

ART. X.—*The descendants of William Lowther of the Rose.* I. *The Lowthers of Rose Causey.* By the Rev. C. M. LOWTHER BOUCH.

IN his book on Rose Castle Canon Wilson did not give a detailed history of the Lowthers of Rose. Doubtless he felt such a history to be outside the compass of his book. This article endeavours to do so and will be followed by another on the Lowthers of Great Orton, a younger branch of the Rose family.

The founder of the family was William Lowther, son of Sir Robert and Margaret Strickland, whose father was William, Bishop of Carlisle. The Lowther family thus enjoys the probably almost unique privilege of a legitimate descent from a Bishop of the Pre-reformation church.

His descendants continued at Rose and Dalston, holding the offices of constable or bailiff to the Bishop in almost hereditary succession from 1414 to 1747. The line at Orton lasted from about 1549 to 1918, and that at Newlaithes Hall from the middle of the 16th century until after the restoration. During the first half of the 17th century all these families seemed to be growing in importance, the head of each of them was called "gentleman" which at that date meant something. But for reasons, which will become apparent in the course of these articles, the families became less, rather than more important, as time went on.

The chief of this, at one time considerable clan, was the head of the Lowthers of the Rose, constables and bailiffs of the Bishop, who lived at the Castle while holding either of these offices. The constable had as his residence "a sufficient house within the Castle," which may be identified

as Constable's Tower.\* The bailiff dwelt on the Causeway or Causey, the site of the present stables †; the Lowthers were so often in residence there that they were "known throughout the district as the Lowthers of Rose or the Lowthers of Causey."‡ Also they had a private residence at Hawkesdale from the first constable's time. In 1457 William Lowther's house at Hawksdale was ransacked.§ This second residence seems to have been used by the head of the family when he was not in office, but Robert Lowther, though bailiff, died there in 1624,† so did George Lowther in 1679.|| In each case they had probably retired in their son's place, though officially retaining the position, which was a life appointment. In 1636, Hugh Lowther, the second son, is described in his will as of Hawksdale.† This house was also sometimes used by the widow of the late Bailiff. Elizabeth Lowther, widow of John, who died in 1658, is so described.¶ This Hawksdale house was presumably the tenement, forfeited after the murder of George Briscoe by John Lowther in 1696, and called New Hall. It is described by Miss Kuper as a quaint old cottage near the Bell well.\*\* In 1620 the Lowthers had another house in the High Street, mentioned in one of the interrogatories in the lawsuit with Bishop Snoden.††

The Constable was the chief officer at the Castle. His immediate superior was the chief Steward, originally a great nobleman, who controlled all the Bishop's castles and estates, though in later times the office was held by members of local families, such as the Bewleys. The constable was responsible for the safe keeping of the castle. It was a patent office for life, with a fee of ten marks and

\* Wilson, p. 159-160.

† p. 141.

‡ p. 183.

§ Dalston Manor Rolls.

|| Will.

¶ Wills.

\*\* o.s. vii, 166.

†† Wilson, p. 231.

maintenance and a corrody for himself and one yeoman in the Bishop's household, with a house within the castle and hay and grass for two horses. John Lowther, 1613-1620, was the last holder of the office.\*

The bailiff was the chief officer of the barony of Dalston, whose duty it was to collect all the rents of the barony, the pleas and perquisites of the courts and other services. He held his office by letters patent for life, with a house within the precincts. In the Elizabethan period, he had to look after the military musters and bring the Bishop's tenants to the service of the Lord Warden of the Marches. Owing to the peculiar feudal immunities of Dalston, its bailiff was a civil officer of considerable influence. All civil actions had to pass through his hands. The office of the forestership of Rose park was generally combined with the bailiffship.†

I. The first of the family holding the office of constable was William Lowther, who was appointed by letters patent dated 4 June, 1414.‡ Canon Wilson writes "there is good reason to believe that he was a grandson of Bishop Strickland, being the younger son of Sir Robert Lowther and Margaret Strickland, the Bishop's daughter.§ But Mr. Ragg accepts this as proved and there seems no reason to doubt it. He makes him the fifth son of Sir Robert.|| The bond of John Lowther of Rose to perform the office of bailiff in 1680 is sealed with the familiar annulets of Lowther, with a crescent for difference.¶ Now the crescent is the difference of the second, not the fifth son, and this evidence of a tradition that William was second son is borne out by a careful study of the wills of his parents, in which he is mentioned immediately after his eldest brother, or apart from his younger brothers.\*\*

\* *Ibid.*, p. 136-137, 159-160.

† *Ibid.*, p. 139-140.

‡ These are printed in full in Canon Wilson's book, p. 210. § p. 165.

|| Pedigree to Early Louther and de Louther, n.s. xvi, p. 168.

¶ In Bishop's Registry.

\*\* Early Louther and de Louther, n.s. xvi, p. 158-162.

There was a William Lowther, Sheriff of Cumberland, Henry IV, 2 and 8, who was probably an uncle of William of Rose, thus it is difficult to distinguish the two Williams. In 7 Henry V, there was commitment to William Lowther and Geoffrey de Threkeld, by mainprise of Robert Warcop and Thomas Lowther, both of the county of Cumberland, of 60 acres, called Castlefield, by the city of Carlisle, for 40 years at a rent of 60/-.\* The said William has surrendered letters patent, by which Henry IV committed the said land, from Easter, 8 Henry IV, at a rent of 60/-. This probably refers to William the uncle. In 6 Henry VI, a William Lowther, more probably William the younger, was Escheator in Cumberland and Westmorland.† But there is no doubt that it was William of Rose and his father who were executors to the will of Bishop Strickland, dated 25 May, 1419.‡ In 1430, he received £20 by his father's will, and was one of the executors.§

On May 11th, 1434, proof was made, that custody of the fishery of Armathwaite, Tarn Wadling, and Glassons, had been committed to Robert Lowther, knight, since deceased, and William Lowther, his son, for twenty years, from Easter, 1421, and the same was confirmed to William Lowther, as against Robert Warcop, Esquire, who claimed it by letters patent of more recent date.|| William Lowther de Rosa occurs in the list of the gentry of Cumberland in 1434. By the will of his mother in 1448, he was left a tenement in Carlisle and all her lands and tenements in the barony of Dalston.¶ In 1454, there was a commission to Hugh Lowther, Esq<sup>re</sup> and William Lowther of the Rose, Esq<sup>re</sup>, to levy all farms and debts in County Cumberland, and to bring the same to the Exchequer

\* Fine Rolls, xiv, p. 327.

