

# Arrears of Rent

*I was wading through newspaper archives, looking for information on my great, great Aunt Hannah when out of the blue I stumbled upon a handful of articles reporting on the Leeds Spring Assizes in April/May 1887. I discovered Hannah had taken my great grandmother, Margaret, to the Nisi Prius or Civil Court with judge, jury, barristers and solicitors. The following story is my interpretation of events, an explanation as to why Hannah was so bent on revenge. Of course it's just one viewpoint amongst many other possible interpretations but never mind the others - what follows is a good yarn that probably isn't too far from what happened. It's a Mills and Boon with footnotes.*

## EMMERSON v. NELSON AND ANOTHER.— ARREARS OF RENT.

Mr. MILVAIN appeared for the Plaintiff (Hannah Emmerson), and the Defendants (Thomas Nelson and Margaret Ann Barker) were represented by Mr. SKIDMORE and Mr. W. A. MEEK. The action was to recover arrears of rent due under the tenancy of a farm at Ingleby Barwick, near Yarm, which was bought seventeen or eighteen years ago by the plaintiff, and let to her nephew (John Emmerson). In 1883 Mr. Emmerson died, leaving some arrears of rent due, and it was now sought to recover from his executor (Thomas Nelson) and his widow (now Mrs. Barker), the present defendants. The defence was a complete denial of liability. Evidence in the action was not concluded when the Court adjourned to resume on Monday morning at half-past ten o'clock.

FIGURE 1 LEEDS MERCURY MAY 2ND 1887.



FIGURE 2 LEEDS CIVIL COURT

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## 1887 April 30<sup>th</sup>. Leeds Town Hall.

It was a sunny but cold day; the Met Office had reported a temperature of minus two<sup>1</sup> and it was decidedly frosty inside the Town Hall as well as out. The Leeds Spring Assizes were in full flow and the next case waiting to be called into the Nisi Prius or Civil Court was Emmerson v Barker and Nelson.<sup>2</sup> On one side of the waiting area was the plaintiff, indomitable but slightly frail Miss Hannah Emmerson aged eighty three, accompanied by her favourite niece, twenty year old Alice Hannah Emmerson. Both lived on Hollybush Farm, Skelton in Cleveland.<sup>3</sup> On the other side of the room, glowering at Hannah and Alice was Mrs Margaret Barker, the chief defendant, of Harbrough Farm, Osmotherly. Margaret was the widow of John Emmerson, Hannah's nephew. She had recently married a farmer twelve years her junior<sup>4</sup> and the marriage clearly suited her. At thirty seven she was still vivacious and attractive, a sharp contrast to the mousey Alice. Her sister Elizabeth was sitting beside her. The two young women were inseparable, on that day they both wore their Sunday best dresses and bonnets, suffering the effects of rarely worn stays and whispering together conspiratorially. Elizabeth, too, was doing her fair share of glowering, but she was being kept in check by the other defendant, her husband, Thomas Nelson, coachman at Preston Hall.<sup>5</sup>

So why the hostility? Hannah wanted £75 back rent off Margaret and had brought a court case against her and Thomas Nelson. The rent was owed on a farm at Ingleby Barwick, owned by Hannah and let to nephew John and Margaret.<sup>6</sup> After John died in 1884 Margaret had continued to live there for about a year. But on her own with four small children she just couldn't cope and her rent payments had been sporadic or non-existent. Between November 1884 and August 1886 she obtained a position as a housekeeper to a young farmer<sup>7</sup> and by September 1886 she had married him.<sup>8</sup> Margaret was not one for letting the grass grow under her feet.

As he waited to go into the court room Thomas Nelson, knew he could have sorted this out earlier. As executor of John Emmerson's will<sup>9</sup> he had access to sufficient money to pay the debt but Hannah was still waiting - so he too was in her line of fire. He and Margaret were also in trouble for refusing to clear out a barn but the debt was the main grievance. It wasn't a big debt, but Hannah wanted revenge - she clearly *detested* Margaret, and this heavy-handed action, this expensive law suit, proved it.

**1872. February 29<sup>th</sup>. Hollybush Farm, Skelton. Fifteen years earlier...** Sitting in her parlour at Hollybush Farm, Miss Hannah Emmerson, 68, was excited. She'd just signed a contract for a farm at Ingleby Barwick.<sup>10</sup> Myton House Farm was a substantial property; well looked after, it had once belonged to the Pennymans of Ormesby Hall. It was something she now owned in her name and could pass on to her dear nephew and his family. In the

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<sup>1</sup> <http://www.metoffice.gov.uk/learning/library/archive-hidden-treasures/monthly-weather-report-1880s> accessed 20 February 2017

<sup>2</sup> *York Herald* (1887) Arrears of Rent. *York Herald*. Monday May 2<sup>nd</sup>. pp. 6 and 7 cont: Tuesday May 3<sup>rd</sup> p.3. British Newspaper Archives: accessed 26 April 2016.

