

ART. XVI.—*A Calendar of the papers and documents in the possession of Mr. James Burrow of Hill Top, Crosthwaite, near Kendal.* By Sir S. H. Scott, Bart.

Communicated at Cawmire, June 18th, 1919.

THE papers which I have examined are contained in a deal box preserved at Hill Top, Crosthwaite. Hill Top is a rectangular house of moderate size, pleasantly placed on a hill overlooking the Crosthwaite valley. It was built early in the 19th century by Sir Daniel Fleming, fifth baronet of Rydal, as a "summer residence," and is now the property of his descendant, Mr. James Burrow, who is also owner of Cawmire Hall, visited by our Society in June, 1919, which came into the possession of the Fleming family through the marriage of Richard Fleming with Isabel Newby.

None of the papers or documents is of such importance or interest as to be strictly termed historical, but the collection contains a good deal of information regarding the Crosthwaite neighbourhood, as well as the Furness district, which seems to have escaped notice hitherto. Perhaps the most important document is the original will of Sir Daniel Fleming, the "great squire" of Rydal, proved at Chester in 1701.

The letters refer chiefly to the well-known family of Kirkby of Kirkby in Furness, whose family portraits have been described by Mr. H. S. Cowper (these *Transactions*, N.S., vi.), and they refer particularly to John Kirkby who lived at Coniston Hall, his sister Alice being the wife of William Fleming of Coniston. Comparatively little seems to be known of this John Kirkby, but he appears in these letters in an amiable light as earning the gratitude of his kinsfolk for his attention to their

N

affairs. The Coniston Registers and Fleming brass state that John Kirkby of Coniston Hall died a bachelor in 1680; from the evidence of these papers it would seem that a John Kirkby was living at Coniston to a later date, and doing business for the Flemings. Can this have been the "John Kirkby f. Wm. de Munck Coniston" [i.e. of the Thwaite] who was buried in the church of Hawkshead on July 8th, 1697? Further, it is evident that Christopher, nephew of John Kirkby of Coniston Hall, did not (as shown in Mr. Cowper's table) die childless, for in one of his letters (No. 8) he refers to his children.

The bulk of the documents consists of conveyances and other deeds. In themselves they are not of great interest. But I have considered it to be worth while to enumerate them in so far as they illustrate the ownership of properties, thereby affording material for the local historian or the genealogist.

1. To John Kirkby of Coniston from his nephew Richard Kirkby; dated London, 12 June, 1663/4. Deals with the political situation. "Yesterday morning his mat^{es} key of his Closett either by mistake or on purpose was taken out of his Bedchamber window. A thing I would not have been guilty of for halfe the world."

Endorsed: Jan. 12, 1663.

Quakers committed last sessions.

George Fox

Thomas Davenport

James B—

Thomas Charley. A Warton man.

Jo: Stubbs, Schoolmaster at . . .

William Wilson of Stange End.

2. Letter (much torn) to J.K. from Thomas Clayton; dated Lancaster, 7 May, 1668. Regarding some money matters. On verso: Notes as to the payment of tithes. "The 2 Quakers George Rowson and Rich. Walker that were imprisoned att Lancaster and sett at liberty by the Judges late order Have denyed absolutely to pay any tythes these 10 yeares."

3. To J.K. of Coniston from Richard K. in London ;
dated 8 June, 1669.
Thanking him for the care of Richard K.'s children.
4. To J.K. at Coniston from John Banckes of Kendal ;
dated 17 Feb., 1671.
Concerning money sent by Banckes.
5. To J.K. at Coniston from John Banckes ;
dated Rydal, 11 Nov., 1673.
"Conveying what Mr. Trotter sayd to him."
6. To J.K. at Coniston from Richard K. ; dated 23 Feb., 1675.
Regarding the property known as Billincoat. [Much torn].
7. To J.K. at Coniston, from Sir John Otway of Ingmire Hall ;
dated 17 March, 1675.
Giving J.K. an acquittance.
8. To J.K. at Coniston from his nephew Christopher Kirkby
in London ; dated 20 Aug., 1678.
Referring to the purchase of land for Christopher's children
in Sir John Otway's name.
"P.S.—I am now Secretary to my honoured brother and can
only ad my service. The newes is various. What is certain
is the Duke of Monmouth's arrival and goeing to the King at
Windsor this day all things depen upon the resolution to bee
taken there. in the Interim Horse foote & Dragoones are a
Transporting." (Armorial Seal).
9. To J.K. at Rydal from Sir John Otway ;
dated 26 Nov., 1678.
Regarding a debt of £150.
10. To J.K. at Coniston from his niece, Agnes Dicconson ;
dated 24 March, 1678/9.
"My sonn went yesterday toward london if he canot stay at
Grays Inn he will indevor to gett the Kings lisanse to travall
..... as was his formar intenction. I pray God gide &
direct him & grant us peace at home But I am Afread ther is
tow many turbelent sperites that loves our Church of England
as lital as the doe the roman Church," etc.
On the verso of the second sheet a letter from J.K.'s niece,
Elizabeth Kirkby, thanking him for "his great and charitable
care of all our affaires."
11. To J.K. at Kendal from Sir John Otway ;
dated 5 April, 1679.
Begging J.K. to come to Ingmire for two or three nights.