† *Ibid.*, xv, p. 196.

‡ Testamenta Ebor., Vol. 3, p. 60.

§ *Trans.* n.s. xvi, 158.

|| *Ibid.*, xxiii, p. 43.

¶ *Ibid.*, xvi, 160.

without delay.\* His fees are noted in the Bishop's accounts for 1469, so he must have lived to a great age for those days.† He was buried at Dalston.‡ Needless to say, there is no will extant, nor unfortunately any I.P.M. Nor is there one for any of the Lowthers of Rose, who held of the Bishop, and not in capite.

But by a fortunate chance there is evidence, which gives the names of his son and grandson, because they became heirs to part of the property of an uncle, Geoffrey Lowther, who was a knight of the shire for Kent in 1421, and Lieutenant of the Constable of Dover Castle in 1424.§ He had a lawsuit with Robert Myrfyn about tenements in London.|| In 1418 he was granted land with Robert Sandeforde and William Lowther in Stepney and West Ham by John Smart and to the heirs of the said William.¶ In 1450-5, there was a chancery action, between Robert Lowther and John Sandford, Esq<sup>re</sup>, because Robert's uncle, Geoffrey Lowther, for the great faith he had in John Sandford and others, had enfeoffed them in the manors of Moote, Well and Garyngton, Kent, to hold them, after Geoffrey's death, for plaintiff and his heirs and in default to plaintiff's brothers. Geoffrey, William and Thomas Lowther. The defendant had refused to hand over the manors to plaintiff.\*\* The I.P.M. on the above John Sandford's son, Geoffrey, was held on 17 January, 14 Henry VII, 1499, and shewed that, by a fine levied, 26 Henry VI, 1448, between Ralph Holand and John de Sandeford, of the manors of Well, Garyngton and Lokyn-dale, Kent, to hold to the said John, in tail male, with remainder, in default to Robert Lowther, son of Robert Lowther, knight, in tail, with remainder to Geoffrey

\* Patent Rolls.

† Wilson, p. 164. Unfortunately these accounts cannot now be found.

‡ Letter from Canon Wilson to Rev. J. Lowther Bouch, 1921.

§ Close Rolls.

|| Early Chancery Proceedings, Bundle 12-50.

¶ Close Rolls.

\*\* E.C.P., Bundle 16, 462.

Lowther, brother of Robert, with remainder to William Lowther, another brother, with remainder to Thomas Lowther, another brother, with remainder to right heirs of Geoffrey Lowther, Esq<sup>re</sup>, of St. Martin's by Canterbury. Robert and Geoffrey had both died without issue.\* William Lowther was also deceased, but had issue, John Lowther, also deceased, who had issue Christopher Lowther, aged 22 and more at the time of the I.P.M.

II. John Lowther then was the eldest son of William Lowther, the constable. There appears to have been also a younger one, Hugh. In the list of the feoffees of the Cliffords, between 1388-1403, Will<sup>m</sup> de Stirkland holds the fees of Warcop and Soulby. In 1422-1435, Will<sup>m</sup> de Louther holds there, in 1482, Hugh Lowther.† Between 1388-1403, Wm. de Stirkeland also holds Waitby Agnes. In 1422, W<sup>m</sup> de Louther holds, in 1482, John Lowther.‡ There seems no reason to doubt that this was the Bishop, who died in 1419. The succession to the land suggests that this was William of Rose and his son John, with Hugh as another son. Nothing more is known about Hugh. John was dead by 1489, because in the accounts for the building of Rose Chapel and Bell's Tower by Bishop Bell, 1487-89, the widow of John Lowther furnished 100 bundles of litter for the making of bricks.§ According to the letter quoted above John Lowther was buried at Dalston.

III. Christopher Lowther, the eldest son of John, was born 1477, little is known of him for certain. His name appears in the Dalston Manor Rolls in 1511. A Christopher Lowther assisted Richard Graham of Esk to escape from Carlisle Castle in 1538|| and is mentioned in a

\* In the letter from Canon Wilson mentioned above, he states that Robert and Geoffrey, were both buried at Sebergham.

† *Trans.*, n.s. viix, 326-7.

‡ p. 306-9.

§ Wilson, p. 126, 218. The original cannot now be found.

|| L. & P. Henry VIII, iv, pl. 2, p. 1829.

letter from Sir John Lowther to Thomas Sandeforde, dated 24 June, 1538, "by a schedule of Christopher Lowther, that there was a plot to betray Berwick."\* But a Christopher was killed in self defence by Ralph Colynson of Twyng, County York, in 1537.†

So it is uncertain, which of these two was the Dalston one.

While there is no reason to doubt that the next generation at Rose are of the same family, there is no evidence, whether they are sons or nephews of Christopher Lowther.

IV. The head of the family in this generation was Robert Lowther I. He would be born about 1500, and so may be the Robert Lowther, Esq<sup>re</sup>, who was on the jury at the I.P.M. of Edward Blennerhasset, of Carlisle, on 25 July, 25 Henry VIII, 1534. He was certainly bailiff on 6 Sept., 36 Henry VII, 1545, when he acted as bondman to Nicholas Wyllyamson, Vicar of Wigton, and was described as yeoman, bailiff of Dalston. In February of the following year, he was again bondman to the next Vicar of Wigton, Richard Flemmyng, as Robert Lowther, Dalston, gentleman.‡ (These are additions to the known Vicars of Wigton, so is Sir Robert Lowther, perpetual vicar of Wygton, 1391, Catalogue of Ancient Deeds, iv, p. 437).

In 1552, he was deprived of his office for the first of the two murders committed by a Lowther, while bailiff to the Bishop. The Patent Rolls record under 2nd December, 1552—

Because the king learns by the record of an Inquisition held on 11 Sept., 6 Edward VI, at Rose castell Cumb. before John Alanbye, gentleman, one of the coroners, upon view of the body of Cuthbert Peyt, that John Kyng, chaplain, Richard Broughton, his servant and

\* xiii, pt. 1, p. 461.

