

III.—THOMAS CRADOCK'S ESTATE.

By the REV. D. S. BOUTFLOWER, M.A., master of Sherburn Hospital, co. Durham.

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The substance of the following paper is derived from a large scrap-book, containing 225 documents, which came into my hands in the year 1912. It had been previously the property of Dr. Randell, late rector of Ryton, from whom, at his own request, I obtained it.

The contents of the book relate to the will of Thomas Cradock, commissary of Richmond and attorney general of the bishopric of Durham, whose death took place on 25th February, 1689 (o.s.), and to the after history of his estate. The story is long and to a certain extent tragic. Much of it must needs be omitted here : but a good deal is of real importance to lovers of local history and especially to genealogists, as supplementing or correcting the information supplied in the county histories.

The advent of the Cradocks to the north of England dates from the reign of queen Elizabeth, at which period this particular branch of the family migrated from Staffordshire to the valley of the Tees. John Cradock, of Newhouses in Baldersdale (possibly a brother of Dr. Cradock, who died vicar of Woodhorn in 1609), was succeeded in his modest estate by his eldest son William. The younger sons did better. Anthony, the second brother, came into the neighbourhood of Bishop Auckland, where he purchased the prebendal estate of St. Helen's, and an adjoining property known as Woodhouses. He died at his younger brother's house in Durham in 1623, leaving a fortune which was apparently

dissipated by the folly or imbecility of his second son. A man of much more consequence was the third brother, John Cradock, who took holy orders, and became vicar of Northallerton, Gainford and Woodhorn, prebendary of the fifth stall, archdeacon of Northumberland, and spiritual chancellor. He died about Christmas, 1627, and was buried in Durham cathedral church. He was the father of five sons and two daughters. The eldest son, Richard, was for six years before his death in 1624 registrar of the diocese. The archdeacon's entailed estate eventually devolved upon his fourth son, Toby, the ancestor of the Cradocks of Hartforth. Of the two sisters, the elder, Margaret, married John Robson, prebendary of the sixth stall, the spirited and popular rector of Morpeth and of Whalton; the younger sister, Ann, married John Mitford.

The youngest son of the archdeacon was like his brothers, Richard and Toby, a lawyer: he was also in deacon's orders, and eventually, a knight. Sir Joseph Cradock, of Harperley, doctor of laws, is best known as commissary of the archdeaconry of Richmond, *i.e.* the vast northern part of the diocese of Chester, extending from the Ribble to the Cumberland Derwent, and from the Irish sea to Nun Monkton, seven miles from York. Throughout this wide area the commissary exercised all the powers of a bishop, with the exception of the spiritual duties of confirmation, ordination and consecration. At his office at Richmond the wills of the whole district were proved and registered. Sir Joseph died at Richmond in 1686. He had married twice, his first wife being Elizabeth, the daughter of Robert Crewes, citizen of London (her mother's maiden name was Elizabeth Tempest); his second wife was Jane, one of the three capable daughters of Anthony Muxton, a Scotchman, rector of Middleton in Teesdale and of Wolsingham, and prebendary of the eighth stall.

Thomas Cradock's sisters were well portioned; their one

surviving brother was not only the residuary legatee of his father's estate, but received in addition two valuable properties—the colliery of Woodhouses (subject to a small annuity to John Cradock), and the butlerage or pipage on all wines imported by sea into the counties of Cumberland, Westmorland, Northumberland, Durham, and Yorkshire (a monopoly purchased by Sir Joseph for the lifetime of his two sons). His own first marriage had also brought him money, and his official income must have been large. He had therefore the reputation of being a great moneyed man. But he had no family to inherit his wealth. As his tombstone narrates he was° 'fortunis amplis, liberis orbus.'

Yet he had been the father of two children. The elder of these was a daughter, Betty, the issue of his first wife, Sibella, the favoured coheiress of Dr. Gabriel Clarke, archdeacon of Durham, master of Greatham, and prebendary of the first stall, preferments which he owed to his wife's uncle, bishop Neile. To the archdeacon's memory Thomas Cradock was much attached; he desired and received burial near to his grave. Mr. Cradock's second wife, to whom he was married at St. Giles's in 1671, was Dorothy, daughter of Nicholas Heath, of Little Eden. She was the mother of a son, Joseph, who died an infant.

