

ART. II.—*Fenwick of Burrow Hall in Lonsdale* (in continuation of Art. VII in Vol. XXXIII, N.S. of *Transactions*). By Col. W. H. CHIPPINDALL.

(Note: All baptisms, burials and marriages are in the Tunstall Church Registers unless otherwise stated).

NICHOLAS TATHAM of Nether Burrow dying in 1671 left a fair landed estate to his only son Edmund Tatham and marriage portions to his two daughters Jane and Alice. The son Edmund was drowned in 1681, leaving no issue; by his will dated 5 May 1676 he left his lands equally between his two sisters.

The youngest sister Alice Tatham was the first to be married, on 23 December 1686, to John Robson of Auckland; by him she had an only child Thomas Robson. They resided at Wrayton and she was buried as a widow on 25 September 1719. Her son Thomas Robson died unmarried and was buried on 8 April 1731. On his death the moiety of the landed estate in Nether Burrow reverted to his aunt Jane and thus the property was once more united.

Jane Tatham, the elder sister was married, on 5 February 1687-8, to John Fenwick esq. of Nunriding, Northumberland. In 1690 John Fenwick purchased the New Hall in Over Burrow which Colonel Edward Briggs had erected on the south edge of that township, where the Roman fort had been, and made it his home. He appears to have been a wealthy man and with a view to investing his money cast his eye on the manor of Cloughton in Lonsdale which John Croft of Cloughton Hall, by his will dated 4 April 1694, had left to his wife Mary Croft; she when a widow married Thomas Brabyn, a Jacobite

who to raise money had mortgaged this manor to Richard Tatham of Cantsfield for £700. The Fine is dated 7 August 7 William III [1695]\* and specifies "the Manor of Claughton in Loynsdale and 50 messuages, 10 cottages, 1 water grain-mill, 50 gardens, 20 orchards, 100 acres of land, 40 acres meadow, 400 acres of pasture, 4 acres of wood, 500 acres of furze and heath; £14. 10. 0. of rent and common of pasture for all cattle in Claughton, Caton, Gressingham, Eskrigge, Farleton and Over Kellet; and View of Frank pledge in Claughton; and the Advowson of the church in Claughton in Loynsdale; and a free fishery in the water of Loyne. Remit to Richard who gives £700." This mortgag and some outstanding bonds were purchased by John Fenwick, who thus became the owner of the Croft's manor of Claughton for £1245. 6. 0; but subject to redemption by Edward Croft on attaining 21 years of age who meanwhile was to be educated and maintained by John Fenwick until mid-summer 1701.

The premises were not redeemed and John Fenwick then settled them on his second son Nicholas subject to a charge of £1000 for the use of his will.

John Fenwick's wife Jane was buried on 2 April 1710; he outlived her by 22 years, making his will on 31 May 1732 (see Appendix) and was buried on 27 November 1732.

This couple left the following descendants and those who inherited the estate are printed in the pedigree in heavy type, viz.:—

(1) ROBERT FENWICK, baptised on 5 November 1688, of whom later.

(2) Dorothy Fenwick, baptised on 26 December 1689; she was married, on 25 February 1722-3, to Thomas Wilson of Kendal by whom she had three children, viz.:—

(a) JOHN WILSON, of whom later.

\* Pal. of Lanc. Feet of Fines, 7 Wm. III, bde. 235, m. 54 [Farrer MSS.].

