

ART. IX.—*Cumberland Recusants of 1723/24.* By C.
ROY HUDLESTON, F.S.A.

Read at Carlisle, April 11th, 1959.

MORE than 70 years have passed since the Very Rev. Edgar E. Estcourt and John Orlebar Payne published *The English Catholic Nonjurors of 1715*, the returns made in accordance with the Act of 1715 "to oblige Papists to Register their Names and Real Estates". These returns are, in most cases, to be found among the records preserved in the offices of the Clerks of the Peace in England and Wales. Copies were forwarded to London, and are in the Public Record Office among the papers of the Commissioners for Forfeited Estates. It was these copies which were studied by Estcourt and Payne, who summarised and annotated them in their valuable work.

At pp. 25-28 they printed summaries of the registers of the estates of 22 Cumberland recusants.¹ These summaries are extremely brief, and I hope that it may be possible at some future date to publish them in full, for they provide most valuable information, mostly about members of our oldest families and the properties they owned.

Mr Brian Magee, in *The English Recusants* (1938), pointed out (pp. 176-177) that

In that year two Acts were passed, one for the grant—"the object of the registration was to provide the basis of assessment for a new tax on Catholics. Two-thirds of the estates of convicted Recusants had, since the reign of Elizabeth, been technically forfeit to the Crown, but this law had never been fully enforced. It was now proposed to impose an annual tax of £100,000 in lieu of forfeiture. This renewed severity is certainly due to the part played by Catholics in the Jacobite rising of 1715, but, although the returns of the Catholic estates were laid before the House of Commons in 1719, no steps appear to have been taken until 1723."

¹ The registers of thirty Westmorland estates are printed at pp. 280-283.

ing of an aid to the King by levying a tax on papists, and the other to compel English and Scottish papists who had failed to register their estates to do so with the Clerks of the Peace.

Some of the returns made by the Clerks of the Peace are in the Public Record Office,² and the eleven Cumberland registers are printed here. They are on parchment, and in some cases the ink has faded or been badly rubbed, so that some of the registers are difficult to read. This is particularly true of Francis Warwick's register, but I hope that nothing of importance has been omitted. I have added biographical details — for which I do not claim completeness — wherever possible.

It is a little difficult to account for the appearance in these registers of George Lowthian and Elizabeth Richmond, neither of whom seems to have been a "Papist". The former may have been a Protestant dissenter: the latter was, as Dr A. Forster of Burradon, Thropton, Northumberland, points out a member of a Quaker family.

1. Eleanor Thirlwell. 3 January 1723/4.

I Elenor Thirlwell now of Warwick Hall in the county of Cumberland gentlewoman daughter & heiress of William Thirlwell late of Newbegin in the county of Northumberland esq. deceased.

The antient rent of 6s issuing & payable yearly out of one messuage tenem^t or Mansion House in the City of Carlisle or within the precincts thereof & now belonging to M^r William Hodgson to me Lady of the manor of Thirlwell in the county of Northumberland for which tenem^t a 2od fine is payable to the Lord or Lady of such manor for the time being on the death of every Lord or Lady & also the like 2od fine on every alienation & also the like 2od fine & an heriott on the death of every tenant . . . & there is yearly to be performed for the s^d customary tenem^t to me as Lady of the s^d manor a ketch from Thirlwell Castle to my seate house at Newbegin in the county of Northumberland.³

² The reference is E 174.

³ See Surtees Society cxxxi 82, where "one catch yearly from Thirlwall Castle to Newbegin" is mentioned.

One other antient rent payable to me yearly forth & out of a tenem^t in Upper Denton in the county of Cumberland.

Certificate of magistrates at Cumberland Quarter Sessions that Elenor Thirlwell did by Wm Jefferson gen her attorney make the above entry Tho. Tullie, Geo. Fleming, 8 February 1723/4.

Eleanor Thirlwell was daughter and co-heiress of William Thirlwell of Thirlwell Castle and Newbiggin in Hexhamshire by his marriage in April 1699 to Lucy, daughter of Thomas Warwick of Warwick Hall, Cumberland. William Thirlwell's first wife (marriage settlement 20-21 September 1686) was Frances, daughter of Sir Francis Salkeld of Whitehall. By her he had an only daughter, Mary, who became a nun and was living in 1752.⁴

William Thirlwell's first wife, Frances, who died at Newbiggin, was buried in Hexham Church 20 December 1696. In November 1706, when a return of recusants in Hexhamshire was made to the Archbishop of York, the names of William Thirlwell and his wife and daughter were included, with a note that William's estate was worth £40 a year.

"He is now & has been for some years on [*sic*] the County Jail [at Hexham] & his wife & family live nigh him."⁵

He was dead before 11 November 1710, on which date administration of his estate was granted at York to John Shaftoe, the principal creditor. His daughter Eleanor married before 22 February 1738 Matthew Swinburne (1701-1779), son of Sir William Swinburne, Bart. She died at Cambray on 14 December 1777. In January 1748 she and her husband sold to Henry, earl of Carlisle, for £4,000, the manor and castle of Thirlwall and other properties in Haltwhistle.

The register of her Northumberland estate, dated 3 January 1723/4, is printed in Surtees Society cxxxii 80-82.

⁴ Howard of Naworth MSS., Prior's Kitchen, Durham.

⁵ Catholic Record Society xxxii 353.

2. William Musgrave of Workington. 20 January 1723/4.

I William Musgrave of Workington in the county of Cumberland yeoman am or any one person or persons for me or for my benefit . . . is or are seized . . . of the rents or profits for my use Customary messuage & tenement with the appurtenances called James tenem^t at Brockle Moor in the parish of Lazonby holden under the Ld Viscount Lonsdale Lord of the manor of Plumpton by & under payment of the yearly customary rent of 21s 8d & of the yearly value to be left off £3 now in my own possession & whereof I am tenant according to the custom of the said manor.

