

ART. XVI.—*The Kaber Rigg Plot, 1663.* By FRANCIS NICHOLSON, F.Z.S.

IT is a moot point whether the plot of 1663, of which the Westmorland portion was called the Kaber Rigg Plot, or Atkinson's Rebellion, was anything more than a plot fomented by agents of the Government in order to cast further discredit on the Parliamentary party which had so recently been ousted from power.

Robert Atkinson, the chief of the Westmorland plotters, was an old soldier of the Parliamentary army. He had been a captain of horse and governor of Appleby Castle, and during the Commonwealth was "active in securing the king's friends, and popular with the Commons by managing their suit against the Countess of Pembroke" (*Calendar of State Papers, Domestic, 1663-4*, p. 539).

In 1663 Atkinson was living on his own estate in Mallerstang, and enjoyed the confidence of his nonconformist neighbours. This confidence he abused by acting as the secret "intelligence" or spy of Sir Philip Musgrave (*Ibid.*, 1663-4, p. 539; 1664, p. 443), the leading royalist and churchman in the district.

It does not add to our respect for Atkinson that in his character of "intelligence" he was unfaithful to his paymasters. This man, old soldier of the Commonwealth, Government spy, and unfaithful as that, was the leader of the Kaber Rigg rebellion.

The plot began in the South of England, but attained its greatest development in Yorkshire, and it was in that county that the Westmorland plot was hatched.*

* Its history can be traced throughout from the evidence of the plotters (especially of Captain Atkinson himself), from the letters of Sir Philip Musgrave and Sir Daniel Fleming addressed to Sir Joseph Williamson, a Westmorland man, and from other sources. These are to be found in the *Calendar of State Papers, Domestic, the Depositions from York Castle* (Surtees Society), and the *MSS. of S. H. le Fleming, Esq., of Rydal Hall* (Historical Manuscripts Commission, 12th Report, App. 7).

According to Captain Atkinson the plot was set on foot in February, 1662-3, and he first heard of it from Richard Richardson (*Ibid.*, 1663-4, p. 485). In April, 1663, he was requested by Captain Spenser and Sergeant Richardson "to assist for Westmorland in a plot laid so universally in the three kingdoms that though the king knew of it he could not prevent it." Atkinson objected to join because the king, having control of the militia, could put the revolt down, and because the governments had been so bad from Cromwell's death to the king's return. Eventually, on being informed that all the army officers, many of the gentry, and the Quakers were in the plot, his objections were overcome, and he consented to command 100 or 120 horse if they were provided for him, but he would not undertake "to persuade any, nor to take any part in raising the force" (*Ibid.*, p. 592).

The plotters, of whom the chief were Lieut.-Colonel Mason; Edward Richardson, D.D., of Leyden, previously of Ripon; John Joplin, once gaoler of Durham; John Atkinson of Askrigg, the stockinger, and Paul Hobson, met at several places in Yorkshire—at the Spa or at the Wells in Harrogate, at Leeds (*Ibid.*, pp. 485, 576, 392), at Bradford, and it was at a meeting near the last place that a general rising was agreed on (*Ibid.*, p. 540). The hopes of success were based on very sanguine reports, from various quarters, of the forces, which only waited the word to turn out in thousands. They were to meet and beat the Duke of Buckingham and his men, and then advance on London. It was expected that when the northern rebels marched on London they would be joined by 7000 men and 500 watermen, and wholesale desertions from the king's army were spoken of as being certain (*Ibid.*, pp. 352, 485).

The declared objects of the rising were to force the king to perform the promises he had made at Breda, to grant liberty of conscience to all except Romanists, to take away excise, chimney money, and all taxes, and to

restore a gospel magistracy and ministry. The plotters had sworn to be secret, and to destroy without mercy all who opposed them, especially the Dukes of Albemarle and Buckingham. They were to take Hull and Appleby Castle. Carlisle, where they had great intelligence (*i.e.*, many sympathisers) among the soldiers (*Ibid.*, p. 352), was, so they believed, to have its gates opened to them without bloodshed (*Ibid.*, p. 540), Captain Studholme, a person in authority there, being stated to be in the plot (*Ibid.*, pp. 347, 368).

Several great men were supposed by the plotters to be secret sympathisers, amongst them being Lord Fairfax, the Earl of Manchester (Lord Chamberlain), Sir John Lawson, and Lord Wharton (*Ibid.*, pp. 352, 540).

The plot was being incubated for several months, and Atkinson and his colleagues seem to have spent considerable time in discussing the preliminaries. Soon after Whitsuntide, Atkinson was at Henry Bourne's house in Pannall (Harrogate), remaining at the Spa until July, when Joplin and others met him at Stank House (*Ibid.*, p. 486).