- (b) THOMAS WILSON, of whom later.
- (c) Jane Wilson, named in the will of her grandfather John Fenwick in 1732.
- (3) NICHOLAS FENWICK baptised on 24 February 1690-1, of whom later.
- (4) William Fenwick baptised on 28 March 1693; buried on 2 April 1694.
- (5) Isabella Fenwick, a twin with the above, baptised 28 March 1693; married on 9 February 1718-19 to John Tatham of Cantsfield by whom she had issue, viz.:—
- (i) Edmund Tatham, bapt. on 9 January 1719-20.
- (ii) Richard Tatham, bapt. on 24 December 1721; buried on 9 April 1725.
- (iii) John Tatham, bapt. 10 May 1726.
- (iv) Francis Tatham, bapt. 24 April 1731.
- (v) NICHOLAS TATHAM, bapt. 19 February 1732-3, of whom later. And five daughters with whom we are not concerned.
- (6) Mary Fenwick, baptised on 30 October 1694; married at Heysham on 8 June 1726 to Josias Lambert of Watchfield near Kendal by whom she had issue, viz.:—
- (a) Jane Lambert, baptised at Kendal on 20 April 1727.
- (b) Elizabeth L., baptised at Kendal on 27 September 1728.
- (c) Josias L., baptised at Kendal on 1 September 1730; buried on 19 July 1731.
- (d) Mary L. baptised at Kendal on 12 December 1732; married at Kendal on 21 January 1754 to William Green of Wastallhead in the parish of Shap.
- (e) John L. baptised at Kendal on 13 February 1734-5; married at Underbarrow on 19 April 1759 to Margaret Hubbersty by whom he left issue at Watchfield.
- (f) Robert L. baptised at Kendal on 24 October 1737; married at St. Giles', Cripplegate, London,

on 3 February 1760 to Mary daughter of John Govier. He made his will on 11 July 1778, he was then of Clipstone Street, Marylebone, co. Middlesex, surgeon's mate, and left everything to his wife Mary.

He appears to have been originally an Apothecary because he is so styled when his son Thomas became a Freeman of Lancaster; but when his widow proved his will, on 25 August 1780, the Probate Act calls him a "surgeon's mate on board H.M.S. Russell in the pay of H.M. Navy." He died at sea, in 1779, leaving issue, viz.:—

- (i) THOMAS LAMBERT of whom later.
- (ii) Josias Lambert of Lazenby in Cumberland.
- (iii) John L.
- (iv) Stephen L.
- (v) Dorothy L.
- (vi) Marg Anne L.
- (vii) Elizabeth L. born on 29 January baptised at

Marylebone on 22nd March 1773.

(7) Jane Fenwick, baptised on 3 August 1697; died unmarried on 5 July 1753, buried at Kendal (M.I.).

(8) Alice Fenwick, baptised 10 January 1699-00; buried 8 March 1700-1.

Robert Fenwick the eldest son of the before named John and Jane Fenwick became a lawyer; he was admitted to Gray's Inn on 28 November 1705 as son and heir of John Fenwick of Burrow Hall, esquire. He became King's Serjeant in the Duchy Court at Lancaster, Attorney General and Serjeant of the Palatinate of Lancaster. He was M.P. for the town of Lancaster from 1734 to 1746. In 1736-39 he had chambers in Lincoln's Inn and was employed by the then Lord Derby in various law-suits. His father having left him £500 for building, he appears to have spent it in erecting the existing Georgian Hall that is to say in adopting the original hall to the Georgian taste in architecture and the Rev. Richard Rauthmel,

in his book on the Roman Antiquities of Overbrough, pays him a very high compliment on the hospitality he met with at Burrow Hall. He made his will on 4 November 1747 by which he left his property to his brother Nicholas Fenwick and was buried on 16 February 1749-50, without issue.

Nicholas Fenwick who succeeded to the estates was already (as before mentioned) the owner of the manor of Cloughton; he had also acquired the customary estate of Braidagarth in the township of Thornton-in-Lonsdale. He appears to have farmed a fair amount of land himself as there is a manuscript book kept by him showing his disbursements and recording the details regarding his sheep and cattle. He also remained unmarried and made his will on 9 September 1748, by which he entailed his estates on certain nephews (see Will in the Appendix). He was buried on 30 April 1750.

John Wilson, the eldest son of Dorothy Wilson (*née* Fenwick) succeeded to the properties under the entail created by his uncle. He very soon took the name of Fenwick by Act of Parliament and was known as John Fenwick. His cousins the Tathams and Lamberts were discontented that the estates had not been divided amongst them and began to put about statements that Nicholas Fenwick had been of weak intellect, unable to make a will. John Fenwick therefore applied to the Crown to appoint a commission to examine the witnesses who had witnessed the will so as to put its authenticity above suspicion—this was on 8 February 1750-1. A commission was duly appointed and the witnesses were examined and testified to the testamentary capacity of the late Nicholas Fenwick thus confirming the will. John Fenwick then married Ann the daughter of Thomas Benison, of Hornby Hall, at Melling on 13 November 1752. This lady was an heiress having considerable estates, valued at £900 a year, which she made over to

her husband to enable him to raise some money and when he would have reconveyed them to her he found that he could not legally do so, on account of the penal laws, as she was a Roman Catholic.\*

In 1757 he was killed when hunting and was buried on 10 February of that year, dying without issue.

