counsel learned on both sides, and the pleadings in the cause being opened, upon debate of the matter, and hearing the original will of Caesar Colclough, bearing date 6th day of August 1842 (Depositions of sundry witnesses). The wills of said Caesar Colclough bearing date 5th August 1842 and the 8th of July 1824. (Depositions of sundry witnesses) and what was alleged by the Counsel on both sides, (and the defendants Counsel not objecting) His Lordship doth order, that the said parties do proceed to a trial at law, and accordingly that a writ of summons pursuant to the provision of the Act 8th and 9th Victoria, entitled, "An Act to amend the law concurring Gaming and Wagers " be sued out of one of the Courts of law in Ireland, according to the form of the statute in such case made and

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provided, to which the defendants at law are forthwith to appear gratis and admit all matters of form, so that the parties do proceed to a trial by a special jury of the County of Wexford at the next Summer Assizes, to which end the Sheriff of said County of Wexford is forthwith to lay before Edward Litton Esq., the Master of this Court in rotation, the Grand Panel of the said County, and he is therefore to name 48 and thereupon each party, plaintiffs and Dependents, are to be at liberty to strike out 12, and the remaining 24 are to be the jury upon the trial of the following issue, namely, whether the paper writing in the pleading mentioned, bearing date of the 6th August 1842, is or not the last will and testament of Caesar Colclough deceased in the pleadings named, and it is further ordered that the defendants in this cause be plaintiffs at Law, and the plaintiffs in this cause be defendants at Law, and that depositions of any witnesses examined in this cause who shall on such trial be proved to be dead or unable to attend to be examined, be read at the trial, and it is further ordered that the judge before whom such trial shall be had, is to certify to this Court the verdict which shall be had upon such issue, and on the return of the judges certificate, such order shall be made as shall be just.

(Signed) 1st June 1852 H. Sugden A.R.

Extracted from "The Wexford Independent" July 10th, 1852.

Great Will Case, Record Court, Wexford. July 1st.

The Court opened shortly after 10 o'clock before Baron Penefather, when the important case of Boyse v Rossborough was called on. This great and important trial was a subject of intense interest in the County, and during the five days that it lasted (from Thursday morning to Tuesday evening) the Court was crowded to excess in every part, including the gallery, which was set apart for the exclusive accommodation of Ladies, and was fully occupied on each day by the female rank and fashion of town and county. The case was an issue from the high Court of Chancery, to try whether "the paper writing bearing date 6th August, 1842, is the last will and testament of Caesar Colclough" and the following special jury was impannelled to try the case.

John Colly Pounder, Foreman, Richard Owen, Solomon Richards, William Toole, Edward Turner, William Bolton Jr, Robert Tyndall, Robert Doyne, Loftus A Brogan, Henry H Jones, John Whitney, and Henry Bolton Esqs.

The property staked on the issue of the trial was very large, the rental of the estate so stated by the agent being £7000 a year, besides which the personal property in estimated to be worth £4000 to £5000 more per annum. Mr. Lawson opened the pleadings for the Plaintiff. Mr. Brewster followed on the same side, and the examination and cross examination of witnesses for Plaintiff having closed. The Solicitor General (Mr. Whiteside) addressed the Court on behalf of the Defence and the examination and cross examination of witnesses for the defence having closed, and Mr. Martley having been heard in reply, his Lordship proceeded to charge the jury

"The jury retired, and after remaining in deliberation for about two hours returned a verdict for the defendant with costs thus invalidating the Will, and transferring the Colclough Estates to heir at law.

Counsel for Plaintiff, Brewster Q.C. Martley Q.C. Lawson, Penefather, and Reeves.
For defendants, the Solicitor General, Rolleston Q.C. Lynch Q.C. Armstrong, and Ryan.

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Copied from Book G. Appellants Case in the House of Lords, page 169.

Mr Baron Penefather's Certificate.

" I certify that pursuant to the within order, the issue thereby directed was tried before me by a special jury of the County of Wexford at the last Summer Assizes held in and for said County, and that said jury having been duly sworn to try such issue, found that the document bearing date 6th day August, 1842 was not the last will and testament of Caesar Colclough deceased". Dated this 13th day of October 1852.

Richard Penefather.

Copied from same, page 224.

Order of 18th April 1853, Refusing motion for New Trial, with costs, The Lord Chancellor.

