

ART. XIII.—*The Broad Oak deeds.\** By G. P. JONES,  
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### 1. Introduction.

BROAD OAK stands on the slope running down from the northern end of Whitbarrow Scar to Arndale Beck and the River Winster. It is a little off the road that climbs from Cowmire Hall over Camel Cross and down to the Lyth-Bowness main road. There are now, and perhaps have been for centuries, two farms of the name. In 1829 one was occupied by John Cartmell, yeoman, and the other by John Varty.<sup>1</sup> A hundred and sixty years earlier, in the detailed arrangements for seating in Crosthwaite chapel,<sup>2</sup> there was provision for James Rowlandson of Broadoke and Stephen Garnett of Broadoke on the north side and for their wives on the south side. Stephen Garnett was thus the occupier in 1669 of the farm to which these deeds relate. Before February 1685/6 he was dead and the land had passed, in accord with his will,<sup>3</sup> dated 1680, to his son-in-law, Symond Washington,<sup>4</sup> of Cockermouth, who sold it to James Maskew (Deed no. 3).

It is not possible to be quite sure of the identity of Stephen Garnett, for the surname was common in the parish, where it is still not extinct, and the christian name Stephen was borne by more than one of the Garnetts.

\* We have to thank the owner, Mr Ernest Shepherd of Broad Oak, for his readiness to lend the deeds and permit abstracts to be made and printed.

<sup>1</sup> Parson and White, *Directory* (1829), 630.

<sup>2</sup> The arrangement was originally made in 1535 and a transcript was "faithfully extracted and compared" with the original in July 1669. In that, "only the names of the present owners and tenants" were "duely and carefully mentioned". *Records of Kendale* ii 97.

<sup>3</sup> See Appendix. The registers of Crosthwaite are defective for 1680.

<sup>4</sup> For Simond Washington see John Bolton, *Wordsworth's Birthplace* (1912), 76, 95.

One Stephen Garnett was buried in July 1697 and another in January 1707/8. Neither of these can have been Stephen Garnett of Broad Oak. There was a Stephen Garnett of Lyth (the father of children baptised in 1660, 1661, 1663, and 1664) and Stephen Garnett of Drawell (which is in Lyth) the father of a daughter buried in March 1661/2.<sup>5</sup> A Stephen Garnett was assessed for tax on three hearths in 1669/71,<sup>6</sup> and he may well have been the occupier of Broad Oak at that time.

James Maskew, who bought the estate in 1685/6, was not, in all probability, a Crosthwaite man. The surname occurs only once in the parish register, in a record of the marriage of Anne Maskew, on 8 August 1696, to William Burrow. She was, perhaps, a sister of James, for in his will be left £5 to his nephew, James, son of William Burrow: and perhaps also, since no Anne Burrow is mentioned in the will, dated in 1706, she was then dead. James Maskew may have been a relation or descendant of the Thomas Maskew (or of one of the men so named) occurring repeatedly as a juror in inquisitions *post mortem* in connection with lands in Old Hutton, Killington and elsewhere in the Kendal region between 1615 and 1629.<sup>7</sup>

Nearer in time to James Maskew was the Thomas Maskew listed in 1696 among the men in Underbarrow and Bradley Field who neglected or refused to sign a declaration and take an oath of loyalty.<sup>8</sup> Some of these were Roman Catholics and Thomas Maskew, too, may have been of that religion. On the other hand, it is not quite impossible, though far from certain, that James Maskew had Quaker connections. William Burrow of Underbarrow, probably his brother-in-law, may have been a relation of Edward Burrough, Quaker evangelist and author, though equally he may have descended from

<sup>5</sup> For these and other entries see J. F. Haswell ed. *Registers of Crosthwaite-cum-Lyth, 1569-1812* (Penrith, 1935).

<sup>6</sup> *Records of Kendale* ii. 112.