To the above named now succeeded his brother Thomas Wilson who also took the name and arms of Fenwick and became known as Thomas Fenwick. His father, Thomas Wilson of Kendal, having purchased the manor of Kentmere from Henry Fisher's executors devised it to his younger son Thomas Fenwick Esquire† of Burrow Hall. As Thomas Fenwick was heir at law to his deceased brother John, he obtained also the estates of his sister-in-law, Ann, the widow of his brother John, and refused to restore them. The lady being of a high spirit made such an outcry that, obtaining the ear of Lord Chancellor Camden, who saw the injustice she was suffering, she got a bill passed by Parliament in 1772 vesting her estates in the hands of trustees for her life with the payment of certain sums of money to her.‡ This man was also a Member of Parliament and a Deputy Lieutenant for the county of Lancaster. He died unmarried and was buried on 7 April 1794. An abstract of his will is given in the Appendix.

The Burrow Hall estate now passed to Nicholas Tatham the youngest son of John Tatham of Cantsfield by his wife Isabella Fenwick. He also took the name and arms of Fenwick; but he never married; he died on 23 July 1801 and was buried at Kirkby Lonsdale. On the death of Nicholas Fenwick (born Tatham) in 1801 the estate should have passed to Robert Lambert the 3rd son of Mary Fenwick and Josias Lambert of Watchfield; but he having died in 1779, as a surgeon's mate on H.M.S.

\* The Palatine Note Book for 1883, p. 261.

† Nicolson & Burn, *Hist. Westmorland*, i, 135.

‡ The Palatine Note Book for 1883, p. 262.

Russell, it passed to his son Thomas Lambert, as the entail was to "Robert Lambert and his heirs male which failing then to the right heirs" of the original testator.

Early in his life this Thomas Lambert had taken a woman, one Sarah Syme or Sim, to live with him and by her had an illegitimate daughter known as Louisa Lambert. This Sarah in her depositions in the Chancery suit in 1841 states that the heir-at-law of Thomas Fenwick is his brother Josias Lambert. Presumably Thomas Fenwick married the woman, later in life, as in his will he speaks of her as his wife. In 1801 he took the name and arms of Fenwick, and suffered a Recovery on 15 August 1801 at the Lancaster Assizes for the manors of Claughton and Wrayton and lands in Claughton, Gressingham, Eskrigg, Caton, Burrow with Burrow, Leck, Tunstall, Wrayton and Wennington.\*

Thomas Fenwick lived in London in Keppel Street, Russell Square; he married his daughter, Louisa Lambert to William Shattock Bowen of St. Albans, Herts., a surgeon, which couple had an only child Sarah Fenwick Bowen, of whom later.

Thomas Fenwick made his will on 21 July 1830, with a codicil dated 30 April 1836, which was proved by his relict Sarah Fenwick and Francis Pearson, of Kirkby Lonsdale, his executors, in May 1837 (P.C.C. Norwich 363). By this will he left all his lands to Francis Pearson and George Tate of Bankhouse, Banishaugh, Northumberland, in Trust for his daughter Louisa Lambert Bowen and his grandchild Sarah Fenwick Bowen with an entail on the heirs of the latter. The estate was also charged with annuities of £1000 for his wife Sarah and £400 for his daughter Louisa Lambert Bowen.

When Thomas Fenwick died Burrow Hall was in the occupation of a Mrs. Smith who however died early in

\* Pal. of Lancaster, Plea Rolls, 15-674.

1837; and in 1838 Sarah Fenwick and her granddaughter Sarah Fenwick Bowen occupied the Hall and lived there.

By 1840 Sarah Fenwick, the widow, and Francis Pearson had quarrelled and a suit in Chancery was commenced, *Bowen v. Pearson*,\* in which Sarah Fenwick Bowen (an infant by William Chapman) is made to accuse Francis Pearson of breaches of trust under the will of Thomas Fenwick. Sarah Fenwick, as one of the executors was also made a defendant and on 17 June 1841 she makes a deposition which she signs in an illiterate hand.