There were no children, then, to inherit the fortune of a rich and kindly man. And in consequence Thomas Cradock set to work to think of the numbers of persons and causes worthy of his goodwill. It was a well meant rather than a wise plan, and one that created a most complicated situation with which his executors were decidedly unequal to deal.

The following are the principal details of Thomas Cradock's will:—

The case of the widow comes first. She is to have her jointure lands, viz.: the testator's estates at Bradley, at Gainford, and at Quarry Hill in Brancepeth. And she is to have £500 for herself and her relations.

The sisters of the testator and their issue are next considered :—

- (1) Elizabeth, wife to Ralph Hutton, of Mainsforth. Both of them by this time being dead, as also their daughter Jane, there is left £50 to William Boutflower, the widower of their eldest daughter, Elizabeth ; £50 to his daughter Elizabeth ; £100 each to Frances and Anne Hutton.
- (2) Margaret, wife to Ralph Bowes, of Bradley, son and heir of Sir George Bowes by Mary, daughter of Sir Ralph Delaval, £200 ; to her eldest son, George, £50 ; and to his daughters, Margaret and Mary, £100 each.
- (3) Anne (who left no issue), second wife to Thomas Musgrave, dean of Carlisle, rector of Whitburn, and prebendary of the third stall ; both of them being deceased, a small legacy is left to her step-daughter, ' my niece Musgrave,' who became shortly after the wife of Ralph Shipperdson of the Hallgarth.
- (4) Jane, married (1) Thomas Thweng of Kilton castle, by whom she had two daughters, Ann, wife to William Tully, and Jane (one of whom appears to be ' my niece Graham,' to whom and her husband there is a trifling bequest) ; (2) Tocketts, of Tocketts. This sister was no favourite with her family ; she is described as a grasping and extravagant woman. Her debts were remitted for the benefit of her children.
- (5) Peregrina, wife to Sir William Chaytor, of Croft (cousin to her brother Hutton), £100. To her son Thomas and daughter Ann small bequests.

[Jane and Peregrina are Mr. Cradock's half-sisters].

Other persons described as cousins are :—

- (a) The Whittinghams of Holmside, including ' my goddaughter Mary ' ; William Whittingham, captured by the Moors near Sallee ; his sister Mary Mascall ; cousin John's widow and daughter (the mother of this family, whose surname was unknown to Surtees, was probably a relation).

- (b) The Wrens of Binchester: cousin Wren, cousin Charles Wren and his wife, cousin Joseph Wren, cousin John Fenwick and his wife (Barbara Wren). The connexion is probably through Mr. Cradock's step-mother's sister, Isabel Maxton, whose daughter Peregrina Featherstonhaugh married 'cousin Wren.' In close connexion occur
- (c) The 'four cousins Cradock of Bishop Auckland,' who may be identified with William Cradock (husband of Margaret Wren), Joseph Cradock, Ann, and Mary the widow of William Allan, curate of Hamsterley. They are the children of William son of Anthony Cradock.
- (d) Other Cradocks—Cousin Richard of Gainford and his sons, the cousins Cradock of Hornsey, and Dr. Zachary Cradock, provost of Eton college.
- (e) Cousin Henry Saville (of Thornhill, Yorks.) and his three sisters (Elizabeth, countess of Monfelfro, Ann, wife of Sir Robert Forbes, and Mary Saville), nephew and nieces of Mr. Cradock's mother).
- (f) Cousin John Harrison is his uncle Richard's son-in-law: my aunt Bowes, his step-mother's sister, Ann, mother of Sir William Bowes of Streatlam.
- (g) Other relatives whose connection is obscure are cousin William Killinghall, cousin Bailes (? Peregrina, wife of James Bailes, of Bishop Auckland), cousin Dolemas, cousin Banners of Sergeant's Hall, cousin Vane, cousin Sedgewick, and his brother-in-law, cousin Atrix (Ettrick).

