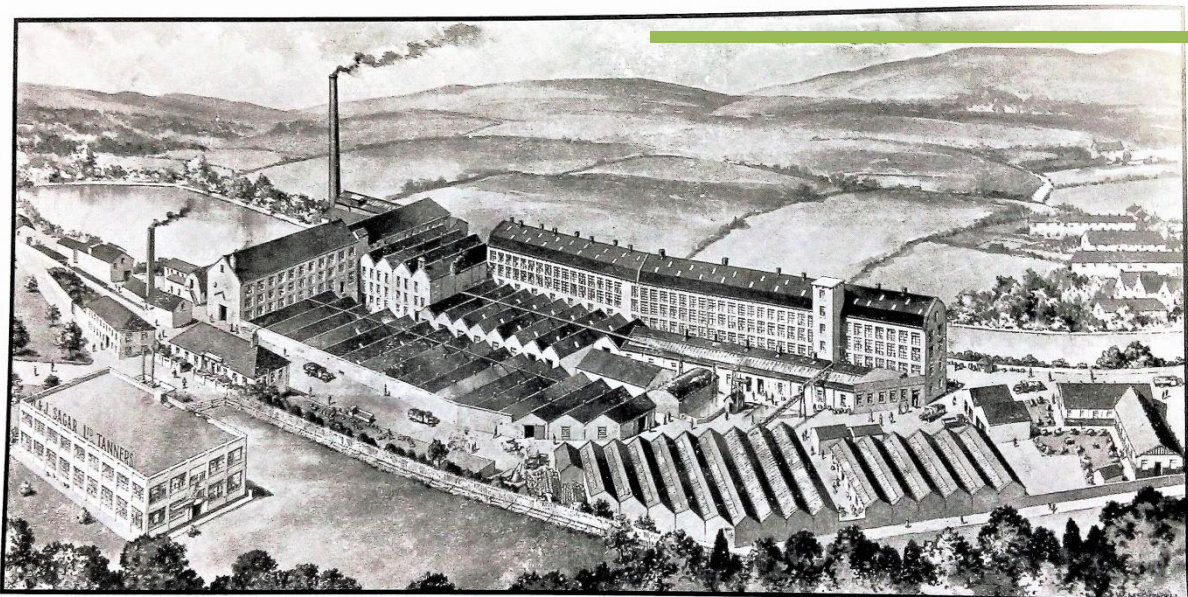


This Indenture of four Parts made this 8th day of July in the 35th year of the Reign of our Sovereign Lord George the 3rd by the grace of God of Great Britain France and Ireland King Defender of the Faith and so forth and in the year of our Lord 1745 Between Edmund Cockshutt in his younger of the County of Colne in the County of Lancaster Cotton Twist Spinner of the 1st part Margery Maude of Great Harwood in the said County of Lancaster Widow one of the 2^d parts Alexander Mercer of Great Harwood in the said County of Lancaster Tanner and Richard Folds of Lurgers within Bowden in the said County Cotton Manufacturer of the 3^d Part and Thomas Mercer of Great Harwood after said Mercer of the 4th part Whereas a marriage is intended by the permission of God to be shortly had and solemnized by and between the said Edmund Cockshutt and Margery Maude and she being possessed of several articles of furniture and personal Effects particularly enumerated on the back of these presents as well as seized in her demise as of the said same undivided 6th part of the Farm Estates and

The Cockshutt – Mercer connection

The Marriage Agreement that caused trouble for the descendants of Edmund Cockshutt

Dr Ted Flack, PhD., JP



W and J Sagar Tannery, Colne, c.1900

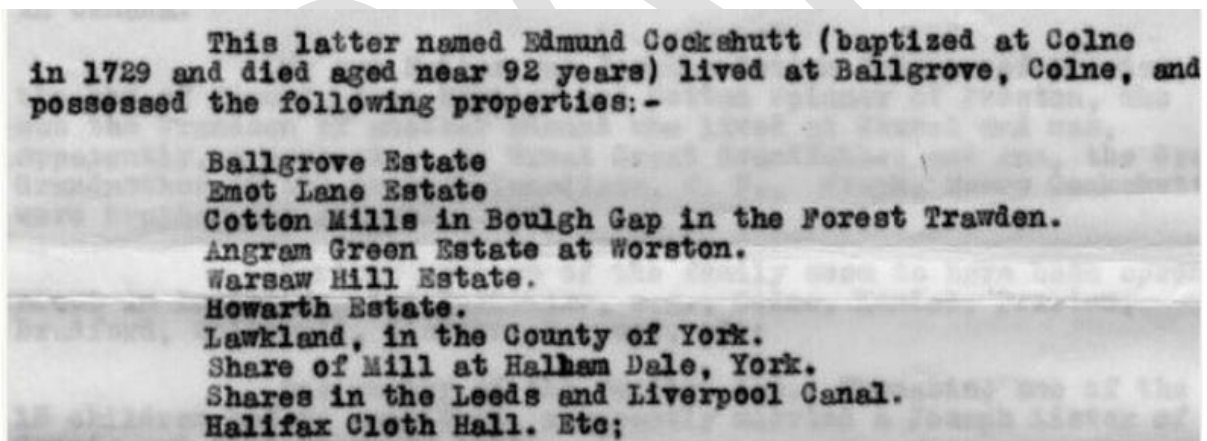
The Marriage Agreement between Edmund Cockshutt of Ball Grove, Colne and Margaret Maude, nee Mercer of Great Harwood