The suit appears to have been suddenly dropped and Francis Pearson was taken into favour again and continued agent to the estate and executor of the will.

On 6 October 1841, at Naseby, Sarah Fenwick Bowen was married to Edward Matthew, second son of Edward James Reid of Saltponds, Jamaica, who by Royal License on 31 May 1851 assumed the name of Fenwick in lieu of Reid; the licence also applied to the arms, but here the heralds raised objections.

The ancient arms of Fenwick were: Party per fess azure and argent charged with 6 martlets 3 and 3 barwise counter-changed; but the arms awarded to Edward Matthew Reid, or Fenwick, were: Party per bend wavy azure and argent charged with 6 martlets 2 and 1 and 1 and 2 countercharged, the whole surrounded by a border of the second.

This Edward Matthew Fenwick became a deputy lieutenant and justice of the peace for Lancashire; M.P. for the borough of Lancaster from 1864-65. He died on 26 October 1877, aged 65. His wife died at San Remo on 3 April 1882, aged 61. They left the following family, viz.:—

- (1) Thomas Fenwick Fenwick, of whom later.
- (2) Robert Fenwick, born in 1845, matriculated at Pembroke Coll. Oxford on 23 October 1866, aged 21 years. Was of Lincoln's Inn in 1867. Died in 1868, *s.p.*

\* P.R.O. Chancery Proceedings, 1800-1842, Bundle 1942.



(3) Edward Nicholas Fenwick, born in 1846, a barrister-at-law, of the Inner Temple; became a stipendiary magistrate at Bow Street, London. He died in London, unmarried, on 25 May 1908. Buried at Tunstall on 28 May.

(4) Walter Arthur Fenwick, born in 1852, matriculated at Pembroke Coll. Oxford on 19 April 1873, aged 20. No degree. He died, at Boyle co. Roscommon in Ireland, on 9 September 1903, aged 50 years, *s.p.* and was buried at Tunstall on 14th September.

(5) Mary Louisa Fenwick, who died on 25 June 1878, aged 28 years.

The above named Thomas Fenwick Fenwick was born on 1 August 1842; educated at Eton and Christchurch, Oxford; B.A. 1866; M.A. 1867. He was called to the bar of the Inner Temple on 7 June 1869; was a Deputy Lieutenant and a Justice of the Peace for Lancashire. He sold the Manor of Claughton to the present Claughton Brick and Tile Company. He died on 12 October 1907. In 1875 he married Mary, eldest daughter of John Dugdale of Llwynllanfyllin, co. Montgomery, by whom he had an only son, viz.:—

