



## The wreck of the Palermo

*In the Consistory Court of Durham.*

*In the goods of William Cleugh, decd*

*Appeared personally, Margaret Cleugh of West Hartlepool in the County of Durham Widow and made oath that the said William Cleugh her late husband was master and sole owner of a Ship or Vessel called the "Palermo" of Shields which as this Deponent truly believes sailed from the Port of Memel in Prussia in the early part of the month of January last laden with a Cargo of Lumber and bound to Sunderland in this County, That as Deponent has*

[Ref: DPRI/3/1857/A98/4]

This is the affidavit of Margaret Cleugh, the widow or relict of William Cleugh of West Hartlepool in County Durham. It reveals the bare bones of the story of the loss of the barque Palermo of which William Cleugh was both master and owner. The Palermo was a 315 tonne 94-foot barque, built at Sunderland in 1844 and carrying a crew on its last voyage of some 11 men. This 1857 affidavit and its associated records are found right at the end of the long series of probate records of the diocese of Durham that stretch from the 16<sup>th</sup> century until 1858 when testamentary jurisdiction passed from the ecclesiastical courts to the newly established civil District Probate Registries around England and Wales. As is typical in cases of intestacy, the Durham probate records include an administration bond relating to Cleugh's estate (DPRI/3/1857/A98/1), and an affidavit of the administrator's sureties (DPRI/1/1857/A98/2) stating their capacity to guarantee her liability for the total value of the penal sum on the bond, usually twice that of the value of the deceased's estate. A little less typical is the additional existence of what is termed a 'Schedule or declaration instead of an inventory' of the deceased's goods (DPRI/1/1857/A98/3) and a detailed affidavit made by the administrator (DPRI/1/1857/A98/4-6) which explains the circumstances of William Cleugh's death.

Many ships with their crews in this period sailed from north-eastern ports and were never heard from again; a hard blow for the loved ones they left behind. From the nineteenth century, however, such disasters were recorded in more and more detail, leaving historical records for descendants and historical researchers to find. We might think that the North Sea – then also called the German Sea – and covering some 222,000 square miles was not a completely trackless empty place, but the experience of the Palermo's crew speaks otherwise. Nevertheless, in this case more information relating to the wreck was forthcoming at the time than was commonly discovered, and we are lucky enough to have some of that information recorded second-hand in the Durham probate documents, records that were required by the probate authorities in order to grant to Cleugh's widow the administration of his estate.

This short article will briefly explore the information presented in the Cleugh probate records, and will plot only an outline of the events around the wreck of the Palermo. The full story of the wreck must, however, be taken as a work in progress, and one in which the visitors to the North East Inheritance (NEI) site are heartily invited to participate. Many details of the twists and turns of the Palermo's last voyage, and that of her crew and unlucky passengers, might be traced in a number of archives both in the United Kingdom, Norway and perhaps elsewhere, and the NEI project is happy to promote and accept any additions to this short history, either in the form of acknowledged supplements to this article, or in hyperlinks to other archives online.

An affidavit is a “statement made in writing, confirmed by the maker's oath, and intended to be used as judicial proof” [OED]. This was that of Cleugh's widow and next of kin, and so the person most fitted to make such a statement. It was made on 30 May 1857, and thus some six weeks had passed since Margaret Cleugh had been informed by the Registrar General of Seamen of the discovery of her husband's ship ‘dismasted and waterlogged’ off the Norwegian coast, news of which discovery on 2 March 1857 had taken six weeks to reach her. The Palermo cleared the sound at Elsinore (Helsingør, Denmark) on 31 January 1857 bound for the East coast of England, and we might guess that Margaret Cleugh might have been anxious for news from the latter days of February. She had clearly had enough time since she first learned of the disaster to collect a few more facts and to prepare a full statement. In this she was no doubt helped by the volume of international trade passing through north-eastern ports to Norwegian waters. Her sureties – those persons willing to financially guarantee her liability for the penal sum to the bishop of Durham – included her husband's uncle and both were similarly occupied in a variety of mercantile trades on the river Tyne. So we may be moderately certain that any definite news to be had about the sinking would have been passed around the North Sea and the maritime community, finally reaching its sad destination in Mrs Cleugh at West Hartlepool. Of course, only that information directly relevant to the proof of death and her request for a grant of administration would have been included in the affidavit, and it may be that Margaret Cleugh knew or guessed more about the circumstances of the disaster than the court required her to declare.