According to his own confession, Captain Atkinson "was August following in David Lumbye's house, and with Edw. Wilkinson, Sim Butler, and severall agitators from Nottinghamshire and other Southren countyes, debated the conspiracy and agreed to meet in greater numbers the Tuesday sevenight following at the house of William Cotton in Leeds. Being returned into Westmoreland he sent a tall black man with instructions to a meeting where Marshden, Butler, Leeming, J. Atkinson, and divers Southern agitators convened. And after that receyved letters sent from the close Comitty at London by the hands of Christopher Dawson of Leedes" (State Papers, Domestic, Charles II., vol. 93, n. 11).

The Government had in the meanwhile become aware of what was going on, assuming that it did not know of the plot before it began. In August, 1663, Sir Philip

Musgrave sent word to his brother deputy lieutenants, Alan Bellingham and Daniel Fleming, that he had received a letter from Secretary Bennet written in haste. "The letter," says Sir Philip, "states that the king has knowledge of a fanatical design in hand, of which the scene will first appear in the northern parts. He desires me to have a special care to prevent and punish unlawful meetings, and to secure dangerous persons. The deputy lieutenants hereabouts have given orders to secure several persons in both counties, and have resolved to call the foot companies to be exercised, one every week beginning in Cumberland. It is desired that you should secure or at least confine to their houses the two Archers, and such other persons as you consider dangerous" (*Fleming MSS.*, p. 31).

This was apparently the time when Captain Atkinson was put under surveillance (*Calendar of State Papers, Domestic*, 1663-4, p. 322, 622). He was first detained at his own house for six days; then he was placed in the custody of Hugh Atkinson, and was about to be examined as to his knowledge of the plot when it was discovered that he had escaped. He lurked in the dales, probably not far from home, until the time fixed by the plotters for the general rising—originally October 8th (*Depositions from York*, p. 104), afterwards altered to October 12th.

On the night of October 12th the Kaber Rigg rebellion began and ended.

Captain Atkinson had but a small following when he left his home at Mallerstang. He was riding a white or grey horse, and had a case of pistols and a sword (*Ibid.*, pp. 103-105). At the Scotch alehouse in Ravenstonedale, according to one witness, or "coming to Smardale Bridge," the rebels were met at 10 o'clock in the night by Goodlad and Petty, by which accession of force the party had grown to about a dozen. Captain Atkinson gave the word "God be with us," and the party proceeded (*Ibid.*, p. 105).

The rebels numbered "30 or above" late at night when John Waterson of Great Musgrave, going home from Kirkby Stephen, met them. Waterson was requested to join the party, which he did, and "enquiringe concerning the matter," was told by Captain Waller "that Fairfax would be up in armes that night, and that they weare up in Scotland and in Cumberland and throughout all Englande. And that there was a hatter in Ravenstonedale who said he neaver took up arms in his life, yet in this designe would venture as freely as any of the old soldiers, and had kept a hors for that purpose two months and had armes with him." Each man of the rebels had a horse, and some were armed with pistols and others were without arms. Waterson was told that "there wer 14 case of pistolls at Will Goodlad's barne, and some at Capt. Atkinson's." When the party got to "Birkay beyond Kaber Rigg," or "Birka near Duckintree not far from Kaber," Captain Atkinson and Captain Waller dismissed them, giving no reasons, but informing the men that having done no harm in the country they might return home and not be known. It appears that Captain Atkinson's intention had been to march into Durham, taking on his way the Excise money which was in the hands of the Clerk of the Peace at Appleby (*Calendar of State Papers, Domestic*, 1663-4, p. 347; *Depositions from York*, p. 105), but being disappointed by the non-arrival of a contingent from Kendal, he decided to disband his tiny force. According to one witness a few of the rebels "appeared very unwilling" to obey the captain's order, "protesting they would goe on, and did accordingly march to Birka, where they drew upp, and then dissolved" (*Depositions from York*, p. 107). Thus ended the Kaber Rigg rebellion.

The rebels having disbanded, the serious part of the plot began. On October 26th Sir Philip Musgrave wrote to Williamson that he had traced the plotters in Westmorland on October 12th to their meeting place (*Calendar*

of *State Papers, Domestic*, 1663-4, p. 315), and in the same letter he informed his correspondent that some of the plotters were then in Appleby Gaol, and that Captain Atkinson, "their principal man, formerly a pretended intelligencer," was secured. Only a few days later Captain Atkinson was again at liberty, having escaped from Appleby Gaol, which was "full and weak" (*Ibid.*, p. 332), and on November 9th Musgrave reported that Atkinson had "given out to his friends that if he can but get together 20 horses, he will attempt the gaol of Appleby, and take revenge on some particular gentlemen" (*Fleming MSS.*, p. 31).

The old soldier, in spite of his recent failure at Kaber Rigg, and the fact that he was then "skulking in or near Westmorland,"* had not lost the soldierly habit of bragging, and the Musgraves treated his bragging seriously. Christopher Musgrave informed Williamson that "Captain Atkinson, who escaped from Appleby Gaol, is trying to raise a party to attack the gaol and liberate the other prisoners." The magistrates and deputy lieutenants were in alarm, because they knew that the trained bands were not ready for active service. Two or three months earlier they were supposed to be in training (*Fleming MSS.*, p. 31), but in November Sir Philip Musgrave confessed that some companies had no arms, others no commissioned officers, and others had to learn the use of their arms (*Calendar of State Papers, Domestic*, 1663-4, p. 332).