<sup>3</sup> 1881 England Census. Class: RG11; Piece: 4864; Folio: 25; Page: 2

<sup>4</sup> Margaret Emmerson and Jabez Barker. BMD Index. Marriages. July August September. 1886. Yorkshire North Riding: Vol. 9d: p.600

<sup>5</sup> John Emmerson. Ingleby Barwick. Will.1884.Court of Probate. York. Index to Death Duty Registers 1796-1903. National Archives Ref: IR27/448. Describes Thomas Nelson as a coachman at Preston Hall.

<sup>6</sup> Op.cit. (1887) *York Herald* Monday May 2<sup>nd</sup>.

<sup>7</sup> Op cit. Margaret Emmerson and Jabez Barker. Marriage Certificate. This stated that both lived at Osmotherly and Margaret was a housekeeper.

<sup>8</sup> *ibid*

<sup>9</sup> Op cit. John Emmerson. Will.

<sup>10</sup> 29 Feb 1872 Myton House Farm Hannah Emmerson Northallerton Record Office Microfilm LB p.12 Deed 25 401

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meantime he would rent it from her - at a very low rent. John was special. Hannah recalled the time in 1827 when her older sister, Alice had announced she was pregnant. She had been walking out with farmer William Young from next door Hagg Farm, seemingly for years, so it was no surprise. However the two of them did little in the way of organising a wedding and the banns were eventually called in November when Alice was four or five weeks away from giving birth. Then one night they had an almighty row. Alice came home tight lipped and announced the wedding was off. The Emmersons never knew why but rumours went round that William had been told the child was not his. Nevertheless the family rallied round. John was born late December and baptised in January 1828.<sup>11</sup> He was made welcome by the large Emmerson family, especially Hannah, and his illegitimacy put to one side. It took five more years for his mother to finally marry William Young and move to the adjoining farm,<sup>12</sup> but John wanted to stay with his grandparents, aunties and uncles, especially Aunt Hannah who, like all of them, loved and indulged him, and so he remained on Hollybush. For Hannah he was the son she would never have. She knew she was plain and somewhat outspoken, had never had a young man and would always be the stereotypical spinster aunt, but John was the one light in her life – he adored her, and she him.

**1872. March/ April. Back Lane Farm, Skelton.** John Emmerson was looking forward to the move to Ingleby Barwick. He'd had many happy years in Skelton especially as a child when Granny Alice and Aunt Jane were around but by 1861 Hollybush Farm's only residents were Aunt Hannah, her brother, Uncle Stephen, and John himself.<sup>13</sup> Hannah was kind but overbearing and he and Uncle Stephen were quite dominated by her. Granddad Stephen who died in 1833 had left his aunt and uncle well provided for, and John too received a handsome sum.<sup>14</sup> John had grown up in a rapidly changing Skelton, brought about by the discovery of iron ore in the Cleveland Hills and the opening of mines in and around the village. Hannah and Stephen's income was greatly increased by the royalties from the local mines that burrowed under their farm.<sup>15</sup> They sold some of their farm land for building to house the influx of miners that flocked to the area from all corners of the country, and bought some of the houses themselves.<sup>16</sup> John followed their example in 1864 and bought two new houses in Ruby Street Saltburn to furnish himself with a rental income.<sup>17</sup> We can safely say as the 1860s progressed the two siblings were comfortably off. John however was restless, wanted to escape from Hannah and eventually married in 1862.<sup>18</sup> Fortunately Hannah approved of his wife, a plain hardworking woman like herself. Martha came to the marriage with a four year old son, for Hannah this was proof of her fertility as Martha was already 34. Hannah was desperate for some nephews and nieces. John's marriage produced four children, and in 1871 the couple were living on Back Lane Farm, Skelton,<sup>19</sup> renting off Uncle Stephen. The children spent a lot of their time with Aunt Hannah who indulged them as she had indulged John. Hannah had decided to spend some of her excessive income on a farm, one she could leave to John and his family.

John smiled inwardly when he remembered telling Aunt Hannah about the fact that Myton House Farm was up for sale. He and Martha had lived in Picton when they first married and John knew all the farmers and farms in that area, including those at Ingleby Barwick. He knew auntie wanted to buy a farm and this one was a

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<sup>11</sup> John Emmerson. OPR. Baptisms, 19<sup>th</sup> Jan 1827 Skelton in Cleveland. Teesside Archives PR/SK 1/7 p.77

<sup>12</sup> William Young Alice Emmerson. 06 March 1832 Skelton Yorkshire North Riding Teesside Archives PR/SK 1/18 p.64

<sup>13</sup> 1861 Census England; Class: RG 9; Piece: 3652; Folio: 84; Page: 20.