<sup>7</sup> *Ibid.* i. 108, 197, 261; ii. 412, 427.

<sup>8</sup> *Ibid.* iii. 167.

William Burrow, gentleman, who before 1616 had held land in Underbarrow.<sup>9</sup>

One of James Maskew's executors was Miles Halhead, a name borne also by the famous Quaker of Mountjoy in Underbarrow. In the Crosthwaite parish register there occurs a Miles Halhead of Mungey, father of children baptised in 1646, 1648/9, and 1650, the third of whom was given the name of Miles. The father may have been the Quaker, "a plain, simple man" about ten years older than George Fox,<sup>10</sup> and therefore born about 1614. The younger Miles, born in 1650, could have been the executor of James Maskew's will, dated in February 1705/6. On the other hand, there was a Miles Halhead of Underbarrow who was a delinquent, i.e. royalist, in 1649.<sup>11</sup> Indeed both Christian and surname were common in the district. One Myles Halhead (Hatthead is presumably a mis-script) was assessed on two hearths in Underbarrow in 1669-71 and another was excused payment on one hearth, no doubt being considered too poor to pay.<sup>12</sup>

The Anthony Byreley<sup>13</sup> mentioned in Deed no. 1 was evidently, in the autumn of 1662, getting rid of his Crosthwaite interests, for besides his sale of tithes in September he also sold, in October of that year, Cowmire Hall to Henry Newby (Nubie) of Cartmel, yeoman.<sup>14</sup>

## 2. Abstract of the deeds.

1. 16 September 1662: An indenture whereby ANTHONY BYRELEY, of MIDRID GRANGE, co. Durham, for the sum of £983, sells the tithes of corn, grain and sheaves in the hamlet or fields of Crosthwaite

<sup>9</sup> *Ibid.* i 368.

<sup>10</sup> W. C. Braithwaite, *The Beginnings of Quakerism* (London, 1912), 92.

<sup>11</sup> *Records of Kendale* i 115.

<sup>12</sup> *Ibid.* i 375, 376.

<sup>13</sup> Mr C. Roy Hudleston has identified him as Anthony Byerley of Midridge Grange, co. Durham, a magistrate of the county. He was 46 years old in August 1666 (J. Foster, *Durham Visitation Pedigrees*, 61); he married, before 1652, Anne, daughter of Sir Richard Hutton, of Goldsborough, Yorks.

<sup>14</sup> Sir H. Scott, "Calendar of the Papers . . . of Mr James Burrow of Hill Top, Crosthwaite", CW2 xx.

and Lyth, Powbanke and Fell End in the parish of Heversham, to the following persons: WILLIAM KNIPE, of Broughton in Cartmel, gent.; TOBIAS KNIPE, of Flodder, gent.; THOMAS COCKE, of Gate-side; MYLES ROWLANDSON, of the Lawe in the Lyth; THOMAS ATKINSON and JOHN CARTMELL, of Crosthwaite, yeomen. Anthony Byreley agrees to maintain their title against any claim on the part of himself or his heirs etc. or those of RICHARD HUTTON, late of Goldborough, Yorks., or Dame AGNES his wife, or of his son, Sir RICHARD HUTTON or ELIZABETH his wife, or of RICHARD HUTTON, his son, heirs, assigns or any person whatever. Also Anthony Byreley appoints as his attorneys to carry out the agreement WILLIAM GARNETT of Cowmire and FRANCIS HODSHON of Tarneside.

Endorsements: (1) Witnesses to the signing, sealing and delivery: Richard Duckett, Bartholomew Sanderson, Robert Hutton, . . . Raynes, John Backhouse, James Harrison.

(2) Memorandum that William Garnett, as attorney named in the indenture, "this present day" entered a tithe barn in Potterbank, Crosthwaite, and gave peaceable possession to William Knipe, Tobias Knipe, Thomas Cocke, Myles Rowlandson, Thomas Atkinson and John Cartmell, being all present.