Certificate of same date as above that William Musgrave made return by Robert Montgomery, his attorney.

John Robinson of Brockell Moor, parish of Lazonby, figures in E. & P. 28. It is there recorded that he does "but enjoy an estate of twenty shillings a year for life."

The name of William Musgrave of Plumpton Wall was returned to Cumberland Quarter Sessions on 17 April 1744 as that of a suspected person. (Jarvis, *Jacobite Risings* 220).

3. Mary Howard. 23 December 1723.

Mary Howard of Graystock . . . widow & relict of Henry Charles Howard late of Graystock aforesaid esq deceased.

A true particular of the real estate & hereditaments being & arising in the said county of Cumberland whereof or wherein I the said Mary Howard am seized.

An annuity or yearly rent charge of £400 per annum issuing out of the Barony & several manors townships messuages mills lands &c. in the said county of Cumberland that is to say the Barony of Graystock & the several manors etc., all lying within the said Barony of Graystock & in the parishes of Graystock Ousby & Dacre as followeth.

The manors & townships of Graystock the manors & townships of Motherby & Gill the township of Berrier the township of Murrey the township of Bottsgill & Mosdale the township of Lowend Hutton Roof & Hogill foot & Bishop pott the manor of Grisdale the manor of Wethermilock the manor of Matteredale a capital messuage or mansion house & garden called Graystock castle with Graystock parke Graystock mill now or late in the possession of George Sargison Knot mill now or late in the possession of John Wilson Grisdale mill now or late in the

possession of Christopher Todhunter Spencer mill now or late in the possession of Lancelot Richardson a messuage & farm called Ormond Crag now or late in the possession of Jacob Barker Gowbrey Park with part of the fishing of Hulswater now or late in the possession & John Dobson a messuage & farm called Gowbrey Hag with the other part of the fishing of Hulswater now or late in the possession of Nicholas Winder certain lands called Oldkirke now or late in the possession of Thomas Rumney a messuage & lands formerly Sowerbys now or late in the possession of George Peacock the township of Johnby the manor of Threlkeld a close called Mallings now or late in the possession of Wm Jackson, two closes called Great & Little Fitts with a slate quarry now or late in the possession of George & John Bushby all in parish of Graystock.

A messuage & lands called Crewgarth now or late in the possession of Christopher Teasdale in the said parish of Ousby.

The manor of Newbiggin the township of Little Stainton & Aubby the tythe of Dacre Parke the township of Great & Little Blencow all lying in the parish of Dacre.

A capital or mansion house with lands thereunto belonging in Great Blencow other lands in the common fields of Great Blencow lands in the common fields of Newbeggin & Stainton a tythe in the townfields of Graystock all lying & being in the parishes of Graystock & Dacre & now or late in possession of Thomas Dawson & all other the manors lands late of the said Henry Charles Howard. From these a yearly rent charge of £400 & from divers manors &c in Surrey.

Similar certificate before same justices by Wm Jefferson, her attorney.

Mary Howard was daughter of John Aylward⁶ of Waterford and London, merchant, and was widow of Henry Charles Howard, son of Charles Howard, younger brother of Henry, duke of Norfolk (1628-1684).

Henry Charles Howard, who was born about 1669, died 10 June 1720⁷ and was buried at Dorking, Surrey.⁸ His will, in which he describes himself as of St. Clement Danes, London, was made on 8 June 1720, and was

⁶ Henry Charles Howard left to his wife Mary "what money I received as executor of my mother-in-law, Mrs Helene Aylward."

⁷ E. and P., who print his register at pp. 26-27, wrongly say that he died in 1730. The mistake has been repeated by later writers.

⁸ *V.C.H. Surrey* iii 149.

proved by his widow in P.C.C. (155 Shaller) on 1 July 1720. Administration of his goods unadministered by her was granted on 8 October 1748 to their daughter Frances Howard, spinster.

Mary Howard died on 22 October 1747 and was buried at Dorking. Her will, dated 28 March 1721, was proved in P.C.C. (243 Strahan) by the said Frances Howard on 4 August 1748.

Of the sons of Henry Charles Howard and Mary, Henry, the eldest, to whom his father left "all my family pictures and all furniture in my house at Grasstock", was admitted a student at Douay with his younger brother, Charles on 13 September 1731.⁹ Thomas, a posthumous son,¹⁰ was at Douay from July 1732 until October 1738.¹¹ He is said to have died unmarried at Montpellier in France.¹² Another son, John Howard, described as second son, is mentioned in the will of Thomas, duke of Norfolk, dated 26 May 1730.¹³

Henry Howard died at Douay on 17 April 1733¹⁴; his younger brother Charles was a student there until 8 July 1737.¹⁵ He succeeded his kinsman as tenth duke of Norfolk in 1777. Two of his daughters appear in the printed registers of Greystoke — Winifred, christened on 10 April 1751 and Catherine on 19 May 1753.

The daughters of Henry Charles Howard were Mary and Catherine, who are said to have died in France in early youth,¹⁶ Elizabeth, who died before 28 March 1721,¹⁷ and Frances, a nun, who is said by Henry Howard of Corby to have died in Brussels in 1771.¹⁸

⁹ Catholic Record Society xxviii 60.

¹⁰ So described in his mother's will.

¹¹ CRS xxviii 164, 220.

¹² *The Howard Papers*, by H. Kent Staple Causton, 374, quoting from Collins's *Peerage* and Ralph Bigland's pedigree at Greystoke Castle.

¹³ *Ibid.* 344. He is not mentioned in the will of Mary Howard, 1721.

¹⁴ Catholic Record Society xxviii 169. Admon. was granted at Carlisle to his brother Charles 23. April 1741.

¹⁵ *Ibid.* 213.

¹⁶ *Indications of Family Memorials*, by Henry Howard of Corby.

¹⁷ Will of Mary Howard.

