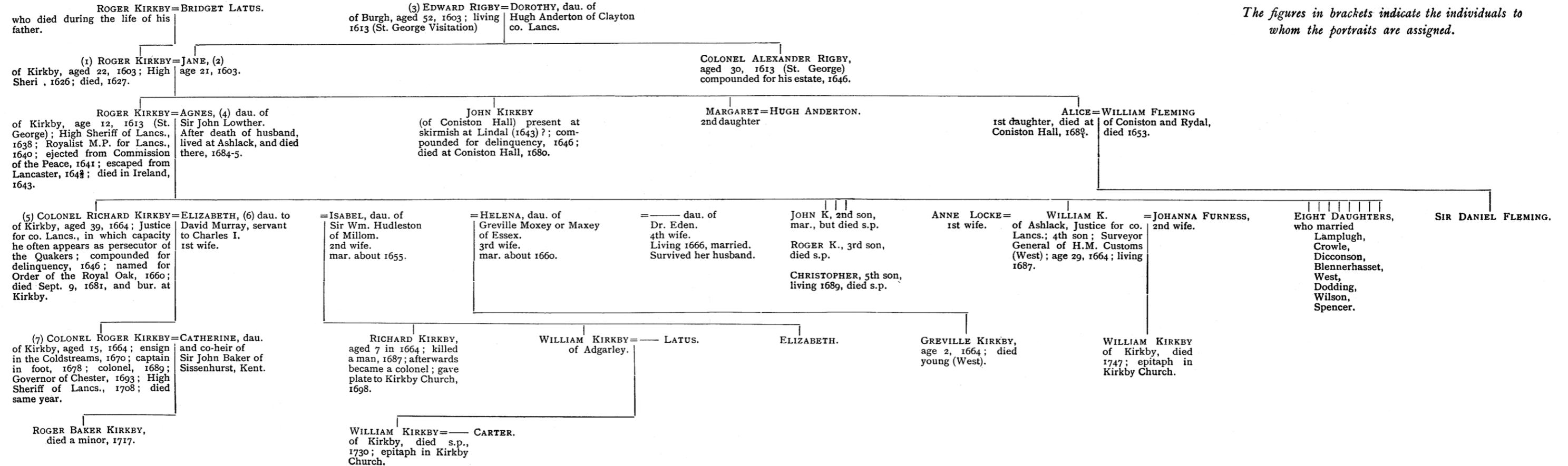


# Pedigree of the Kirkbys of Kirkby Hall in the Seventeenth Century.



ART. II. — *The Kirkbys of Kirkby-in-Furness, in the Seventeenth Century* : illustrated by their portraits.  
By H. S. COWPER, F.S.A.

*Communicated at Carlisle, April 27th, 1905.*

ABOUT twelve years ago I communicated to our Society some account of the two old halls of Kirkby and Ashlack in Furness, and this paper our then editor did me the honour of printing in full. In working at the subject I found reason to believe that the old family portraits of the Kirkbys still remained in the district, and it was due to conditions of health and other work that I did not then follow up the subject any further.

Some clue was contained in Stockdale's *Annals of Cartmel* (p. 105), where it is stated :—

Some of the fine old paintings (portraits) of the ancient knightly family of Kirkby of Kirkby, having been stowed away out of sight for years in a disused room, covered all over with cobwebs, have lately (1869) been sold by auction at St. Mary's Mount at prices far below their value as works of art.

Then follows a statement that at the date of publication three remained unsold, one being a portrait of John de Kirkby, of the time of Henry II. and Edward I.

Since last year I have been at some pains to ascertain what the pictures were that were thus sold, and to some extent I may claim success, as five of them are now in my possession.

The full history seems to be this:—The last of the Kirkbys (locally) was William Kirkby (born 1757), in whose time it seems that the estates of both Kirkby and Ashlack were finally parted with. On quitting the home of his family early in the nineteenth century, he either gave or sold the family portraits to his estate bailiff, John

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Coulton, whose grandson is now bank manager to the Bank of Liverpool at Broughton-in-Furness. This John Coulton sold most (if not all except one) to John Kirkby, a bookseller, of Ulverston, who again sold them to Mr. T. E. Jefferson, of St. Mary's Mount, near Ulverston, after which they re-appeared at the sale in 1869, as chronicled by Stockdale. At this sale five (Nos. 1, 2, 3, 5, and 6) were bought by Dr. Henry Barber, then of Ulverston, and author of *Furness and Cartmel Notes*, who re-sold them to the late Mr. J. K. Hodgson, J.P., of Britain Place, Ulverston, at whose sale, last April, they passed into my possession.

At the sale of 1869, one (No. 7) was bought by the Misses Yarker, of Conyngers Hurst, Pennington, who, however, had already another of the series (No. 4), which they must have bought direct either from John Coulton or John Kirkby, although this purchase is now forgotten. These two are now in possession of Colonel Gaisford, the nephew of the Misses Yarker, to whom I must tender my best thanks for affording me every facility to photograph and examine them. One picture, however, appears to have remained in the possession of the Jeffersons, but I am unable to trace it now, while one (No. 8) is still in the possession of Mr. Coulton of Broughton, which brings up the total to nine. I can make nothing of the picture of John de Kirkby of the thirteenth century, mentioned by Stockdale; but this picture (whatever it was), with the two last mentioned, seem to be the three mentioned by Stockdale as "still unsold" in his book which was printed in 1872.

Before passing to our description, it may be premised that there are four of the series, the identity of the subjects of which cannot be questioned owing to the excellent seventeenth century fashion of painting coats-of-arms on the picture itself. Three of the others I hope to place; for I think that the costume, features, and the age of the individuals represented, are sufficient for this purpose. I



I. ROGER KIRKBY; 1603.

TO FACE P. 98.



II.—JANE KIRKBY, 1603.

TO FACE P. 99.

will therefore take them in the order which I believe to be the true chronological one, and an examination of the pedigree accompanying this paper will, I hope, make clear what I have to say.

1.—The portrait of Roger Kirkby of Kirkby Hall (sixteenth generation in West's *Antiquities of Furness*). Born 1581. Married Jane, daughter of Edward Rigby of Burgh, in Lancashire. Died 1627. (Plate I.)

The painting is on three oak boards, roughly planed, and nailed with flat-headed iron nails to a moulded oak frame, and also fixed together with wooden pegs, which, with the frame, hold the boards together as a panel. Inclusive measurement: 34 inches by 28 $\frac{1}{4}$  inches.

Roger Kirkby is depicted standing slightly to the left,\* dressed in a speckled white doublet with falling collar and red knee breeches. The left hand is gloved and carries a hawk with leash and jesses, and in the right hand is the hawk's hood. The face is beardless and weak; and the hair, which is nearly black, is bunched over the ears. On the right is an inscription:

ANNO DNI 1603.  
ÆTATIS SUÆ 22.

And on the left a shield of arms: *Argent two bars gules, on a canton of the second, a cross moline or, (Kirkby), impaling Bandy of six indented argent and azure, on a chief sable, three cinquefoils or.* (Rigby).

2.—Jane, wife of the above and daughter of Edward Rigby. Born 1582. Fellow-picture to No. 1 and No. 3. Measurement: 34 $\frac{1}{2}$  inches by 27 $\frac{1}{2}$  inches. (Plate II.)

Jane Kirkby is shewn in an attitude very similar to that of her husband, except that her left hand is empty and she carries a flower in her right. The costume and headdress are the usual ones of Elizabethan ladies of rank. She wears a very large ruff, a richly embroidered

\* The terms "turned to right" and "left" denote the spectator's right and left.

stomacher, and an upper gown with lace-edged cuffs. The face is oval and fresh coloured, and the hair and eyes brown. Inscription:

ANNO DNI 1603.  
ÆTATIS SUÆ 21.