Between, John Thomas Rossborough, and Mary Grey Wentworth Rossborough, otherwise Colclough his wife, plaintiffs, and Thomas Boyse and Jane Thomas Boyse, otherwise Colclough, his wife, defendants.

Whereas the Attorney General and another, of Counsel with the Defendants, on the 24th and following days of January last, and 1st day of February last, moved the Court that a new trial might be had of the issue directed by the leading order of the 31st of January 1852, made in this cause, the verdict of the jury on the said issue given at the last Assizes for the County of Wexford being against evidence, and also against the weight of evidence, and also because a material witness for the said J. B. and Jane his wife, videlicet John Green Esq., M.P. was absent from the said trial, and that such new trial might take place before the R. H. the Lord Chief Justice of the Queens Bench, and a special jury of the said County of Dublin at the Four Courts, Dublin. Upon debate of the matter, and hearing the notice of motion, bearing date 3rd of November, 1852, the Certificate of the Hon & Baron Penefather, bearing date 13th October, 1852, notes of the said judge of the evidence given at the trial of the issue directed in this Cause, the affidavit of (here follows a long list of affidavits) and what was alleged by Mr. Whiteside and another of counsel with the Plaintiffs, his Lordship did order that this motion should stand for judgment. And this motion standing this day in his Lordship's paper of causes for judgment accordingly, his Lordship doeth order that the motion be refused, with costs to be paid by the Defendants to the Plaintiffs, when taxed and ascertained and that it be referred to one of the taxing masters of this Court to tax and ascertain such costs.

H Sugden A.R.

Extracted from the same page 226.

Order on Further Directions, dated 19th April 1853.

The Lord Chancellor, same plaintiffs and defendants.

Recites all previous proceedings, and then proceeds-

"And it appearing by the finding of the Jury, that the paper writing in the pleadings mentioned, bearing date the 6th August 1842, is not the last Will of Caesar Colclough, the alleged testator in the pleadings named, The Court doeth declare that the same is null and void as a devise of the real and freehold estates of the said Caesar Colclough, or any part thereof. And it is further ordered, that an injunction do issue to the Sheriff of the County of Wexford to put the plaintiffs John Thomas

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Rossborough, and Mary Grey Wentworth Rossborough his wife, the heiress at law of said Caesar Colclough into possession of the said freehold estates in the said County, and it is further ordered that the said defendants do deliver, upon oath, all deeds, documents, title deeds, papers, and writings, in their or either of their custody or power, relating to the said Estates. And it is further ordered, that it be referred to Edward Litton Esqr, the Master in this cause, to take an account of all sums received by the Defendants, on account of the rents and profits of the said Estates, which accrued due since the 7th September 1843, being six years prior to the time of filing the Plaintiffs bill in this cause xxx and it is further ordered that said Defendants do pay to the Plaintiffs their costs of this suit when taxed, within one month after the date of said Masters report, and the sum which the said Master shall report to be due on such account to the said Plaintiffs xxx and it is further ordered that the plaintiffs be at liberty to apply to the Court for further directions.

H. Sugden, A.R. Signed 9th May 1853.

Entered 10th May 1853, Mazier Brady, C.

Extracted from original letter, Beauchamp Colclough, son of B. U. C. to the present writer B.H.C.

St. Marys Barracks, Brompton, May 21st 1853.

Dear Beauchamp,

I received your kind letter. XXXXXXXXXXXXXXXX I wish very much we could meet. I have heard so much about you, and I dare say you have heard a great deal about me - the two Beauchamps of the family - we must try and have a peep at each other, perhaps we may have the opportunity 'ere long. I did not come through either Poonah or Bombay, and am sorry to say that I did not see Carleton, but I saw the second Troop of the Bombay Horse Artillery in Kunachee, and several of the men knew him-he is sergeant now and they told me he had got married some time since-his Troop had been with the Troop I met, for some time in Poonah. Xxx I made particular enquiries about him, for I was in great hopes that it was Carleton's Troop. Xxx I do not know whether you have heard from him lately- I was very sorry I had not the pleasure of seeing the poor fellow. I can just remember him when he was with me at Elmgrove. Write to me again some time or another, and believe me dear B. your affectionate Cousin, Beech.

Note: The writer was at this time serving in the 3rd Light Dragoons. He afterwards got a commission in the Carlow Rifles, went with Volunteers to the 62nd Regiment, got his Lieutenancy in the 19th Regt., and from which Corps he subsequently sold out.