No wonder that the deputy lieutenants preferred to trust to volunteers for the maintenance of order and the defence of Appleby gaol against Atkinson and his men (*Fleming MSS.*, p. 31). The deputy lieutenants in Westmorland, aware that "the trained bands could not be suddenly got together, sent privately to their friends, and 50 volunteer horse, well armed, and some foot soon came

* At this time one of the Atkinson's, probably the stockinger, was lurking disguised in the Bishopric (*Calendar of State Papers, Domestic*, 1663-4, p. 331).

in, and took much pains to search and oppose the plot" (*Calendar of State Papers*, 1663-4, p. 332).

On November 10th the Government issued a proclamation for the apprehension of Richard Oldred (also called Oldroyd) and others for having traitorously attempted to embroil the kingdom in plots and conspiracies. There occur in the proclamation (*State Papers, Domestic, Proclamations*, vol. ii., p. 156) the names of only two persons connected with Westmorland—namely, Captain Atkinson and "Jeremy Marshden of Hughall," who, under his proper name of Marsden, had been a minister in Kendal in the time of the Commonwealth. Meanwhile Sir Philip Musgrave, entirely neglecting "his own affairs to labour in the king's service," was examining the prisoners and endeavouring to obtain full information about the plot (*Calendar of State Papers, Domestic*, p. 336), and Daniel Fleming (*Ibid.*, p. 340) was equally active, having raised the trained bands, and kept strict duty at Kendal apparently for three days, till the design of attacking Appleby Gaol was quashed. He also arrested twenty suspected persons—former officers against the king, ejected ministers, and leading Quakers—and made each of them find bond for good behaviour, excepting Captain French,* who was sent to Penrith at the request of Sir Philip Musgrave (*Fleming MSS.*, p. 31), and Wallis, an ejected minister, sent prisoner to Appleby for three months, on the late Act of Uniformity (*Calendar of State Papers, Domestic*, 1663-4, p. 340).

After these vigorous measures, Fleming opined that "if mischief arises now, it will be from non-licensed ministers or from Quakers, of whom there are too many in the part of the county joining to Lancashire, where George Fox and most of his cubs have been long kennelled" (*Ibid.*, p. 340).

* Captain French, an ex-Parliamentary officer, was doubtless the person who was commemorated by "Captain French Lane" in Kendal (*C. Nicholson's Annals*, p. 146).

Sir Philip Musgrave still kept guards over the prisoners, some of whom were at Appleby, while others had been removed, for greater security, to Carlisle. On the 16th Sir Philip announced that he and Sir George Fletcher had secured 30 of "the most suspicious persons in Cumberland," and asked for Secretary Bennet's advice "how to proceed with them, and prevent their practices; till then will rather proceed irregularly than hazard the peace of the kingdom by releasing them" (*Ibid.*, p. 342). It is obvious that Sir Philip Musgrave had no evidence against this "most dangerous pack of knaves," as he calls them. He felt sufficiently secure to dismiss some of the volunteers who had been guarding Appleby Gaol, "who, though on their own charges, are too loyal otherwise to go."

On November 23rd Sir Philip informed Williamson that "the prisoners begin to impeach each other," and he specially commended the services of Richard Braithwaite "for discovery of this dark design." * One of the rebels had indeed, a month earlier, returned king's evidence, and Goodlad, Greer and Petty followed suit on November 19th.

It was now Captain Atkinson's turn to try to save his neck.

After lying concealed for three weeks (*Ibid.*, p. 622), and at some date before November 26th, Atkinson decided to give himself up, but not to either Musgrave or Fleming, who did not hear of the surrender until some time afterwards (*Ibid.* pp. 444, 449). Fleming gave (on January 28th) to Williamson this account of the circumstances of the surrender:—"The arch rebel Atkinson, not daring to surrender to Sir Phil. Musgrave, with whom he had had some differences, came into the Barony, and corresponded with Thomas, son of Poet Braithwaite of Burneside, to procure his pardon, which he promised, but being a

* *Calendar of State Papers, Domestic, 1663-4*, p. 346. Later Sir Philip asked that Braithwaite might be on the commission to try the prisoners (*Ibid.*, p. 372).

Romanist, engaged Rich. Braithwaite of Warcop to aid him with the Duke of Buckingham, their wives being cousins" (*Ibid.*, p. 45).

Information was to be the price of pardon, and Captain Atkinson began his payment on November 26th, when he was first examined, and another examination took place on December 9th (*Ibid.*, pp. 352, 368).

In December Sir Philip was daily discovering, so he said, more of the common people of Westmorland who had knowledge of the plot and many Quakers, but he discovered little in Cumberland, "the suspected being a subtle company" (*Ibid.*, p. 372).