¹⁸ In *Indications of Family Memorials*.

4. Parsivell Hornsby & Jane his wife. 1 January 1723/4.

Parsivell Hornsby in county of Cumberland gent & Jane my wife. True particular of the real estate whereof Parsivell Hornsby & Jane my wife are seised.

One moiety of a messuage & tenem^t with its appurtenances at Rawbank als Ray Banks & Midleskeugh in the parish of St Mary in the said county of Cumberland which said premises are limited to me the said Jane during my widowhood if I survive the said Parsivell Hornsby also 8 days work of meadow in Scailby wood & one little close lying at Woodmouth with appurtenances in the parish of Scailby in said county of Cumberland now let by lease to Thomas Scott at £6 per annum & afterwards to me the said Jane Hornsby my heirs & assigns over the reversion of the same & certain lands at Midlesceugh of which said premises Elizabeth Hornsby mother of the said Parsivell Hornsby is seized during her natural life.

An annuity of £10 out of premises in Embleton Cockermouth . . . late the estate of the late Sir Henry Fletcher Bart.

Similar certificate before same justices by William Jefferson attorney.

Percival Hornsby was the "trusty servant" of Sir Henry Fletcher of Hutton-in-the-Forest. He and Henry Eyre, of Gray's Inn, were executors and residuary legatees named in Sir Henry's will, dated 10 May 1712.¹⁹ On 10 May 1718 Hornsby, described as of Roebanks, Cumberland, gen., entered into a bond to obtain a licence to marry Jane Gibson, spinster.²⁰

5. Frances Kennet. 29 February 1723/4.

Frances Kennet of City of York widow.

Rectories & parish churches of Wetherall & Warwick with tithes & appurtenances & three barns let by me to the persons & in manner following:

Churchyard of Wetherall to Rev. Edward Tong clerk at yearly rent of 10s.

Churchyard of Warwick let by me to John Turbit at 6d per annum.

Tithes of corn in Wetherall let to John Dobinson & partners by lease at yearly rent of £37.

¹⁹ Payne, *Records of the English Catholics of 1715* 129, 130, 132.

²⁰ Carlisle Marriage Bonds. The form Ray Banks is not given in *Place-Names of Cumberland* pt. i 225.

Tithes of corn in Scotby in said parish of Wetherall let to Abraham Dobinson & partner for 42 per annum.

The tithes of corn . . . in Cumwhiting in parish of Wetherall & tithe corn there let by me to Thomas Holme at yearly rent of £18.

Tithes in Coat Hill in parish of Wetherall let to Robert Richardson Cuthbert Fisher & partners £20.

Tithes of corn, hay, wool, lamb from farm called Lowhouse in Weth . . .

Tithes of Great Corby in Wetherall let to John Ebdale & partners . . .

Tithes of Bridge End in parish of Wetherall let to Henry Fallofield present possessor thereof by lease paroll from year to year & in & under the yearly rent of £10 . . .

Tythes of Warwick & Aglionby in parish of Warwick (except such as are excepted in an indenture of lease hereinafter mentioned) together with two barns situate & being at Warwick afores^d let by me to . . . at & under the yearly rent of £30 reserved to me thereupon A yearly modus or prescription of 11s 4d paid to me by Francis Warwick Esq for the tithes of the demesnes of Warwick & Holmegate.

The several moduses or prescriptive rents tithes oblations & obvencons commonly called the White Tythes consisting of prescriptions yearly payed for the Demesnes of Corby & the Towship or Hamlet of Aglionby & of the tythes of wooll & lamb & of the certain small tythes dues oblations & obvencons yearly . . .

both the prescriptive Rectories or parishes of Wetherall & Warwick let by me to John Coulthred present possessor thereof at & under the yearly rent of £15 of all which said rectories parish churches rents & tithes oblations obventions lands . . .

Registry above & particularly mentioned & described (except the three barns above mentioned) I the said Frances Kennet am in the receipt & perception of the rent & profits & I do hold the same by lease for the residue of a term of one & twenty years under the Dean & Chapter of the Cathedral Church of the Holy & Undivided Trinity of Carlisle (with such exceptions as are therein mentioned) at & under the yearly rent & out payments therein reserved of £14. 8. 4. . . . of two & fifty pounds payable yearly to the curate & to repair the chancell of the s^d church of Wetherall & Warwick the which said lease is renewable at

the end of every seven years or oftener as the said Dean & Chapter & the Leassors do agree . . . of one hundred pounds. I am also in the receipt & perception of the rents & profits of the said three Barns which are let together with the respective tithes of Cumwhitting Warwick & Aglionby & am seised thereof as of fee.

Subscribed at Quarter Sessions at Moothall in Penrith on Tuesday 29th day of February 1723 before Timothy Fetherstonhaugh and Andrew Hudleston.

Frances Kennett was daughter of Richard Towneley of Towneley, Lancs., and widow of Cuthbert Kennett of Coxhoe, co. Durham. Her sister, Mary Ann Dorothy, was the second wife of Francis Howard of Corby Castle. In 1717, in her widowhood, she was living in the parish of St. Andrew's, Holborn, London, and she was residuary legatee of the will of her niece Frances Howard,²¹ spinster, made on 6 July 1719, and proved by Frances Kennett at York on 20 August following. In 1717, Frances Howard had registered her Cumberland estate, consisting of the tithes of Wetheral and Warwick, the annual value of which was £190. 6s. 4d.²² These tithes descended to Frances Kennett, and were bequeathed by her in her will, made on 7 May 1728 when she was living in Paris, to her sister-in-law Ursula Towneley, widow of her brother Charles Towneley of Towneley.