Ulster Office, "Royal Warrants, 1853. page 177."

Victoria, R. Right Trusty and right well beloved Cousin and Councillor, we greet you well. Whereas John Thomas Rossborough of Tintern Abbey in the Co. of Wexford, Esqr, and Mary Grey Wentworth his wife have by their memorial humbly represented unto our Lt. General, and General Governor of that part of our United Kingdom of Gt Britain and Ireland, called Ireland, that the said Mary Grey Wentworth Rossborough, is the eventual sole surviving daughter and heir of Caesar Colclough, late of Duffry Hall in the County of Wexford Esqr. deceased, sometime Chief Justice of Prince Edward's Island, and Newfoundland in British North America, and also late

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heir at law of Caesar Colclough late of Tintern Abbey aforesaid, sometime Knight of the Shire for said County. That the said family of C. has been settled at Tintern Abbey for upwards of 300 years, and that it has always been the wish of the family that the possessor of the Estates should bear the name of Colclough, and on a former occasion, when a female heir possessed the Estates, both her husbands assumed the name and arms of Colclough. That memorialist Mary Grey Wentworth having succeeded and with her husband John Thomas Rossborough, being now seized of, and in possession of Tintern Abbey, and the other Estates, is also desirous of assuming the name of Colclough and to bear the Arms of Colclough in the first quarter of their family Arms.

The memorialists have therefore prayed, that you, our Lt. General, and General Governor of that part of our said United Kingdom called Ireland, would be pleased to recommend to us, to grant to the memorialists our Royal Licence and Authority that memorialists and their issue, may take the name of Colclough, in addition to and after that of Rossborough and bear the Arms of Colclough, in the first quarter of their Armorial Bearings. We, taking the premises into our Royal Consideration are graciously pleased to comply with the memorialists' request, and out of our Princely Grace and special favour, give and grant unto them the said John Thomas Rossborough, and Mary Grey Wentworth, his wife, our Royal Licence and Authority that they and their issue may take the name of Colclough in addition to and after that of Rossborough, and bear the Arms of Colclough in the 1st quarter of their Armorial Bearings- Provided that this our concession and declaration be recorded in the Office of Ulster King of Arms in Ireland, to the end that the Officers of Arms there, and all others upon occasion may take full notice and have knowledge thereof, and so we bid you heartily farewell. Given at our Court at St. James the 3rd June 1853, in the 16th year of our Reign, by her Majesty's command, Signed Palmerstown to etc., Edward Granville, Earl of St.Germains, our Lt. General, and General Governor of that part etc. called Ireland, and then for the time being.

Warrant, page 180.

By the Lord Lt.General and General Governor of Ireland.

St. Germain's.

In pursuance of HM letter bearing date the 3rd June 1853, these are to direct and require you to register and record in your office, HM's Royal Licence and Authority unto John Thomas Rossborough of Tintern Abbey in the Co of Wexford Esqr., and Mary Grey Wentworth, his wife, that they and their issue may take the name of Colclough, in addition to, and after that of Rossborough, and bear the Arms of Colclough in the first quarter of their Armorial Bearings. Provided that H Majesty's concession and declaration be recorded in the Office of Ulster King of Arms in Ireland, to the end etc.,

Given at H Majesty Castle of Dublin this 13th of June 1853.

By her Excellency's Commission.

Signed, Larcom. To Ulster King of Arms in Ireland.

Grant Book E. page 430

To all and singular to whom these presents shall come, I Sir William Betham, Knight attendant on the Most Illustrious order of St. Patrick, Ulster King of Arms, and