In researching our Cockshutt family history, it became apparent that there was a major change in the fortunes of the family during the first half of the 19th century following the death of Edmund Cockshutt of Ball Grove (1753-1825)

The evidence of this can be seen in significant differences between the extent of the Estate of Edmund Cockshutt "the Elder" (1729-1821) and that of the estate of his son, Edmund Cockshutt (1753-1825) and grandson Edmund Cockshutt (1809-1871).

It is highly likely that the economic depression that followed the end of the Napoleonic War in 1815 contributed to the significant losses evident in the diminished assets handed down to Edmund Cockshutt's family.

The evidence for the reasons for the much diminished property holdings of the Cockshutt family are scant. It appears that Edmund Cockshutt "of Preston" (1809-1871), Edmund of Ball Grove's grandson, retained an interest in Bough Gap Mill and an Iron Foundry in Preston however it appears that the Ball Grove Mill and several of the grazing property assets that were previously part of the Cockshutt Estate, were not handed down to Edmund. Nicholas Cockshutt, the Preston solicitor (1863-1938) provides the following listing of the properties listed in Edmund Cockshutt's first will, most of which appear to have been transferred or sold by the time Edmund Cockshutt of Preston became head of the family.



This latter named Edmund Cockshutt (baptized at Colne in 1729 and died aged near 92 years) lived at Ballgrove, Colne, and possessed the following properties:-

- Ballgrove Estate
- Emot Lane Estate
- Cotton Mills in Boulgh Gap in the Forest Trawden.
- Angram Green Estate at Worston.
- Warsaw Hill Estate.
- Howarth Estate.
- Lawkland, in the County of York.
- Share of Mill at Halham Dale, York.
- Shares in the Leeds and Liverpool Canal.
- Halifax Cloth Hall. Etc;

One of the possible explanations is the impact of the Marriage Agreement entered into by Edmund Cockshutt of Ball Grove with Margery Maude in 1795.

Edmund had married Tomasin Walker in February 1777 when he was 23 years of age and the couple had 13 children together.

- Thomas Walker Cockshutt (1777-1818)
- Jenny Cockshutt (1778-)
- Edmund Cockshutt (1779-1825)
- John Cockshutt (1781-1801)
- Hannah Cockshutt (1783-1834)
- William Cockshutt (1783-1800)
- Betty Cockshutt (1785-)

- Joshua Cockshutt (1785-1865)
- Thomasin Cockshutt (1787-)
- Benjamin Cockshutt (1788-1854)
- Joseph Cockshutt (1789-1830)
- Anne Cockshutt (abt.1790-1829)
- Richard Cockshutt (abt.1791-)

However Tomasin had died in July 1792, aged 36, when Edmund was just 39 years of age.