And shield of arms as in No. 1.

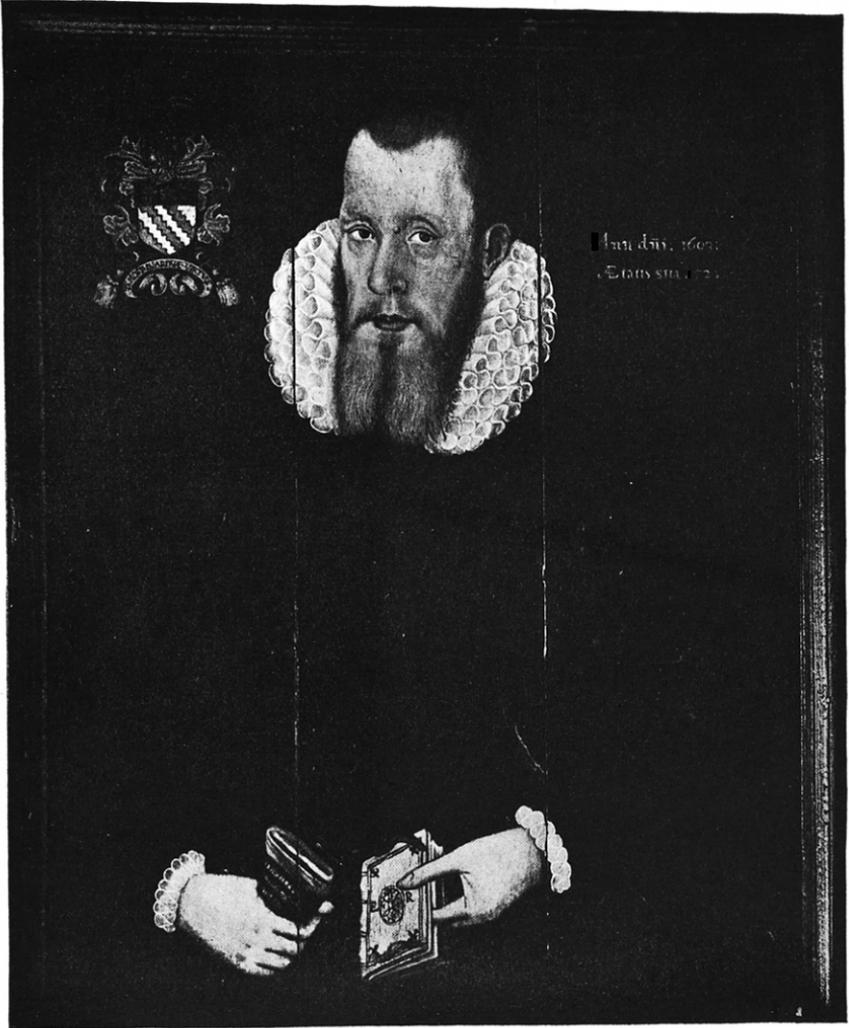
3.—Edward Rigby, of Burgh, in Lancashire. Father of No. 2. Married Dorothy Anderton, of Clayton. Fellow-picture to Nos. 1 and 2. Measurement: 34¼ inches by 27½ inches. (Plate III.)

This is the portrait of an elderly man, wearing a triple ruff and velvet doublet. He carries his gloves in the right hand, and a vellum-bound book with the initials E.R. in his left; otherwise the pose is similar to the last two pictures. The face is a striking one, being long, with a high forehead, close-cropped hair, and a long beard streaked with grey. The inscription is:

ANN DNI 1603.  
ÆTATIS SUÆ 52.

In this picture the shield of arms is more elaborated, having the helmet, mantling, crest, and motto all painted. It is the paternal arms of Rigby only, with the crest—a *goat's head sable bezantée horned and bearded or*. Motto: TENDIT IN ARDUÆ (*sic*) VIRTUS.

These three pictures form a very interesting family group, and seem to be the work of one artist, who probably worked at Kirkby, the panels being perhaps prepared by a village carpenter. This is the suggestion of our editor. At the same time, it seems to me that No. 3 represents not only a more striking personality, but is better altogether as regards the drawing and modelling of the face. The treatment of the faces of his daughter and Roger Kirkby has little relief, and it cannot be claimed that the artist has succeeded in giving them much expression. In all three the drawing of the hands is weak.



III.—EDWARD RIGBY, 1603.

TO FACE P. 100.



IV.—AGNES KIRKBY, (d. 1684).

TO FACE P. 101.

4.—Agnes, wife of Roger Kirkby, of Kirkby Hall (born 1601, son and heir of No. 1), and daughter of Sir John Lowther of Lowther. Died 1684. (Plate IV.)

This picture is in quite a different style, on ancient canvas, but now in a modern frame. Sight measurement, 27 inches by 23 inches. It is a half length, turned slightly to the right, and painted in an oval border. It shews an elderly woman, with a long pointed nose and a mouth which turns up characteristically at the corners. The costume, with hood, has a rather religious look, but is only the widow's costume of the period. To the left of the head is a shield of arms—Kirkby impaling Lowther—round which is the inscription :

ANO DNI  
1677 (or 1673 ?)

And on the right hand of the head :

ÆTA. SVÆ  
70.

The arms and costume shew that this is the widow of Roger Kirkby, M.P., the Royalist, to whose history we shall by and bye return. This painting is now in the possession of Colonel Gaisford, at Conyngcr Hurst, who allowed me to examine it and the other Kirkby picture in his possession. According to Dr. Barber this picture was in the possession of Miss Yarker before the sale at St. Mary's Mount, and the curious thing is that there is said to be another replica or copy in the possession of Colonel Inigo Jones, of Kelstone Hall, near Bath, which is reported to have come from Conishead Priory, and to represent Margaret Dodding, daughter of Roger Kirkby and Agnes Lowther. But as the subject of our painting was born in 1607 (or 1603), and Roger Kirkby, who married Agnes Lowther, was born in 1601, this, of course, is impossible, irrespective of the testimony of the shield of arms. The true explanation, supposing the picture at

Kelstone to be really of the same person, must be that Agnes Kirkby (née Lowther) was painted in duplicate, and one copy passed to her daughter Margaret, who married Myles Dodding, whence it descended by the Braddylls and Gales to Colonel Inigo Jones; while that belonging now to Colonel Gaisford probably remained at Kirkby, and was purchased directly by the Yarker family either from Mr. Coulton or the Ulverston bookseller.

5.—Portrait of a gentleman of about 1670. On canvas, in a gilded but not original frame. Sight measurement, 32 inches by 28½ inches. (Plate V.)

This picture is the best and most interesting of the series. It is a half length, turned threequarters to the left. The subject wears a heavy wig and the lace cravat (which was of French origin and succeeded the *rebbat* or falling collar, and the ruff). He also has ruffles on the sleeves.

On this picture there is neither coat of arms nor inscription, and we are therefore compelled to scrutinize it carefully and examine the pedigree before we can arrive at any satisfactory opinion. To begin with, it is not only evidently a striking portrait, but is also undoubtedly by a good painter, and therefore was probably painted in London. The left hand rests on the hip, and the right hand, which is fully extended, is excellently painted.

The face is long, and so is the nose, the latter being also aquiline and heavy at the end—a marked feature of the face. The mouth turns up at the corners, and near them we see those small indented curves which shew that the clean-shaved face is that of a man no longer young. The lower lip has a slight sensuous projection.