In 1843 there was an inscription to her memory on the walls of the chapel of the Augustinian Convent, rue des Fossées St. Victor, Paris.²³ The wording was as follows:

Hic jacet D. Francisca Towneley, D. Cuthberti Kennet de Coxhow in Episcopatu Dunelmensi in Anglia armigeri uxor, quae post viri obitum verè vidua, in Deum sperans, obsecrationibus instans, severa sibi et parca, opes quas habuit largâ manu in sinum pauperum effudit, multis necessitatem patientibus sub ministrans, in hoc caenobio ubi primo dedicat Christo vivere

²¹ Frances Howard was buried at St. Martin's, Coney Street, York, on 17 July 1719.

²² *E. & P.* 27.

²³ The inscriptions are printed in *Collectanea Genealogica et Heraldica* viii 24-31.

mori voluit. Obiit 8 May 1 . . .²⁴ aetatis suae 61. Requiescat in pace.

Mme. Schoeffler tells me that the convent was removed in 1860, when the rue Monge was made, and nothing remains of the building or the contents.

Frances Kennett had one daughter, Elizabeth, who became a Benedictine Nun. *The Records of the Abbey of our Lady of Consolation at Cambrai 1620-1793* (Catholic Record Society xiii 58) record that she entered the Abbey at the age of 12 on 27 May 1697, later went to Paris, where she stayed for two years, then returned to Cambrai, where she was professed in 1702. She was called in religion D. Mary Agnes. She died on 6 February 1723.

Frances Kennett's will was proved at York on 7 September 1737. Her nephews Richard and Francis Towneley, sons of Ursula, were ardent Jacobites. Richard was out in the '15 and Francis took a leading part in the rising of 1745. He was appointed Governor of Carlisle, and was taken prisoner when the city was captured by the Duke of Cumberland. Despite his claim that he was an officer in the service of the King of France, and therefore protected by the cartel, he was tried, sentenced to death and executed in 1746.²⁵

Mounsey states that Towneley went to France in his 23rd year, but he was there at a much earlier age. In his petition (undated) for clemency, when he was a prisoner in the new gaol, Southwark, after his capture in Carlisle, he says that his parents resided for several years abroad, and in France made friends in distinguished circles, and

“que le suppliant y fut envoyé des sa plus tendre jeunesse et y fut recu Page de la seconde Reigne Douairiere d'Espagne fille du feu Duc D'Orleans Regent de France, qu'il y est resté jusqu'a ce qu'il fut d'age d'entrer dans l'Armée et que par la

²⁴ Unfortunately the transcriber of the inscription found that the date was illegible.

²⁵ Mounsey (*Carlisle in 1745*, pp. 148-149), relying on a printed account of Towneley's trial, has fallen into several errors concerning him. It was his elder brother, not his father, who was out in the '15.

Recommandation de la Reine il fut fait en 1728 Lieutenant dans le Regiment de Limousin et a toujours conservé le Poste D'Officier dans ce Regiment, s'est trouvé aux sièges des Forts de Kell et de Philisbourg et dans d'autres occasions."

The *D.N.B.* (lvii 99) account of Towneley is not always accurate. It is there stated that his *uncle* Richard was out in the '15, instead of his elder brother.

6. William Dalston. 10 March 1723/4.

William Dalston of Hornby, Westmorland, gentleman.

Freehold messuage with appurtenances in the parish of Ousby let to John Canon at £18 per annum out of which is payable to Mottram Crackenthorpe Esq the yearly free rent of 2s & I do hold the same at present by my father's permission.

Quarter Sessions, Penrith, 10 March 1723 before Hugh Todd & Andrew Hudleston.

William Dalston was son of William Dalston, of the Acornbank family, who was buried at Great Salkeld on 25 November 1733. His mother was Mary, daughter and co-heiress of John Catterick. He married Bridget, daughter of Timothy Fetherstonhaugh of Kirkoswald, and, dying in 1762, was buried at Penrith on 10 February. For fuller details see CW2 lviii, especially p. 179.

7. George Lowthian. 24 March 1723/4.

George Lowthian of Staffield gen. & Bridget my wife.

Estate at Staffield in the parish of Kirkoswald being let to Joseph . . . of Westgarth Hill at £5. 10s per annum, to Isaac Nicholson & Saml. Gibson, £12. 15s., to Joseph Lowthian of Kirkoswald at £6. 5s., to Anthony Liddle £3. 10s 6d., to John Lowrance at £13. to Thomas Wharton £3. 2s 6d.

In my own possession at the yearly rent of £1. 10s & more.

Corn tithes of Ainstable let to Thos Dawson & James Rumney at £71. 10s. per annum & one messuage & three acres let to John Bayley at £2 per annum.

Quarter Sessions, Penrith, 24 March 1723.

George Lowthian of Staffield was son of Thomas Lowthian by his marriage to Mary Graham of Nunnery.

He married at Ainstable on 5 December 1683 Bridget, daughter and one of the heiresses of Leonard Barrow. By her (who was baptised at Ainstable on 15 June 1665) he had a large family, christened at Kirkoswald between 1685 and 1696, while the youngest child, Bridget, was baptised at St. Cuthbert's, Carlisle, in 1700.

George Lowthian's will is dated 28 November 1735, and mentions property in Cumberland, and at Leadhills "in that part of Great Britain called Scotland". He also mentions his moiety of Newbiggin Grange, Cumberland, granted to him by Charles Graham gentleman of Newbiggin and Elizabeth Tullie spinster, and held by lease under the Dean and Chapter of Carlisle. He leaves £50 to the poor widows of poor Episcopal ministers in and about Edinburgh, so that it would seem that by 1735 he was conforming to the Church of England. The will was proved in Scotland, and again in Carlisle on 29 September 1737.

His son, Richard Lowthian, who was admitted to Carlisle Grammar School in 1711, was admitted sizar at St. John's College, Cambridge, on 26 June 1716, was ordained deacon and priest on 8 March 1723 "by Mr Spinckes, nonjuring bishop".²⁶

8. Samuel Bowman. 14 March 1723/4.

Samuel Bowman of Whitehaven, mariner, who was beyond the seas at the time of the making the Act of the 9th years of His present Majesty's reign in pursuance of the Act of 1 George.