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principal Herald of all Ireland, send greetings, Whereas, (Recites Queen's Letter 3rd June, inst. and his Excellency's Warrant 13th June, inst.) Know ye that I the said Ulster King of Arms, in obedience to said Warrant, have caused the said Royal Licence to be Registered and recorded in my Office accordingly, and by the authority to me given by H Majesty's Royal Letters Patent, under the Great Seal of Ireland, and by authority of the same, do by these presents grant ratify exemplify and confirm to the said John Thomas Rossborough and Mary Grey Wentworth Rossborough his wife, now John Thomas Rossborough Colclough and Mary Grey Wentworth Rossborough Colclough, and their issue, the Arms following, that is to say, Quarterly 1st and 4th Argent 5 Eaglets displayed in cross sable, for Colclough, 2nd and 3rd Azure on a Chevron, or, 3 Roses Gules, seeded on barbed vert, for Rossborough, For Crest 1st A Demi Eagle displayed Sable, gorged with a ducal Coronet, or, for Colclough, 2nd on a Dexter Hand in fess, a Dove Close, with a branch of olive in his beak proper, all for Rossborough. For motto---Blank--- The whole as above is more clearly depicted, to be born(e) and used by the said John Thomas Rossborough Colclough, and his said wife and their descendants for ever, according to the laws of Arms without the let, hindrance, molestation or interruption of any person or persons whatsoever. In witness whereof I have subscribed these presents, and affixed hereto my official Seal this day of June, in the 17th year of the Reign of our Sovereign Lady Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and so forth in the year of our Lord 1853.

W. Betham, Ulster.

Extracted from original letter Richard A. Colclough to the present writer Montgomery, Alabama. February 10th 1854.

My dear Cousin Beauchamp,

Your truly welcome and highly esteemed communication of the 14th of December last reached me a few days since. I assure you it was welcome with heartfelt gratitude, exiled and expatriated from my infancy as I have been from all collateral kindred, and feeling in my present dissolation something akin to the "Poor Sparrow on the House Tops" in perusing the affectionate sentiments yours contained- I welcomed it as the "Cool spring to the thirsty traveller in the desert". Xxxx I may say I have almost lost the last years practice in the time and attention I was compelled to give to my father's family, but I am truly gratified to think that as it never again will be in my power to contribute to the dear departed objects of my love, it was my happy privilege while they were living with me, to be able to provide them with every possible comfort. Xxx You say you are a Canadian- in your next letter will you please state if you are the grandson of Major Beauchamp Colclough who emigrated to Canada, or the son of Henry Colclough his brother xxx The South Carolina family referred to – the Junior members of it who I have spent some time with, were unable to give me much information respecting their ancestry who emigrated. There was but one, of three brother's living named John, who was the son of a John Colclough who came to this Country shortly after the Revolution. He had a brother named William, who died without issue-this old man possesses some of the family characteristics for eccentricities, is very wealthy, and sometimes very crossy, had three sons, two of whom have died, one named Ashby, and the other,

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Henry, has a natural son now living, named William. They all insisted that there was no doubt as to my being a near relation of theirs. Xxxxxx While I have been writing, I have been several times disturbed by the unwelcome hard fisted Democracy of our land, enquiring after their cases, etc., I trust you will make all due allowances and write me soon- be sure to give me all particulars you have in relation to the Rossborough Colclough suit, how it progresses etc. Sister Catherine sends her affectionate love to cousin Mary and says she will soon write, and unites with Martha and myself in our most affectionate love to you,

R A Colclough.

Extracted from the Kilkenny Journal February 22nd 1854. Rolls Court Wednesday, Kenny v Colclough, (Patt)

Mr. Deasy Q.C. applied on the part of the defendant, that the receiver in this case might be discharged, he having been appointed contrary to good faith, and being an unfit person to fill that office. It appeared that the bill in the case was filed in 1847, for the purpose of raising an annuity of £100 a year, granted to the plaintiff by the defendant, Patrick Sarsfield Colclough, who was tenant for life of the lands charged with the annuity. It affected only his life estate, and the inheritance subject to that life estate was vested in his son (Adam Vesey Colclough) -no proceedings was taken in the cause until January 1852. When a decree pro confesso was pronounced, and by that decree it was refined to Martin Lyle to appoint a receiver for the payment of the arrears of the annuity then due to the plaintiff, and Mr. William Corbett was appointed receiver after some opposition on the part of the defendant. On the 26th April 1853 the defendant served a notice of motion for his discharge, which appeared to be grounded on his alleged unfitness for the office. Xxxxxx The Master of the Rolls then delivered judgment. He said he had no difficulty in refusing the motion with costs. If there was any bad faith in the matter, which he did not believe all the circumstances were within the knowledge of the defendant in the month of September. He was perfectly aware in that month, that Mr. Mooney, his Solicitor, with whom he was in communication, had proposed his own son (Adam) as receiver on the 20th August, and it appeared by his letter of the 20th of September that he knew of the order of the 25th of June for the appointment of the present receiver, yet he now came forward to set aside the appointment as contrary to good faith, though there were, even according to his statement, upwards of two years annuity due to the plaintiff. It was as singular a case as ever came before the Court. He did not understand the motion at all. The foundation of it was to discharge the receiver on the ground that he was not a proper person to be appointed, but Mr. Deasy had prudently and very wisely declined to go into that part of the case. The affidavits in relation to the objection made to the receiver personally were not opened and he was satisfied that they were not opened because they ought not. Mr.Colclough sought to throw the costs on the estate, but he could not do that, for the effect might be to put the amount out of Mr Kenny's pocket, if Mr. Colclough died before they were paid. He repeated it was a most singular case, Mr Colclough must be labouring under some strange delusion. He changed his Solicitor every day, and probably he would have another tomorrow. If Mr.Ferguson did not consent to take the affidavits off the file, he also might be changed, but parties should recollect