Legacies for public and charitable uses are as follows:—To Trinity Hall, £100; to Gray's Inn, £100; to the Bow church, £10 as a salary; to the widows of the clergy, £20 for seven years; to the binding of their sons as apprentices, the same; to the poor of the North Bailey, £10; of Richmond, £20; of Witton-le-Wear, £10; to Mr. Nelson for teaching navigation, £6 a year; for the founding of a workhouse or factory in Durham, £500.

The testator's lands at Gainford, Quarryhill and Bradley, after his wife's decease are to become the property, severally, of his cousin Richard Cradock, his nephew Thomas Bowes, and his great nephew, Thomas, son of George Bowes.

All the residue of his estate, after the payment of these and many other legacies, he leaves in equal shares to his nephews, Ralph Hutton and Thomas Bowes; on the death of either the other to enter into the whole estate; on the death of such survivor, the eldest son of each to have an equal share; if one of them die without a son the whole estate is to go to the son of the other. The two nephews and the widow are to execute the will. The witnesses to the testator's signature are Cuthbert Bowes, Charles Neile, the vicar of St. Mary-le-Bow, and Gabriel Newhouse, registrar of the diocese.

The financial situation arising from Mr. Cradock's will now attracts attention. The legacies amount to about 2,60*l.*: annuities for life or for a period of years to 212*l.* Then there are a number of small gifts, for mourning or for 20*s.* or 40*s.* rings. And no doubt the funeral expenses would be considerable.

We have some account of the value of the estate jotted down on several scraps of paper. These will show us to some extent what assets were available to meet these outgoings. First come various lands and leaseholds. The leaseholds are those of Etherley and Carterthorne collieries, Woodhouses, Woodhouse Closes and Bracks, all in the chapelry of St. Helens. They are stated to be worth 310*l.* per annum. Freehold properties are Evenwood (50*l.* to 80*l.* per annum); Harperley, soon sold to William Cradock of Gainford (70*l.*); Gainford and the mill (30*l.*); property in Richmond (40*l.*); houses in Durham (40*l.*); Thornley (26*l.*); Grinwell Hill (22*l.*); Quarryhill (60*l.*); the 'Parson's Lands' at Brancepeth (12*l.*); Bradley (40*l.*); tithes of Witton-le-Wear (16*l.*). Then there are mortgages from Brompton (22*l.*); from

Appleton (20*l.*) ; from Skeely (70*l.*) ; the whole amounting to some 600*l.* a year. In cash there was a sum of 1,242*l.* There is no computation of debts, or of money laid out at interest. But there is a rough reckoning of a few figures, concluding with a total of 10,085*l.* 17*s.* Beyond this we must be content to leave the exact capital value of the estate unascertained, and go on to follow the story of its administration.

The first dissatisfied person was the widow, who eventually came to the conclusion that she ought to have had half the estate for life, her legacy of 500*l.*, and her paraphernalia.

Three years later more formidable charges were preferred by the corporation of Durham, who obtained a commission to enquire into certain legacies, and why they were unpaid. The commission reported (1) that the workhouse had not begun to be thought of ; (2) that there was due to the parson of the Bow church for his salary 46*l.* 6*s.* ; (3) also to Mr. Nelson, the schoolmaster, 27*l.* 15*s.* ; also to the poor of Witton-le-Wear 13*l.* 8*s.* The executors pleaded the pressure of prior suits, and also, what was quite true, that part of the estate belonged to a trust left by Sir Joseph Cradock, of which Mrs. Margaret Bowes claimed the right of administration. The best part of the result of these proceedings was that the workhouse was built. It was, however, soon after mortgaged to Leonard Robinson of Scorton, for 450*l.* It was not till the year 1737 that 400*l.* from this charity was recovered by the corporation and applied to public uses.

About the year 1703 another lawsuit troubled the executors. It was alleged that Mr. Cradock had borrowed 600*l.* from Isaac Basire to lend to dean Grenville, and now twelve years after, John Basire, as his brother's executor, claimed repayment. The defence, probably with truth, declared that Mr. Basire never had 600*l.* to lend, and never in his lifetime demanded repayment of such a loan. The executors were relieved from the action.