† xii, pt. 2, p. 81.

‡ First Fruit Composition Books, III, p. 27, e. 334.

Cuthbert Peyt, together called upon Robert Lowther, late bailiff there, at his house, who came out and joined with them at a place called Turnpyk without the Bars, they quarrelling with him in words, when Peyt suddenly assaulted him and he fled from his house as far as the place called Turnpyk next the Hedges where unable to escape further, in turning round he unluckily hit Peyt on the left side of the head with a staff worth 2/- giving him a wound of which he died at 11 p.m. the same night and Lowther has surrendered to the Marshallsea prison as certified by Robert Cholmely, knight, chief justice.

Pardon to the said Robert Lowther for the said breach of the peace.\*

The expression "in turning round he unluckily hit Peyt" is rather naive and delightful. This "unlucky" affair, however, does not seem to have prevented him regaining his post.

Because on 5 February, 1561, Thomas Smythe, Dean of Carlisle, leased to Robert Lowther, bailiff of the Rose Castle, Sibell Lowther, his wife and Thomas Lowther, his sonne, two tenements in Seberingham and land in Rocliff, for 70 years, at a rent of £5. 7s. 4d.† and on 2 September, 1563, he leased to Robert Lowther of the Rose the younger, sonne to Robert, bayliff of Daulston, gentleman, land at Allwardthwaite for 61 years, at a rent of 13/4,‡ again on 5 February, 1564, he leased to Robert Lowther of the Rose, sonne to Robert Lowther, bailiff of the same, gentleman, and to his heirs, executors, ministrators, and assigns, the rectory of Cross Canonby for 61 years.§

It must be this Robert Lowther, his wife and children, whose names occur in the will of Edward Mitchell, Prebendarie of Carlisle, also Vicar of Aspatria,

\* Patent Rolls, Edward VI, vol. 4, p. 436.

† Dean and Chapter Minute Books, II, folio 22.

‡ II, folio 50.

§ II, folio 25.

and Rector of Rothbury, Northumberland, dated 22 October, 1565.\* The will, which is too long to print here, contains local names and gives an interesting insight into the establishment of a well to do local cleric in the 16th century. Legacies are left to a long list of cathedral dignitaries and officers, in fact, this list probably gives an exact statement of the staff of the cathedral at that time. By his wife Sibell, Robert Lowther left issue,

1. Robert, who succeeded as bailiff.
2. Thomas, the father of a family, whose names occur in the Dalston Registers, and probably grandfather of Katherine Lowther, who was Mrs Snoden's maid, and who received a present from Lord William Howard on her marriage to George Nixon in 1620.†
3. John Lowther, the founder of the Great Orton family. The reasons for this belief will be given in the next article.
4. A daughter, mentioned in Edward Mitchell's will. Contemporary with Robert I, and probably his brothers, were John Lowther, who was dead before 1568, and had a son, Robert,‡ whose wife, Anne, died in 1573,§ and Thomas Lowther, who appears, as a juryman of Dalston, between 1535-1558.||

V. Robert Lowther II, would be born about 1525. He may be the Robert, who had the lease of land at Newbiggin, on 5 September, 1565, from the Dean and Chapter.|| He was included with his father in the leases already mentioned. By the fact of his living at Rose Causey, he is so described in his will, and by the evidence of his son in the lawsuit of 1612 set forth below, it is clear that he succeeded his father as bailiff. That he was a man

\* Surtees Society, Vol. 2, p. 229-32.

† *Ibid.*, vol. 68, p. 180.

‡ Dalston Manor Rolls.

§ Unless noted otherwise all baptisms, etc. are from the Dalston Parish Registers.

|| II, folio 51.

of standing is shewn by his executors—Mr. Busshop of Carlisle, Richard Lowther, Esq<sup>re</sup>, and John Richmond. His will dated 20 December, 1567, and proved 1569, is given below.\* His wife's name was Sybell. He had issue,

1. Robert, who became bailiff.
2. Thomas, he is described as "of Hauxdale," between 1581-3,† but by 1599, was at Newlathes near Carlisle,‡ he may have been the Thomas Lowther, who was a member of the Merchants Guild at Carlisle in 1613.‡ In his will, he is described as of Calcotes,§ in the parish of St. Mary's, Carlisle, gentleman. He mentions his estates at Calcotes, Newlaythes, Roackcliffe, Corrybeck, and the Keld or Windmill, so he was quite well off. The Bishop of Carlisle, and his brother Robert Lowther, were among his supervisors. The will is dated 29 April, 1616, and was proved at Carlisle 12 July, in that year.|| His widow, Elizabeth, is mentioned in the inventory to the will of John Lowther of Great Orton, in 1620. She was living in 1631-2, when she figures in Dr. Todd's note book, as being a tenant of the Dean and Chapter of Carlisle for land at Castlegate, Carlisle, at a rent of £3. 3s. 4d. and £1 3s. 4d., and at Calcoat bank at £1. 8s.¶

He had issue, all of whom are mentioned in his will, but nothing further is known of any of them, except the eldest son.

1. William, of whom next,
2. Christopher, baptized at Dalston, 6 August, 1581.
3. Robert, baptized at Dalston, 17 November, 1583.
4. Richard,
5. Eleanor,
6. Elizabeth, buried at Dalston, 24 July, 1599.

\* Appendix I.

† Dalston P.R.

‡ Municipal Records of Carlisle, p. 90.

§ Modern Calcotes, near Messrs. Carr's Biscuit Works.

|| Appendix II.

¶ In Dean and Chapter Library.

William Lowther was baptized at Dalston, 24 November, 1583. By his father's will, he was given the lease "of my part of the grange of Newlaythes and all my right and title of a tenement besides the New Laithes, called Bacon's tenement," for which in 1631-2 he paid the Dean and Chapter of Carlisle £2. 11s. and £1. 5s. 6d. in rent. Also paying 3/4 for property in Shaddongate.\* The St. Mary's Registers are in very bad condition, so it is impossible to trace him further, but the wife of William Lowther was buried there, 26 April, 1661, and in 1660, "Ye 4<sup>th</sup> day, Thom, ye sonne of Thom. Lowther" was baptized. and "Elizabeth, ye daughter of Thom. Lowther, ye 1<sup>st</sup> day October 1663," when he is described as "of Newleathes." Probably this Thomas, then was a grandson of William, and may well have been the M<sup>r</sup> Thomas Lowther, who was admitted a brother of the Shoemakers Guild at Carlisle, October 28, 1664.† No further trace of him nor his family, in the St. Mary's Register or elsewhere, can be found.