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that there was such a thing as an action for malicious proceeding, they should consider that before they make such an application. He would discharge the motion with costs.

Copied from Freemans Journal, June 6th 1854.

Rolls Court, The Master of the Rolls sat at 10 o'Clock, and proceeded to delivered the following important judgment.

Colclough Will Case. Rossborough v Boyse.

His Honour said the motion in this case was, that the defendant Jane Stratford Boyse, should within two days, pay to the plaintiffs, the sum of £21,961-19-10 the amount found by the Masters report as due by the defendants, Thomas Boyse and wife pursuant to the Chancellors decree of 19th April 1853. The notice as framed, was one calculated to mislead the Court, firstly, as to the title of the second cause, to which Mrs Boyse was said party, and secondly by the omission of the fact, that the Master's report found the sum to be due not by Mrs.Boyse alone, but by her and her late husband Thomas Boyse. The decree of the Chancellor was against both Thomas Boyse and his wife, the present defendant. Xxxxxx On the whole he thought that the plaintiffs ought either to have filed a supplemental bill, or to have set the cause down for further directions, and that he would not be justified in making the order now sought, and thereby perpetuating error. Even if the case were to be disposed of on motion, it should be before the Lord Chancellor, who would have a power of staying the payment of this large sum of money until the case was finally determined by the Lords, which, considering the illegality of the proceedings was so apparent, would he considered, be only a matter of justice to Mrs Boyse. He would refuse the motion with costs.

Freemans Journal. July 6th 1854.

Court of Chancery, Rossborough V Boyse.

In this case, which has been several times reported, the Attorney General moved on behalf of the defendant Mrs Boyse, that the plaintiffs might be stayed from taking any proceedings under the decree of the 19th April 1853, or the order of the 19th June, 1854, for enforcing payment of the sum of £21,961-19-10, found due by the Masters report for mesne rates. Counsel moved on the affidavits of the defendant and her solicitors. Xxxxxx The Chancellor inquired if Mrs.Boyse was ready to bring the money into Court! The Attorney General replied that she was ready to give the most ample security for it. Lord Chancellor, let her bring the money into Court to be invested in Government Stock, to abide the event of the appeal, and under these circumstances, I will stay the payment to the plaintiffs in the meantime. Ordered accordingly, that Mrs.Boyse should invest the money in Government stock within three weeks, to abide the result of the appeal.

Wexford Independent.

Saturday, September 9th 1854, being the day on which (for the first time) the Lady and family of Jane Thomas Rossborough Esqr, were to return Tintern Abbey, from an early hour tradesmen and labourers, under the superintendence of W. B. Hunter, the intelligent land Steward, were busily engaged in erecting a splendid Arch in front of the entrance gate, which being decorated with flowers, evergreens and flags bearing

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appropriate devices, etc., looked splendid when finished. Quite near the Arch on a very high pole floated the Union Jack, which a gentle breeze kept from fraternising with the mast. The tenantry vied with each other in welcoming the Lady and her interesting young family, as the whole line of road from Tintern to Nash presented in many places similar indications of honour and respect. At Mr. Meaney's of Kinnagh, a beautiful Arch crossed the road from which floated a large flag, with the scroll "Welcome Home" inscribed and "Colclough for Ever" and near the Chapel of Ballycullane another beautiful Arch dressed with flowers, evergreens and banners, and others at several places besides.

Evening Mail. January 8th, 1855.