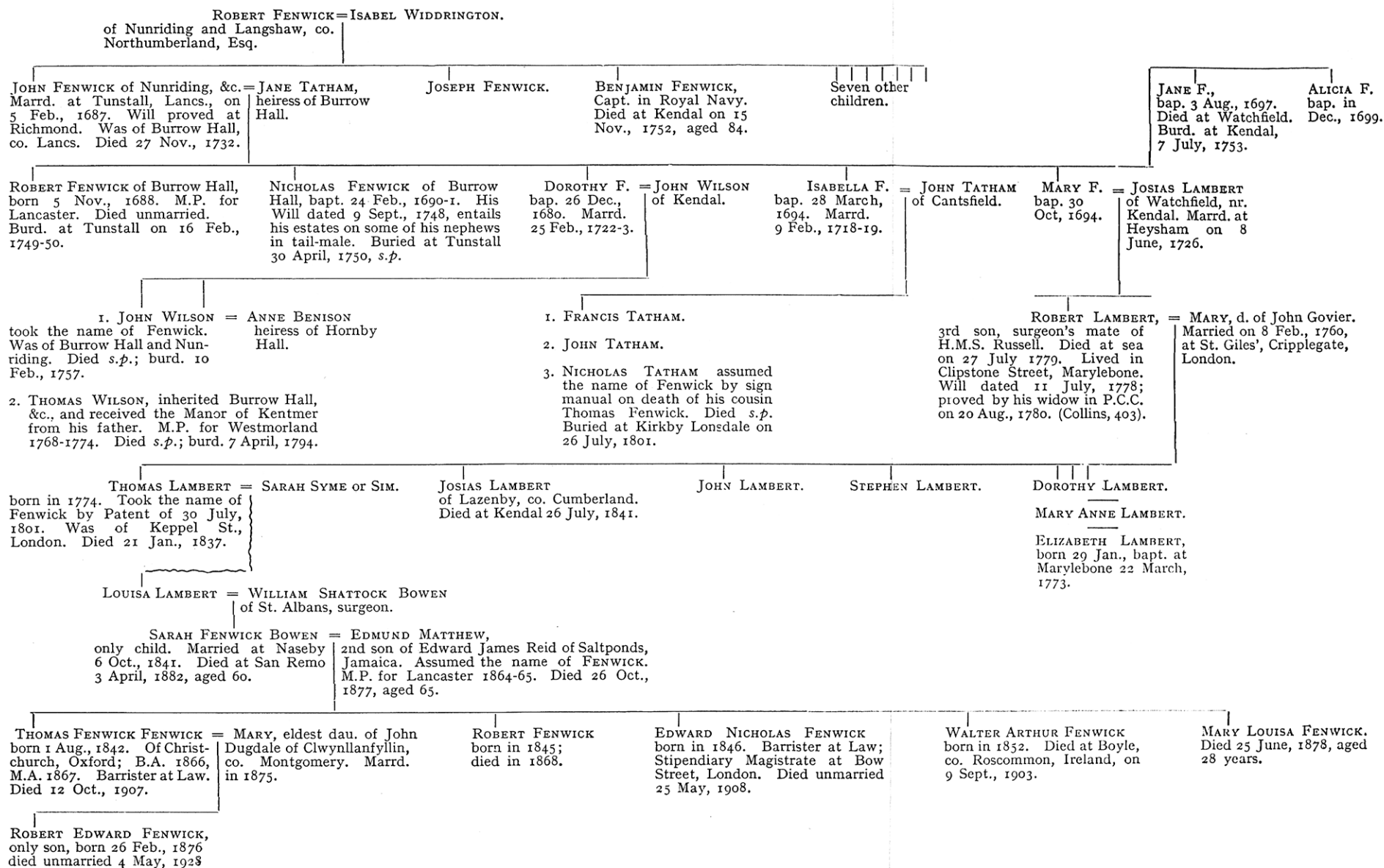
(a) Robert Edward Fenwick, born 26 February 1876, a Justice of the Peace for Lancashire and Westmorland. He died, unmarried, on 4 May 1928, having made his will (proved at Lancaster on 26 July 1928) by which he left his estate absolutely to his mother.

#### APPENDIX.

Abstracts of wills from the Lonsdale Deanery of the Archdeaconry of Richmond.

1. Will of John Fenwick of Burrow Hall dated last day of May 1732. All lands inherited from his father and all his wife's lands are settled by his marriage settlement which he confirms. All his purchased lands in Northumberland, Lancashire and Yorkshire he bequeaths to his son Robert for life with remainder to

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the sons of Robert in tail and for default then son Nicholas and his heirs male. To "my poor brother Thomas" £5 a year for life. Confirms the conveyance of his estate at Claughton to son Nicholas. Divides his cattle and sheep amongst his children. Gives household goods to his four daughters. Gives £500 to son Robert "to build a New House here if he continue to live at it or to buy land in Burrow to be settled." £800 to daughter Jane, but the gift to be void if she marry an Irishman and in that case she to have £40 a year for life. To cousin Mark Aynsley and his sister, brothers Thomas and Benjamin and cousin Carr each £5. Gives £5 to the poor of Tunstall and £5 to be put to interest for the use of the schoolmaster of Tunstall.

And whereas by the settlement of the Claughton estate it is charged with £1000 for the purposes of my will: I give to grand-niece Jane Wilson £30 and her two brothers each £35. Similar gifts to Tathams and Lamberts. The residue of the £1000 to go to son Nicholas to purchase more land at Claughton. Appoints his four daughters to be executrixes. Witnesses: Richard Batty, John Tunstall, William Thornborrow. Will proved in 1747.