Robert Lowther II had also five daughters named in his will, Mabel, Issabel, Judith, Elizabeth and Barbara. Their marriages are shown in the pedigree.

VI. Robert Lowther III, was born about 1552, and probably succeeded his father as bailiff. In 1590, he is described as Robert Lowther of Rose, in a conveyance of a messuage in Gaitskaill, with Thomas Lowther of Carlisle, to William Bewlye of Gaitskaills, yeoman, and his heirs, in consideration of £20.‡ He may have been the Robert Lowther, who was a Member of the Merchants Guild in Carlisle in 1609.§

He was a witness in 1612, in the lawsuit between Henry, Bishop of Carlisle and John Denton, Esqr.,||

\* Dr. Todd's note book in the Dean and Chapter Registry.

† Municipal Records, p. 203.

‡ *Trans.*, n.s. xiv, 68.

§ Municipal Records, p. 90

|| Exchequer Depositions, E 134, (1) 10 James I, Mich. 17, 1 Oct., 1612, (2) 11 James I, Easter 1, 14 April, 1612/13.

which because of its local interest, though it does not much concern the Lowthers, is dealt with at some length. It was held in the chapel of Raughton head; which Bishop Nicholson states had been rebuilt, some 25 years before 1703 when he wrote, having fallen into a state of utter ruin.\* This record shews that in 1612, it was in a reasonable state of repair. The John Denton is without doubt the historian. The dispute concerned his lands at Cardew and Cumdevock, whether they were part of the barony of Dalston or not. There is a tradition mentioned by Chancellor Ferguson, that John Denton wrote his history while confined in the Tower,† as a result of a dispute with the Bishop. It also supports the Denton pedigree in Bird's version "of the Accompt," by referring to John Denton's father as Henry, and by the evidence of Nicholas Thomlinson of Hawksdale, yeoman, aged 68, who stated that defendant's great grandfather, William Denton, was his grandfather; other witnesses are, Robert Thomlinson, Hauxdale, aged 35, and William, aged 56, also John Thomlinson of Cardew, aged 52.

Robert Lowther in his evidence, is described as "of Hauxdale," gentleman, aged 60, he states that he and his ancestors have been 'chiefe Bayliffe' of the manor, under plaintiff and his predecessors, and also, that he was a freeholder to plaintiff, for his lands in Cardew and Cumdivock, and had common of pasture there, he had exchanged certain land there with defendant.

Robert Lowther was, of course, also concerned in the dispute with Bishop Snoden, but this can be more conveniently dealt with in the next generation. He was buried at Dalston as "Robert Lowther vilicus" on 9 May, 1623. He made a nun cupative will, dated 26 March, 1622, and proved at Carlisle, 23 April, 1624.‡

He married Anne Hill of Dalston, 11 Febr., 1574.

\* Miscellany Accounts, p. 12.

† An Accompt, p. iii and see appendix ix to this article. ‡ Appendix III.

She was buried, 18 December, 1625. By her, he had issue,

1. John, of whom next.
  2. Hugh, no record of his birth or marriage. Mentioned in his father's will, supervisor to the will of "his cousin," John Lowther of Great Orton, 1620, buried at Dalston, 11 November, 1636, in his will, dated 3 Oct., 1636,\* described as "of Hauxdale." His brother's wife, who was executrix and residuary legatee, seems to have kept his Little Bampton estate, because in 1653, "Mrs. Lowther of Little Bampton" is put down as responsible for £2, tithes rent, towards the support of Mr. Theophilus Powlewheele, a gospel preacher.† At one time it seemed possible, the Lowther family, till recently at Little Bampton, might have descended from one of his nephews, but this is not so.‡
  3. Francis, baptized 19 Sept, 1590
  4. Richard, baptized 10 July, 1598
- } not mentioned in  
} father's will and so  
} presumably died  
} young.
5. Elizabeth, baptized 15 Jany, 1592, married Thomas Hedrington.

VII. John Lowther, the eldest son of Robert, was baptized 27 May, 1582. On 4 February, 1604, he was married by Bishop Robinson to Elizabeth Robinson, his niece. He was bailiff of Rose in 1620, but it is not known when he was appointed,§ but it was before his father's death, though the father is buried as "vilicus," which is confusing. He was appointed constable in 1613 by the

\* Appendix V.

† Nightingale, 'Ejected,' p. 148.

‡ The first of them, Robert Lowther of Whittrigg, Cumberland, yeoman, purchased an estate there, from Wm. Rooke of Carlisle, on 13 May, 1709. I am grateful to Mr. Irving of Cardewlees, for letting me see the deeds. The following from the Kirkbampton register seems worth noting: Burials "Oct. 5 1749. Richard Hewson of Little Bampton, aged 106."

§ Wilson, p. 224.

Bishop, who had purchased the grant of the office from Leonard Deane, then constable, for this purpose.\* Bishop Robinson died in 1616, and was succeeded by Bishop Snoden, who is always referred to in diocesan records, and in Canon Wilson's book, as Bishop Snowden, but his wife signs herself "Snoden,"† and among the witnesses in the lawsuit there is an "Easter Snoden, of Rosecastle, gentleman."‡

Canon Wilson says "the latter years of Bishop Snowden's life were troubled by a dispute with John Lowther the constable."§ By a fortunate chance a letter from Mrs Snoden, the Bishop's widow, to Bishop Milbourne, his successor, has been preserved in the Bishop's Registry. It is most beautifully written and in case it should go the way of the Bishop's 15<sup>th</sup> century accounts is printed here|| though it is rather long (Appendix VIII). Canon Wilson seems to have read it: "When she was leaving Rose, she warned Bishop Milburn of the chronic contentiousness of the Dalston people," but did not print it.¶ Though he gives in full the very long depositions, which are therefore, not given in this article.\*\* But they do not explain the real cause of the dispute, which Mrs Snoden's letter does.

