

....continuation of the story about John SMITH

But, when this arrived, it didn't really help a great deal – because although the name on the certificate was certainly Elizabeth ADAMTHWAITE, and she died on 5 April 1845 at Cotherstone aged 37 years of consumption, the death was reported by John Smith, present at death, of Cotherstone. Under 'occupation' she was described as 'the daughter of the Revd Joseph Adamthwaite'. According to the NBI she was also buried at Romalldkirk under the name of Elizabeth ADAMTHWAITE – so was she or was she not married to John SMITH? Or, is it possible that the marriage was annulled when it was discovered that it should never have taken place?

All doubts were cast aside when some papers came to light in the Durham Archives – these included a Marriage Settlement drawn up shortly before the first marriage in 1817. It looks as if Ann was wary of John Smith obtaining this property through their marriage, because the Marriage Settlement and accompanying inventory, written on 27 November 1817 and signed by Ann Adamthwaite and John Smith in the presence of Wm Henry Clarke, solicitor of Southampton Buildings, Chancery Lane – less than two weeks before her marriage to John Smith, which signs over the property to Charles Copeland, Spirit Merchant of Staindrop, County Durham, to be held in trust for Ann's sole use during her lifetime, then for her daughter Elizabeth Adamthwaite after Ann's death, and after Elizabeth's death it should be passed to any issue of Ann or Elizabeth – only then should it be passed to John Smith. Simultaneously in Barnard Castle 27 November 1817, a warrant was issued to the Chief Bailiff of Richmond concerning goods seized from John Smith which belonged to Ann Adamthwaite, widow of Bowes.

I have also found a number of other legal documents relating to this family – thanks to the collection of Hanby Holmes solicitors' records held by Durham Archives. It seems that Ann (nee Bourn) Adamthwaite came from a wealthy family, and at some point she must have inherited a house in Cotherstone and some land from her father Henry Bourn. She may also have inherited property from her husband Rev Joseph Adamthwaite – I have found a reference to Death Duty records dated 1812 following Joseph's death, but have never managed to locate his will.

Just a month after Ann's death in July 1834, an Indenture was drawn up by Elizabeth Adamthwaite's attorney – in which her house and contents, together with even more land in Bowes and Stanhope in County Durham, were to be held in trust by John Bourne of Walker Hall (presumably her uncle) until Elizabeth reached the age of 21.

And also in July 1834, another warrant was issued by the Chief Bailiff of Richmond – regarding goods seized from John Smith which were the property of Elizabeth Adamthwaite. Attached to the copy of the warrant was an Inventory listing the goods seized. Interestingly, amongst the papers was the draft for this second warrant, which had been written using the earlier warrant issued in 1817 as the original, with many crossings out and the amendments written in. Was John Smith so much in debt that the bailiffs were sent round to seize Elizabeth's property? And if so, why on earth did Elizabeth agree to marry him?

Because, in December 1836 the marriage of John Smith to Elizabeth Adamthwaite took place in London, followed by the births of their three children in Cotherston in 1838, 1839 and 1841.

However, their marriage appears to have escaped the knowledge of their solicitors – since we have two further documents, both dated 28 March 1838, which refer to Elizabeth Adamthwaite, spinster, and John Smith....

The first is a bond of indemnity for £1000 to William and Margaret Copeland (the heirs of Charles Copeland) by Elizabeth Adamthwaite, John Smith and John Bourne, under the settlement of 1817. The second is a copy of the release of the trust estate as detailed in the 1817 settlement and this recites the will of Charles Copeland as well as the previous deeds.

Was the marriage in London kept a secret because it was a prohibited marriage, or was it because the couple had omitted to follow the prescribed legal requirements of the estate held in trust? I suspect we shall never know the answer to this question – but it may go some way to explaining why Elizabeth was buried under the name of Adamthwaite rather than Smith!

Subsequently, I found the death certificate for John SMITH – he died on 28th May 1847, age 55, occupation Gentleman (hah!) and the cause of death was dropsy. The informant was C. Smith present at death, of Shildon.

Once I knew his date of death, I was delighted to discover more documents at the Borthwick Institute about John Smith, who it transpired had died intestate. His administration was granted on 26th July 1847 (his estate was worth £450) to his brother Henry Smith esquire of 12 Margaret St, Cavendish Square, Middlesex; Frederick Ring, gentleman, of 26 Queen Street, Cheapside and John Hancock of 16 Poultry, hosier. Henry Smith was also appointed Curator and Tutor of his niece, John and Elizabeth's daughter Sarah Smith, aged 10 years in an accompanying Tuition Grant.

Sadly, even with this additional information, I have not been able to find Sarah Smith in any records after 1847, either in London or in Cotherstone.

POSTSCRIPT

I was able to find 'C Smith' who reported the death of John Smith, through most fortuitous coincidences. There was only one C Smith living in Shildon, Co Durham in the 1851 census, and he was still there in 1861 – a Cornelius Smith, who was also a schoolmaster, aged 56. Bingo! And in 1841, he had been living at Romaldkirk with his family – so it is possible that Cornelius was a brother of John. Although, his place of birth in 1851 was given as London – which is a very big place to start looking for three SMITH brothers – even if one of them does have a nice unusual name like Cornelius! If anyone reading this succeeds with this search, please do let me know so I can wrap up this story.

Sue