The eyes are of a rather narrow type, and the eyebrows are elevated at the inner corners; and this last feature, coupled with the shape of the mouth, give an arrogant or supercilious expression which strikes one as unpleasant.

Whom does this interesting picture represent? To begin with, the portrait shows a man, as far as I can



V. COLONEL RICHARD KIRKBY?

TO FACE P. 102.

judge, of about forty-five or fifty years of age, and the details of costume prove that it represents a man of social position, and was painted about 1670. Let us examine the pedigree and see who will fit.

Roger Kirkby, son of the Roger No. 1 and husband of Agnes Lowther, cannot be the person represented, since he was born in 1601 and died in Ireland in August, 1643. (Dugdale's Visit. Lancs., 1664.)

This Roger had one brother, John Kirkby, who lived from 1650 to 1680 with his sister Alice Fleming at Coniston Hall, and died there a bachelor in 1680. As he was neither head of the family, a resident at Kirkby, nor a man of prominence or fashion, it is most unlikely that the portrait can be of him.

Roger Kirkby, by his union with Agnes Lowther, had five sons. The eldest was Richard Kirkby, a colonel after the Restoration, a prominent Justice of the Peace, and especially known on account of the numerous references contained in the Fox and Fell correspondence, to the harshness and severity with which he treated the early "Friends." He was born in 1625, married four times, and died in 1681. He would, therefore, be forty-five in 1670, which fits with the date I ascribe to the portrait and the apparent age of the subject. Later, we shall see that all that is known of the history of this Colonel Richard Kirkby adds to the probability of this identification. Before, however, leaving him for the present, we should notice that this portrait, in the shape of the face, the long nose, and unusual mouth shews a resemblance to Agnes Lowther so very remarkable as to render it certain that some near relationship, such as that of mother and son, exists between the two subjects.

Colonel Richard had, however, four younger brothers. Of these, John Kirkby the eldest, although married, was dead without issue in 1664 (Dugdale's Visit. Lancs.) Roger and Christopher seem never to have married, or at any rate had no issue; and William, the fifth brother, of

Ashlack Hall, was Surveyor General of H.M. Customs, and married three times. But he was born in 1635, and in 1670 would be only thirty-five, so that all four brothers may, I think, be dismissed. Lastly, Dr. Barber, in his *Furness and Cartmel Notes* (p. 218), ascribes this portrait to Roger Kirkby, son and heir to Colonel Richard. But this Roger was only born in 1649, and in 1670 would be only twenty-one which makes this attribution impossible. The result, therefore, of this examination is that there is no member of the family who can with real probability be named except Colonel Richard Kirkby. To the history of this man I shall recur later.

6.—Portrait of a lady, about 1650, on canvas in frame, like No. 5). Sight measurement, 27 inches by 24½ inches. (Plate VI.)

This is a well-painted portrait of a woman of perhaps about twenty-eight, head and shoulders, and turned three-quarters to the left. She is painted in an ornamental oval border, with a black kerchief round the head fastened beneath the chin with a brooch. She wears a necklace of pearls, and a low-cut bodice filled in with a lace vest, and an ornament of three Pearls on the bosom. The features are nice, the nose pointed, lips full and rather pouting, brown eyes, and colour delicate. A red cloak is also indicated slipped off the shoulders.

The date of this costume is probably before 1660, and it is the same as that in a miniature of Lady Manners, by S. Cooper, figured in Williamson's *History of Portrait Miniatures*, and the date of which is 1650.\* The lady is, therefore, a contemporary of Colonel Richard Kirkby, and must be either one of his four wives or eight sisters. As all the sisters but one married, the probability is greatly in favour of its being one of the four wives. The names of these ladies were (1) Elizabeth Murray, (2) Isabel Hudle-

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\* Vol. i., pl. xvi. (fig. 6), and p. 74. There exists also a portrait of Mrs. Cromwell (Elizabeth Stewart), mother of Oliver Cromwell, with a white kerchief tied thus. It is ascribed to Robert Walker.



VI.—ELIZABETH MURRAY

Wife of Col. Kirkby, c. 1650?

TO FACE P. 104.



VII.—COLONEL ROGER KIRKBY ?

TO FACE P. 105.

ston, (3) Ellen Moxey, or Maxey, and (4) a daughter of Dr. Eden. Now Richard Kirkby was married to his second wife about 1655-6, and to his third wife as early as 1661, as Sir Daniel Fleming's papers shew (see *infra*). So that the portrait probably represents Elizabeth Murray or Isabel Hudleston; and, looking at the likeness between this portrait and the portrait No. 7, which I assume to be Colonel Roger the heir, I am strongly of opinion that it is the first-named.

7.—Portrait of an officer in armour, painted on canvas in an old oval gilt frame. Sight measurement: height 28 $\frac{3}{4}$  inches. (Plate VII.)

This picture shews a young man with the body turned well to the right, no doubt to shew the suit of plate armour of the sort worn in the second half of the seventeenth century. He wears a lace cravat, and instead of a wig the hair is brushed out round the back of the head. The face is florid and oval, the eyebrows arched, and the lips full—all features in common with the lady No. 6. Yet the nose is heavy at the end, like that of Colonel Richard Kirkby.

If the attributions I have attempted are correct I do not think much difficulty exists here. Colonel Gaisford, in whose possession this picture now is, tells me that this has always been called the "Colonel Kirkby who persecuted the Quakers"; but while the costume is, I think, later than portrait No. 5, the man is much younger, and I feel little doubt that we have here Roger, the eldest son of Richard by Elizabeth Murray, who became a Colonel of the Coldstream Guards, Governor of Chester Castle, and High Sheriff of Lancashire. This Roger was aged fifteen in 1664, and died in 1708. His first commission as Ensign in the Coldstreams was in 1673, when he was twenty-four years old.

If this identification is accepted, that of No. 6 may, I think, also be taken as his mother Elizabeth (Murray).

8.—This portrait, in the possession of Mr. George

Coulton, at Broughton-in-Furness, is of a lady, and in a frame very similar to No. 7. It is very much varnished and of less interest than those described. The only time I saw it I did not perceive any clue to identification.

I do not suppose that there are sufficient grounds for identifying the painters of these portraits. The three early ones of Roger and Jane Kirkby and Edward Rigby are interesting as careful work of probably some itinerant artist, and their interest lies in being a set of untouched and authentic pictures of the period. The style may be termed archaic, being rather that of the middle of the sixteenth than commencement of the seventeenth century. Nos. 5 and 6 belong to a different category, and I am not without hopes that the artist may be discovered among the school of English and other painters who were working at this period. The names of the best known of these painters, after Lely and Kneller, are as follows:—J. Riley, Robt. Walker, E. Lutterel, Michael Dahl, — Davenport, J. Greenhill, Mrs. Beale, W. Dobson, Wm. Trabute, Thos. Flatman, William Wissing, J. Hayls, Jacob Huysmans, John Taylor, J. Michael Wright, Robert Streater.\* Of these I would suggest J. Riley as the possible painter of the portrait No. 5; but there is a portrait of Sir Vere Fane, afterwards 4th Earl of Westmorland, painted by Trabute in 1677, in which the pose and treatment are very like those in the picture of Colonel Kirkby.

#### FAMILY HISTORY.

In working at these identifications I have necessarily searched all the published sources at my disposal, and with the portraits before us, I think these items of family history (of more than family interest, however) may properly be tabulated and recorded without apology.