180. A CALENDAR OF THE HILL TOP DOCUMENTS.

12. To J.K. at Coniston from his niece Agnes Dicconson;
dated 22 Aug., 1679.
"Being soe much pressed and trubled with my Bro: Ric:
to pay him the mony in my hande," etc.
13. Bond to John Kirkby of Kirkby, Lancs., esquire by John
Fell of Stonecragg, co. Lancaster, webster, and James
Garner of Osmunderley, husbandman. 10 May, 1664.
14. Edward Sawrey's acquittance for horse sold to John Kirkby
of Kirkby for £11 10s. od. 17 Oct., 1672.
15. Form of receipt to be signed by Elizabeth Langbañd widow
of Hawkshead from executors of John Kirkby of Kirkby
(undated).
16. Leases by John Kirkby of Kirkby of the tenement within
the Forest of Bowland, Lancs., called Fairdel-holme or
Fairdockhouse to Christopher and Charles Harris, gents.
1673-1676.
17. Accounts of rents and receipts and other papers referring to
John and Richard Kirkby. 1660-1680.
18. Bond by Matthew Richardson of Rownhead, Lancs., esquire,
George Hilton of Milnewood, Lancs., gent., to John Kirkby
of Coniston. 30 July, 1670,
[Armorial seals of Richardson and Hilton.]
19. Other documents between the same parties (with the addi-
tion of Robert Hilton of Murton, Westmorland, esquire and
his son John) and John Kirkby regarding Billincoat in
Furness, 1670-1690.
20. Draft of lease of Billincoat by Matthew Richardson to
Thomas Welles the younger of Newton in Furness and
other papers. 1677.
21. Agreement between John Kirkby of Coniston and William
Leake of Halton Park, Lancs., gent., and his sons respecting
£450. Sealed before Thomas Southworth, mayor of the
staple at Lancaster and others. 8 Aug., 1676.
22. Permit issued by Daniel Fleming and Myles Dodding, two
deputy-lieutenants, to John Kirkby of Coniston requiring
all magistrates, bailiffs, etc. to permit him with one
or two male servants and with their horses and arms to
pass quietly and peaceably between Coniston and
Wigan. 24 Dec., 1674.
23. Deed of gift by Richard Kirkby to John Kirkby of Coniston.
25 April, 1685.

Endorsed: "Settlement of Colton's tenement upon me for cosin Kirkby's children."

24. Agreement as to payment of £26 10s. od. between Matthew Buske of Helmsyde in Dent and John Mayer of Thorns in Sedbergh and Richard Trotter of Highehall in Dent.
On verso, draft of deed of gift by Richard Kirkby of Kirkby to his daughter, Elizabeth Kirkby.
25. Accounts in handwriting of John Kirkby of Coniston.
1698/9
26. List of papers: "In Black Box" and "In Painted Box" [deeds, etc.]. Handwriting of John Kirkby of Coniston.
27. Draft of petition to Sir Nathaniel Wright, Lord Keeper of the Great Seal, by Sir Christopher Philipson against William Fleming, Richard Fleming and Fletcher Fleming, defendants.
"Settes forth that the petitioner, son and heir of Hudleston Philipson, deceased, who for a valuable consideration purchased of one Christopher Gilpin certain lande with the Capitall Messuage thereto belonging, situate in Com. Westmorland, of 140 li. per annum.
"That the Petitioner was an infant at his father's death and his relatives not taking due care, one Nathaniel Nicholson gott into possession under pretence of a mortgage or prior title to Gilpin. Soon afterwards Nicholson dyes and leaves two granddaughters, Beatrix and Judith Nicholson, who married, one John Copley, the other George Carus, with whom petitioner had several suits depending and on the hearing thereof was decreed to pay the said Copley and Carus 1600l., and they to assigne their interest in the premises to petitioner. That the petitioner compounded with Copley to pay him 500l. for his part. 400l. thereof the petitioner borrowed of Sir Daniel Fleming, defendants' father, and gave bond for the same. About 3 yeares afterwards agreed with Carus for 650l. for his part."
28. A collection of papers and documents referring to this dispute and the Kentmere demesne, including lease of moiety of demesne lands of Kentmere Hall to George Birkett by Sir Christopher Philipson of the Isle within the parish of Windermere, knight, 6 Jan., 1695 (Philipson's seal); together with a lease of the other moiety to George Birkett by George Carus of Cantsfield, Lancs., 14 Dec., 1694; copy of release to Sir Daniel Fleming for moiety of Kentmere from George Carus, Judith his wife, George Wilson of Black Hall, Kendal,