Witnesses: Richard Duckett, Thomas Duckett, James Harrison, George . . . , George Wilson.

2. 16 September 1662: Deed in Latin, with an English translation below, on the same parchment, whereby ANTHONY BYRELEY binds himself and his heirs etc. in the sum of £1,800 to carry out the above agreement.

Witnesses: Richard Duckett, Bartholomew Sanderson, Robert Hutton, . . . Rayne, John Backhouse, James Harrison.

3. 2 February 1685/6: A release by SIMOND WASHINGTON, of COCKERMOUTH, for the sum of £270 to JAMES MASKEW, his heirs etc. of his messuages and appurtenances "commonly called . . . by these names LOW HEMPELANDS, RIG HEMPELANDS, HEAVEY (?) CLOSE, GOIVE (?) BUTTS, PLOM-TREE LANDS, FAR CLOSE, HINEING CLOSE, BROW CLOSE and GARTHROW ORCHARD, two LITTLE MIDDOWS, GREAT MIDDOW, MIDDLE MIDDOW and HIGH MIDDOW, all being by estimation 18 acres or thereabouts, in Crosthwaite, Westmorland, formerly in the tenure of STEPHEN GARNETT, deceased, and by his will bequeathed to SYMOND WASHINGTON, being part of the lands of Allan Bellingham, Esq., with yearly rent of 7s. 5d. Also all the messuage and tenement of BROAD OAK. JAMES MASKEW to pay to the lord of the manor the customary rent of 7s. 5d.

Witnesses: Richard Washington, Robert Bateman, John Atkinson, John Rowlandson.

4. 24 February 1696/7: Indenture between THOMAS ROBINSON, of THE HIGH, Crosthwaite, husbandman, and JAMES MASKEW, of TOWNEND, Crosthwaite, yeoman, whereby Thomas Robinson releases to James Maskew and his heirs etc. all his close, enclosure, grounds etc., with the moss thereunto adjoining, being parcel of Thomas Robinson's messuage and tenement at THE HIGH, lately purchased through the last will and testament of Thomas Fife, the said close commonly called LESS BROAD RIGGS and moss containing by estimation 4 acres of arable ground, adjoining the lands of James Maskew called the GREAT BROAD RIGGS, together with woods, underwoods etc. etc. for one year at a yearly rent of one pepper corn payable at Michaelmas if demanded.

Witnesses: Brian Preston (mark), Robert Kellet, Robert Dickinson, James Backhouse.

5. 25 February 1696/7: Indenture whereby THOMAS

ROBINSON makes absolute the release to JAMES MASKEW. Witnesses as in deed number 4. At the bottom of the parchment is a Latin deed of the same date, with an English translation, whereby Thomas Robinson, for himself and his heirs, is bound in the sum of £120 to carry out the above agreement.

Witnesses: Brian Preston (mark), Robert Dickinson, James Backhouse.

6. 28 December 1700: An indenture between the Hon. JAMES GRAHME of OVER LEVENS and JAMES MASKEW of BROAD OAK, Crosthwaite, whereby in consideration of £21. 10. 2. possession is confirmed to James Maskew, James Grahme however reserving to himself the customary rent of 7s. 5d. and rights relating to waifs and strays, hawking, hunting, fowling, fishing and mineral rights. Should James Maskew or his heirs etc. be 20 days in arrears with the rent of 7s. 5d. a penalty of 2s. 6d. for every week in arrears may be imposed.

Endorsements: Witnesses to the sealing etc.: William Grahme, James Backhouse . . . Bank.

Receipt to James Maskew, dated 1 May 1701, for £21. 10. 2. Memorandum that full, peaceable and quiet possession was given by James Backhouse, one of the attorneys named, on 30 December 1700.