The Kirkby family were of that class of landed squires

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\* This list is compiled partly from the collection at the National Portrait Gallery; but see also *Archaeological Journal*, vol. lx., p. 268, and the *Catalogue of a Loan Collection of Portraits, 1625-1714, exhibited at Oxford, 1905*.

which belonged absolutely to the land, having been seated at Kirkby from time immemorial, taking their name from, and continually residing on their manor. It was, in fact, the only armigerous family that fulfilled all these conditions in Furness down to the nineteenth century.\* The Kirkbys took the leading part among the landowning families of this district from the time we first hear of them, and their position was similar to that of their neighbours, the Flemings, with whom they frequently married; only the very name of the latter points to a foreign origin, while that of Kirkby suggests the exact reverse.

Like many other old families, their family pride, ambition, and religion caused them to take too active a part in the struggles of the seventeenth century, and it was practically at this period that they were submerged. Our portraits illustrate this era of calamity in the family fortunes.

West, in his *Antiquities of Furness*, gives a long pedigree of the family, which however has, I believe, very numerous errors in it. The *Lancashire Heraldic Visitations* (especially Dugdale's, 1664) record a good deal about the family; but the most interesting matter by far, I have, found in the correspondence and accounts of Sir Daniel Fleming (published in the *12th Report Historical MS. Commission*, part vii.), and in the *Calendar of State Papers* (Domestic Series). Sir Daniel was a near relative of the family, for his mother was a sister of Roger (died 1643); and a great aunt, Eleanor, was mother to Agnes Lowther, who married the said Roger. Lastly, we get in the early Quaker records, some light on the contemporary Kirkbys which has quite an interest of its own.

If disaster had not thus reached them, they would most probably have been now the leading family of Furness, since the splendid quarries of Kirkby have been developed just above their old hall house.

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\* For some new light on the earliest generations of the family, see Farrer's *Lancashire Pipe Rolls*, p. 403-5, 442, &c.

## THE RIGBYS.

The Rigbys of Wigan, Burgh, and Middleton were all very closely related; the family of Burgh being a younger branch, which got a new grant of arms differing from the older arms of the family in 1573.\* These are the arms on the picture of Edward Rigby. The Lancashire Rigbys took a prominent part in the civil wars, and they are found both on the side of King and Parliament. There were no less than three colonels of the name of Alexander: (1) Colonel Alexander Rigby, of Middleton, M.P. Wigan, Baron of the Exchequer, 1649 (Parliament); (2) his son Lieut.-Col. Alexander Rigby (Parliament); (3) Colonel Alexander Rigby, of Burgh, the son of Edward Rigby (in portrait No. 3) and brother of Jane Kirkby. This Colonel Rigby was a Royalist,† and in 1646 compounded for his estate at £381 3s. 4d.

## THE KIRKBYS.

Of the first Roger Kirkby (our portrait No. 1) nothing is recorded, either by West or in the "Visitations," except his marriage, issue, and date of his death. He held, however, the post of High Sheriff for Lancashire in 1626,‡ and, as far as we know, fulfilled the quiet lot of a Furness squire. With his immediate descendants, however, things went differently. Roger Kirkby, his eldest son, was born in 1601,§ and seems to have been engaged in altering and building on his family estate in 1637 and 1639, since we find the initials of himself, his wife and family, and the Kirkby arms on a stone at Kirkby Hall, and in the walls at Low Hall (a mile away), which he probably built.||

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\* *Visitation of Lancashire*, by St. George, 1613, vol. lxxxii. Chetham Society *Transactions*, p. 113.

† See a *Cavalier's Note Book*, edited by Rev. T. Ellison Gibson, pp. 294-5.

‡ Baines' *Lancashire*, i., 206.

§ St. George's *Visitation, Lancashire*, 1613.

|| See these *Transactions*, xiii., pp. 279, 285—"The Homes of the Kirkbys."

About the same time he was High Sheriff for his county.\* In the "Long Parliament," summoned November 3, 1640, he was elected M.P. (Royalist), in company with Ralph Ashton, who was Parliamentary.†

The first stroke on the fortunes of the Kirkbys was in 1641, when Lord Newburgh, Chancellor of the Duchy of Lancaster, was directed by Parliament to discharge from the Commission of the Peace such justices as were ill affected to the cause of Parliament, and among the names of those discharged was Roger Kirkby, while that of Thomas Fell (afterwards Judge Fell, whose widow Roger Kirkby's son was to persecute) appears among those to whom commissions were issued.‡ In the next year (December 10, 1642) he was appointed one of the collectors for Lonsdale Hundred of a subsidy to the King for raising troops;§ and among the Royalist gentlemen who assembled the same year at Preston we find the names of Alexander Rigby, of Burgh, and Roger Kirkby, the latter being also placed on the Council to arrange for the payment of Lancashire troops.||

In February, 1642-3, the Parliamentary forces, fresh from their success at Preston and Houghton Tower, were in North Lancashire; and Captain Birch appeared before Lancaster and took the Castle without, it would appear, serious resistance. The *defenders* were Roger Kirkby and Sir John Girlington, both of whom escaped. Roger fled to Ireland, and there died in August of the same year, 1643.§

To this somewhat tragic finale of Roger there is appended a sequel. In May, 1643 (only a few months after capture of Lancaster), a force of 1,500 Royalists, with Sir

\* See list of High Sheriffs in Baines' *Lancashire* (year 1638); also *Calendar State Papers* (Domestic Series), 1638-9.

† Baines, ii., 4. Fishwick's *Lancashire*, 125—*Civil War Tracts*.

‡ October 24. Baines' *Lancashire* ii., 7.

§ *Civil War Tracts*.

|| Baines (ii., 19) says "Robert Kirkby," which is an error.

§ West, and Dugdale's *Visitation*.

John Girlington among their leaders, entered Furness, plundered the district, and departed. The local parliamentary folks were not then in force sufficient to meet them. In September, the same year, another "affair" took place of a rather different character. Colonel Rigby, the Parliamentary officer, besieging Thurland, heard that 1,500 troops under Mr. Kirkby, Mr. Rigby (who I think would be Colonel Alexander of Burgh), Colonel Hudleston of Millom, and one of the Penningtons were misbehaving themselves near Dalton. Losing no time, the Colonel marched to Swarthmoor on October 1st, and said prayers; then he marched on to Lindal, and drew up opposite the Royalist force, whereon the two belligerent forces shouted at each other for about one hour. After this the Round-head Foot marched up to the Cavalier Horse, who turned tail and fled "stomach to earth," leaving 300 prisoners behind them, including Hudleston and three important officers. Mr. Kirkby got off clear, like Roger at Lancaster, but who was he? West considered it would be Richard, but he would be then only eighteen years old, and I think it was most probably John Kirkby (brother of Roger), who afterwards died at Coniston. All this story, told originally by High Constable Park, has been retold in some detail by most writers on Furness. Colonel Rigby's own dispatch, printed by order of Parliament, shews that it was a clear rout of the Royalists, and that only two Parliamentary soldiers were hurt, and one of these wounded himself.\*

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\* Colonel Rigby's dispatch is given in vol. ii. of the Chetham Society's publications (p. 149). It sets forth that during the siege of Thurland Castle "a Design was set on foote by all the malignant Gentry of Westmerland and Cumberland and by Roger Kirkby and Alexander Kirkby of the Burghes . . . to raise all the Forces of Cartmel and Fournes to surprize Lancaster and Hornby Castles, etc." Now Thurland Castle was first taken June, 1643, but it was reoccupied by Girlington, and the second siege was in September. Whether Roger Kirkby fled to Ireland immediately after Lancaster Castle was taken, or remained in the district, does not seem on record, but even if he was, as Rigby said, implicated in the above design, he could not personally be present at the Lindal Moor skirmish if the date of his death is correctly given in Dugdale's *Visitation*. See also West's *Furness*, lii.; Tweddell, *Furness Past and Present*, ii., 50-51; *North Lonsdale Magazine*, April, 1896, an article "Furness in 1643."