2. Will of Robert Fenwick of Burrow Hall dated 4 November 1747. Left his copyholds in West Auckland co. Durham to brother Nicholas and the heirs males of his body and all other his lands in Northumberland Lancashire Yorkshire and Westmorland to said Nicholas and his heirs male and in default then to nephew John Wilson eldest son of Mr. Thomas Wilson of Kendal for the term of his life subject to waste. After determination of that estate then to Mr. George Moor of Overtown co. Lancaster and George Foxcroft of Hallsteads co. York gentleman and their heirs for and during the life of the said John Wilson UPON TRUST to preserve remainders &c. After the death of John Wilson devises to sons of John Wilson in tail male and for default then to Thomas Wilson second son of said Thomas Wilson of Kendal for life and then to his sons in tail male. And for default then to Francis Tatham one of the younger sons of sister Isabella Tatham for his life and then to his sons in tail male. And for default then to nephew Robert Lambert for his life and then to his heirs in tail male. And in default then to my heirs male. And in default then to my right heir for ever PROVIDED that each one coming in shall take the surname of Fenwick and use no other. Empowers brother Nicholas to charge the estate up to £3000. Gives £20 a piece to Captain Fenwick and to each of his three sisters. £10. 10. 0. to George Foxcroft of Halstead. Gives

to successor in title power to charge jointures up to £100 for every £1500 brought in by the wife and not exceeding £500 a year. Provided Burrow Hall and lands of £50 a year be not included in such jointure. Residue to brother Nicholas who is Executor.

1st Codicil dated 16 March 1748[-9]. Revokes devise to nephew Francis Tatham and his issue and devises it to his nephew Nicholas Tatham for life with remainder to the Trustees &c. and after death of Nicholas Tatham to his sons in tail male.

2nd Codicil dated 2 August 1749. Revokes legacy of £20 to uncle Benjamin Fenwick.

3rd Codicil dated 20 January 1749[-50]. Should brother Nicholas die in testator's life-time then nephew John Wilson to be Executor.

Testator died on 13 February 1749[-50]. Will proved in 1755.

3. Will of Nicholas Fenwick dated 9 September 1748. Devises his real estate viz: the Manor of Cloughton and lands in Caton with Cloughton, Gressingham with Eskrigg to brother Robert Fenwick and his heirs male and in default to nephew John Wilson, eldest son of sister Dorothy Wilson, for life then to Mr. George Moore of Overtown and Mr. William Turner Carus of Arkholme both in co. Lancaster and their heirs UPON TRUST to preserve contingent remainders. After the life of John Wilson then to his sons in tail male. And in default then to my nephew Thomas Wilson youngest son of my sister Dorothy Wilson for life with remainder to his sons in tail male. And in default to my nephew Nicholas Tatham youngest son of my late sister Isabella Tatham for life with remainder to his sons in tail male. And in default then to my nephew Robert Lambert a younger son of my sister Mary Lambert during his life with remainder to his sons in tail male. And for default to my own right heirs for ever. Proviso for the use of the surname of Fenwick. Proviso for jointure as in the previous will. Gives £50 a piece to sisters Dorothy Wilson and Mary Lambert. £30 to sister Jane Fenwick. £20 to uncle Benjamin Fenwick. £21 to god-daughter Elizabeth Foxcroft daughter of Mr. George Foxcroft of Hallsteads. £5 to the poor of Burrow-with-Burrow. £5 to the poor of Cloughton. Residue to brother Robert Fenwick who is Executor.

1st Codicil dated 16 March 1748[-9]. Revokes clause about jointure.

2nd Codicil dated 20 January 1749[-50]. Should brother Robert Fenwick die in my life time then nephew John Wilson to be my Executor.

Testator died on 27 April 1750. Will proved in 1755.

4. Will of Thomas Fenwick of Burrow Hall, esquire, dated 28 March 1794; proved 10 April 1794.

Bequeaths an annuity of £30 to his niece Elizabeth Carus. Various sums to servants and dependants. All lands &c. to Giles Moore of Kirkby Lonsdale and James Davis of Sedbergh, attorney at law and also his customary estate of Bradagarth in the parish of Thornton-in-Lonsdale, they to sell and out of the proceeds to pay his debts funeral expenses and legacies. The residue to be shared equally between the said Giles Moore and James Davis who are also appointed Executors.