We regret to announce the death of one of the oldest Wexford Magistrates, Sarsfield Colclough Esqr. He was born at Duffry Hall, Co. Wexford in May 1768, and died on Tuesday 2nd January 1855 at Douglas Isle of Man- sincerely and deservedly regretted by all his relatives and friends. It is remarkable that of this ancient and once numerous family, Sarsfield Colclough's only son, Patrick Sarsfield Esqr, of Anneville in the Queens County, his two sons, Adam Vesey Colclough, and Sarsfield Hartpole Colclough, are the only remaining male representatives of the Colcloughs of Tintern Abbey and Duffry Hall. Sarsfield Colclough Esqr was the nearest male relative of the late Caesar Colclough of Tintern Abbey.

Saunders Newsletter January 9th, 1855.

To the Editor of Saunders Newsletter.

45 Denzille Street, January 8th 1855.

Sir,

Will you allow me space to correct a misstatement which appears in your newspaper today. The writer, after noticing the death of the late Sarsfield Colclough, Esqr. states that his son, Mr. P. S. Colclough, of Anneville, Queens County, and two grandsons, Adam and Sarsfield, "are now the only remaining male representatives of the Colcloughs of Tintern Abbey and Duffry Hall". They are among the number certainly, but there are others equally so, whose only share of the inheritance-the name-I am sure none of them would wish to be deprived of.

Their names are as follows, Richard Colclough of Montgomery State of Alabama, Major Beauchamp Colclough of Sion County Carlow, McCarty Colclough, County Inspector of Wexford, the two sons of my Late Uncle, viz, Beauchamp and Henry, my brother Guy Carleton and myself. I remain Sir, with an apology for troubling you, with what only can only be of interest to one of ourselves. Yours sincerely,
Beauchamp Colclough.

Extracts from original letter. Richard Colclough, to the present writer.

Tintern Abbey, January 15th 1855.

My dear Beauchamp,

While awaiting Rossborough's arrival down to breakfast, it has occurred to me that I could not better spend the time, than in giving you a brief sketch of the scenes and events I have witnessed since parting with you, as also to make some apology for the many liberties I took in your absence, for in helping myself to one of your collars, and then borrowing your pipe until I return, without asking leave. I

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thought to myself it was the greatest piece of Yankee Coolness I have been guilty of for some time, but I knew you would be heartily welcome to take a like liberty with anything I had belonging to me. xxxx (here follows a long description of poor old Sarsfield's funeral, which I was not able to attend, the writer then proceeds). As we ascended Duffry Hall hill - a most commanding height – I had a full view of the whole line of procession, which without exaggeration extended over a mile, the longest I suppose that has taken place in the County for the last century. McCarty, with Mr.Kidd met us at Duffry Hall. Xxxx On our arrival at the Church (Templeshanbo) the coffin was carried in, and set in the Aisle- Patt and his sons walking next to it, Rossborough-McCarty and self next to them and the Browns next to us. On our getting up opposite the coffin, Patt's company filed to the left and ours to the right, he looked to me like a man not so much weighed down with grief, as one writhing under the gangrene of his own bad passions and deadly hatred and hostility to the man, who in performing the last sad offices to his father's memory, did honor to the name, and unbounded credit to his own head and heart, and the devoted affection he bears to his wife. I did not see a single Gentleman speak to or recognise any of them-they were all about Rossborough and our Party, no collision or recognition of any kind took place between us, the undertaker put crepe and mourning on their hats as he did on ours, and all passed off quietly, but with great eclat to Rossborough.

Your sincerely attached, Cousin R. A.Colclough.

Extracted from Book B. Boyse v Colclough.

Proceeding on the trial of this cause at Gloucester Assizes,

Tuesday, 3rd April, 1855, before Lord Campbell and a special Jury.

Mr.Keating, May it please your Lordship. Gentlemen of the Jury, the plaintiff in this issue, Mrs. Boyse, is the widow of the late Mr.Colclough of Tintern Abbey, in the County of Wexford, who lived during the latter years of his life at Cheltenham in this County.

Lord Campbell-does the defendant appear?

Mr.Keating I understand not my lord.

Lord Campbell-I heard that was so xxxx Gentlemen, this is an issue directed by the Court of Chancery (in England) for the purpose of trying whether a Will executed by Mr Colclough, dated 6th of August 1842, was his last will and testament. The proceedings in this case originated in Ireland- they stand now for appeal to the House of Lords, and there being freehold property in England, this issue was directed for the purpose of trying the validity of the Will in this country. Xxxxxxx Witnesses having been examined as to execution of Will, and capacity of testator, and there being no appearance for the defence, his Lordship charged the Jury.