At the Appleby Sessions (January, 1663-4) many suspected persons were bound over to keep the peace, and several Quakers were indicted and fined for holding meetings. Musgrave says of the Quakers—"They are a dangerous people, and many rogues among them" (*Ibid.*, p. 441). These were very small things compared with what was going on at York in the trial of those concerned in the Farnley Wood plot, as the Yorkshire section of the 1663 plot was called. On the 7th of January, 1663-4, 21 prisoners were sentenced to death, and numerous others to lesser punishments (*Depositions from York*, p. xix.).

The Braithwaites, hoping that Atkinson's evidence would be of some use at York and would enable them to secure a pardon for him, took him thither. It is probable that Atkinson's evidence arrived too late to be given against the Yorkshire plotters. The Braithwaites "discoursed with Judge Turner" (Sir Christopher Turner, baron of the Exchequer, who had tried the Yorkshire prisoners), but otherwise their mission to York was fruitless, as the Duke of Buckingham had gone before they arrived there. They returned to Westmorland. Afterwards they set forth for London, not telling the deputy lieutenants lest they should have imprisoned Atkinson, "who," says Daniel Fleming, "pretends to merit a pardon for further discoveries, but he is a subtle fellow, and will

only tell enough to save his neck" (*Calendar of State Papers, Domestic*, 1663-4, p. 457).

The two Musgraves had now apparently become jealous of the success of the Braithwaites, and were imploring Williamson to prevent Atkinson being pardoned unless he would confess more than he had already done. On January 15th, Christopher Musgrave begged "for his father's sake that so dangerous a person may not have a pardon sent for him, unless on some special confession" (*Ibid.*, p. 443); and on January 21st, Christopher's father, Sir Philip, complained that the Braithwaites "never gave him the least notice of the intelligence they held with Atkinson," and suggested that "they perhaps looked towards a reward." "Atkinson is a subtle, false fellow," he says, "and if he surrenders, should not be rewarded till he has done his work" (*Ibid.*, p. 449).

Two days later he writes that the "people at Kendal take it ill that the two Braithwaites carry Capt. Atkinson publicly out of the county where he was hatching a rebellion and massacre of the gentry, and away from the hand of justice, without intimation of the intelligence had with him" (*Ibid.*, p. 451).

On February 3rd, Sir Philip Musgrave again disclaimed the Braithwaites and their doings. He was not privy to and did not approve of the intelligence between them and Atkinson, and he suggested that the latter could not give any evidence of importance against the prisoners in Westmorland as so many others had confessed, but he might be of use to discover some not yet impeached in Cumberland (*Ibid.*, p. 465).

The proceedings of Captain Atkinson and the Braithwaites are now somewhat obscure. Atkinson, according to his own letter, reached London on Saturday night and was dispatched on Monday night, and then safely returned home, only the king and the Duke of Buckingham and the "two real friends" that went with him being privy thereto (*Ibid.*, p. 492).

The date of the rebel's week-end in London is not exactly known, but a letter of Thomas Braithwaite's, dated February 3rd, 1664, mentions Captain Atkinson's "escape," and his own fears that it would render him "obnoxious to the loyal party," though he hoped soon "to wash off the dirt" it would throw in his face (*Ibid.*, p. 492).

The "escape" of Captain Atkinson caused surprise and annoyance to his Cumberland and Westmorland enemies. Sir Philip Musgrave, writing from Carlisle (February, 18th, 1664), said "Captain Atkinson's escape is variously interpreted; some are troubled, others think it is a trick, for a letter from London says he escaped on Thos. Braithwaite's horse, but it will be well in the end, for Thos. had a long private discourse with the king. It is a mystery, and some think Atkinson is still at command" (*Ibid.*, p. 487).

Not willing to risk Atkinson's getting away, Sir Philip, being engaged at Carlisle, wrote to John Dalston, who issued warrants to search for Atkinson, and to bring up Margery and Phillis Sanderson (the latter a shopkeeper at Kirkby Stephen, "always thought to be affected the wrong way") with all the papers they had about Atkinson to Appleby. Atkinson could not be found.

The net result of the evidence given by the Sandersons was that Atkinson had promise of a pardon, and had been seen at his own house at Mallerstang before February 18th, but was not to show himself publicly until the Braithwaites brought his pardon (*Ibid.*, pp. 491, 492).

Those persons who thought Atkinson still at command seem to be justified by the events, for almost at the moment when the northern magistrates were trying to arrest Atkinson, that worthy was, on February 17th, being subjected to an examination presumably in London (*Ibid.*, 485).

On March 19th, 1663-4, the Kaber Rigg rebels were tried at the gaol delivery at Appleby. A summary of the

evidence as it appeared to Robert Benson, "Clerk of the Assizes for the Northe parts," is given in a document in the Public Record Office (State Papers, Domestic, Charles II., vol. 94, n. 116) :—

A narrative of the designe of Captain Atkinson and other the Traitor^{es} ag^t his Ma^{ty} as the same was made out by severall witnesses at the Gaole delivery at Appleby in Westmerland the 19th of Mar 1663.