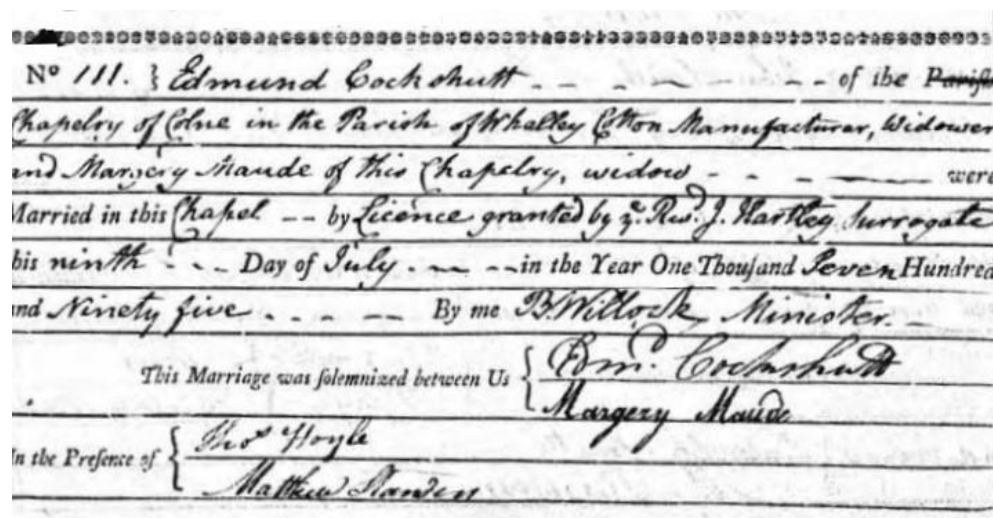
On 8 July 1795, Edmund entered into a complex marriage agreement with Margery Maude (1756-1831) the 38 year old widow of John Maude and daughter of Thomas Mercer (1717-1793) who was a prominent Tannery owner of Great Harwood. The marriage agreement nominated Alexander Mercer (Margery's brother) and Richard Folds as Trustees and stated that after Edmund's death the nominated properties belonging to Edmund Cockshutt would be held in trust to provide a yearly income for Margery for the rest of her life and on her passing, the income was to be divided equally among several of her sisters and brothers. No record could be found of any children to Edmund and Margery. The following is an extract (transcription) from page 15 of the Agreement:

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And for such Estate and estates and Charged and chargeable in such manner and form as the said Margery Maude notwithstanding her Coverture shall by any Deed or Writing under her hand and seal to be by her executed in the presence of and attested by two or more credible witnesses or by her last will and Testament or any writing in the nature of a last will and testament be by her executed under her hand and seal in the presence of three or more credible witnesses direct limit appoint devise of bequeath the same or shall mention or express of and concerning the same And in default thereof In Trust to and for Ellen Vickars – Widow Nancy Mercer and Jane Mercer all of Great Harwood aforesaid Sisters of the said Margery Maude their heirs and ass.s equally amongst them as Tennants in Comon and not as Jointenants charged and chargeable with a sum of £40 a piece to Margaret otherwise Peggy the wife of John Wtaker the said Alexander Mercer and Thomas Mercer and to Catherine the wife of John Holden all sisters and brothers of the said Margery Maude to be paid to them their Executors or Administrators respectively within 12 months next after the Death of the survivor of them the said Edmund Cockshutt and Margery his intended wife if she shall have no issue by him then living and shall not make any such Deed writing or Will as aforesaid and the said Margery Maude for herself her heirs Executors and Administrators doth hereby covenant promise and agree to and with the said Alexander Mercer and Richard Folds their Heirs Executors and Administrators in manner following that is to say That if the said intended marriage shall take ..

It appears that several other properties, not listed in the Marriage Agreement, had already been distributed to Edmund Cockshutt's children, with Thomas Walker Cockshutt inheriting the Malham Dale Mill in Yorkshire, Edmund Cockshutt (1779-1825) retaining the property known as "Dickroyd" (possibly referring to the Emot Lane Estate). It is also possible that the Warsaw Hill property had been passed to Ann Cockshutt, Edmund's daughter and her husband, Blakey Tillotson, where James Cockshutt (1783-1866), Ann's illegitimate son, is known to have lived at one time.

The marriage of Edmund and Margery took place in Colne on 9 July 1795.



It seems possible that Edmund Cockshutt had deliberately transferred the titles of his several other properties to his children before the marriage agreement and that the agreement dealt only with his remaining assets.

The problem for Edmund Cockshutt of Preston, who continued to be the major shareholder of Bough Gap Mill was that, following his grandfather's death in 1821, rapidly followed by his father's death in 1825, the provisions of the marriage agreement came into force, meaning that so long as Margery Cockshutt, formerly Maude, nee Mercer lived she would receive the yearly inheritance (she died in 1831) and then a significant portion of the properties his father left him in his will would remain in trust for Margery Mercer's brothers and sisters.

Baptism: 1 Jan 1756 St Bartholomew, Great Harwood, Lancashire, England
 Margery Mercer - daughter of Thomas Mercer
 Abode: Tanhouse
 Occupation: Tanner
 Register: Baptisms 1744 - 1767, Page 39, Entry 6
 Source: LDS Film 1278890