Of this John Kirkby we shall have more to say, but we will turn for a moment to the widow and sisters of Roger who fled to Ireland and died there. We have now got to the period when Sir Daniel Fleming's correspondence and notes begin to illuminate the Kirkby household history; for Sir Daniel was a nephew of Roger and Jane, his mother having been Alice Kirkby.

Widow Agnes remained in Furness, or returned to it after her husband had died, if she fled with him to Ireland, a point we do not know. She is mentioned once in 1657 and she died in 1685, thus outliving her husband by forty years, and also his brother, and her eldest son Richard and three of his wives.

1657. Sept. 5. Given by my wife unto a man who brought veneson from my aunt Kirkby 00 02 06

1685. May 21. I was this day at the funeral of my aunt Mrs. Agnes Kirkby, who dyed March 18<sup>th</sup> 1684, at her son William Kirkbys at Ashlack, and was buried this day in the Chappel adjoining to Kirkby Church.

Roger Kirkby, of whom we have been treating, had, besides his brother John, two sisters Margaret and Alice. Margaret married Hugh Anderton (Dugdale's *Visitation*), and we do not hear much of her. Alice married William Fleming, of Coniston, and it is from the papers of their son Daniel that we get many details about the Kirkbys. This William Fleming died in 1653, leaving his widow, who, with her brother John Kirkby, resided at Coniston Hall until both died within a few months of each other in 1680-1.

John Kirkby, like his family, espoused the Royalist cause, and I have suggested that it was probably he who appeared at the Lindal affair. This is the more likely, as we find him a sufferer when the Parliament was busy with the sequestration of the property of "Delinquents, Papists and others."

John Kirkby senior Kirkby

24 Nov 1646. Compounds for delinquency. Adhered to the

forces raised against Parliament. Took National Covenant 16 March 1645.

The sum at which he compounded being £36 5s. 4d. Though only a small sum this seems to have settled John, for I find him mixing up no more personally with politics.

The following papers exist in the Rydal Hall MSS. and accounts :—

June 22 1657. John Kirkby to his nephew D. F.

I have had some discourse with your cousin Kirkby concerning the "intended progress of hunting" of the Cumberland Gallants. When you go to Naworth, you may tell them that Sir William Huddleston's absence need not hinder their hunting at Millom. Your cousin Kirkby, who has command of the game in Sir William's absence, will show them all sport for the killing of a brace of bucks, and give them such accomodation as his little house will afford.

Ap. 6 1664 Mentioned the D F's accounts.

Feb. 17 1666-7 A political letter to his nephew Sir D F.

Oct. 16 1678. A letter from Coniston to D. F.

March 23 1679. Given at Parkhouse to my daughter Wilson's gracewife when her son Daniel Wilson was christened this day, who was borne the 8th instant, and whose sponsors were his great great uncle Mr John Kirkby, his great uncle Mr William Wilson, parson of Windermere, and his great grandmother Mrs Alice Fleming whose place was supplied by his aunt Mrs Alice Fleming

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This last is from Sir Daniel's accounts, where also we find entries about the deaths of John Kirkby and his mother Alice Fleming.

1680 Sept 29. My uncle John Kirkby did fall sick, September 15<sup>th</sup>. He dyed at Coniston Hall, September 28<sup>th</sup> about 4 in the morning and was buried September 29<sup>th</sup> in Coniston Church, about one of the clock and I had not the happ to see him dureing his sickness.

A letter of Sir George Fletcher to Daniel Fleming on October 3, 1680, says, "I believe that Mr. Kirkby died of the disease which is so prevalent at Richmond and in Yorkshire. It is not generally fatal to old people."

In an entry of February 26, 1680-1, Sir Daniel records

hearing of his mother's being ill, and the next entry records her death that day and burial next to her brother:—

Mr John Brathwait preaching her funeral sermon upon 1 Tim. 5, 9, and 10, and applying it very well to her.

In Coniston Church is a brass plate commemorative to John Kirkby and his sister Alice, the inscription on which is as follows:—

To the Liveing Memory of ALICE FLEMING of Coningston-Hall in the County Palatine of Lancaster Widow (late Wife of William Fleming of Coningston-Hall aforesaid Esq<sup>r</sup>; and eldest daughter of Roger Kirkby of Kirkby in the said County Esq<sup>re</sup>) and of John Kirkby Gentleman her second Brother was this Monument by her three sorrowful sons S<sup>r</sup> Daniel Fleming Knight Roger Fleming and William Fleming gentlemen, for their dear Mother and Uncle here erected. The said John Kirkby (having lived above 30 years with his sister aforesaid, and having given to the Churches and Poor of Kirkby and Coningston aforesaid 150*l*) died a Bachelor at Coningston-Hall aforementioned September 28 A.D. 1680, and was buried near unto this place the next day: And the said Alice Fleming died also (having outlived her late Husband above 27 yeares and surruied 5 of her 8 children) at Coningston-Hall aforesaid Febr 26 A.D. 1680, and was buried in this Church, close by her said Brother Febr 28 1680, in the same Grave where ye Lady Bold (second wife of John Fleming Esq<sup>re</sup> deceased, uncle to ye said William Fleming Esq<sup>r</sup>) had about 55 yeares before been interred.

#### Epitaph

Spectator stay, and view this sacred ground  
 See it contains such Loue, on Earth scarce found,  
 A BROTHER and a SISTER, and you see  
 She seeks to find him in Mortality—  
 First he did leave us; then she stay'd & try'd  
 To live without him, lik'd it not and dy'd  
 Here they ly buried, whose Religious Zeal  
 Appeard sincere to Prince, Church, Commonweal;  
 Kind to their Kindred, Faithful to their Friends,  
 Clear in their Lives and Chearful to their ends.  
 They both were Dear to them whose good intent  
 Makes them both liue in this one Monument.  
 So Dear in Cordial Loue, tho' th' outward part  
 Turne Dust it holds impression to the Heart.

We now pass to the next generation, the five sons and eight daughters of Roger and Agnes Kirkby.

And first as to Richard Kirkby, the son and heir and squire, whose portrait I have identified as No. 5. To begin with, this Richard was not, as West has stated, Governor of Chester Castle, an error which has been repeated by most subsequent writers. It was his son who obtained this post, as we shall later see. But Richard was the Colonel Kirkby who so often appears as the inveterate enemy of George Fox and Margaret Fell; and his support of the Royal cause, and probably other circumstances, brought him as we shall see to the verge of ruin.

Another point which wants clearing is the statement by Stockdale\* and others that this Richard was Member of Parliament. This appears to have arisen from a letter of George Fox stating that Colonel Kirkby had to go up to London to the Parliament,† which Stockdale altered to "Parliamentary duties." The date of that letter was 1663, at which time Lancashire was represented by Sir Roger Bradshaw and Edward Stanley, who had been elected in 1661. I can find no other allusion to Richard Kirkby as having sat for Parliament, and the probability is that he was called up to give evidence in some enquiry before the House.

Colonel Kirkby is known as a prominent Lancashire man after the Restoration, but chiefly for his activity in carrying out the enactments of the stringent and harsh Conventicle Act of 1664 and 1676, under which, as Justice of the Peace, he was empowered to break up the meetings called by the founders of the sect of "Friends." The extracts which follow are mostly from the Rydal MSS. and the *Calendar of State Papers* (Domestic Series, 1640-1690), while many of the details of the collisions between

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\* *Annales Cærmœlenses*, p. 93.