A customary messuage called Whole House in the parish of Harrington & parcel of ground thereunto adjoining holden under Henry Curwen Esq. as parcel of his manor of Harrington of the several yearly customary rents the said messuage and tenement of the yearly customary rent of 7s 4d & the said parcel of ground of the yearly customary rent of 3s 7d which said messuage & parcel of ground are now let by me to farm for one year unto Joshia Skelton under the yearly reserved rent of £12.

²⁶ Venn, *Alumni Cantab.* 1st ser. iii 112.

Item a parcel of ground called Wakehow in said parish of Harrington & holden under the said Henry Curwen as parcel of the said manor of Harrington & under payment of yearly customary rent of 9s 8d now let by me to farm to Peter Cusack gent. for one year under the yearly reserved rent of £11.

Item a parcel of land called Thompsons Land in Harrington holden under said Henry Curwen under the payment of the yearly customary rent of 1s 11d, let by me to Ellianr. Hodgson for one year under yearly reserved rent of £2. 10s. unto which premises I am seized as joynt tenant with Elianor my wife according to the custom of the said manor.

Quarter Sessions at Penrith Moothall 28 April 1724 before Hugh Todd, Andrew Hudleston.

9. Elizabeth Richmond. 25 February 1723/4.

Elizabeth Richmond of Crosgate nigh the city of Durham widow.

One annuity or annual rent of £90 issuing out of the capital messuage called Catterlen [Hall struck out] & the lands tenements & hereditaments thereunto belonging and out of two water corn mills called Catterlen Milne & Highett als Highheat Milne & out of other lands messuages & tenements in parishes of Skelton, Newton & elsewhere in Cumberland late belonging to Christopher Richmond Esq my late husband deceased out of which said annuity I do yearly allow to the Royal aid or Land Tax Church cess Bridge or County cess & tax to the poor In & to which said annuity I do claim a right for my natural life only & to be paid once in every year.

Penrith, Quarter Sessions 25 February 1723 before Timothy Fetherstonhaugh Andrew Hudleston.

Elizabeth Richmond was daughter of Hugh Watson of the Holmes, Allendale, Northumberland. Her tuition was granted on 7 August 1685 to Elizabeth, wife of Roger Stokoe (Dr Forster points out that in 1682 a Roger Stokoe of "Lawhall" was convicted of recusancy). She married at East Allendale on 9 June 1696 Christopher Richmond, son and heir of Christopher Richmond of Catterlen, by his marriage to Mary, daughter of Sir Wilfrid Lawson, Bart., of Isel.

Christopher was born at Catterlen on 14 November

1671, and christened at Newton Reigny on 24 November following. His mother was buried at Newton Reigny on 5 August 1672, and in 1678 his father re-married, his bride being the formidable Isabella Towerson. When the Society visited Catterlen Hall in 1947 I described her as extremely strong willed and somewhat unscrupulous. I should not wish to modify those views and it may well be that I was kinder to Isabella than she deserved.

Isabella's husband, Christopher Richmond the elder, re-settled his estate upon his second marriage. Catterlen was settled upon Christopher the younger, charged, however, with £1,200, to be paid to such person or persons as he — Christopher the elder — should direct.

In consideration of Isabella's portion of £600, Highhead Castle and demesnes were settled upon her for life, with remainder to Christopher the younger and his male heirs, and failing them to the male heirs of Christopher and Isabella. Power was given to the younger Christopher to grant an annuity of £90 to his wife when he married.

By his will of 16 June 1693, Christopher the elder divided the £1,200 as follows: £150 to Jane, his only daughter by his first wife; £150 to Isabel, his eldest daughter by Isabella; £300 to Henry, his only surviving son by Isabella; and £100 to each of their other six daughters, all of whom were minors. To Isabella he left all his personal estate.

Soon after his death, Isabella came to an agreement with her stepson that she would accept half the £1,200 at once, to be paid out of the general fines due on the elder Christopher's death, and the remaining £600 by yearly instalments of £100,

"so that in the meantime . . . Christopher Richmond may have some small subsistence out of his father's estate to live upon *which by mistake or otherwise*²⁷ is not provided for by his father's last marriage settlement . . ."

In order that Christopher could keep courts and assess

²⁷ The italics are mine.

and levy the fines, Catterlen was demised to him, together with customary messuages in Highhead, Ivegill and Braithwaite.

In 1696, as we have seen, Christopher married Elizabeth Watson, and a son and heir, Christopher, was christened at Newton Reigny on 15 September 1697. Alas, the child lived only a few months, and on 16 February 1697/8 was buried at Newton. A daughter, Elizabeth, was christened there 2 April 1699, followed by another daughter, Isabella, baptised at Allendale on 8 June 1701. Less than a year later,²⁸ at the age of 30, Christopher Richmond died, and Catterlen passed to his half-brother, Henry Richmond, a boy of 12.

Relations between Christopher's widow and her stepmother-in-law, and her brother-in-law were not pleasant, and in 1707 there was a chancery suit between Elizabeth and Isabella Miller,²⁹ her stepmother-in-law. Later on Elizabeth and her brother-in-law Henry were at variance. In 1715 he suggested buying her rent charge on Catterlen for £850, a proposal which Elizabeth accepted, but final agreement could not be reached, and in the end Henry withdrew his offer.

Elizabeth Richmond died on 27 July 1740, aged 63, and was buried in St. Margaret's Church, Durham, where there is a tablet to her memory with the following inscription:

"Near this place lies the Body of Elizabeth Richmond Widow of Christopher Richmond Esq. of Highyate Castle & Caterlain in Cumberland. She was Exemplary in all Relations; Pious towards God, observant of the Church of England's Strictest Rules & Principles just & respectfull to her Husband's Memory; a good Mother, Sincere Friend & Charitable Neighbour. In hopes of a blessed Resurrection She deceas'd on July 27 1740 aged 63."