<sup>14</sup> Stephen Emmerson. Skelton in Cleveland. Will. February 1834. York. Perogative and Exchequer Court, Vol.189.F.132 Index ref: 1830111834040099. tif/18

<sup>15</sup> Emmerson Royalties. Teesside Archives. U.SG/10

<sup>16</sup> Hannah Emmerson. Skelton in Cleveland. Will.1898. Court of Probate. Index to Death Duty Registers 1796-1903 National Archives Reference IR 27/552.

<sup>17</sup> 1865 Northallerton Archives Microfilm KE p.503 Deed 783

<sup>18</sup> 1862 John Emmerson and Martha Raine 04 March 1862 East Harlsey Northallerton Archives N-PR HAR1-7 p.34

<sup>19</sup> 1871 Census England; Back Lane Skelton Yorkshire England Class: RG10; Piece: 4853; Folio: 61; Page: 18.



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sufficient distance away from Skelton – about 12 miles – to prevent her dropping in every day and interfering as she had been doing recently. The trouble was Martha liked her and was happy to roll over and let Hannah take charge. When she heard about the farm Hannah protested it was too far away but John reassured her that the children would come to stay at Hollybush weekends and holidays and he and Martha would visit. The first promise he intended to keep but not the second. Within a couple of weeks John and Martha had moved in to Myton House Farm. A year later Martha was dead.

**1872. March. High Street, Crathorne.** Margaret Thwaites, 21, was pregnant in 1871 when the Census was taken. Margaret, who lived with her parents, was described as a 'domestic servant out of place' in other words out of work.<sup>20</sup> Her baby boy was born in September 1871.<sup>21</sup> She then displayed the feisty side of her nature as she had the child baptised in the name of his father, who had disappeared – an early 'naming and shaming'.<sup>22</sup> Fate was about to bring John Emmerson and Margaret Thwaites together for shortly after John and Martha moved house, or rather moved farm, Martha began showing the first signs of the cancer which was to kill her in March 1873.<sup>23</sup>

**1872. Late November. Myton House Farm, Ingleby Barwick.** Margaret heard by word of mouth that the new couple at Myton House Farm needed a housekeeper, they knew her family from their days at Picton thus Margaret was appointed. She left her baby with her mother so arrived unencumbered. Part of her duties was to see to John's four children, but not for long. By Christmas 1872 Martha was in great pain so Hannah wrote to the children asking if they would like to spend some time at Hollybush Farm and they replied with a resounding 'yes', except the youngest, John Foster (Jack), who wanted to stay with his mother.

Martha died in March and was buried in a family plot at Billingham. Hannah was not pleased. Once the funeral was over and the dust had settled she realised her nephew would be living alone with a very attractive young woman over twenty five years his junior. Hannah had imagined John spending every Sunday with her and the children and marrying some sensible widow from Skelton. Surely this slip of a girl wouldn't interest him?

**1873. April – December. Myton House Farm, Ingleby Barwick.** Margaret was cautious about beginning a relationship with John Emmerson. He was twenty five years older than her with thinning hair and to be honest wasn't much fun unless he'd had a few beers. However Ingleby Barwick in 1873 was hardly the hub of the civilized universe so inevitably Margaret and John did get together. Their relationship developed through their musical soirées. John was passable on the accordion and Margaret had a pretty singing voice. The two spent many evenings singing the latest songs from the Music Hall or the Minstrels shows. What happened next was inevitable. Living in such close proximity invited intimacy and by January 1874 Margaret was once again pregnant. John certainly was not Margaret's first choice. But she was twenty four with a bastard child, and the child's father was obviously not going to return. She married John at Stainton church in March 1874, eleven months after Martha's death.<sup>24</sup> Uncle Stephen brought the three children, Polly 12, Stephen William 9 and Alice 10, and a reluctant Hannah, who sat stony faced throughout the ceremony. She was convinced that this young flibbertigibbet had deliberately seduced her nephew and now pregnant had trapped him into marriage in order to get her hands on his money.

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<sup>20</sup> 1871 Census England: Crathorne Arms Crathorne Yorkshire England Class: RG10; Piece 4861; Folio 41; Page:7

<sup>21</sup> Joseph Bifin White Thwaites: 1871 Birth Quarter 4. Stokesley; Yorkshire; England. 9D Page:483

<sup>22</sup> Margaret 'named and shamed' the father. Her son was baptised as Joseph Bifin White Thwaites. 5<sup>th</sup> November 1871. All Saints. Crathorne. Crathorne Parish Records

<sup>23</sup> Martha Emmerson. Born 1829. Age at Death. 44. Death Quarter 2. Death Year 1873. STOCKTON. Durham. 10A. 26. England and Wales Deaths. 1837 -2007.