† *Furness and Cartmel Notes*, by Dr. H. Barber, p. 218.

Kirkby, Fox, and Mrs. Fell are gathered from Mrs. Webb's *The Fells of Swarthmoor Moor*.

Though it was probably John Kirkby who ran at Lindal with the other Cavaliers, Richard, then eighteen years of age, may have been there as well. However this may be, he next turns up as a "malignant" compounder in 1646, in which year he would be twenty-one.

7 August 1646. Rich Kirkby compounds for delinquency in bearing arms under the Earl of Newcastle. Being under age, has only an estate in reversion till he attains the age of 24. The present estate is vested in trustees for raising 11 younger children's portions.

24 Nov. Fine at  $\frac{1}{3}$  751£ to be reduced to 250£ on his settling 50£ a year for ever on the ministry of Hawkshead.

1647. To be sequestered for neglecting to settle this.

5 July 1649 Fine for both delinquencies 750£ remitted on his settling 76£ a year on the ministry.

The meaning of all which is that the Kirkbys had bought the tithes of Hawkshead in 1618, and as the Commissioners could not get the fines out of the Kirkby estate they ordered him to pay the tithe he was receiving to the Church. However, even this payment got hopelessly into arrears.\*

In 1650 a settlement of Colonel Kirkby's estate was made, the contracting parties being Richard Kirkby, his wife Elizabeth, Sir John Lowther, David Murray of St. Clement Danes, John Kirkby, Agnes Kirkby (mother of the Colonel), and others; and the estate is described as being at Kirkby, Ulverston, and Hawkshead. This deed is in Kendal Museum.

The only commission of Colonel Richard Kirkby I have come across is:—

1669 Dec 29. Col Rich. Kirkby to be Capt of the Company of foot in the Duke of Albemarle (late Sir Freschevill Hollis'). †

\* See *Survey of Church Lands*, 1649, and my *Hawkshead*, p. 116.

† *Calendar State Papers*, October, 1668-December, 1669, (Domestic Series). Also *English Army Lists and Commissions*, 1664-1714, ed. by C. Dalton (vol. i., 1661-1685).

Of Richard Kirkby's four wives only three are mentioned by Dugdale, and of all these ladies we practically know nothing but their names. Looking at the character of their husband, I doubt if their lot was a happy one. Of three of his brothers and his eight sisters also, little is recorded; but William of Ashlack Hall, the fourth brother, was, according to West, Surveyor General of the Customs and frequently appears on the scene. Ashlack Hall, by the bye, though added to by this William, must have been built early in the seventeenth century either by Roger (died 1627) or his son; but I have seen no evidence of any member of the family living there before William.

1651 Aug 11 Roger Fleming to his brother Daniel at Oxford concerning the engagement of their cousin Eleanor Kirkby and a merchant from Holland.—Rydal MS.

The merchant was one of the rich Hull Crowles, and his letters from Kingston on Hull almost invariably treat of the "runletts" of sack and gallons of Malaga he is forwarding to the Flemings and others. The family of Crowle also intermarried with the Wilsons of Dallam Tower, and afterwards purchased the Leybourne estates at Cunswick and Skelsmergh.

The next entries in date undoubtedly refer to the festivities at the birth of the first son by the second wife of Colonel Richard (*i.e.*, Isabel Hudleston). This son was seven at Dugdale's Visitation (16 September, 1664), and was therefore born in 1656.

1656	Dec 14	Given by my wife unto my Lord Evars for fidling at Kirkby Hall ... ..	00 . 01 . 06
	Dec 15	Lost by my wife at Cards ... .. Lost by myselfe ... ..	00 . 05 . 00 00 . 00 . 08
	Dec 17	For frosting the horses at Kirkby ...	00 . 00 . 06
1656	Jan 21	Given unto Mrs Pennington—as a grace wife—at Kirkby ... .. Delivered more unto her for to give unto my Ant Anderton to buy cheese withal ... ..	00 . 10 . 00 01 . 00 . 00

	Given unto the nourse at Kirkby	...	00 . 05 . 00
	Lost there at Cards	...	00 . 06 . 00
1658 Aug 9	Given unto Hunter who brought a buck from my Cosen Richard Kirkby	00 . 03 . 00	

—(Sir D. F.'s Accounts).

1660. In this year the newly-restored King proposed to found the Order of Knights of the Royal Oak as a special reward to about six hundred and ninety gentlemen, who had stood by, and suffered for, the Crown. The order was never, however, instituted. Among the Lancashire gentlemen nominated was "Colonel Kirkby, Esq.," estimated value of estate, £1,500.

In 1661 we find the Colonel again a widower, and married for the third time, only, it would appear, about six years after the marriage with his second.

1661. Mar 29.	Given in the house att the Low-barne when I went to visitt my Cosen Kirkby's third wife...	...	00 . 04 . 00
— 30.	Item at the high hall	...	00 . 03 . 00
	Item given to players there...	...	00 . 05 . 00
	Item to the nurse there	...	00 . 01 . 00
May 22	Given to the players att Kirkby and a piper	...	00 . 06 . 00
25	Payd yesterday att Kirkby unto my Cosen Crowl for a runlett of sack, and another of white wine for carriage etc. beeinge in full of all reckoning till this day	...	04 . 11 . 04

—(Sir D. F.'s Accounts).

The occasion of these festivities was not, improbably, the bringing home of Colonel Kirkby's wife Helena Moxey (or Maxey), since her only child Greville was, in 1664, aged two (Dugdale's *Visitation*).

1662-3. February. A grant was made to Richard Kirkby of all woods and trees on the Barony of Kendal not fit for shipbuilding.\* To this grant there are several

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\* *Calendar of State Papers* (Domestic Series).

other references, and it is probable that it was intended as some sort of recognition of the family's help to the Stuart cause.

At this period commences the story of the sufferings of Margaret Fell and George Fox, in which we get frequent glimpses of the rancour with which Colonel Kirkby regarded the sect. The story has been so often told, that I shall only gather together the evidence of his activity. Of course it is easy to see that the magistracy, and especially those gentlemen who had suffered under the sequestrations of 1646, were anything but disinterested in these acts of cruelty. The Acts they took advantage of, decreed the confiscation of property, and the imprisonment of recusants who refused to take the oaths of allegiance and supremacy. The Flemings and the Kirkbys knew that the almost fanatical strictness of the Quakers forbade them to take these oaths, and the plunder they had in view was the valuable Swarthmoor property that Margaret Fell held from her late husband, Judge Fell. Colonel Kirkby would remember how his father had been ejected from the office of Justice at the same time Judge Fell was put on the Commission; he would remember that he was also one of the Parliamentary sequestrators, and he was not the man to feel any compunction in pushing the law to its extremity, even against a helpless widow.

What makes his conduct even more heartless is the fact that Margaret Fell was born at Marsh Grange, being the daughter of John Askew of that place, and therefore was not only a widow but a near neighbour of his own, since Marsh Grange is less than three miles, as the crow flies, from Kirkby Hall.

The first notice of Kirkby's appearance on the scene seems to have been in 1663, when, as a letter of George Fox tells us, he had sent soldiers to Swarthmoor to search in boxes and trunks for him. Thereupon, or rather a few days later, Fox made his way to Kirkby to interview the Colonel himself, where he found him "with the Flemings

and several others of the gentry (so called) of the county"; and on this occasion Kirkby seems to have spoken reasonably, simply warning him that the meetings were illegal; and on parting shook hands with Fox, saying he had nothing against him.\*

Kirkby soon after came to Swarthmoor, and with him William Kirkby † (who must have been his brother of Ashlack), and took down the names of all at the meeting; and Margaret Fell was haled off to a special sessions at Ulverston, where the magistrates present were Colonel Kirkby, Fleming of Rydal, and Preston of Holker. This resulted in her committal to Lancaster Gaol to await the assizes.