Elizabeth Richmond's will is dated 22 December 1739. She records that on the marriage of her daughter Isabella

²⁸ On 23 May 1702. He was buried in Allendale Church 26 May. Inventory of his effects was taken 19 June 1702. See Appendix.

²⁹ She had taken a second husband, Matthias Miller.

to John Hutchinson she, by settlement of 28 March 1732, gave her lands at Hindley Wrey to her daughter Elizabeth, and to Isabella her lands at Holmes, Allendale, with £400. The will was proved at Durham by her daughter Elizabeth on 10 October 1740.

Of the two daughters of Christopher and Elizabeth Richmond, the elder died in 1768, and was buried in St. Margaret's Durham, where there is a tablet to her memory, inscribed as follows:

"To the Memory of M^{rs} Eliz^a Richmond whose Piety Benevolence and Virtue Found a Reward even here Respect while living and Happiness in Death Suddenly yet resignedly she departed this life in the Chearfull hope of a beter Feb the 15th 1768 Aged 68 Whoso feareth the Lord it shall go well with him at the last and he shall find favour in the day of his Death Veritatis et Gracitudinis ergo FF IH."³⁰

The registers of St. Margaret record her burial on 18 February 1768 and on 23 February administration of her goods was committed at Durham to John Hutchinson, of or near the City of Durham, her nephew.

John Hutchinson was the son of Elizabeth's sister Isabella, who married in Durham Cathedral, on 20 April 1732, John Hutchinson,³¹ only son of John Hutchinson, Mayor of Durham. Isabella was buried at St. Margaret's, Durham, on 17 November 1746.

John Hutchinson, her husband, survived until 1749. The diary of Thomas Gyll³² contains the following:

"In the night between Thursday 29th & Friday 30th June, died in Elvete M^r John Hutchinson, who had lately reconciled himself to the errors of the Church of Rome and was buried in Crosgate³³ church about 12 a clock³⁴ at night without any bearers or ceremony performed at the grave, pursuant to his own direction. Little was got or lost by changing sides."

Hutchinson's will is dated 24 June 1749. Describing himself as of the City of Durham, gent., he leaves his

³⁰ IH=John Hutchinson, her nephew.

³¹ He was bap. at St. Margaret's, Durham, 30 September 1708.

³² Surtees Society cxviii 173.

³³ St. Margaret's.

³⁴ 1 July.

real and personal estate to his son Christopher Hutchinson, one shilling to his eldest son John, and ten guineas to Miss Elizabeth Dempsy for a ring. He desires to be buried near his mother without any ceremony and six of his poorest tenants to be bearers, no mourning to be given to them, but each to have a guinea, the funeral to be at midnight. He appoints his son Christopher his executor.

On 3 July 1749 tuition of the son John, aged 17, was granted to Elizabeth Richmond, and she as guardian of Christopher proved the will.

John Hutchinson died on 24 April 1776, aged 43,³⁵ leaving some of the goods of his aunt Elizabeth Richmond unadministered. To his executors — his widow, Frances Hutchinson of Appleby and Andrew Whelpdale of Skirsgill gent. — was committed administration of those goods on 1 May 1777.³⁶

10. Mary Warwick. 25 February 1723/4.

Mary Warwick of Warwick Hall, widow & relict of John Warwick late of Warwick Hall aforesaid deceased.

The capital messuage & dwelling house called Warwick Hall & the Low stable Low barn & dovecote & gardens orchards courts courtyards in the parish of Warwick & now in the possession of me the said Mary Warwick.

One annuity or yearly rent charge of £80 issuing out of the manor or lordship of Warwick & out of the Demesne lands of the said manor & all & singular the messuages lands tenements tythes & hereditaments of Francis Warwick in the parishes of Warwick Wetherall & Crosby I the said Mary Warwick am seized of the said capital messuage called Warwick Hall, of the Low stable Low barn & dovecote & all gardens etc.

Quarter Sessions, Penrith, 25 February 1723. Timothy Fetherstonhaugh, Andrew Hudleston.

³⁵ MS. note in B xxv, Tullie House, Carlisle. Surtees, *Durham* (City Section iv 155), prints a copy of the inscription to him and his wife in St. Michael's Church, Appleby, giving the date correctly as 1776. Bellasis, *Westmorland Church Notes* i 45, gives it as 1771; and Jackson, *Papers and Pedigrees* i 150, has followed him in the error.

³⁶ Durham Probate Records. Frances was daughter of Thomas Whelpdale of Skirsgill.

Mary Warwick was daughter of Francis Howard of Corby by his first wife Ann Gerard. She married John Warwick of Warwick Hall, who registered his estate in 1717 and died in 1720.³⁷ Among the Mounsey Heysham MSS. in The Courts, Carlisle, is a list of "Papists within the parish of Wetheral", dated 14 May 1705. This gives under Warwick:

"Mr John Warwick of Warwick gentⁿ, Mrs Mary Warwick his wife, Francis & Thomas their two sons, Ann Elizabeth, Frances & Mary their four daughters."

In her will, dated 23 May 1729, proved at Carlisle 31 October following, Mary Warwick mentions her sons Francis and John Warwick, her brother Warwick and her five daughters, Anne Warwick,³⁸ Frances Boys, Mary Warwick, Lucy Warwick and Catherine Warwick.

Mrs Warwick of Warwick Hall was buried at Warwick on 11 October 1729.

11. Francis Warwick. 25 February 1723/4.

Francis Warwick of Warwick Hall Esq., son & heir of John Warwick late of Warwick Hall aforesaid Esq. deceased.

³⁷ His will is dated 22 May 1720, proved at Carlisle by his widow 10 June 1720.