In February, 1709, Mrs. Dorothy Cradock died in St. Margaret's parish, where she had lived with her mother and her brother Ralph, a blind man (Bee). Both had died before her and she left her property to other relations—a nephew John Harrison, a niece Dorothy, wife of George Lysons, and the six daughters of another niece, Sarah, wife of John Middleton, whose names were: Hannah, Dorothy, Barbara, Thomasin, Heath, and Eleanor. (To these persons Mrs. Cradock was, strictly speaking, not aunt, but kinswoman.)

By the death of Mrs. Cradock, Thomas Bowes entered on the estate of Quarryhill. Some five years later he received a further accession of means by the death of his uncle Cuthbert Bowes, of the South Bailey, a younger son of Sir George Bowes of Bradley, a bachelor and apparently a lawyer. His will recites that a settlement has already been made on his nephew George (of Bradley). There are bequests to the two sons of the testator's brother Lancelot, a Durham merchant, to their sister Mary her uncle's leaseholds in the South Bailey; to Margaret and Mary, daughters of his nephew George, a farm at Wolviston; to their sisters, Anne and Elizabeth, 100*l.* apiece; to Margaret, Ann, and Margery, daughters of Thomas Bowes, 200*l.* apiece; and to Thomas Bowes himself, his property at Woodhouses, Bracks, and Appleton (once part of the Cradock property), and all his residuary estate.

In April, 1718, Thomas Bowes died, leaving a widow Katherine, two sons, Thomas and William, and five daughters, of whom Elizabeth married John Grey, alderman of Durham, and Margaret was wife to Captain Rookby of the same city. He had been on the whole, a fortunate man; a favourite with his grandfather Sir Joseph, with his mother, and with his two wealthy uncles. His cousin Ralph Hutton now entered on the whole of the Cradock estate, and possessed it for eleven months. His career had been

less prosperous. His four sisters had been short-lived ; and the lady of his choice, Elizabeth Hedworth of Harraton, had married Sir William Williamson of Monkwearmouth. His patrimony of Mainsforth had (with certain reservations for his own life-time) been sold, in 1708, to Robert Surtees of Ryton, and Edward Surtees of Crawcrook. In March, 1719, he died at Durham, and was buried in the cathedral.

Thomas Cradock's trust estate now came into the hands of Thomas, eldest son of Thomas Bowes. Probably not much of it was left ; there was quite enough, however, to give work to the lawyers for many years to come. This was partly due to the litigious nature of the trustee and beneficiary. Thomas Bowes the younger (whom for distinction's sake we shall henceforth call Bowes), had none of the characteristics of a business man ; no foresight, no resolution, no inclination to decide and act wisely at the right moment. On the other hand he was probably quite good natured : under the most provoking circumstances he never gets angry, and he never swears.

Of his minor legal suits, consisting of small disputes with tenants, it will be unnecessary to say much. The major contentions (which are quite germane to our subject), are those which arise in connection with the estate and colliery of Woodhouses. This property was valuable, and it was not certain that Bowes had a right to call it his own.

The immediate cause of the first dispute was a difference that arose between Bowes and George Nixon, the lessee of the colliery. This man had clearly a shrewd idea of the uncertainty of the title, and called to his aid the heirs at law of Sir Joseph Cradock, viz. : Mrs. Varey, daughter of Mrs. Boutflower ; Hutton Middleton, daughter of Mrs. Middleton, and George Bowes of Bradley, together with some others who had possibly reversionary rights. After two years a composition was made between the parties :

it is of such a nature as to assure us that both sides knew that Woodhouses or some part of it was not a part of Thomas Cradock's estate at all, but really belonged to the heirs general of his father, Sir Joseph.

But was it Sir Joseph's property, either absolutely, or conditionally first on the discharge of certain obligations, and thereafter absolutely his own? And what could be said in favour of any other claimant? This point was brought to the test in 1725, when a suit was begun in the Chancery at Westminster, by one Thomas Cradock of London, cordwainer, who alleged himself to be the son of William, son of William, son of Anthony Cradock. True it is that there were such people as the two Williams, and the younger one is a very interesting person. He lived at Bishop Auckland, styled himself a grocer, and married three times, and, as the world would say, rather well. His first wife's mother was a Blakiston; his second wife had an only daughter called Maxton; his third wife was the sister of Charles Wren of Binchester, who, if Thomas Cradock is not an impostor, must have been his uncle. But it looks as if the cordwainer was not owned or helped by his supposed relatives—and it is yet more clear that John, son of Anthony Cradock, was free to part with his estate, and did so part with it upon certain conditions which terminated with his own life.