- Mary his wife, George Laybourne of Tranthwaite, esquire, and George Birket of Troutbeck, waller. 4 April, 1695.
- 'Lease by Richard Fleming of Rydal to James Cookson of all his messuages and 400 sheep in Kentmere, George Birkett being the present lessor. 22 Jan., 1701.
- Account of payments rec^d from James Cookson of Kentmere Hall for the use of John Fisher, esquire. 1721.
- Lease of Kentmere Hall by Mr. Daniel Fleming to John Rigge for 12 years. 2 Feb., 1728.
29. Copy of the decree about the interest of £5 yearly to a preaching minister at Kentmere chapel. 1680.
30. Original will of Sir Daniel Fleming of Rydal, dated 6 July, 1697. Proved 7 June, 1701.
31. Deed of partition of rents between Daniel Fleming of Rydal, Gawen Wren of Castlerigge in Crosthwaite, Cumberland, gent., Richard Watterson of Keswick, mercer and John Wilkinson of Thornthwaite, Cumberland, Tanner, 28 June, 1672.
32. Letter from George Hilton to Sir Daniel Fleming, dated 14 Jan., 1677, protesting "against being made a prisoner at the suite of Mr. John Kirkbie it is not a faire proceeding to offer to run a man to an outlawrie when its well known who I am," etc.
33. Release from Wm. Fleming to Daniel Fleming. 31 Aug., 1728.
34. Receipts signed by George Fleming for payments by John Harrison of Ludderburn in Cartmel Fell. 16 Aug., 1715.
35. "A list of Major Fleming's company exercised the 18 June, 1692, for the space of foure dayes att Preston."
36. Agreement between William Fleming of Coniston and John Wyld Smith of Lending in Furness Fells. 5 Dec., 1692.
37. Copy of Agreement between Sir John Otway of Ingmire Hall, co. York, and Dame Elizabeth Otway and Roger and William Fleming of Coniston, gents., and James Braithwaite of Lownthwaite, co. Lancs., yeoman, re woods in Brathay Garths, 3 Jan., 1679; and deed of sale of timber between the same parties of same date.
38. Copy of will of Daniel Fleming of Whitehaven. 30 Nov., 1731.
39. Indenture between John Knipe of High in Crosthwaite, Tobias Atkinson of Spout in Crosthwaite, and Faith Fleming of Whitehaven, widow. 2 Feb., 1733.

40. Draft of petition to the Lord Chancellor by Isabel Fleming of Hartsop in the parish of Barton, Westmorland, widow. A certain Vincent Coates, pretending to have skill in lead mining, gained the confidence of the lady, and persuaded her to settle money upon him on the strength of an offer of marriage, which he subsequently repudiated. It is stated that the lady was blind in one eye and could see very little with the other, besides suffering from some mental disturbance.
Counsel's corrections and additions in the handwriting of Sir Allan Chambre, and his signature.
41. Indenture made on the marriage (?) of Henry Newby, son of William and Agnes Newby, to Isabel daughter of James Muckelt. A payment of £40 to be made by James Muckelt and in default the sum of £20 to be paid on 2 Feb., 1643 and 2 Feb., 1644 in Cartmel Church porch. [Imperfect.]
42. Conveyance of Cawmire by Anthony Byerley of Midrigg-gravinge, co. Durham to Henry Nubie of Haslerigge in Cartmel, yeoman. 2 Oct., 1662.
43. Leases by James Rowlandson of Townend in Crosthwaite, tanner, to Henry Newby of Haslerigge, yeoman, of lands in Crosthwaite. 1668-1670.
44. Indemnity by James Rowlandson to Stephen Garnett of Townend and James Rowlandson, the younger, of Broad-oaks and Townend. 20 Aug., 1669.
45. Agreement between Henry Newby of Haslerigge and his son, William Newby. 12 Nov., 1677.
46. Acquittance. Henry Newby of Barber Green, Lancs., house carpenter to Henry Newby of Cawmire. 28 Jan., 1683.
47. Lease by William Newby of Calmer of house situate at Barrowfolds in Staveley in Cartmel to Robert Holme of Staveley. 7 June, 1690.
48. Bond by William Gibson of Woodside in Crosthwaite, rough mason, to William Newby of Newhall in Nether Staveley, yeoman. 20 Jan., 1693.
49. Leases of Little Holme to William Newby of Over Staveley, yeoman, by trustees of Thomas Fyffe, late of Preeshill cum Hackonsall, co. Lancs., esquire. 1695.
And lease of same by Robert Smith of the city of Durham to Thomas Knipe of Burblethwaite. 1685.