7. 28 (? : hole in MS.) February 1705/6. "A Copy of James Maskew's Will Late of Brod Oak in Cross-thwath":

In the name of God Amen I James Maskew of Brod Oak in Crosthw<sup>t</sup> in the County of Westm: land yeoman being att this time Infirme of Body but of sound and perfect mind and memory praysed be God for the same do make and declare this to be my Last Will and Testament in Manner and form following first and princaply I comitt my Soule into the hands of Almighty God my maker hopeing by the meritts of my Blessed Lord, Saviour Jesus Christ to Inheritt Eternal Glory and as for Such Temporall

Estate as it hath pleased God to bless me withall I give and Devise the Same as Followeth Imprimis it is my Will and Mind and I give and Devise unto Margrett my now wife all that my Messuage and Tenements att BROWNE OAKE in Crosthwt aforesaid and all other my lands in the said Crosthwt for and dureing her Naturall Life. Item I give after her death all my said Messuage and Tenement at BROADOAK aforesaid and all other my lands whatsoever in Crosthwt aforesaid unto my Brother THOMAS MASKEW and to his Heires and assignes for Ever and it is nevertheless my will and minde that my said Brother Thomas or his Heires or assignes doe and shall pay out of the same the severall and respective Legacyes unto the several persons hereafter named (that is to say) unto his Eldest Son JAMES the Sum of Twenty pounds unto his Daughter MARGRETT wife of JOHN TAYLOR the Sum of Twenty pounds unto his Daughter ELIZABETH wife of THOMAS KIRKBY the Sum of Twenty pounds and unto THOMAS DOROTHY AGNES and ELIN MASKEW his Childern unto each of them the Sum of Twenty pounds and unto my Nephew JAMES BURROW Son of WILLIAM BURROW of Underbarrow the sum of Five pounds and unto MARY BURROW daughter of the said Willm Burrow the Sum of Five pounds and unto JOHN STEPHEN MARGRETT JANE ANNE and DOROTHY NICHOLSON Childeren of STEPHEN NICHOLSON of Underbarrow Blacksmith unto each of them the Sum of Five pounds all which said Legacyes to be paid by Said Brother Thomas his Heires or Assignes or by the occupires or Enjouers of my Said Lands within Twelve Months next Imediately ensuing after the death of my said wife and it is my will and Mind that if my said Brother Thomas his Heires and Assignes doe make default in payment or neglect or refuse to pay any of the said severall and respective Legacyes or any part thereof then it is my will and mind and I doe hereby give and Bequeath all my said Messuage and Tenement Caled

Brod Oak aforesaid and all other my Lands in Crossthwaith above said unto Stephen Nicholson of Underbarrow Blacksmith and to M . . . [*crease in the paper worn through*] of the same Underbarrow yeoman and to the Survivor of them and to his and their Heires and Assinges for Ever to the End and Intent that they the said Stephen Nicholson and Myles Halhead and the Survivor [*read survivor*] of them or his Heires or Assinges Shall as Shortly after Such Default mad as aforesaid, as they shall think Convenient Sell so Much thereof in open Sale or otherwise as will pay all the Said Severall Legacyes and Make them Satisfaction for their Expences trouble and Charges Occassioned thereby, and of the Said Monyes arriseing by Such Sale to be Employed by them after their Expences Trouble and Charges, as above said Deducted towards the payment of the said Legacyes, and if anything remaine the Same to be paid to my Said Brother Thomas and his Heires for Ever. Item I give unto JANE ATKINSON wife of JOHN ATKINSON of BRIGSTEER the Sum of Six pounds. Item I give to JANE NICHOLSON Daughter of the aforesaid STEPHEN NICHOLSON the Sum of Thirty and Five pounds these two Last Legacyes to be paid by my Executrix out of my personal Estate and I doe make Constitute and ordain MARGRETT my said wife Executrix of this my Last Will and Testament and to her I give all my goods Chattles and personal Estate what soever Shee paying all my Just Debts and Legacies charged therewith and not charged out of my said Lands and my Funeral Expenses Suprovissors here of I nominat Stephen Nicholson aforesaid and Miles Halhed both of Underbarrow desiring them to see this my last will performed and I give to either of them the Sum of Twenty Shillings In witness whereof the said James Maskew have hereunto putt my hand and Seale the Twenty Eight (? : *hole in MS.*) day of February in the yeare of our Lord One Thousand Seven hundred and Five.