<sup>24</sup> John Emmerson and Margaret Thwaites. BMD Index Marriages . March 1874. Durham and North Yorkshire. Stockton: 10a: Page.133

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**1873 onwards. Hollybush Farm, Skelton.** Hollybush became home for Polly, Stephen William and Alice. They spent hours in the kitchen with Aunt Hannah, watching her make the rabbit pies she was famous for, or in the farmyard feeding the hens. When Hannah mentioned the three of them returning to Ingleby Barwick they pleaded to stay. They did not have much affection for Margaret. They instinctively knew that whilst Margaret would tolerate them, Stephen and Hannah loved them. So it was decided that, for the time being, the three children would remain at Hollybush farm even though Hannah was now seventy and Stephen sixty eight. Holidays and visits to Myton House were promised but did not materialise. John occasionally dropped by after collecting his rents from his two Saltburn houses. Margaret was always 'too busy'. This could well have been true as her first child Jane, born five months after she married, was profoundly deaf.<sup>25</sup>

Hannah had been less than charitable about Jane's birth. She muttered about 'a punishment from God' and was so venomous when she mentioned Margaret that Stephen had to plead with her to stop.

**1883: Myton House Farm, Ingleby Barwick. Nine Years Later.** Three more children had been born to John and Margaret<sup>26</sup> but John was not a good manager, Margaret, too was careless with money and for some time the farm had not done as well as it could. John felt increasingly isolated. He missed his Skelton family, especially Stephen's advice and Margaret was emotionally distant. She had made it clear that she wanted no more children and appeared to find his physical appearance distasteful. Drink provided solace but it also prevented him dealing with his accounts and in May 1883 he'd had to tell Aunt Hannah that he could not pay all of her £30 half yearly rent.<sup>27</sup> He'd turned up on Hollybush dishevelled, with bloodshot eyes and gave the appearance of a man without a wife to look after him – or so Hannah thought. Her animosity towards Margaret was growing. She was quite happy to let Hannah and her brother look after the children although there was no reason why they could not return to live with John, their father. She made no effort to visit and Hannah believed she encouraged John not to visit. The close relationship she had with her nephew was being eroded. It was around this time that her feeling towards Margaret turned murderous.

The summer of 1883 was hot and thundery, a scene setting for a tragedy.<sup>28</sup> The children, oblivious, played in the fields, deaf Jane and nine year old Martha given responsibility for William and little Rose who was barely toddling. Jack, now thirteen, helped John whenever he could; often taking over when John was worse for wear. Margaret's irritation with John grew, especially when he drank although he drank to blot out her irritation.

**October/ November 1883. Stockton and Thornaby Hospital.** By October they scarcely spoke, the crops were not fully harvested and the farm was in disrepair. The second week in October was wet and dismal,<sup>29</sup> reflecting John's mood as he walked along Stockton High Street. He already owed Aunt Hannah £10 for May's rent and did not know where the £30 for November was going to come from. Which is why he did not notice the cart bearing down on him – within seconds he was being crushed by flailing horses' hooves, screaming in agony as passers-by rushed towards the carnage. As the horse was dragged to one side and calmed by its driver the full extent of John's injuries were visible. Both legs and several ribs were broken, his head had been kicked and blood poured down his face. He was hauled into the dog cart and two good Samaritans held him while the driver drove rapidly to the newly opened Stockton and Thornaby Hospital on Bowesfield Lane, where John was to spend the next five weeks.<sup>30</sup>

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<sup>25</sup> 1873 Jane Emmerson Birth Quarter 1 Stockton, Durham, England. Vol.10A Page. 102 England and Wales births 1837-2006

<sup>26</sup> 1881 Census.England. Myton House Farm; Ingleby Barwick. Class: RG11; Piece: 4863; Folio: 144; Page: 3

<sup>27</sup> Op Cit. *York Herald* May 2<sup>nd</sup> 1887.

<sup>28</sup> Op. Cit. Met Office Weather Report

<sup>29</sup> *ibid*

<sup>30</sup> Op Cit. *York Herald* May 2<sup>nd</sup> 1887.

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Margaret visited John regularly and did her best to appear full of concern. John was delighted with her tender solicitude and, although he hoped to recover he thought it wise to make sure Margaret was well provided for, in case he didn't get over this accident. The last day of October 1883 saw him propped up in his hospital bed and sitting by his side was a little man with owl spectacles and a battered briefcase. This was clerk George Hardwicke of Watson, Newby and Robson Solicitors, and accompanying him was his secretary, Miss Lucy Aisbitt, a corpulent middle aged woman who had mastered shorthand and made a great show of notetaking. John named Matthew Pearson, the husband of Margaret's cousin, as Executor. Matthew, a Glaswegian and a labourer in the Iron Works, lived in nearby Thornaby with his wife's family.<sup>31</sup>

That night Margaret visited the hospital with her sister Elizabeth Nelson. The sisters read the will avidly. Margaret saw that all John's livestock and farm equipment was to be sold and the money was to go to her. She could either sell the two Ruby Street houses or continue to rent them out, thus providing herself with a small income. She did not like the next part one little bit which stated that if she remarried then she forfeited everything, the houses had to be sold and the money put in trust for the children.<sup>32</sup> Margaret made a mental note to ignore that sentence. They could wait till she died. But she noticed there was no mention of the older four children, John's children to Martha, no small financial gift, and no memento, nothing to remind them of their father. It was as if they didn't exist.