³⁸ The *Newcastle Courant* of Saturday 24 December 1774 announced her death as follows: "Monday last died at Warwick Miss Ann Warwick, an ancient maiden lady of the Roman Catholic persuasion but always much respected for her candour, moderation, and charitable disposition towards those who different from her in religious principles." An abstract of her will at Carlisle, dated 20 June 1774, is as follows:

"My body to be interred in my family burying place in Warwick Church. To Charles Howard the younger of Graystock Castle Esq £835 to Miss Dorothy Riddell, daughter of Thomas Riddell, late of Swinburne Castle Esq deceased £300 to Ralph Maddison Esq. my kinsman to Miss Elizabeth Howard of Newhall, daughter of Thomas Howard of Corby Castle Esq decd £100 to Mr George Calvert of Graystock £20 to Mrs Eleanor Swinburne wife of Mathew Swinburne formerly of Capheaton Esq £15 to my cousin Mrs Harrison of London £50 to my brother in law Mr John Boyse of London £50 to Mr James Kay now living at Warwick Hall £40 & his bed in the little parlour at Warwick Hall with all its appurtenances and three chairs in the Red Room with their covers to my servant Catherine Bell £10 To Mrs Mary Maxwell widow & relict of James Maxwell of Kirkconnell Esq. £50. £10 to poor. Residue to my sister Jane Warwick, widow & relict of Francis Warwick, late of Warwick Hall Esq., she executrix. Witnesses: Thomas Graham, Arthur Elliot."

The will was proved on 17 December 1774, and the register of Warwick records that on 13 December Mrs Ann Warwick of Warwick Hall spinster, "the last branch of that very antient family", was buried.

The manor or lordship of Warwick with its rights members appurtenances in the parishes of Warwick & Wetherall All that yearly free rent of 1s 5d payable out of two small messuages & tenements in the parish of Warwick now in the respective possession of John Turbit and Henry Lambert one yearly rent of 6d issuing out of a stable or Byard in the tenure of John Nivinson one yearly free rent of 1s issuing out of a messuage & tenement in the parish of Crosby in the tenure of Christopher Wannop the customary rents of the said manor amounting in the whole to £11. 7s yearly issuing out of thirty four customary messuages cottages tenements & parcells in the parishes of Warwick and Wetherall in the severall & respective tenure or possession of Henry Lambert John Dalton & other customary tenants of the same manor who hold their customary estates by the payment of the said yearly rents & of an arbitrary fine in change of Lord by death & change of Tenant by death or alienation boon shearing boon coale boon hens digging within . . . & leading home the Lords peats manure silver a Gods Penny upon the admitting any new tenant & also paying a Herriot upon the death of each tenant the remainder or reversion of the capital messuage . . . Warwick the Low stable the Low Barn orchards gardens & dovecoats in the parish of Warwick now in the possession of Mary Warwick widow my mother who is entituled thereunto during her natural life in part of her jointure the rest of the outhouses there the Demesne Lands of Warwick called Dovecoats close first close three closes called coop closes Humbles close Middle close three nook close Irthingfoot close & Holmend Kiln close Whinny close Henry Holme the wood old skeugh meadow new Skeugh meadow Skelghhill half acres Coop Island the fishing in the River Eden and free warren in the said parish of Warwick in the seisin & possession of me the said Francis Warwick the two messuages & tenements with their appurtenances going & being at Holme Yeat in the said parish of Warwick now in the possession of Tho: Graham & John Nicholson by virtue of a lease from me at & under the yearly rent of [blank in original] per annum the tythes of hemp & flax yearly growing & renewing in the township of Warwick & one penny yearly for every house in the township of Aglionby in the parish of Warwick in the lieu of the tyth of hemp & flax in the possession of me the said Francis Warwick am seized of the said manor or lordshipp messuages lands tenements tythes & hereditaments, (excepting the capital messuage called Warwick Hall with the Low stable & Low barn orchards gardens & dovecoat limited as above to Mary Warwick my mother) & of these after her Decease [?] to me the said Francis Warwick & the

Heires maile of my Body with divers [?] remainders over Note that there is payable & payed thereout severall prescriptions & rents to the Lessees of the tythes of Warwick as also an annuity or yearly rent charge of four score pounds per annum to the said Mary Warwick my said mother during her natural life.

One messuage & certain copyhold or customary lands with the appurtenances in the parish of Castle Sowerby called by the respective names of High house Low house & Rumneys tenement in the tenure or possession of Mr Henry Fallowfeild by virtue of a / lease for three years at & under the yearly rent of twenty & three pounds reserved to me for the same. out of which there is paid to his Grace the Duke of Portland the yearly customary rent of twenty two shilling & sevenpence & other duties & services due & accustomed.

Part of a customary tenement at Talkin in the parish of Hayton with the appurtenances called High Close now in my possession & I hold the same of the right Honourable the Earle of Carlile by payment of the yearly customary rent of two shillings & the payment of an arbitrary fine upon change of the Lord by death & upon change of the tenant by death or alienation & am seized of the messuage & copyhold as customary lands above mentioned to the use of me & my heires according to the custom of the manor of Castle Sowerby in the county of Cumberland.

Quarter Sessions at Penrith 25 February 1723 before Timothy Fetherstonhaugh, Andrew Hudleston.

Francis Warwick was the elder son of John Warwick by his marriage to Mary Howard, whose register is printed above. He married, with her father's consent (marriage bond Carlisle dated 29 January 1736),³⁹ his cousin Jane, daughter of Thomas Howard of Corby Castle by his first wife Barbara Lowther,⁴⁰ daughter of John Viscount Lonsdale. In the return of Papists in the parish of Wetheral in 1705, mentioned above, Mr Thomas Howard of Corby is included, with Mrs Barbara Howard his wife, with the note, "tis yett uncertain to us whether she be one or no".

Francis Warwick, the last of a long line, was buried at Warwick on 16 July 1772.