Signed Sealed and Acknowledged to be the Last Will and Testament of James Maskew in the sight and presence of us viz. James Burrow, Stephen Garnett, Thomas Swainson.

8. 15 August 1794: Articles for the lease of BROAD OAK for nine years at a yearly rent of £38. 10. 0. payable on November 22nd and Easter. The farm was then occupied by MARGARET PRICKETT. The owners were WILLIAM GARNETT of Church Town, Crosthwaite, ROWLAND TAYLOR of Thwaite Moss in Furness Fells and JAMES TAYLOR of Crosthwaite.

The conditions: The tenant to enter on the lands for husbandry on 13th February, for eatage and depasturage on 26th April (except for the close called Hempland) and on the houses and outhouses on May 13th. The tenant to deliver the farm, at the end of the lease, on the same dates. The owners reserved the underwoods, liberty to fell, manufacture and carry away without liability for damage. The tenant to pay the lord's rent, taxes etc. and perform parochial offices. Also to maintain the houses etc. in repair (except the main walls and timber of the house and outhouses). He is not to break up or dig more land in any year than he can sufficiently manure in the second year after breaking up. He is to keep orchard and wood from being damaged and not to crop ash trees except such as have usually been cropped. He is not to sub-let the peat moss or to dispose of peat or turf graven on the premises. He is to spend on the premises all the hay, straw, fodder, dung and compost produced and to till the land according to the course of husbandry. He is to reside in the dwelling house and not to sub-let it or any part of it without the consent of the owners. He is to "be subject to the waygoing cropt of the present occupier but . . . not to exceed four acres and liberty to lay the same in the outhouses or barn". Memorandum of the same date that Broad Oak was let to Robert Wood of Sadler Yeat, weaver.

Witnesses: James Dixon, Anthony Garnett. Signatures: William Garnett, Rowland Taylor, James Taylor and Robert Wood (mark).

9. 29 August 1794: A lease in accord with the above articles, duly sealed and signed.

Witnesses: James Dixon, William Benson, Thomas Harrison.

10. 1733: Final concord: between JOHN KNIPE, esquire, THOMAS ATKINSON and TOBIAS ATKINSON, plaintiffs, and DOROTHY MASKEW, JAMES HARRISON and AGNES his wife, and ELIANOR wife of HENRY (?) EA . . . SLACK (?) in relation to a messuage, two barns, a stable, garden, orchard, meadow, pasture (including sheep pasture) and turbary in Crosthwaite in Heversham parish. Dorothy, James, Agnes and Elianor agree that John, Thomas and Tobias shall have the lands etc. Amount of payment illegible by me.

*Deeds not relating to Broad Oak or Crosthwaite.*

11. Final concord, 1711, between James Shaw, plaintiff, and John Shaw and Anne his wife and John Graham and Barbara his wife in relation to two messuages and certain acres of land, pasture and appurtenances in SEDBERGH and DENT. John Shaw, Ann, John Graham and Barbara agreed that the plaintiff should have the land to him and his heirs. James Shaw paid them £120.

12. A duplicate of no. 11. Both 11 and 12 in Latin.

APPENDIX by C. Roy HUDLESTON.