Lord Campbell, Gentlemen of the jury, you are aware that this is an issue directed by the Court of Chancery, to try whether this paper writing dated the 6th of August, 1842, purporting to be the Will of Caesar Colclough, is the last will and testament of said Caesar Colclough. That is the question which you are to determine, and upon the evidence laid before you there can be no doubt in the world of the verdict which you will feel yourself bound to return, because it is proved that this instrument was executed according to the form which the law requires. It was executed by the testator and attested by two witnesses, who saw him execute the will, and

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everything was done as the law requires. Then as to his competency upon the evidence laid before you, he appeared to have been not only competent, but a very clever man, well informed, and taking care of his own affairs, so he continued down to the very hour of his death, there is no doubt in the world that he was what is called of sound mind and understanding abundantly sufficient to enable him to execute this Will. With regard to the making of the Will, not a single circumstance, even of suspicion occurs, except with regard to the second Will. The name was erased. It was written once by him, and then another signature appears under it, but seemed to be explained by the circumstance of his then lying in a semi recumbent position on a sofa, and having written indistinctly the 1st time, that there might be a clear signature, he erased the first and added a signature which has been submitted to your inspection. Then Gentlemen, there is nothing singular on the face of the Will itself. He leaves very large property to the lady who was his wife, there is nothing at all in the disposition of the property which can be considered as proving or showing any want of understanding to make a Will. We have no right to enquire what his motives were for leaving the whole to his wife. It appears they lived in great harmony and happiness for a great number of years. You have the declaration that he cared for no one in the world except his wife- he had quarrels with his family, and thought that they had used him ill, and he evidently wished to have nothing to do with this person who hoped to be his heir, and who is described as having tried to intrude himself, and for whom he evidently had a very great dislike. Gentlemen, as to any influence exercised over him, there never was a clearer case laid before a jury, upon the evidence that you have had, that this Will was the spontaneous effusion of the testator's own mind. Mrs. Colclough, now Mrs Boyse, who takes the chief benefit under his Will swears that she never asked him for a sixpence and never had any conversation respecting the Will. Then he sent for Mr. Williams - Mr. Williams is a respectable solicitor at Cheltenham, who had never spoken to Mr. Colclough in all his life before, except upon an occasion when there was some robbery in the family, and he was called in as a Solicitor to say whether it was fit that some person should be prosecuted, Doctor Fortnum is dead, but you have his deposition taken in a suit between the same parties, and from that deposition it appears that Dr. Fortnum had known the testator for a considerable time- he had known him as a friend as well as a medical attendant. That strongly corroborates the evidence given by Mr. Williams respecting the manner in which these several testamentary papers were prepared and executed. Gentlemen, I think you will have no hesitation at all in finding a verdict that this is the last Will and testament of Caesar Colclough. Foreman of the Jury. We find for the plaintiff my Lord, that it is the last Will of Caesar Colclough.

Note: Upon the evidence laid before them, the jury could find no other verdict, but the old adage that, "one story is always good, till the other side is heard" was fully verified in this case, vide the 1st and 2nd trials in Wexford.

Extracted from original letter, Richard Colclough to present writer.

Montgomery, August 16th 1855.

My dear Beauchamp,

I am now truly gratified in being able to inform you that the long looked for boon of your kind regard, at last has reached me. Xxxx Since my last to you my

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business affairs have not assumed any new feature of improvement, nor do I look for any until the fall, when like our climate every thing changes not only its complexion, but its actual existence. I am in hopes this Winter to make up my mind as to whether I continue to reside in Alabama. xxxxxx If you do leave for distant parts, I want you to write me the particulars of your point of destination. Xxxxx In your next I want you to tell me, how your affairs progress. I hope better than mine. Xxxxxx Cousin Mary, nor Rossborough have not written me-let me know how you think their prospects stand-I trust in God propitious. How is McCarty and all the family, xxxxx Give my love to Aunt Watson, Mrs Butler, Cousin Mary, and my kind old friend and relative Major McCarty Colclough. Good bye and God bless you my dear Cousin Beauchamp is the prayer of your attached Cousin
R A Colclough.