The sisters were far from happy with John's choice of Executor. Matthew Pearson, they pointed out, was a labourer. He would not understand legal matters and worse, no one would understand *him* with his heavy Glaswegian accent. His wife, their cousin, was illiterate and he was barely educated. However, Elizabeth had been hatching an idea and put it to John. Firstly why not have her husband, Thomas Nelson, do the job. Intelligent and literate he would make a much better job of dealing with the probate. Also why sell the livestock? Thomas always fancied running a farm – he was a farmer's son and if anything did happen to John eventually well, Thomas and Elizabeth could help Margaret run John's farm. Yes he had his coachman's job but he didn't want to do it forever, and while John was convalescing he could show Thomas the ropes. John thought this an excellent idea as did Margaret – what they all forgot was that the farm was Hannah's and it was up to her to agree to a change of tenant. However, John was very ill, and Margaret and Elizabeth hadn't thought the idea through. In the morning John threw caution to the wind, summoned Mr Hardwicke and Miss Aisbitt and added a codicil to his will. The new executor was to be Thomas Nelson and instead of selling all the farm stock Thomas Nelson would run the farm. All other details remained the same.<sup>33</sup> The will was signed and the clerks from the solicitor's office left. The nurses smiled as they left – they had been bribed a second time by Mr Hardwicke to let he and Miss Aisbitt in. George Hardwicke made a mental note to add the bribes to John Emmerson's fee.

**1883. November. Preston Hall.** Thomas Nelson went through the roof. He told Elizabeth that there was no way he was giving up their free cottage at Preston Hall, which went with his job, to live on Margaret's farm. Yes he'd grown up on a farm but he knew little about running one and John Emmerson had no right to make him Executor without asking him first. Elizabeth shed a few tears and stated that the idea of him **working** on the farm was something that was years away, John would surely recover. Thomas, who was a kind man at heart, calmed down. He felt that no good would come of this Will business especially if Margaret Emmerson was part of it. But what was done was done, and while John was alive Thomas went along with the deception to give John peace of mind.

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<sup>31</sup> 1881 Census England. Thornaby Road, Thornaby with South Stockton. Yorkshire, North Riding, England. Ref. RG11; Piece: 4862 Folio:131, Page 30.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid. Codicil.

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**1884. November 20<sup>th</sup> – January 8<sup>th</sup>. Myton House Farm.** John was discharged on the twentieth of November.<sup>34</sup> Although in pain and very weak he was still glad to get home. He spent the next seven weeks drowsing in the chair in front of the fire occasionally rousing himself to give instructions to Jack who at thirteen was doing his best to be the man of the house. Thomas Nelson helped when he could. At Christmas John seemed to be slightly better, and was hobbling around the house on his crutches. But his recovery was short lived. On New Year's Eve pneumonia set in, and John died on the 8<sup>th</sup> January 1884. He was 56.<sup>35</sup>

**1884. January. Hollybush Farm.** Hannah took the death badly. She raged at whoever would listen and blamed Margaret for everything - for Martha's death, for the neglect of the farm, for John's gradual decline. His three children, now teenagers, took the news in different way; Stephen William indifferent, Polly, who had known her father the longest a bit weepy. Alice said nothing but felt the stirrings of rage and hate towards Margaret which she transmitted to Aunt Hannah at every opportunity. Hannah wanted to bring John home to Skelton and so he could be buried with his mother, Alice, or with his grandmother in All Saints,<sup>36</sup> or even in the new Cemetery, nearer to Hollybush Farm. Margaret had other ideas and John was buried four days later in the Parish Church at Crathorne where she had been baptised.<sup>37</sup>

**1884. January – October. Myton House Farm.** Margaret struggled on with the farm. January and February was a quiet time. She fed the hens and Jack did the milking, but ploughing was beyond him, a slight thirteen year old, and Thomas Nelson had no time to help. So the crops were not planted that spring and the fields lay fallow. Weeds sprung up around the farmhouse and the place gradually took on an air of neglect.