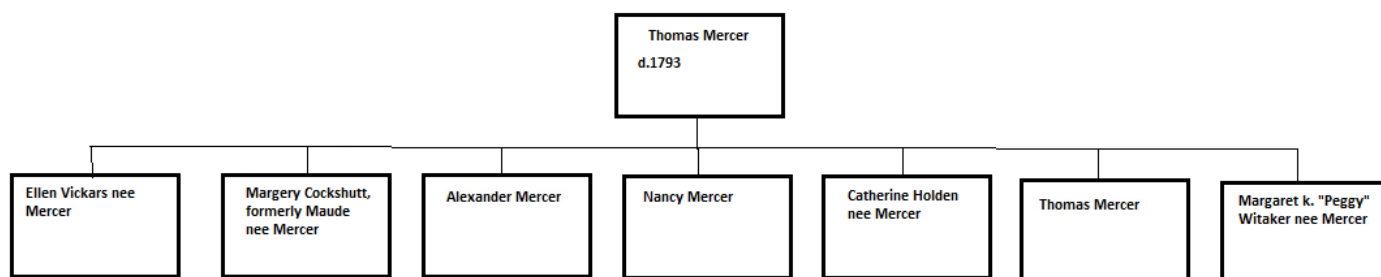
4395	1793	Apr 17	John Burt	Overham, Surrey	farmer	Mary Cooke	St. James's Church, Bowden	Gen. Birch
4396								
4397								
4398	1792	May 14	Robert Hallon	Marston	farmer	Isabel Gurnet	Barrowford	Colne
4399	1792	May 21	Francis Jager	Colne	surgeon	Margaret Moon	Green Fells	Colne
4400	1792	May 30	Robert Robles	Inawden	farmer	Mary Lohewood	My collar	Colne
4401	1792	June 6	John Maude	Ambleton, Yorks	farmer	Margaret Mercer	St. James's Church, Bowden	Gen. Birch
4402	1792	June 13	Daniel Higgins	Clivergow	—	Ann Brady	Burnley	Burnley
4403	1792	June 20	—	—	—	—	—	—

Marriage of Margery Mercer to John Maude 1792.

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BURIALS in the Parish of <u>Great Harwood</u> in the County of <u>Lancashire</u> in the Year 18 <u>31</u>				
Name.	Abode.	When buried.	Age.	By whom the Ceremony was performed.
Isabel wife of Mr. Johnson No. 1345.	Croftgate	Jan 4 25	68	N. Johnson
Margery Cockshutt No. 1346. widow	Cliff	Jan 7 27	75	N. Johnson

The following is a diagram showing the relationships between the persons named in the 1795 marriage agreement:



Nicholas Cockshutt (1863-1938), Edmund Cockshutt of Preston's grandson, who was a solicitor, is reported to have been aware of a long running legal case arising out of the "Cockshutt Marriage Agreement". It was said to have caused major divisions in the family and had not been finally settled until some 30 years after the marriage.

The following history of Ball Grove Park is included in a display on the site of the Cockshutt Ball Grove and Bough Gap Cotton Mills.

What's now Ball Grove Park was once the site of one of the largest light tanneries in Europe. The tannery complex was built on the site of the former Ball Grove cotton mill in 1860 by W and J Sagar. The mill was greatly extended and took up much of the site and neighbouring residential areas. It was powered by water that came from two lodges. These can still be seen in the park and in the nearby nature reserve. Sagar's Tannery Mill stopped trading in 1970 and was demolished in 1974.

Is it possible that there is some connection between the Mercers of Great Harwood and the Sagar family who were responsible for the conversion of what had once been the Cockshutt owned Ball Grove Cotton Mill, to a tannery? William and John Sagar established the tannery in 1860. Is the Cockshutt Marriage Agreement part of the story?

There is a reference in the Lancashire Archives to a document dated 25 February 1805 that refers to Alexander Mercer of Tan House, and Robert Sagar of Simonstone, as follows:

Catalogue description

(1) John Mercer of Squire's, Great Harwood, yeoman

Reference: DDLX 19/420/7

(2) Alexander Mercer of Tan House,...

Description: (1) John Mercer of Squire's, Great Harwood, yeoman

(2) Alexander Mercer of Tan House, Great Harwood, gent.

Feoffment of a messuage in Great Harwood called Leepit Hill with accompanying land (field names given) and assignment of a lease for 3 lives from the late Sir Thomas Hesketh, of 2 cottages in Great Harwood called Cravens with accompanying crofts, upon trust that from letting the aforesaid premises, (2) pay the interest on the mortgage on Leepit Hill for £150, owing to Robert Sagar of Simonstone, yeoman and the annual rent of £1.15s on Cravens, any surplus going to Mary, (1)'s wife, for life; upon further trust that on Mary's death (2) hold said premises for the equal use of Edward Thomas and David Mercer, sons of (1), subject to further trusts and conditions on Mary's death

Date: 1805 25 Feb

Held by: [Lancashire Archives](#), not available at The National Archives

Language: English

Perhaps the Cockshutts and the Sagar families had a longstanding relationship as a result of their common association with Simonstone? Perhaps the Marriage Agreement was simply part of Edmund Cockshutt's (1753-1825) arrangements to distribute the Cockshutt assets to the wider family?