Canon Wilson does not blame the Bishop, "after the perusal of the extensive depositions on behalf of both litigants, the student will be obliged to confess, that the Bishop was grievously misled."†† His adviser was Robert Wright, his domestic chaplain, and afterwards archdeacon of Carlisle. Canon Wilson says of him "the good man was undoubtedly muddled in his study of the archives at Rose.‡‡ What Robert Wright advised the Bishop is clear from Mrs Snoden's letter, "it was my late Lord's desire to

\* *Ibid.*, p. 168.

† Wilson, p. 225.

|| Appendix VIII.

\*\* p. 219-231.

†† His evidence is set out in Canon Wilson's book, p. 219-224.

‡‡ p. 165.

† Letter in Diocesan Registry.

§ p. 168.

¶ p. 154.

†† p. 169.

have had a survey of the lands of ye bishopric by reason of the abundance of concealments, improvements, and altered tenures, that upon search were found, especially w<sup>thn</sup> the Baronie of Dalston, w<sup>ch</sup> Discoverie of their estates, made them thus mutinous and malicious." This then was the fundamental cause of the dispute.

The Bishop on his chaplain's advice dismissed the Lowthers; of course, Robert, father of John, the constable, was still alive. The people of Dalston, knowing presumably, that if the Bishop was successful against them, their turn would come next, supported them "and the parish of Dalston was in an uproar"\* and even the manor court could not be held.† The Bishop was then compelled to take legal action, and the Depositions were taken before Sir Thomas Lamplugh and others in Dalston church on 3 October, 1620. But in Canon Wilson's words "it is little wonder, that Bishop Snowden came to grief in his action at law, when dependent on such advice."‡

In the next year, 1621, Bishop Snoden died, and two years after, his successor restored John Lowther, by letters patent of 24 September, 1623, to his office of bailiff, and keeper or forestership,§ but the office of constable was not revived and never has been. Shortly after, John Lowther himself died, and was buried at Dalston, 19 August, 1624 as "John Lowther vilicus." His will was dated 4 August, 1624, and proved at Carlisle, January, 1624/5.¶ He leaves his lands, etc. to his wife "towards the education of my many and small children." He had issue—marriages are shewn in the pedigree.

1. George, of whom next.
2. Henry, baptized 15 November, 1607.

\* Wilson, p. 169.

† p. 220.

‡ Wilson, p. 166.

§ George Lowther's patent, 1624, in Bishop's Registry.

¶ Appendix IV.

3. Anne, baptized 23 November, 1608.
4. John, baptized 14 April, 1611.
5. Katherine, baptized 25 July, 1613.
6. Christopher, baptized 26 November, 1615.
7. Elizabeth, baptized 22 March, 1617.
8. Leonard, baptized 22 October, 1622.
9. Richard, named in his mother's will.

Anything more known about them will be found in the pedigree, and their mother's will. Leonard was a member of the Merchants Guild at Carlisle, and got into trouble by marrying before his seven years apprenticeship was finished.\* She was Marion Side and the marriage was on 2 March, 1645.

Mrs Elizabeth Lowther lived till 1658. Her will was dated 5 December in that year, and proved 28 June, 1659.† She wished to be buried "in the accustomed buryeing place" in Dalston churchyard, but there is no record of this in the parish registers.

VIII. George Lowther was born, 6 March, and baptized, 9 March, 1605. He was appointed bailiff of Dalston, 31 January, 1624.‡

He is chiefly remembered for his share in the siege of Rose in the Civil War. The incident is thus described in a despatch from General Lambert, dated June, 1648. "Rose was taken by storm of 200 foot, being a commanded party, and taken within two hours. The place is strong had 40 men in it. The Governor stood and refused two summons and yet quarter was given; only one of the enemy slain and one hurt, not one of ours killed or hurt."§ Canon Wilson comments "The allegation of Walker,|| that about the year 1645, Mr. Lowther, who had been constable of Rose, with about 20

\* Municipal Records of Carlisle, Ferguson and Nanson, p. 109.

† Appendix VI.

‡ Letters Patent in Diocesan Registry.

§ Wilson, p. 231.

|| Sufferings of the clergy, Ed. 1714, II, 9.

or 30 men, endeavoured to keep it for the rightful lord, but he was soon beat out of it by a party of Colonel Heveningham's regiment," may be dismissed as worthless, though it is an accurate summary of a communication made to him in 1704, by Dr. Hugh Todd, one of the canons of Carlisle. John Lowther, who claimed the constableness of Rose in 1620, was gathered to his fathers nearly a quarter of a century before the fatal year of '48. The credit for the defence of Rose must be given to Captain Philip Ellis once marshall of Bishop Potter's Household."\* Canon Wilson proves his point by quoting a document shewing that Captain Ellis claimed to have stood a siege in his own castle, and was rewarded for it after the restoration. All this is no doubt true. But what Dr Todd actually wrote was "About ye year 1645, one Mr Lowther, who had been constable of ye castle of Rose, got some provisions and Arms and about 20 or 30 of the Tenants into ye castle and thought to have kept it for the right Power." † Mr Walker's is not in fact an accurate summary of this. Even admitting Dr. Todd is in error in the date, and the fact that George Lowther was bailiff, not constable; that does not disprove the rest of his statement, which in fact is entirely reasonable. Mr. Lowther, as bailiff, would be responsible for the arms in the castle, the gathering in of the tenants, and the supply of provisions, that would be his task. But the actual commander of the armed party would be the Marshall or Steward. Hence it is submitted that, the traditional account given by Dr Todd, and the facts proved by Canon Wilson, are not of necessity contradictory, and that the Steward and bailiff each had their share in defending their master's property, which they doubtless held to be their duty.

George Lowther was one of the defendants in an

\* Wilson, p. 54.