The wreck of the Palermo drew a measure of attention in the press at the time, but these and other strands might perhaps be drawn together later. The bare facts emerging from the affidavit are these: the Palermo took on a cargo of timber at Memel in Prussia (now Klaipėda, Lithuania) and left that port bound for Sunderland in England early in January 1857, clearing the sound of Elsinore or Helsingør in

Denmark on 31 January 1857. It was not until two months later on 2 March 1857 that the dismantled wreck was discovered by a Norwegian pilot off the island of Kinn (in the municipality of Florø, Norway), some 136km north of Bergen and 296km north of Stavanger. The ship was dismantled and waterlogged, and six bodies were discovered in the forecabin, one of which was carrying papers identifying it as the body of Joseph Bell. Bell was one of four sailors, all survivors of the *Halcyon*, a Hull vessel wrecked in the Baltic and shipped on to the *Palermo* by the British Vice Consul at Memel as passengers back to England. William Cleugh's body was not positively identified among the dead, but the affidavit clearly states his widow's belief that "husband and all the others of the crew and passengers on board the said Ship *Palermo*" except those whose bodies were found as before deposed have been washed overboard and were drowned or lost at sea". All this information appears to have been made known to Mrs Cleugh by the Registrar General of Seamen, a United Kingdom merchant shipping authority which maintained records and registrations of merchant shipping and crews. In addition, the affidavit states that the hulk of the *Palermo* later drifted into Hofden (Hovden) some 10km to the North, where it was sold as wreck and broken up.

Having made this sworn statement in the bishop's consistory court at Durham, perhaps supporting her statement by showing to the court documentation from the Registrar General of Seamen, Margaret Cleugh entered into a bond binding her to properly administer her husband's estate. It may be that the names and signatures of her sureties were made on the bond on a different day, either beforehand or afterwards. The bond is endorsed with a note by John Lamb a notary public at South Shields in County Durham certifying that Edward Oliver and Robert Cleugh signed and sealed the bond there: they were no doubt busy men, and by doing so it meant that only Margaret Cleugh herself needed to attend the court at Durham that day. Nevertheless, these same men were on 4 June 1857 obliged to attend court and submit a joint affidavit stating that they were financially capable of covering any liability should Margaret Cleugh misadminister the estate. This liability was expressed in the bond as the penal sum, the sum of the penalty should the conditions of the bond be broken. Penal sums on Durham diocese will bonds and on administration bonds such as this one were usually twice the value of the estate in this period. A Schedule or declaration instead of an inventory was also submitted to the court by Margaret Cleugh on the same day, indicating the total value of the estate. This schedule includes an insured value of £2, 330 for the *Palermo*.

Thus, two affidavits, a bond and a form of inventory had been entered into the records of the court. The bishop's officials having been satisfied in the information given to them that William Cleugh was indeed lost at sea, and also having determined the value of the estate and the identity of the next of kin to whom administration should most properly be granted, a formal grant of letters of administration could be made to Margaret Cleugh.

This grant was drawn up and entered as an act of court (DPRI/4/28/153-153A) on 4 June 1857 by Margaret Cleugh's proctor John Burrell (of Burrell & Sons) before James Raine a surrogate in the registry of the consistory court of Durham and in the presence of Joseph Davison, notary public and Durham Deputy Register (Registrar). Although this account of the probate process gives the impression of a convoluted series of transactions in open court, in fact as the Cleugh probate was a non-

contentious one these actions were largely administrative and would have occurred within the registry of the court rather than in an open session of the consistory court itself.

Formal grant of letters of administration was made the next day, 5 June 1857. These formally empowered Margaret Cleugh to begin to settle her husband's affairs and apportion his estate. In some cases administration could stutter on for years: whether or not this occurred in this case can not be demonstrated from the Durham diocesan probate records, but as the schedule of William Cleugh's goods, chattels and credits – his personal estate – is not a long one, it is likely his estate was soon settled. The administration grant is dated 5 June 1857, and some seven months later on 11 January 1858 the Court of Probate Act (1857) came into force, removing testamentary probate jurisdiction from the much criticised ecclesiastical courts, and creating the centralised civil probate courts that persist today. From 1858 wills might be proved either locally at District Probate Registries or at the Principal Probate Registry in London. The Principal Probate Registry is now called the Principal Registry of the Family Division, and the Probate Service forms a part of the Family Division of the High Court (administered by HM Court Service).

We can add one short final postscript to this history of the wreck of the Palermo, as revealed in Durham probate records. Among the post-1858 records of the civil Durham District Registry is the will of William Cleugh's father, John Cleugh of South Shields, a ship-owner like his son. The registered copy of this will reveals that having learnt on 16 April 1857 of his son's death, John Cleugh acted swiftly and had a (new?) will drawn up by John Lamb, notary public, on 27 April 1857 at South Shields and also witnessed by Edward Oliver senior. This John Lamb was the same notary public that witnessed Edward Oliver and Robert Cleugh's signing of the administration bond at South Shields, and which business was perhaps done on the same day. Robert Cleugh, also a ship-owner, was John Cleugh's brother and lived across the Tyne from him at North Shields. In his will John Cleugh made Margaret Cleugh and her children and his grandchildren William and Jane the sole beneficiaries. John Cleugh died 15 July 1858, and his will was proved at Durham District Probate Registry 28 September 1858, his estate being valued at £1,500.

*This resource was created as a part of the North East Inheritance project (2006-2009): <http://familyrecords.dur.ac.uk/nei/>.*