³⁹ She died 17 July 1716. m.i. on a flat tombstone in Wetheral churchyard, which is becoming difficult to read.

⁴⁰ The marriage to take place at Wetheral or Warwick.

His will, dated 20 November 1768, was proved at Carlisle on 14 October 1772. An abstract follows:

"I am seised of the inheritance in fee simple in reversion expectant on the failure of issue male of my body by my wife Jane Warwick subject to one yearly rent charge of £140 payable to my said wife after my decease of the manor or lordship of Warwick with houses lands &c in the parishes of Warwick Wetheral & Crosby Cumberland & in parishes of Bampton & Shap co. Westmorland I am seised of the inheritance in fee simple according to the custom of the manor of two copyhold messuages & tenements in the manor of Castle Sowerby Cumberland I give to my said dear wife one annuity of £70 over & above the said annuity above mentioned.

"I do from after the death of my sister Ann Warwick give all my said manors to Henry Curwen of Workington Hall Esq. and William Milbourne of Armathwaite Castle Esq. to the use of my cousin the Rev. M^r Thomas Maddison of Gateshead to — Maddison eldest son of the said Thomas Maddison to — Maddison his second son to — Maddison his third son.

"Tithes from land at Holme Yeat in parish of Warwick.

"To M^r John Boys of Surry Street, Strand, London, £200 to Philip Howard Esq £100 to my goddaughter Catherine Howard daughter of the said Philip Howard £100 at 21 or marriage to my cousin Eleanor wife of Mathew Swinburne Esq. £50.

"To my wife Jane Warwick £100 to my old friend Capt. William Crosby two guineas to my friend William Milbourne Esq. my silver crewet stand with crewets and appurtenances my sister Ann Warwick to have the use thereof for her life. Residue of personal estate to my said sister 20 November 1768.

Witnesses: Isaac Slack William Wheelhouse Thos. Fenton.
Proved 14 October 1772."

Jane, his widow, survived until October 1788. Her death was announced in the *Cumberland Pacquet* of Tuesday, 29 October 1788, as follows:

"Friday last at the Cottage near Carlisle in a very advanced age, relict of Francis Warwick Esq. of Warwick Hall."

She was buried at Warwick on 26 October. Her will, dated 8 March 1785, does not mention any of the Lowther family, of which her mother Barbara was a member.

The will was made when she was living at the Cottage, Warwick Bridge, and an abstract is as follows:

"To my sister Elizabeth Howard five guineas to my brother Howard two guineas to my faithful servant Mary Bowman my wearing apparel made & unmade my metal watch the green settee bed in the little parlour with the feather bed curtains & cover thereunto belonging with three blankets & two pair of sheets three chairs with green check covers a small mahogany table in my room & the cherry tree chest of drawers in my closet & also one of my cows whichever shall choose & a year's wage & one guinea & half added to what is due to the other servants I desire there may be no shroud made by a milliner but my body be decently wrapped in common flannell my coffin be of the common sort not oak nor lined nor covered with black cloth none be invited but those that are to carry me to the grave I mean the decent neighbours of Warwick Bridge & Warwick town that they have hatbands & gloves but none given to any other that a necessary refreshment be provided for them alone to be buried in the churchyard a small headstone be set with nothing but my name upon it.

"I desire my funeral maybe in the morning if convenient & that the expence of the whole dont exceed £8 to M^r Thomas Bolas of the Cottage, Warwick Bridge my freehold messuage or dwelling house Rooms Toyfall which I purchased of Robert Clark of Warwick Bridge & the lease of the farm of Beck Grains during the term therein & my goods chattels & personal estate books pictures plate & linen the said Thomas Bolas sole executor.

Witnesses: James Johnson James Donnelly William Blenkinsop."

Codicil 23 September 1786 revokes the bequest of the lease of Beck Grain and gives it to Mary Bowman and George Brown, now my servants and the crop in ground and fodder in barn and byer and the manure, my horse cart and plough to Mary Bowman half a year's wages to my servants to George his feather bed blankets and sheets and bedstocks my saddle and pillion seat.

If George Brown should marry then Mary Bowman is solely to possess what term of years remains of the lease.

Proved 1 November 1788.

APPENDIX.

Christopher Richmond's inventory.

A copy of the inventory taken on 19 June 1702 after the death of Christopher Richmond is among the Richmond papers at Tullie House. Unfortunately some of the values have been omitted.

	£	s.	d.
Imprimis His hous purs and apparell	20	0	0
Seven Cows A Bull and four Oxen	25	0	0
A stoned hors four draught horses two 2 year old and two yearling	15	0	0
Eight young Beasts	—	—	—
Ninety Hog Sheep	13	10	0
Forty eight sheep and thirty lambs	10	0	0
Three swine and pultry		12	0
Att Catterlen a Bedstead a pair off Curtains two glasses two doz and a half off chairs four tables hangings in one Room and the Brewing Vessells	10	0	0

Plate

A Tankard A Salver and ten spoons

In the hall

Three tables a dozen off chairs A Clock one glass three maps four Irones 7 0 0

In the Kitchen

Pewter brass and iron utensells 6 12 0

In the Milkhouse

A table a cupard a Chese Milk Vessels and Brewing Vessell

In the best chamber

one table two stand a glass six chairs

In the hall chamber

one bedstead and Beding one table six chairs a pair off drawers w^d the Cheney and glasses in the closet and knives and forks

In the Milkhouse chamber

one bedstead and Beding six chairs two tables two stands a small glass and Books

In the Kitchen chamber

one bedstead and Beding one table three trunks five Boxes a screan with wearing lining

In the Little Room

one old Bedstead and Beding

In Garrets

A litle Bed and Beding and wooll A small stock off oates A
small parcell of unthrashed Big Husbandry Gere

Subscribed by the apprisers

John Fenton
William Stephenson
John Braidwood
John Wilkinson

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