† The whole report is printed in Nightingale, *The Ejected of 1662*, vol. 1, p. 372.

action brought by John Briscoe of Southerfield, Holm Cultram, and Anne his wife, widow of Edward Fountayne of Hauxdale, against Agnes Senhouse and others, concerning the ownership of a tenement in Hauxdale in 1652.\*

After the Restoration the bailiff would get back his place and his house. An interesting sidelight is thrown on ecclesiastical discipline in this remote diocese at that time, by a document which is headed, "Given by M<sup>r</sup> Lowther to ye poor March 22, 1664 in consideration of eating of flesh in Lent £1. 6s. 8d." There follows a list of the poor who benefited.†

George Lowther was buried at Dalston as "George Lowther, gent de Hauxdale in woollen," 28 June, 1679. He left no will. He married twice. By his first wife Jane, who was buried 16 May, 1660, he had issue.

1. John, of whom next.
2. George, baptized 15 June, 1630, buried 13 January, 1631.
3. Mary, baptized 22 January, 1631.
4. Jaine, baptized 24 May, 1635.
5. Heugh, baptized 15 May, 1642.
6. Maria, baptized 21 March, 1643.
7. Christopher, baptized 30 May, 1646.

He married as his second wife, Lucie Brunskaile on 4 June, 1663. She was buried as "Lucie Lowther de Hauxdale," 12 January, 1701, and had issue by her.

8. Lucie, baptized 29 August, 1664.
9. Lettes, buried 2 March, 1665.
10. Margate, buried 2 July, 1669.

IX. John Lowther was baptized 3 February, 1627, and was appointed bailiff, 13 August, 1680. The original bond of "John Lowther of Rose Causey, gentleman, to perform the office of Bayliff of Dalston," is in the Bishop's

\* C. P. Bridges, 403/47.

† In the Diocesan Registry.

registry. It is sealed with the six annulets of Lowther, with a crescent for difference. From the fact that his father is buried as "of Hauxdale," it is probable he had exercised the office in his stead for some years before his own appointment.

It is regrettable, but true that he also committed murder, while bailiff to the bishop, and at the age of 69, too. No account of this event can be found locally, but Minutes of the proceedings of the Lord Justices of England, Sept. 15, 1696, Whitehall: "The Lord Chief Baron gave an account of the trial of Mr Lowther for the death of Brisco: he was found guilty on the statute of stabbing. It seemed to be a sudden business on his wife's being hurt. A reprieve ordered for six weeks from 23 September. 1696, Oct. 20 warrant for a further respite for John Lowther, convicted at last assizes at Carlisle of murder of Geo. Brisco."\* No further information can be obtained at the Public Record Office. He must have been reprieved, because his death is recorded in the Dalston Registers some years later. George Briscoe was probably the George Briscoe de Rattenraw buried at Dalston 4 September, 1695. But the family did not escape so easily as in 1552, as appears by an Indenture made, March 22, 1696/7, between Thomas, Bishop of Carlisle, and Robert Thomlinson of the Gill, Dalston, gentleman and Jonathan Green of Hauxdale, gentleman. This Indenture states that "whereas John Lowther of Cawsay within the said parish being seized in fee simple of a messuage in Hauxdale called New Hall at an ancient rent of 2/7 did murder one George Briscoe and so forfeit his messuage, the said Bishop did wish to endow a scholmaster to teach the children of Dalston in reading, writing and Latin grammar and appointed the above Robert Thomlinson and Jonathan Green trustees to hold the said messuage for this purpose." The deed is printed in full in Miss Kuper's article on the Dalston Registers.†

\* S.P. Dom. Entry Book, 274, p. 328.

† o.s., vii, 213.

He does not however seem to have been deprived of his office of bailiff, as he died as Mr John Lowther of Causey, and was buried, 8 December, 1707. He left no will. His wife's name is unknown. But his son had lands at Castle Sowerby, so she may have come from there, the registers only begin 1711, so it is impossible to check this up. She was probably the "Widow Lowther of Hauxdale," who was buried, 21 May, 1710.

He had issue.

1. John, baptized 30 September, 1684. Buried 3 February, 1684/5.
2. Thomas, of whom next.

X. Thomas Lowther was born 19 December, 1685, and baptized 20 December. He was not at once given the place of bailiff. Bishop Nicholson has a note under the year 1709. "16 June E. Walker willing to give up his Bayliffe place to T. Lowther,"\* and another on 9th August, "my grant to Tho. Lowther of Bayliffs place sealed and his mother bound with him for performance."\* Nothing more is known about him, except that he was married to Elizabeth Robinson of Rose Castle on 28 November, 1739 by licence, and was buried as "Mr Thomas Lowther of the Causey," on 27 September, 1747. He left a will proved 21 July, 1747,† leaving his lands to various cousins and other people and giving the poor of Dalston and Castle Sowerby £10 each. His wife continued to live at Dalston until she remarried John Wilkinson of Whitehaven, wine merchant, on 20 February, 1757, by licence.

Thus ended the family of the Lowthers of the Rose, who had served the Bishops of Carlisle for 333 years. The descendants of the founder of the family continued at Great Orton for another 171 years, and part of their lands are still in the possession of their grandchildren.

\* *Trans.*, N.S., xxxv, 100-106.

† Appendix VII.



## APPENDIX.

## THE DALSTON PARISH REGISTERS.

Lowther extracts from these are not included in this Appendix of documents, because they are available in the printed copy of the register and in the article by Miss Kuper, o.s. vii, 211.

## I. WILL OF ROBERT LOWTHER, 1569.

I Robert Lowther of Rose Causey Dalston, Cumberland by will dated 20 December, 1567 direct my body to be buried in the churchyard of Dalston.

Gives " To my daughter Margaret £20 for her marriage portion to my base daughter Annes . . .

all my lands (two parts of) viz. one tenement etc. in the occupation of Edward Bewley, one tenement in the occupation of George Lowther, one tenement in the occupation of John Shares, one tenement in the occupation of George Peate, and close in the occupation of Thomas Thompson; to be taken and had for 20 years for the benefit of my children towards their bringing up and marrying.

To my wife, Sybell and sons Robert and Thomas and Mabell, Issabell, Judith, Elizabeth and Barbara my daughters the rest of my goods and appoint them executors.

My son Robert to have the profits of my lands paying yearly the same for the use of my children.

I make supervisors of . . . .

Mr. Busshop of Carlisle, Richard Lowther Esquire and John Richmond.