That Robert Atkinson who lately lived in Westm^lland and had formerly been a Capt. in the late tymes of Rebellion & Gou^r of Appleby Castle for the rebels in these tymes with other his confederates in the said County and in Cumb^land York^{sh}ire and in the Bishopprick of Durham did lately designe to raise forces in those parts, and to th^t purpose held correspondence with one Doc^r Richardson lately p^lclaimed Trato^r : & mett him and others at the Spaw in York^{sh}ire last sumer to consult about the carrying on of the designe, and that Richardson had a declaracon drawne in order to itt, That Atkinson with the forces he could raise in Westm^lland & with the assistance of a troope of horse he expected from Bishop^r: was to seise on the Garrison of Carlyle and of the Governour S^r Philip Musgrave, and of all the Gentlemen of the Country th^t were frends to his Ma^{ty} and to seise there horses for his men. That one Studholme, now priso^r: at Carlyle, committed by the Justices of Peace for the same plott was to assist him in the seiseing of Carlyle, and in case it was surprised Studholme was to be Governo^r of it. That Atkinson did endeauour to engage m^{en} for this insurrecon and appointed them to meet him in Russendale in Westmerland the 12th of October in the night, and there mett in armes at tenn of the clocke in ye night of the Westm^lland men about 20, and two men came to them out of York^{sh}ire the one from Leeds the other from Holbecke (being the places where the late insurrecon was in th^t County) And told Atkinson & his party, th^t there York^{sh}ire frends would upp that night, and th^t they should have brought the Declaracon, but durst not for feare it should be taken with them, And Atkinson haveing notice, that the Bishop^r: forces could not come to him, he intended to marche into York^{sh}ire to Northallerton there to meet with the Bishop^r: forces and alsoe with those of York^{sh}ire, that were under the comand of Maj^r Walters, and thereupon gave his men a word vitz. (God be with us) and alsoe did declare his intent of rising in armes, to be ag^t the p^rsent Governm^t: and ag^t Bishopps, and p^rsently marched his men to a place called Kebar in Westmerland being about fower myles distant from the place where the party first

met, but his p'ty expected out of the Barony of Kendale not coming he thinketh his forces not strong enough to hold together hee discharged them, it did appeare very plaine that his p'ty and that in Yorkshire had a correspondence together, and both p'ties to rise the same night and at the same houre though at 60 Myles distance they say th^t Ludlow & Maj^r Generall Browne (its supposed to be John Browne) was to head the p'ties in Yorkshire. That Petty one of the prisoners in the Gaole and convicted, as it was testified by a Justice of Peace, said, if the designe be not discovered in the South the business is not yet ended.

Fleming briefly reports the result of the trial:—"The grand jury was elected and found indictments against Rob. Waller, a Parliament captain, and three others, who all pleaded 'not guilty.' Three were convicted of high treason and one acquitted, and three were found guilty the next day" (*Calendar of State Papers, Domestic, 1663-4*, p. 523).

Atkinson was not tried at Appleby with the other rebels, nor did he give evidence there. Excuse was made that he was in London (*Ibid.*, p. 532). Sir Thomas Gower was very desirous that Atkinson should be sent to York as the principal witness against Colonel Mason and other conspirators. Atkinson's evidence was expected to be of great importance. "If Atkinson be sent to York," writes Gower, on March 17th, "he can witness against L.-Coll. Mason, Mr. Beckwith, Leeming, John Joplin, Capt. Hutten, and Capt. Hodgson, who are all principall conspirators, and without him the testimony against two of them will be lame" (*State Papers, Domestic, Charles II.*, vol. 94, n. 101).

Writing to Williamson on March 28th, Gower again urged that Atkinson should be sent to York. "If he be not seen in the York horizon, the king's service will suffer" (*Calendar of State Papers, Domestic, 1663-4*, p. 532).

According to several authorities, Captain Atkinson was hanged in Appleby Castle on the 1st April, 1664, but they are mistaken. The rebels executed on that date were Robert Waller, Steven Weatherill, and Henry Petty.

Captain Atkinson was still living, and on April 8th Sir Thomas Braithwaite delivered him to the custody of Sir John Robinson, lieutenant of the Tower (*Fleming MSS.*, p. 32; *Calendar of State Papers, Domestic*, 1663-4, p. 549), and on the 14th he was examined by the Lord Chancellor, the Lord Chief Justice, and Secretary Bennet (*Calendar of State Papers, Domestic*, 1663-4, p. 563). On 22nd April, Atkinson's nephew, John Waller, wrote to him from Durham gaol (*Ibid.*, p. 563). On May 9th a Mr. Law received permission to examine Atkinson on a matter depending in the Court of King's Bench (*Ibid.*, p. 583). On May 16, 19, 21, and 28 Atkinson was examined by Secretary Bennet with and without the assistance of the Duke of Buckingham, Lord Chief Justice Hyde, Sir Philip Musgrave, and Sir Thomas Gower (*Ibid.*, pp. 389, 590, 592, 598).