This matter being ended, Bowes might have lived happily enough under the terms of the composition made between himself and his cousins. But his lawsuits (perhaps more than his extravagance) led him into mortgages and difficulties. Wishing to get rid of these, and specially of a debt of 1800*l.* due to his neighbour, Mr. William Belasyse of Brancepeth, he contracts for the sale of Woodhouses and its colliery. He actually handed over this property to the would-be purchaser, who, however kept on delaying payment on account of the flaw in the title, and demanded

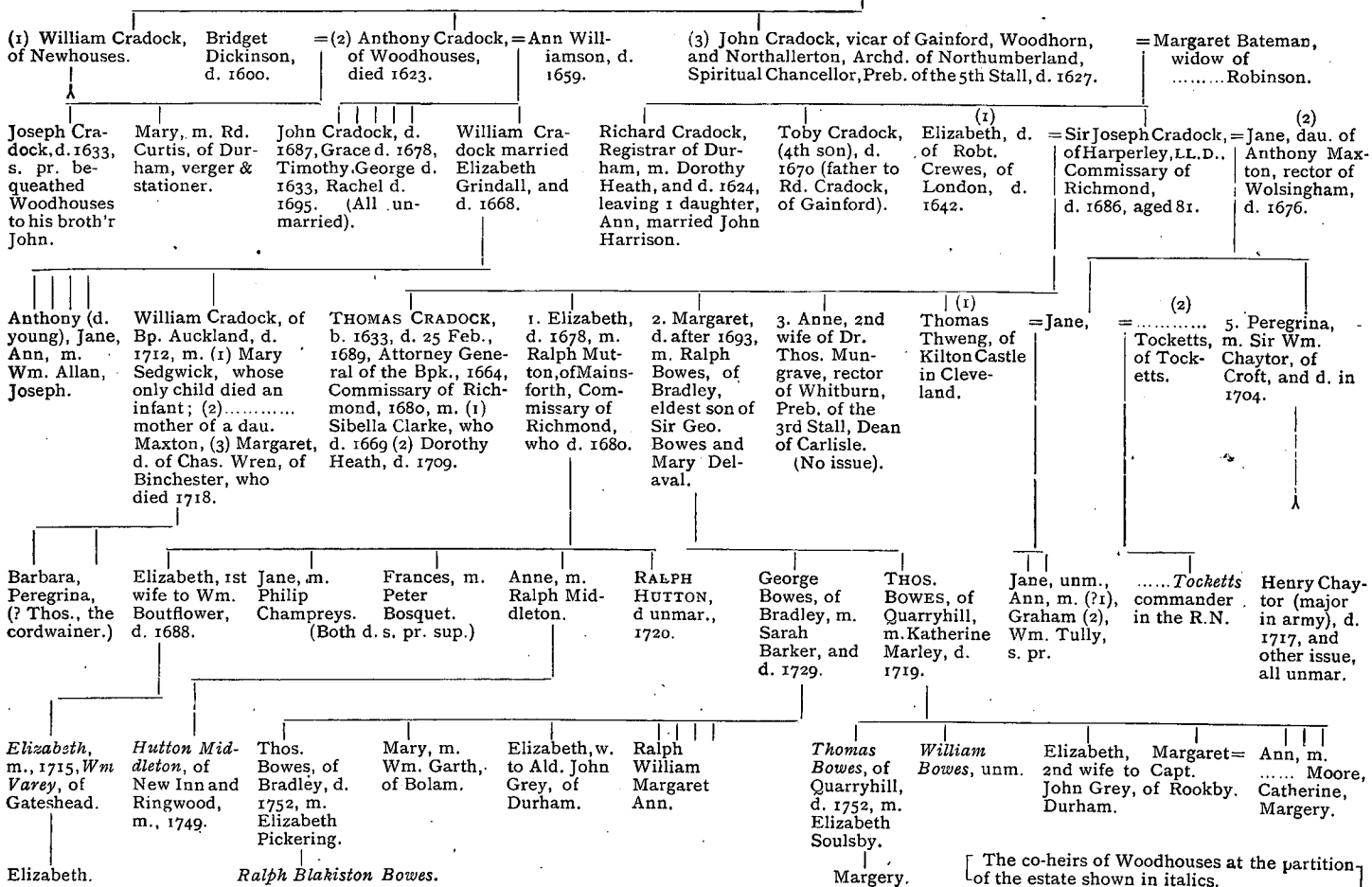
security for himself (if threatened), out of the estate of Quarryhill. The complications of the case become extreme; as Mr. Rudd (the leading Durham barrister of the day) put it—it was a case invented to puzzle the lawyers. But the fact remains—and this is to us amazing—that for a period of more than ten years, Bowes, divested of a property in which he certainly had a considerable interest, was brought to poverty and became for seven years an inmate of a jail, whilst an outsider, without payment, received the usufruct of a property to which he had no sort of title.