Witnesses James Carleton, John Richmond, Thomas Borwick, Barnake Lowingcliff, Gilbert Hewetson, William Abbott and others.

Proved 1569.

This will is in a very rotten condition parts being absent and parts unreadable.

## II. WILL OF THOMAS LOWTHER, 1616.

Will of Thomas Lowther of Calcotes in the parish of St. Mary, Carlisle, Gentleman, dated 29 April, 1616.

To be buried in the church porch of St. Mary's Carlisle.

To Elizabeth my wife during widowhood lease of the tithe of corn &c. of Cardew.

To wife during widowhood all my houses and lands within Calcotes holden by indenture of the Dean and Chapter of Carlisle.

To my wife during widowhood lease of one house and a close adjoining holden of William Mulcaster.

To William Lowther my son the lease of my part of the grange of Newlaythes.

To my sons Robert and William my lease of the tithe of Roackcliffe holden of the Dean and Chapter provided that if Robert died without lawful heirs male of his body his part of Roackcliffe comes to William and his assigns.

To my son Richard the two tenements of Corrybeck and the tithe meal yearly arising out of the same for eight years coming to my son William.

To the said William the tithe of the Grise garth.

To William the messuage or tenement and lands belonging to the same commonly called the Keld or windmill to him and his heirs for ever.

To William all my right and tithe of a tenement beside the Newlaithe called Bacon's tenement.

To my son Christopher £40, 4 years after my death on condition that he shall be content with it for his child's portion having given him sufficient before.

To Eleanor Lowther, my daughter £100.

Residue to wife Elizabeth and son Richard who are made executors.

Witnesses. Robert Lowther, John Lowther, Robert Thomlinson, Rowland Topping.

Supervisors. Henry Bp. of Carlisle.

Henry Baines gent.

Robert Lowther (brother).

Wm. Barwick Gent.

Rowland Topping.

Robert Thomlinson (nephew).

Proved 12 July, 1616.

Inventory.

### III. WILL OF ROBERT LOWTHER, 1624.

Robert Lowther of Hawkesdale, Dalston, Cumberland, by a nuncupative will, dated 26 March, 1622, directed his body to be buried in the church yard of Dalston

And gave to his son John 10/-, to his daughter Elizabeth 20/-, to Edward Nixon his tenant a payre of thres and a cloke to his son Heugh the rest of his goods and appoint him executor.

Witnesses. Edward Thomlinson of Hawkesdale, and Edward Nixon.

Proved at Carlisle 23 April, 1624.

#### IV. WILL OF JOHN LOWTHER, 1624.

I John Lowther of the Rose Calsey parish of Dalston Cumberland by will dated 4 August, 1624 direct my body to be buried in the churchyard of Dalston And give to my wife Elizabeth all my lands, tenements, leases, goods, etc. towards the education of " my many and small children "; after payment of debts and children " honestly educated," wife to have tenements and lands called the Calsey for life and then to come to my George with rest of my tenements. Wife Elizabeth executrix.

Witnesses. Edward Thomlinson, Thomas Lowther, Edward Nixon, Heugh Lowther, Robert Thomlinson.

Proved at Carlisle January, 1624.

#### V. WILL OF HUGH LOWTHER, 1636.

I Hugh Lowther of Hawxdal Dalston Cumberland by will dated 3 October 1636 direct my body to be buried in the churchyard of Dalston " amongst the sepulchres of my ancestors " and give to Henry Moyser alias Lowther £30 out of my estate at Littlebantou, whensoever he shall come into Cumberland to demand the same.

To my sister Hedrington's two children each £10 when of 18 years or on marriage.

To Thomas Hedrington my brother in law 20/-.

To Richard Lowther and Leonard Lowther my brother's sons each £5.

To my nephew Christopher Lowther 20/-.

To my niece Ann Lowther £20.

To Katharin Lowther and Elizabeth Lowther my nieces each £10.

To my nephew George Lowther one black hat and cloke lined with plush and one pair of new white spanish leather boots, one pair of red silk stockins and one sword and a pistol.

To John Norman the elder of Littlebantou my brown coloured doublet.

To Edward Nixon a cloak.

To Elizabeth Lowther, my brother's wife the rest of my goods and appoint her executrix.

Witnesses. Robert Thomlinson, George Lowther, Thomas Lowther, William Lowther.

Proved at Carlisle 3 December, 1636.

## VI. WILL OF ELIZABETH LOWTHER, 1658.

Will of Elizabeth Lowther of Hauxdale Dalston, widow, dated 5 December, 1658, to be buried "in the accustomed buryeing place" in Dalston churchyard.

To daughter Elizabeth Hix's children £5. grandson John Hix a cow.

son George Lowther and daughter Katherine Brathwaite and grandchildren Joshua Lowther, son of son Leonard Lowther, and grandchild Jane Lowther, daughter of son Richard Lowther, legacies as executor shall think fit.

Residue to daughter Anne Jackson who is appointed executor Signs by mark.

Witnesses. Edw. Baker, Phillip Ellis (Not. Pub.).

Proved 28 June, 1659 by daughter Anne Jackson.

P.C.C. 317 Pell.

## VII. WILL OF THOMAS-LOWTHER OF THE CAUSEY DALSTON, GENTLEMAN.

Proved 21 July, 1747 at Carlisle.

Cousin Owens children £40 for distribution as cousin John Hewer of Hewerhike shall think fit.

The said John Hewer £40.

Cousin Bradley who lives near Penrith £20.

Cousin Glaister of Cockermouth £5.

George Robinson and Jane Robinson of Hawkesdale £10.

John Robinson of Cockermouth £5.

"And my will and pleasure is that all my messuages lands tenements and herditaments situate at Causey and Hawkesdale within the parish of Dalston being leasehold be charged with payment of the above."

To cousins afternamed as followeth

Thomas Harrington of Fisher St. Carlisle £20.

William Butler £100.

Thomas Harrington of Harriby £20.

Robert Harrington of Carlisle £20.

William Harrington, £20.

Thomas Harrington, son of William £20.

Mary Harrington, £60.

Elizabeth Harrington, £10.

Samuel Harrington £5.