Will of Stephen Garnett 1680

Archdeaconry of Richmond

In the name of God Amen the eleventh day of November Anno dom 1680 I Stephen Garnett of broadoake in Crosthwait in the Countie of Westmorland yeoman somthinge weak of bodie by reason of ould age but perfect in mind & memorie praysed be God for the same doe make and declare this my last will and testament in manner and forme followinge first and principally I comend my soule into the mercifull hands of Almighty God my Creator Jesus Christ my Redeemer and the Holy Ghost my Sanctifier trustinge in and through the mirrits of Jesus Christ

my Saviour to have free pardon and remission of all my sins and to be made an inheritor of the Kingdome of Heaven: Item I give my tenement at Broadoake beinge of the lands of M<sup>r</sup> Allan Bellingham esqr and of the yearly rent of seven shillings and fyve pence I give the same tenement to my sonn in law Symond Washington and his heires for ever and I doe appoyn特 him to paye forth of the said tenement to my daughter Margarett Garnett three score pounds in three yeares after my decease Item I give all that land I bought of M<sup>r</sup> Robert Smith to my daughter Ellin Washington and her heires for ever and it is my will and minde that my daughter Ellin shall paye forth of the said land to my daughter Margarett Garnett thirtie & three pounds within three years next after my death Item I give to my sonn in lawe Edward Garnett that morgage of ground which I had from Stephen Garnett late of Cawseye Item I give to my sonn in lawe Edward Garnett that morgage I have from John Painter and it is my mind and will that if the parties that is conserned to paye the mony if they paye the mony without trouble it is my minde that my sonn Edward shall take no advantage upon any forfeiture of the land Item I give to my daughter Ellin Washington the cupbord that stands in the house and also I give unto her the bed stockes in the parlor and the great meall chist in the kitchin Item I give to my daughter Margarett Garnett that fetherbed which came from browhead and the brasse morter and the kettle which came from brow-head Item I give unto her a pair of studles and all things that belongs them studles. Item I give to Elizabeth Briggs ten shillings Item I give to Agnes Garnett daughter of Christofer Garnett two shillings six pence All the rest being goods unbequeathed I give to my two daughters Ellin and Margarett to be equally devided betweene them And I doe make and appoyn特 them joyst executors of this my last will and testament and I doe revoke all former wills by me made either by word or writeinge and I doe acknowledge this to be my last will and testament and hearunto have I putt my hand and seall the daye and year first above written.

Witnesses hereof Edward Birkett, Myles Gibson.

The will was proved on 4 May 1681 by the daughters of the testator Ellen Washington and Margaret Garnett, both of Cockermouth. The bondsmen were Simond Washington of Cockermouth and Edward Garnett of Crosthwaite.

The will of another Stephen Garnett, of "Cassey" (Cawsey) in Crosthwaite, is preserved in the Archdeaconry of Richmond wills at Preston. The testator, a husbandman, made his will on

21 June 1680, asking to be buried in Crosthwaite Church in decent and Christian manner. He leaves to his eldest brother's son Stephen Garnett his tenement at Cassey in Townend, he to enter upon it immediately after the death of the testator's wife Ann. He leaves to Christofer Garnett, son of James Garnett, £10, to Ann his (i.e. the testator's) wife £40, to James Garnett of Scallhouse £5, to Rowland Garnett of Brigend £5, to Agnas wife of Miles Atkinson 40s., to Elizabeth wife of James Kellett 40s., to James Garnett of Lith 40s., to Jenatt Garnett 40s., to Agnes Garnett daughter of Christofer Garnett 10s., to Jenett the wife of Christofer Taylor 10s., to James Garnett son of James Garnett of Scalhouse 10s. All these sums are to be paid by Stephen Garnett out of Cassey in one year after he enters upon it. "It is my will and mind," says testator, "that any herein mentioned whoe is not content with what is given them by this my will shall have noe benefitt or advantage by it." Executor, wife Ann. Supervisors James Jackson of Cartmelfel and Edward Birkett of Townend, Anthony Strickland and James Strickland both of Barkeboth, to whom is left 20s. a piece.

The witnesses were Edward Birkett, Anthony and James Strickland.

The will was proved 6 September 1680.