May was the due date for the next £30 half-yearly rental. Hannah arrived to collect her money having been picked up by Thomas at the station. Myton House Farm was in a far worse state than she had imagined. Derelict and abandoned it broke her heart to see it, when she remembered the hopes she had for John and Martha at the time she bought the property. Margaret was tearful and convinced Hannah that she was willing to move out. She was looking for a position, she said. She reassured Hannah that when some money was released after the probate she would be paid in full. Thus Hannah went away empty handed but not before she'd had a word with Jack. She tried to persuade him to come home with her there and then, to be with his brothers and sisters on Hollybush Farm. The boy was exhausted and said he would think it over and at the end of August he packed a bag, hugged Margaret and the little ones, and then caught the train to Saltburn, where he was collected by Job Garbutt, Stephen and Hannah's farm hand.<sup>38</sup>

Margaret went with Thomas to the probate office at York on the eleventh of June 1884 for the reading of the Will.<sup>39</sup> She now had a small income from the Ruby Street houses and the money John had left her. She decided to leave the farm before November, when the next rent payment was due. Through word of mouth she landed a position as housekeeper to young Jabez Barker the son of the West Rounton blacksmith who shoed many of the Crathorne horses. Jabez was in the throes of running his first farm and needed a woman to cook and clean. Margaret began packing and selling her goods and chattels, farm implements and livestock but after the animals were sold – and Jabez bought quite a few - it was all too much bother so

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<sup>34</sup> Op. Cit. *York Herald* May 2<sup>nd</sup> 1887.

<sup>35</sup> John Emmerson. Born 1827. Age at death 56. Death Year 1884. Death Quarter 1. MIDDLESBROUGH. Yorkshire. England and Wales Deaths. 9D. p.377.

<sup>36</sup> Old All Saints Church. Skelton in Cleveland. Alice Emmerson d. 1855. Monumental Headstone Grave 302. Alice Young d. 1857 Monumental Headstone. Grave 317.

<sup>37</sup> John Emmerson Aged 56 Date of Burial 12 January 1884. Crathorne, Yorkshire, England. Northallerton Archives N-PR-CRT 1-6. p.52, Yorkshire Burials.

<sup>38</sup> 1881. England and Wales Census. Class: RG11. Piece: 4842; Folio: 117; Page: 26

<sup>39</sup> John Emmerson. Ingleby Barwick. Will. 1884. Court of Probate. York. Index to Death Duty Registers 1796-1903. National Archives Ref: IR27/448

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furniture, saddles, harnesses and ploughs were bundled into a large barn which was then padlocked. With Thomas' help she cleared her debts to the seed merchant, the coal man and other traders but she was determined to give Hannah as little as possible. In her mind the old girl wanted for nothing. She sent Hannah £10 thus pre-empting her November rent visit, telling her it was all she could afford.

**1884. October. Harbrough Farm, Osmotherley.** By mid-October she and the children had settled on Harbrough Farm near to Osmotherley, where Margaret took up her new role as housekeeper to Jabez Barker. The four children were put into the village school at Brompton which entailed a daily round trip of six miles.<sup>40</sup> Jane, at twelve, was about ready to leave school but could not operate without Martha, her voice and ears, so she stayed on. The two big girls set off for Brompton every weekday with their little brother William and sister Rose Ellen and Margaret kept house for Jabez.

**1884. October. Hollybush Farm, Skelton.** The final straw for Hannah came when the contents of John's Will were revealed. She expected the four children of John's first marriage to be left some small gift – but there was nothing— not a mention. Yes, John knew that she and Stephen would leave the children property but to not mention them or leave them some token was shocking. And what was the nonsense about the brother in law running her farm? She'd soon put a stop to that. Margaret was behind this Will and for Hannah it meant war! She had heard Margaret was selling her livestock so determined to pay her a visit. But she was too late. A letter arrived from Thomas Nelson containing ten pounds and the keys to Myton House Farm. Job Garbutt drove her over, in her agitated frame of mind she could not be bothered with the trains, but as the cart pulled up outside Myton House Farm she knew Margaret had gone. The windows gazed blankly back at her, a broken gate swung on its hinges, the grass round the farmhouse was knee high. As Miss Emmerson surveyed her neglected property and saw the chaos in the barn her face set. There was serious trouble ahead for the young widow.

**1886. September 14<sup>th</sup>. Wesleyan Chapel, Northallerton.** Two years later Margaret married Jabez Barker.<sup>41</sup> She was 36 and he was 24. Long days of being alone with him while the children were at school led to the inevitable, whether it was love or expediency is debatable. Nevertheless Margaret enjoyed living on Harbrough Farm, with a young, cheerful and capable husband who was liked by the children. Thomas Nelson had spoken to her seriously when she married. He told her she was playing with fire by not turning John's money over to the children and still keeping the rent money from Ruby Street. John Emmerson had made his wishes quite clear in the Will. Margaret countered this saying that Hannah had loads of money and would forget the debt.

**1887. February. Harbrough Farm.** When the summons arrived Margaret wasn't really surprised – but shocked that she and Thomas Nelson were to be tried by judge and jury. The charge was non-payment of rent and illegal occupancy of a barn belonging to Miss Hannah Emmerson. The letter stated that the case would be held at Leeds Spring Assizes on April 30<sup>th</sup> in the Nisi Prius, or Civil Court and the circuit Judge Mr Justice Manisty would be in charge of proceedings.<sup>42</sup> Thomas was furious – he had told Margaret what would happen but would she listen .....