1663 Nov. 3 Colonel Kirkby to Williamson (from Garstang) Hears of disturbances in Yorks. Wants a rule for soldiers diet; 3d. a meal is not enough. At sessions have made an example of an anabaptist and two sturdy quakers fining them 12d. ‡

All the weary time that George Fox and Margaret Fell lay in prison, Kirkby seems to have got his knife into them. It was at his instigation or instructions that Fox was kept in solitary confinement at Lancaster in a miserable cell, with unglazed windows, awaiting his trial, § and it was he who gave the jailor orders to keep him close and suffer no flesh to come near him, for his was not fit to be discoursed with. ||

Margaret Fell's second trial came on in September, 1664; but it should be noticed that although the Conventicle Act was then in force, it was not so in 1663, when Kirkby commenced his persecution.

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\* Fox seems to have left two rather different accounts of this interview,—see Barber, *Furness and Cartmel Notes*, p. 218; and Maria Webb, *Fells of Swarthmoor Hall*, p. 209.

† So writes Stockdale, who says this William was "of Adgarley, half brother to the Colonel," which is absurd, and shews the hopeless muddle Stockdale was in.

‡ *Calendar of State Papers*.

§ *Fells of Swarthmoor Hall*, p. 216.

|| Stockdale, pp. 103-4.

In the account of this famous trial, the bravery of this unfortunate lady brought her into direct conflict with Kirkby, for seeing him lean over and speak to Judge Turner, she said "No whispering: I should not have so many judges. If thou has anything, Colonel Kirkby, to lay to my charge come down here and testify against me. Here is one Judge [who has a right to judge the case]. He represents the King's person and his power, and that I own." At the same examination she complained that the prisons were not fit for habitation, and when Kirkby stood up to excuse this—

I spake to him and said, "If you were to lie in it yourselves (that is Kirkby and the Judge) you would find it hard; but your minds are set on cruelty—William Kirkby hath here committed ten of our Friends, and put them into a cold room with nothing but bare boards to lie on . . . . some of them ancient men above three score years of age."\*

At this trial Judge Turner passed sentence of *præmunire* against her, which meant imprisonment for life and confiscation of all her property. On the same day George Fox had a similar sentence, and they remained in prison nearly five years. There are, however, letters from them while in prison, and some of these mention Colonel Kirkby; and there are also other references.

1664. October 1. Daniel Fleming, writing to Williamson from Rydal, says there have been sharp encounters lately between Colonel Kirkby and some Quakers who conventicled at Mrs. Fell's house *since* she was convicted of a *præmunire*; † and Margaret Fell herself, in a letter from Lancaster Gaol to the Rous family, writes:—

Colonel Kirkby causes our bonds to be renewed and straitened. ‡

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\* *Fells of Swarthmoor Hall*, p. 220. From this it appears that William Kirkby of Ashlack was then a Justice, though I have found no other reference to his so acting at this date. An entry in the Rydal MSS. shews he was so in 1674 (Rydal MS., p. 108). He signed an order to distrain on Non-attendants of Church at Hawkshead, 1683, and he was "put out" in 1687.

† *Calendar of State Papers*.

‡ *Fells of Swarthmoor Hall*, p. 226.

1664. Jan 20. Margaret Fell to Colonel Kirkby. A letter of two pages, reproaching the Colonel for persecuting the Quakers after saying he had nothing against George Fox. Reproves him for his severity and meanness. "His brother told her this was but the beginning of what was intended against them."\*

George Fox and Margaret Fell were married in 1669 at Bristol, but during their imprisonment it seems that George Fell, Mrs. Fell's son, was scheming to obtain the Swarthmoor property, and frequently was in communication with Colonel Kirkby and others. There is a petition as early as 1664-5 (January) to the King for this purpose: for the estate of his mother forfeited because she has run herself into a *præmunire* for embracing the fanatic opinions of the Quakers; which is followed by a certificate of Sir R. Bradshaigh and Richard Kirkby in favour of the petitioner as favouring the Restoration, and doing his utmost to persuade his mother, etc. It has been even suggested that he abetted in getting her recommitted under the second Conventicle Act.

The reason of Kirkby's thus helping George Fell may well have been that he had made some arrangement with him, for he was already beginning to be in low water and anxious to raise money somehow.

1666 (?) Petition of Richard Kirkby. For payment of 500*l* or part lent by his father in law Dr Thomas Eden on privy seal to the late King and come to him in right of his wife; is much reduced by great sufferings and vast expense in his majestys service. †

This gives us the surname of his fourth wife.

1667 Decr. Petition of Sir Jordan Crosland, Sir Thomas Higgins, Colonel Richard Kirkby and — Prideaux to the King. Have served faithfully as Commissioners of Prizes, but were left out when the number was reduced; beg a share, above their ordinary salary in the County which his majesty granted to those who remained in. ‡

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\* *Calendar of State Papers.* The date must be January, 1664-5, *i.e.*, after the trial in September, 1664.

† *Calendar of State Papers.*

‡ *Idem.*

Yet he was still hunting the Quakers in 1670, for we find John Rous writing in July:—

I perceive Colonel Kirkby is the informer and that he still appears on all occasions very much opposed.\*

And the same year George Fox writing after describing the fresh persecutions of his sect—

Amongst others that were active in this cruel persecution at London, was my old adversary Colonel Kirkby, who would often enquire for me at the meetings he broke up. †

Margaret Fox was released again after twelve months, from Lancaster, in April, 1671, and her husband soon after went to the West Indies. That there was some sort of intercourse, not altogether unfriendly, between some of the Kirkbys and Mrs. Fox, is shewn by an entry in Sarah Fell's book of accounts, in 1673. ‡

By money given to a man that brought a haunch of  
venison William Kirkby sent mother... .. o . i . 6

This entry seems to have been made when George Fox was in Worcester Gaol, into which he was clapped almost immediately on his return to England. At the end of 1674, he was released and visited Swarthmoor (for the first time since he had married) in 1675 or 1676; upon which, as Mrs. Webb tells us,

the surrounding gentry courteously called to pay their respects . . .  
. . . to the master of Swarthmoor Hall. Even Colonel Kirby  
(*sic*) his old persecutor, presented himself. §

\* *The Fells of Swarthmoor*, p. 264.

† *Fells of Swarthmoor Hall*, p. 270. In the *Calendar of State Papers* is "1670, July 3. Notice by George Harris.—" Being proprietor of this house, I desire all persons to forbear further meddling with anything in it, or creating a disturbance, etc.," being found by Colonel Kirkby on the post of the door of the Conventicle House, in Aldersgate Street."

‡ *The Fells of Swarthmoor Hall*, p. 273.

§ *The Fells of Swarthmoor Hall*, pp. 291-293.

What was the meaning of this change of front on the part of these haughty Kirkbys towards this poor hunted couple? *The Calendar of State Papers* supplies, I think, the answer. Kirkby was reduced partly, no doubt, by the troubles, but partly, perhaps, by his own course of life to a condition approaching penury. The chances of pickings out of the Swarthmoor estate were as far off as ever, and he was hunting Royal favours to set him on his legs again.