But this sort of thing could not be tolerated for ever. It was brought to an end apparently by public opinion amongst the legal profession. Bowes won little sympathy from his near relations, but the opinions of John Hutton, Thomas Rudd, and George Forster were spoken out strongly. In 1752 a commission was appointed to deal with the case. It sat first at John Marshall's house in Elvet, then at Peter Blenkinsopp's; then it was adjourned to Mr. Edward Debord's house in the Fleshmarket in Newcastle, and finally the depositions were sealed at Chester. Mr. Thomas Mascall appeared as counsel for Bowes. The commissioners were Thomas Gyll and David Hilton, Esqs., and John March and John Widdrington, gentlemen. The pedigrees put in were four or five in number, of which Mrs. Varey's is quite the most correct. The following persons were found to be entitled to various shares in the freehold and copyhold partition of Woodhouses, viz. :—Thomas Bowes, late of Quarryhill, $\frac{5}{8}$; his brother, William Bowes, $\frac{2}{16}$; Capt. Robert Blakiston Bowes, of Bradley, $\frac{1}{16}$; the heirs of Jane Tockett, $\frac{4}{16}$; Hutton Middleton, $\frac{2}{16}$; Elizabeth Varey, $\frac{2}{16}$. Mrs. Tockett's heirs were Jane Thweng and Ann Tully (who both died without issue), and Commander Tocketts, or the survivors of them. The issue of Peregrina, lady Chaytor, had by this time recently died out.

The property was no doubt sold. A likely purchaser, it was

THE CRADOCK PEDIGREE.

John Cradock, of Newhouses-in-Baldersdale (P. brother of Dr. Cradock, vicar of Woodhorn, d. 1609) = Anne, dau. of Anthony Latus, of Millom.



believed, would be found in Lady Blackett. It was probably sold to her without much demur. Wearied with long and protracted waiting, the household of Sir Joseph Cradock were no doubt glad enough to divide the spoils.

Just before the happy conclusion of this long story, Thomas Bowes, late of Quarryhill, died at Durham, leaving lawful issue by his wife, Elizabeth Soulsby, one daughter, Margery.

POSTSCRIPT.

The following omissions and errors occur in the printed pedigrees :—

- 1 Surtees, *Durham*, III, p. 19 (Hutton). Mrs. Boutflower, buried at Bishop Middleham, 22 Apr. 1688. It was her daughter, Elizabeth, that married at Washington, 1715, William Varey.
- 2 *Ibid*, IV, pt. i, p. 19 (Garth). The mother of Bowes Garth was Mary, daughter of George Bowes of Bradley.
- 3 *Ibid*, IV, pt. ii, p. 108 (Middleton). The wife of John Middleton, recorder of Durham, was not Anne, but Sarah (probably) daughter of John Harrison of Scarborough, and his wife Anne, heiress of Richard Cradock and Dorothy Heath of Kepier. Mrs. Middleton was thus related both to Mr. and Mrs. Cradock.

The pedigree of Wren is to be found in 124 Surt. Soc. publ., p. 217. A valuable note on the Cradock family, which may be amplified and corrected, is to be found in White's *Durham Cathedral Registers*, p. 85. Concerning the purchase of Bradley for Mary, wife of Sir Geo. Bowes, see III Surt. Soc. publ., p. 124.