Hitherto Atkinson had been allowed to converse with other prisoners, but on May 31st an order was issued restraining him from this privilege (*Ibid.*, p. 600). The intention was, no doubt, to make his imprisonment more rigorous, so as to induce him to make a fuller confession than he had hitherto done. Sir Philip Musgrave was of opinion that Atkinson ought to be sent to his own county, in order to bring him to make a fuller confession of what he knows, "which he will not do whilst confident of pardon." Sir Philip believed that Braithwaite had concealed several important particulars (*Ibid.*, p. 622).

On June 23rd Atkinson was again examined by Secretary Bennet. He professed to have told all he could, and said that if he was carried back to his country and convicted of knowing more he would deserve to lose his life, but he durst not put himself into Sir Philip Musgrave's hands because Darston [Dalston?], his declared enemy, had influence with Sir Philip (*Ibid.*, p. 622).

On July 9th Mrs. Atkinson was in London, and was permitted to see her husband (*Ibid.*, p. 637).

Having now obtained from Atkinson all the information

he was able or willing to give, the authorities appear to have promised him the king's pardon if nothing was proved against him that he had not confessed. They then sent him north to his trial. He was discharged from the Tower, July 14th, 1664, on a warrant, issued to the lieutenant of the Tower, to deliver Captain Atkinson to a corporal, called elsewhere Quarter-master Cooper (*D:K's 30th Report*, p. 314), of the king's troop, who had orders to take him and Richard Oldroyd ("the devil of Dewsbury," prisoner in the Gatehouse, and afterwards sentenced to death), with a guard of six troopers, to Northampton, there to deliver them to the chief officer of Colonel Frescheville's troops, who would convey them to York (*Calendar of State Papers, Domestic*, 1663-4, p. 641).

It is probable that Atkinson was needed in York to give evidence against his travelling companion Oldroyd, or some other of the Yorkshire plotters. Presumably he afterwards performed a similar service at Durham, for we next hear of him at Tynemouth; and on August 5th, Dr. Thomas Smith wrote from Cockermouth:—"Atkinson . . . is removed from Tinmouth to Carlisle, by a file of Musqueteers, from thence he is to be brought to Appleby, but not till the time that the Judges come thither: but what part he is to act there, I cannot yet learne: most are of opinion he will be hanged, at least they hope and wish he may" (Magrath's *Flemings in Oxford*, vol. i., p. 147; *Fleming MSS.*, p. 32).

A few days later (August 11th) Atkinson was in prison in Carlisle, and Sir Philip Musgrave was complaining that the promise of pardon made Atkinson unwilling to answer questions incriminating his friends, especially Studholme (*Calendar of State Papers, Domestic*, 1663-4, p. 664).

The final scene of the Kaber Rigg plot is told in a statement by Sir Philip Musgrave concerning Robert Atkinson, dated September 8th, 1664:—"His confessions did not agree with one another. He denied some things which were sworn against him, and named persons as

privy to the plot whom he never accused before, one in particular, who, he said, could discover all in the barony of Kendal that were engaged; but these accusations, being after his condemnation, are of little use. Before his trial he was insolent, and told his guards nobody could get from him more than he had a mind to say; since his condemnation, he said he had rather be hanged than come to the bar as witness against any man, and confessed sending the paper of advice to the prisoners to obstruct their trials. He professed himself at the gallows a moderate Presbyterian, but feared that drunkenness, defamation, and cozenage might be laid to his charge" (*Ibid.*, 1664-5, p. 5).

On August 31st a warrant was issued to Sir Thomas Davidson, high sheriff of Durham, to respite Robert Atkinson.* The respite apparently did not reach Durham in time, for, as Sir Philip Musgrave's letter shows, Captain Atkinson was duly hanged, and apparently the execution took place at Appleby,† probably early in September.

The story told by the Rev. W. Nicholls (*History of Mallerstang Forest*, p. 88), on the authority of Mr. G. Blades, fits in so well with the facts of the case that it is probably substantially correct:—"On the morning of the execution a king's officer arrived at Stainmore, and asked at the inn whether there was any particular news. Whereupon they informed him that Captain Atkinson had been executed that morning. 'Why,' he replied, 'I have his reprieve in my pocket.'"

Captain Atkinson was not a man to command either our respect or sympathy. He had played false to both parties in the State, he had led his neighbours into a rebellion, which, if serious, was absurdly mismanaged,

* *Calendar of State Papers, Domestic*, 1663-4, p. 676. It is not clear why the respite was directed to the High Sheriff of Durham. Apparently it was misdirected, and if so the mistake cost Atkinson his life.