"Charged upon messuages formerly estate of Michael Simpson deceased and late of Mary Brown lying at Eshes in parish of Castle

Sowerby and in Hampshire, which came to me by descent after the death of the said Mary Brown."

To wife Elizabeth leasehold estate at Cawsey and Hawkesdale Dalston " and freehold and copyhold messuages at Eshes Castlesowerby and in the county of Northampton called Hampshire, wife and her heirs to be executors.

To the poor keeper at Dalston £10.

To the poor housekeeper at Castlesowerby, £10.

Residue to wife.

### VIII.

Right Reverend Father in God.

I know not how envie may traduce the accons of my late lord and husband w<sup>ch</sup> makes me soe troublesome unto yo<sup>r</sup> L<sup>dp</sup> w<sup>th</sup> the informacons here inclosed,\* neither how yo<sup>r</sup> L<sup>dp</sup> may be informed concerning my oune doings w<sup>ch</sup> moveth me to impart my mind by this letter. I doubt not but I have undeserved enemies who have noe other reason to hate mee but that they will, who perhaps will labour by all means soe much as in them lyes to possess yo<sup>r</sup> L<sup>dp</sup> with matter against me and my servants w<sup>ch</sup> I beseech yo<sup>r</sup> L<sup>dp</sup> to heire without prejudice and beleve not till I have in my answey by w<sup>ch</sup> (I hope) I will make it appeare that all my acts have been most moderate justifiable and for the good of the bishopric and my adverseries the tenants of Dalston led in facon have been and are if not altogether yet almost the contrarie they w<sup>ch</sup> doe evile hate the light; it was my late lords desire to have had a survey of the lands of the bishopric by reason of the abundance of concealments improvements and altered tenures that upon search were found, especially w<sup>thn</sup> the Baronie of Dalston w<sup>ch</sup> Discoverie of their estates made them thus mutinous and malicious as yo<sup>r</sup> L<sup>dp</sup> will better understand hereafter from mine own accons herein. I dare referre myselfe to yo<sup>r</sup> L<sup>dp</sup> judicial censure when you shall heare matters trewlie related. The particulars here inclosed, w<sup>ch</sup> I desire yo<sup>r</sup> L<sup>dp</sup> to peruse at yo<sup>r</sup> leasure will per . . . will geue yo<sup>r</sup> L<sup>dp</sup> a touch of their qualities and yo<sup>r</sup> L<sup>dp</sup> will sone understand of what condicons they are, therefore I need say . . . for their deeds will bewray them . . . .

There are some grounds at the skirts of the Demesne w<sup>ch</sup> anciently have been leasid by Bp. Best, Bp. Barnes and Bp. Mey w<sup>ch</sup> my late lord and husband granted unto his eldest sonne for his

\* The enclosures seems to be lost; there is no trace of them among the bundle of papers in which the above was found; the letter it will be noticed has been torn in places.

maintenance perhaps yr L<sup>dp</sup> may be informed that it was neither well nor honestlie done in the leasing of them but alas yo<sup>r</sup> L<sup>dp</sup> but rightlie weigh our expence in coming to the Bishopricke and but rightlie understand the charge we have been at in repaires, the smalness of the reuenes of the Bishopricke, especially in the time of first fruits and lastly our short continuance in the same. I hope yr L<sup>dp</sup> or any of understanding will deeme it noe lewd parte in him in succouring of his w<sup>th</sup> such small matters as were lawfull for him to dispose of especially noe meanes at present to maintaine him but only that. I beseech . . . tender the case of a poore widow and her children and afford . . . succour and love and you shall find us in all things at yo<sup>r</sup> L<sup>dp</sup> service ready and willing to geue yo<sup>r</sup> L<sup>dp</sup> anie content w<sup>ch</sup> may not be . . . our damage. John Lowther (as I heare) hath reported unto you . . . who was w<sup>th</sup> us, that I have much wood cutt out by workmen . . . house to the value of £300 and more. I will not hide anything yo<sup>r</sup> L<sup>dp</sup> but before I stir anie parte thereof I will have it viewed and by sufficient men in the countrey who shall testifie the truth unto you. And I know the reckoning will appeare to be far under £20, w<sup>ch</sup> is to the charge of the workmanship and the fetching of 20 . . . from Whinfield my Lorde Clifford's parke w<sup>ch</sup> is from the Rose sixteen miles w<sup>th</sup> my duty and service unto y<sup>dp</sup> L<sup>dp</sup> and y<sup>r</sup> vertuous bedfellow as . . . craving pardon for my bold tedious and rude lines. I rest yo<sup>r</sup> L<sup>dp</sup> in all dutifull respects.

Abigail Snoden.

Rose Castle,

July 25, 1621.

#### IX. THE LAWSUIT OF 1612.

Chancellor Ferguson says of John Denton of Cardew, the local historian, "and is said to have been imprisoned in the Tower of London, on a quarrel between him and Dr. Robinson, Bishop of Carlisle" and dates his Accompt by the fact that the "list of Bishops given in it, as preserved in other copies, shows it must have been written about 1610."\*

But Mr. T. H. B. Graham records "Notes of patents and other records from 1 John to 9 Edward IV seen by Mr. Denton, by warrant of the Attorney-General dated 30 January, 1601 (S.P. Dom. Eliz. 1601, p. 36)."<sup>†</sup>

These two statements seem to be difficult to reconcile with each

\* An accompt p. III.

<sup>†</sup> *Trans.*, xvi, 55.

other. Bishop Robinson's dates are 1598-1616, so it is not impossible on that account. But though a search has been made, there is no record of any proceedings earlier than 1612.\*

There the matter must rest, unless further evidence of earlier proceedings ever come to light.

The truth may be that John Denton did spend some time at the Tower searching the records kept there and that this gave rise to the tradition that he was imprisoned there. Since it seems difficult to see why he should have been put there as a result of a dispute in the Court of Chancery.

My thanks are due to my cousin, the Rev. J. Lowther Bouch, who did the initial work on this family some years ago; also to the officials at the Bishop's Registry, and the Dean and Chapter Registry for their courtesy in helping me in the search of their records; and to the librarians at Tullie House for their like courtesy.

\* Exchequer Depositions, E. 134, 10 James I, Mich. 17.; 11 James I, Easter 1.