Sept 11. 1674. Grays Inn. Letter from Col. Richard Kirkby to (Secretary) Williamson. Being unable by reason of my confinement to this place to pay my respects . . . . I beg to represent my sad condition . . . . being forced to keep house for fear of my creditors, and my pay being half assigned towards their discharge. I am pinched most horribly, and myself and family are in the greatest distress imaginable. I have written to the Duke of Monmouth to procure me some small boon from his Majesty, and leave to dispose of my commission. I must beg you to have me in your memory, if you see any fit time to insinuate it into his Grace's ear for without some present help of my friends I am utterly ruined.

Sept 14. 1674. From the same to the same. "I have neither money nor credit, nor shall shortly have clothes. If his majesty will now order me my whole pay, if he shall not otherwise dispose of me to some employment, I shall make shift to serve him. I am become the wonder of my relations and friends, who know how kindly he promised to make me his care, as well as with what vast expense, as with affection and loyalty I have served him. I am ashamed to see them, more to trouble them, since they cannot but think I have in some way provoked him. I beseech your counsel and assistance that my ready observance may convince you that with justice I may pretend to my sovereign's kindness, for I have ventured my life, spent my estate, and ruined my children already for him! Surely either in the Navy, Excise or Customs an employment may fall for me ere long."

Sept 16 1674 A letter from the same to the same. The writer thanks him for favours especially "yours of 15<sup>th</sup>" and wishes "I might serve you as your menial servant." He has besought the Duke of Monmouth who promised with Lord Arlington to do what they could. "I have stayed till ready to starve." The Chancellor of the Duchy has advised him to draw a petition to his Majesty, and

"to move you to present it. He would with your honour second it . . . . . If anything amiss I beseech you to expunge it."

The same month September. Petition to the King for an order for a present subsistence for the petitioner till his Majesty shall otherwise provide for him . . . . . he being reduced to such want and extremity that he is ashamed to express.\*

One does not know whether to dispise or pity him. What Kirkby got as an appointment I do not know.

His eldest son we shall hear more of; but the Colonel himself seems to disappear from public life. Possibly his health suddenly failed: at any rate I have found no reference in the Rydal MS. or *Calendar of State Papers* after 1676, until—

1681 Sept 10. Given in the house at Kirkby Hall—being at the funeral of Collonel Richard Kirkby, who dyed there September 9, 1681, about 8 of the clock at night and was buried in Kirkby Church the next day between his first and second wives, his third wife being buried at London, and his fourth wife being at his funeral

the sum of 00 . 05 . 06

—(Sir D. Fleming's accounts.)

Thus Colonel Kirkby died at the early age of fifty-six, after a turbulent and feverish life—the life of a man at once ambitious, unfeeling, and mean. So he passes off the stage and we know him no more, unless by our portrait which, I think, looks the character. George Fox drew up a summary of the misfortunes that befell all his tormentors; and as he said, "Colonel Kirkby never prospered after." One cannot help wishing one had more details about his wives, for I suspect he was actually married four times in about eighteen years—1648 to 1666.

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\* There are also several other letters from Kirkby to Sir Daniel Fleming, or *vice versa*, dated June and July of 1674, and therefore just before the above. The published abstracts do not shew any reference to the Quaker question nor his own misfortunes. They shew, however, that he was in Lancashire in June and July about commissions for deputy Lieutenants and military musters. There is a letter of William Fleming, on July 1, referring to the "Muster Master s" certificate that "all or most part of the arms belonging to Colonel Kirkby's Regiment of Foot are defective," and ordering the constables of Coniston to provide proper pikes, muskets, bandeleers, etc. The latest letter about alehouse licenses is July 6. 1676. (See vol. of Rydal MSS., pp. 112, 113, 123, 127-8, 385.)

We now pass to the period after Richard Kirkby's death, of which we have some details. Concerning Roger Kirkby, who succeeded him, we know enough to shew that he was a more successful man than his father. He married but once, and his political opinions and life seem to have been what one would expect from his bringing up, although there is nothing to indicate the same bigotry which his father had shewn. In 1670, January 4, he was appointed Ensign in the Earl of Craven's Regiment of Coldstream Guards; 1673, June 19, Ensign to Captain Bartue in the same; 1673, September 11, Ensign to Captain Motlow (or Mutlow) in the same; 1678, February 16, Captain from the Coldstreams to be Captain in Sir Charles Wheeler's Regiment of Foot.\* In 1689 he is mentioned as Colonel,† and 1693 appointed Governor of the City and Castle of Chester [H.O. *Military Entry Book* ii., p. 328]. He was High Sheriff of Lancashire, 1708, the year in which he died.

Some interesting letters are contained in the Rydal MSS., describing the result of the visit of the Lord-Lieutenant of Lancashire to the county town in 1687, in order to get the answers of the gentry of the county to the interrogatories for finding out who of them would be in favour of removing the Penal Laws and Tests, one of James II.'s measures, in the hope of restoring the Catholic faith and admitting Catholics to Parliament. The answers generally throughout the country were against the repeal of these Acts, except in Lancashire, which was strongly Catholic. The letters are three in number—from Thomas Braithwaite, Edward Wilson, and Roger Fleming, all to Sir Daniel Fleming. The first writer says:—

The first that was asked the question was honest John Girlington whose suddain answer was that he would have those laws damned

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\* *Calendar of State Papers* and Dalton's *English Army Lists and Commissions*.

† As he is mentioned in 1688 as Captain Kirkby, then at Rydal, his commission as Colonel must have been in 1688 or 1689.

with the contrivers of them. Several others were plainly consenting, as trusty Captaine (Roger) Kirkby, who waited on my Lord in Preston and there declared himself freely.

William Kirkby also was among those who consented, though he was a Protestant, as appears by Roger Fleming's letter; and met Lord Molyneux at Lancaster and dined with him, he being the only Protestant who did so.\* Edward Wilson, who had married a daughter of Sir Daniel, and whose mother was a sister of Colonel Richard Kirkby, added in his letter that they heard that Cousin Richard Kirkby had lately unfortunately killed a man—one Crofts, whose father was Captain-Lieutenant to the Duke of Berwick. This was Richard, the eldest son of the second wife of Colonel Richard Kirkby; and must be the Colonel Richard Kirkby who presented to Kirkby Church in 1698 a silver plate, inscribed "taken from the French who had (just before) plundered Cartagena in New Spain." †

Five years earlier, however, than the letters last quoted, "Trusty Captaine" Kirkby and William the Protestant (of Ashlack) were at work at the old amusement of squashing conventicles. I have before me copies of distress warrants made in January, 1684, containing long lists of fines inflicted on the attendants at coventicles at Swarthmoor Hall and a house at Wray near Hawkshead, held in the previous November and December. These warrants are signed by Roger Kirkby. Another warrant is to the Hawkshead churchwardens to collect the fines from about sixty parishioners who failed to attend church for three Sundays in September, 1683, and this document is signed by both Roger and William. The hereditary instinct was still alive.

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\* His name also occurs in a list of Justices put out of the commission of the peace before the summer assizes, 1687 (Rydal MS.).

† *Old Church Plate in Diocese of Carlisle*, p. 272.

In the pedigree entered by Dugdale in 1664, the only brothers of Colonel Richard Kirkby recorded are John, Roger, and William. But West mentions a fifth brother, Christopher, who died without issue. This Christopher, perhaps, is identical with Corporal Christopher Kirkby mentioned in a letter of Christopher Philipson in 1680,\* as having been employed mine prospecting in Scotland; at that date he must have been about forty years old. However this may be, "Cousin" Christopher Kirkby mentioned by Roger Fleming as in London, 1689,† is certainly the son of Colonel Richard, although I have not met any local reference to him.

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\* *Hist. MS. Commission*, Rydal volume, p. 176.

† *Idem*, 265.