† *Calendar of State Papers, Domestic*, 1672-3, p. 538, where there is a letter written by a prisoner at Appleby who mentions incidentally Atkinson's execution "here."

and he had become an informer. But all this need not blind us to the hardship of his lot. He was hanged, though as an informer he was entitled to his life, and though a reprieve was on its way to him.

There are traces of personal feeling against Atkinson, especially on the part of Sir Philip Musgrave, and it is said that Lady Pembroke, who had also personal motives, "had set her mind on his execution" (Nicholls' *History of Mallerstang*, p. 88). In Commonwealth times Captain Atkinson had been by no means lenient with "malig-nants," of whom Sir Philip Musgrave was one. Perhaps the personal feeling arose from this.

Of the men who took an active part in the rebellion we have an approximately complete list. In one of his confessions Captain Atkinson gave the names of those whom he knew or could remember, and other informers gave additional names. Captain Atkinson's list (State Papers, Domestic, Charles II., vol. 98, n. 91) is as follows:—

Tho. Wharton appeared at the time & place before men'coned, and brought with him (after all their great promises) one man unarm'd, Richardson in pursuance of his promises, brought in 2 besides him-self, so the whole pty that appeared were about 20, their names as followeth, as many as I know or remember.

of the Barony

Wharton

(what's become of him I know not)

Out of Wencedale

2

their names I know

nor what became of them.

in Westmorland Bottom

of the Discoverers interest

John Fothergill, arraigned and quitted

John Waller, fled;

John Smith, fled;

Stev. Weatherell, Suffer'd;

Tho. Greer, a witness;

— Threlcote, quitted ;
 Hen. Petty, Suffered ;
 Wm. Goodlad, a Witness ;
 Walters, a witness ;
 Rob. Waller, Suffer'd ;
 Wilkinson, quitted ;
 Rich. Atkinson, fled ;
 Faucet, fled ;
 Faucet's man, fled ;
 Hall, quitted ;
 Serjt. Richardson, fled.

This is al the Accompt I can give of mounted men that appeared at the Rendezvous there appeared neare upon half a score foot w^{ch} I knew not, nor can give Accompt of them.

From Atkinson's list and that given by Greer (*Depositions from York*, p. 104), and casual references by other informers, we are able to construct a list giving the names of most of Atkinson's misguided army.

From the barony of Kendal came :—

- 1 Thomas Wharton, apparently of Coatgill in Orton parish, of whom we have no further information, and
- 2 One man unnamed.

From Westmorland Bottom came :—

- 3 Captain Robert Atkinson of Mallerstang, who turned informer, but nevertheless was hanged, probably at Appleby, September, 1664.
- 4 Captain Robert Waller of Mallerstang, Atkinson's brother-in-law, who was hanged at Appleby, April, 1664.
- 5 John Waller of Mallerstang, yeoman, nephew of both Captain Atkinson and Captain Waller. He fled, but was taken prisoner 20th April, 1664, and confessed in Durham Gaol, but hoped to save himself by confession (*Calendar of State Papers, Domestic*, 1663-4, pp. 563, 572, 576).
- 6 John Fothergill, who was acquitted at Appleby, 1664.
- 7 John Smith, who fled.
- 8 Stephen Weatherill, who was hanged at Appleby, 1664. He is also called Weatherhead (*Ibid.*, 1672-3, p. 538).
- 9 Thomas Greer, or Greere, of Kirkby Stephen, who was acquitted at Appleby, 1664, being an informer.

- 10 Nicholas Threlcote or Threlkeld, who was acquitted.
- 11 Henry Petty (called also Peaty, *Ibid.*, p. 538), who was hanged at Appleby, April, 1664).
- 12 William Goodlad, who was an informer.
- 13 — Walters, according to Atkinson's list, appears to have been John Waterson of Great Musgrave. He was an informer.
- 14 John Wilkinson, acquitted. Richard Wilkinson, a prisoner at Appleby, some years afterwards stated that his brother "was tried for his life, and escaped very narrowly, though as innocent as any man living, only because Sir Philip (Musgrave) had a pique against him" (*Ibid.*, p. 537).
- 15 Richard Atkinson, who fled.
- 16 Richard Fawcett, who fled, was, according to Musgrave, "an intelligencer from the county of Durham." He had been a Quaker, but when Francis Howgill, the Quaker, was on trial he stated that "Fawcett had been disowned by us this six years, nor do I believe he hath pretended to come among us these two years."* Goodlad, on November 19th, 1663 (*Ibid.*, 1663-4, p. 347), gave Fawcett's name as Thomas Fawcett of Ravenstonedale.
- 17 Fawcett's man, whose name is not given, but who fled.
- 18 Hall or Hull, who was acquitted.
- 19 Serjeant Richardson, of Atkinson's list, fled. He is called by Goodlad, Colonel Richard Richardson of Crosby Garret (*Ibid.*, p. 347).

From Wensleydale came:—

- 20 and 21 Two men whose names and fates are not recorded.