**1887. Saturday, April 30<sup>th</sup>. Leeds Town Hall.** Two months later, at seven in the morning, a sleepy and apprehensive Margaret, Elizabeth and Thomas boarded the train for Leeds at Northallerton. The court proceedings began at 10.30 a.m. and their case was to be heard late morning. They slept most of the

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<sup>40</sup> My mother told me that her mother, Rose Emmerson, had to walk six miles each day from Harbrough Farm to Brompton village school and back.

<sup>41</sup> Op. Cit Margaret Emmerson and Jabez Barker.

<sup>42</sup> Op. Cit. *York Herald* May 2, 1887



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journey. Arriving refreshed around 9.30,<sup>43</sup> they strolled to the Town Hall, where the Assizes were held, past hawkers, market stalls, organ grinders, omnibuses, flower sellers, beggars - the noise and bustle of the big city. The two women loved the atmosphere, taking in the smell of fried fish, smoke from the bellowing chimneys and the shouts of the traders. Thomas, vigilant, blocked the path of a pickpocket who was getting suspiciously near to Elizabeth's little purse, and got them to the Law Courts unscathed. Hannah, accompanied by niece Alice, had arrived the day before as for her the journey would have taken over four hours.<sup>44</sup> Leeds overwhelmed the old lady and her quiet niece – Loftus was their nearest large town and this was on a much larger scale. Terrified of pickpockets they rushed to their hotel and remained there, sending out for their supper. That Saturday morning Hannah struggled up the imposing flight of steps to the Town Hall entrance – she was after all eighty three, and in Alice's opinion a minor miracle for her age – but got her breath back sufficiently to glare at Margaret who was already there. Their solicitors bustled round, trying to distract them - fortunately Justice Manisty wanted his lunch, the morning list had a fair number of withdrawn cases,<sup>45</sup> so they were ushered into the courtroom a matter of minutes after their appointment time.

Apart from a couple of reporters from the Leeds Mercury and York Herald and a handful of locals who came in to get somewhere to sit down, the court consisted of the judge, three solicitors and a very bored and rather hungry jury, made up from the local gentry and yeoman farmers. Margaret was first in the witness box. She was charged with non-payment of rent arrears and refusing to hand back a barn which belonged to the plaintiff. Overwhelmed by the twelve jurors gazing intently at her (as she was still attractive) and tired from the very early start, she burst into tears which made Mr Justice Manisty harden his heart towards her – weeping women cut no ice with him. She pleaded 'not guilty' and was then gently nudged and prodded by her solicitor, Mr Meek, who was acting as counsel for the defence, into insisting that the tenancy was in her husband's name, thus she had no legal responsibility. Staying on had been a casual agreement between her and Aunt Hannah who had said she could pay whatever she could manage – which she had – and had also said she could leave her things in the barn until she found somewhere for them. Hannah's solicitor Mr Milvain then cross examined Margaret and suggested that she had promised to pay Miss Emerson what was owed when her husband's probate was passed and his money was released. Margaret countered that she had bills to pay that were from before her husband died and she had nothing else with which to feed and clothe the children. She kept insisting it wasn't her debt. Thomas Nelson came next. He also claimed that the debt was nothing to do with him, he just followed Margaret's instructions and furthermore he had never worked on the farm as suggested by the will. Next Mr Milvain cross examined him and stated that Thomas Nelson must have known he needed to pay Miss Emerson and as Executor it was his duty to do so. Thomas reiterated that he was following Margaret's orders.

The judge now turned his attention to Hannah who slowly ascended to the witness box. She was using a cane but still looked spry and had a steely look in her eye. Encouraged by Mr Milvain she firmly denied ever having told Margaret she could 'pay what she was able'. She further claimed the barn had never been mentioned until she found it full of Margaret's furniture and assorted rubbish. Cross examined by Mr Meek she went rigid when he gently suggested memory loss and crashed her cane down on the witness box stating her memory was as good as ever it had been.<sup>46</sup>

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<sup>43</sup> NER Working Timetables NERA 0443 1895 working timetable [ner.org.uk](http://ner.org.uk)

<sup>44</sup> [ner.org.uk](http://ner.org.uk)

<sup>45</sup> Civil Court List *Leeds Mercury* May 2 1887

<sup>46</sup> *The York Herald* and *The Leeds Mercury* both reported on this court case.

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The shuffling and peeping at timepieces that were going on amongst the jury gave Justice Manisty the idea that it was time for lunch. He summed up by suggesting that the actual will should be brought to the Monday afternoon session so he could see exactly what the dead man's wishes were and requested that the solicitors facilitated this. He told Margaret that failure to produce the Will would constitute contempt of court for which there were severe penalties. Alice and Hannah, exhausted, battled through the bustling streets of Leeds back to their hotel, Margaret and Elizabeth left Thomas in Whitelock's Alehouse while they window shopped in the two beautiful Arcades, recently built in Briggate,<sup>47</sup> then caught the 8.20 pm train for Northallerton.

**1887. Sunday May 1<sup>st</sup>. Harbrough Farm, Osmotherly.** The following day Jabez hitched up the cart and drove to the home of Mr Newby clutching a letter from Leeds court demanding the Will. Because it was Sunday Mr Newby's office was locked so it was fortunate that the rather annoyed solicitor lived nearby. Within half an hour the Will was in Margaret's hand. She was frightened. The Will clearly stated she had to sell the two Ruby Street houses if she remarried - but she was still getting rent from them. Jabez told her that she would not go to prison - she could plead that she had every intention of selling the houses and would do so in the next few weeks.

**1887. Monday May 2<sup>nd</sup>. Leeds Town Hall.** Monday morning saw Margaret and Thomas travelling back to Leeds, minus Elizabeth who had sworn never again to travel in her husband's coach. When she remembered the dizzying speed with which he had driven, drunk, back to Preston Hall from Yarm station her blood ran cold. Alice and Hannah arrived first followed by Margaret and Thomas and they were summoned at 2.30pm. Judge Manisty was handed the Will and spent a few minutes reading it. He then leaned over to the chief juror and dismissed the jury. Looking very annoyed he asked Margaret and Thomas to step into the witness box. The judge stated that he thought they were being economical with the truth. Margaret had the money to pay Hannah once the Will was proved in June 1884. It was now 1887. So why hadn't she paid up? Margaret began blustering about debts owing and children needing to be fed but the judge wasn't interested. He asked Thomas if he had done anything about selling the houses. Thomas said he hadn't had the time but would begin immediately. He was told he had three months to complete the sales on behalf of Margaret Barker. By the end of the three months he had to pay Hannah £50 and to pay £50 court costs. Failure to act would mean prison for him and Margaret.<sup>48</sup>

The shamefaced pair made their way back to Osmotherly and Yarm and a jubilant Hannah returned to Skelton. Within weeks Thomas had sold the houses to the wife of a pub landlord at Spennymoor,<sup>49</sup> the court costs were paid, Hannah got £50 of her owed rent, and most of the money was put in trust for the children of Margaret and John, although Margaret appeared to have a considerable number of new dresses and hats that year.

**2017. Skelton. Epitaph.** It was a pyrrhic victory. Hannah didn't need the money. The Emmerson Royalties, (money obtained from the pit owners for ironstone mines tunnelling under Hollybush Farm) were, in 1887, substantial<sup>50</sup> and with rents from farms and houses in the Skelton area, Hannah had money coming to her from all directions. The court case was a display of temper by an old lady who had been deeply hurt by a nephew she had brought up as a son. She had bought a farm to leave to him and his children and he,

<sup>47</sup> <https://ragpickinghistory.co.uk/2011/04/29/the-victorian-arcades-of-leeds/> Accessed March 1 2017

<sup>48</sup> Op. Cit. *York Herald*, May 3<sup>rd</sup> 1887

<sup>49</sup> Indenture of Conveyance. Between Thomas Nelson and Jabez Barker. Nos. 16 and 17 Ruby Street. Saltburn. 29<sup>th</sup> June 1887. Land Registry Documents. Vol.15 p.92 no.43. Northallerton Archives.

Indenture of Conveyance. Between Jabez Barker and Esther Brown Nos. 16 and 17 Ruby Street. Saltburn. 30<sup>th</sup> June 1887. Land Registry Documents. Vol.15 p.92 no.44. Northallerton Archives.

<sup>50</sup> Emmerson Royalties. Teesside Archives. U.SG/10

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together with his (in Hannah's opinion) hare-brained second wife had let the farm go to rack and ruin. That second wife had trapped her nephew into marriage, had left her own son, unloaded three of her nephews' children to his first wife onto Hannah, done little to keep in contact, encouraged her nephew to leave all four of his children to his first marriage out of his Will, treated him with indifference and after his death continued to neglect Hannah's farm.

Margaret didn't cover herself with glory in this tale. But the reader might consider this. Jack, aka John Foster Emmerson, the child of John and his first wife, who remained with John and Margaret, was left Myton House Farm by Hannah.<sup>51</sup> He extended it over the years, and the farm prospered. He and his wife, Mary, had a large family but none of his daughters were given the name 'Hannah', even as a middle name. Yet he called his third daughter 'Margaret'.<sup>52</sup>

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<sup>51</sup> Indenture of Conveyance. Between Hannah Emmerson (deceased) and John Foster Emmerson. Myton House Farm. Ingleby Barwick. Land Registry Documents. Vol.110. p.1094. no. 464. Northallerton Archives.

<sup>52</sup> Margaret Ellen Emmerson. Birth Certificate. 1905. First Quarter. Middlesbrough. Yorkshire North Riding . Vol. 9d. p.653