So meagre a list of rebels was very unsatisfactory to Fleming. For years he had been troubled by various malcontents, and not a man of them had committed himself by taking an active part in the rebellion. When he knew that Atkinson was giving evidence against his colleagues, Fleming wrote to Williamson mentioning the names of a few people he would be glad to see incriminated, and suggesting that Atkinson should be given the opportunity of informing against them. Writing January 28th, 1663-4, Fleming wrote:—"If he come under your examination pray know of him what persons in particular

* Besse's *Sufferings*, ii., 12. Howgill's trial is stated by Besse to have been in July, 1663, but the year was probably 1664.

were engaged here in the Barony (that we may thereby know our friends from our foes), and whether James Cock, Jo. Archer, Geo. Archer, Tho. Sands, Tho. Jackson, Captaine French, Captaine Sigswick, Jo. Wallis, James Greenwood, Geo. Walker, and Robert Wharton (most Kendall, all Barony men, and judged dangerous) were privy thereunto" (State Papers, Domestic, Charles II., vol. 91, n. 68).

To this leading question Atkinson gave what must have been an unsatisfactory answer. The list of those whom he "positively accused" as "principal Agitators or deeply engaged in the conspiracy," included only one of the persons so obnoxious to Daniel Fleming. Those whom Atkinson accused were "Lieutenant Coll. Mason (once Deputy Governor of Carlile), John Joplin (once Gaoler of Durham), Paule Hobson, L. Coll. Rob. Walters, old Rimers and his sonn, Mr. Wm. Stockdale, Capt. Otes, Capt. Studholm, Capt. Urell, Capt. French, Capt. Spencer (who he saide was sickly in body, but free to engage)" (State Papers, Domestic, vol. 93, n. 11), and he also accused Lord Wharton.

Before the date of Atkinson's confession, and soon after the close of the rebellion, Captain French and Mr. John Wallis had been imprisoned. Robert Wharton, a Quaker shoemaker, also one of Fleming's suspects, was in December, 1663, accused by Greer of knowledge of the plot (*Depositions from York*, p. 104), and was in April, 1664, committed by Fleming to Appleby Gaol to await his trial for complicity in the plot. As a Kendal man he ought to have been imprisoned in Kendal, but "the gaoler at Kendal being himself a fanatic," Fleming thought Appleby would be safer (*Calendar of State Papers, Domestic*, 1663-4, p. 586). Wharton had been under suspicion for some time, as a witness had in the previous November reported that he had heard that Wharton had refused a commission from Atkinson (*Ibid.*, p. 342).

George Walker of Kendal, surgeon, was another of

Fleming's suspects. He had been arrested on suspicion early on in the affair. Fleming says:—"He was one whom we had a long time in custody upon the score of Captaine Atkinson's Plott, but wanted then so much evidence against him as to be sufficient to try him at Appleby with the rest that were found guilty" (*Fleming MSS.*, p. 40). In April, 1664, he was again arrested, and sent with Wharton to Appleby Gaol. Presumably he was acquitted. In 1666 he was again under suspicion, and was arrested and committed to gaol. A search was made for "all fanatick letters or papers," but without result. Fleming writes:—"This Walker is a kind of Quaker, yet much employed by most sorts of recusants. Hee is a person as likely for an intelligencer as most wee have in this country" (*Fleming MSS.*, p. 240).

One of the prisoners acquitted at Appleby was Thomas Greer, and to him was sent a letter of congratulation, written in the name of George Dickson or Dixon of Troutbeck. The writer rejoiced that Greer came off so well at Appleby, and hoped soon to see him in joy at Kendal; "though this failed, the next may have better success" (*Calendar of State Papers, Domestic, 1663-4*, p. 528). This letter, whether bogus or merely indiscreet, alarmed the authorities, into whose hands it came. Fleming was ordered to make enquiries, and came to the conclusion that it was not written by Dickson (*Ibid.*, p. 586).

The Kaber Rigg rebellion was but a small affair. Those who took part in it were few in numbers and insignificant in position. The poor fellows who so ludicrously set forth to overturn a kingdom, and returned home the same night hoping that they had not been seen, will cut no great figure in history. For so childish a rebellion the punishment was brutal. The Government seized the opportunity given by an abortive rebellion of striking terror into the hearts of the old Parliamentary party, and the loyal gentry, who were by no means indisposed to wipe off old scores, ably seconded it.

ADDENDUM.

KABER RIGG PLOT.

Until the article was in type I was unaware of an interesting passage from the diary of Anne, Countess of Pembroke, quoted in Mr. George Watson's life of that lady: "The 20th day of this August 1664 did the two Judges of Assize for this Northern circuit come hither to keep the Assizes here, where Robert Atkinson, one of my tenants in Mallerstang, that had been my great enemy, was condemned to be hanged, drawn and quartered as a traitor to the King, for having had a hand in the late plot and conspiracy, so he was executed accordingly the first day of the month following." This is conclusive evidence both as to the date and place of Atkinson's execution.

TO FACE P. 232.