124 A CALENDAR OF THE HILL TOP DOCUMENTS.

50. Agreement between William Newby of Barley Bridge in Nether Staveley and Adam Harrison of Mirkhow in Crosthwaite. 26 March, 1695.
51. Conveyance of Mirkhowe in Crosthwaite by Dame Agnes Hutton to Thomas Hutton of Shouldsbrough, co. York, esquire. 9 April, 1640.
52. Conveyance of Mirkhowe by Richard Hutton of London, gent., to Humfrey Wharton of Gillingwood, co. York, esquire. 30 June, 1668.
53. Leases of Cawmire to William Gibson and Articles about 20 sheep between Henry Newby of Over Staveley, yeoman, and William Gibson of Callmer. 1692-1696.
54. Will of Isabel Newby of Barley Bridge in Over Staveley. 31 May, 1697.
55. Admittance of Richard Fleming of Rydal Hall, gent., to tenement called Cawmire late belonging to Mrs. Isabel Newby, now wife of Richard Fleming. 8 May, 1699.
56. Admittance of Richard Fleming for Mirkhowe. Same date.
57. Lease of Cawmire. Richard Fleming of Rydal to William Gibson of Cawmire Hall. 26 Dec., 1699.
58. Receipt to Richard Fleming, gent., for half year's rent due to Catherine, Queen dowager. 18 Jan., 1700.
59. Elevation and plan, presumably of proposed alterations to Cawmire by Richard Fleming.
60. Covenant and counterpart to levy and declare user of a fine from Richard and Isabel Fleming of lands in Crosthwaite to Fletcher Fleming. 30 Oct., 1703.
61. Will of Richard Fleming of Cawmire dated 16 May, 1712. Proved 8 May, 1713.
62. Memorandum by Captain James Fleming, trustee of Richard Fleming of Cawmire of a fine or gressom paid by John Taylor in purchase of the tenement called Rigg at Townend in Crosthwaite.
63. Lease of Scale Ground by James Fleming and Fletcher Fleming, trustees for Richard Fleming late of Cawmire, to George Garnett. 27 Feb., 1712/3.
64. Lease of ground called Couzons or Cades Croft by the same to Thomas Kendall of Powbank, yeoman. 27 Feb., 1712/3.
65. Cawmire disbursements. 1722-1727.

66. Acquittance by Richard Stainton, vicar of Barton, to the trustees of the will of Mrs. Agnes Dudley of Yanwath on account of a legacy. 1716-1722.
67. Edward and James Garnett's evidence touching Scale meadow fence, etc. (part of Cawmire). 30 March, 1728.
68. Agreement between Isabel Fleming, relict of Richard F. late of Cawmire hall, and her son Daniel F. 31 Aug., 1728.
69. Papers and documents relating to Mrs. Barbara Fleming.
70. Conveyance of Cawmire to George Knott of Rydal, esquire, by Barbara Fleming of Ambleside, spinster. 6 Nov., 1772.
(Armorial seal of George Knott).
And other documents relating to the same.
71. A bundle of letters from Michael Fleming (died 1816), an officer in the navy, to his family at Hill Top.
72. Conveyance of Hubbersty Head in Crosthwaite, of the land of William Garnett, gent., by Robert Rowlandson of Dalton in Furness, yeoman, to William Rowlandson of Hubbersty Head. 25 Jan., 1669.
73. Conveyance of same by Thomas Rowlandson of Hubbersty Head, yeoman, to Margaret R. 8 May, 1710.
74. Copies of agreement re the same between Robert Williamson of Leathly, co. York, gent., and his wife Margaret, daughter of William Garnett, late of Rusmickle in Lyth, yeoman, and Thomas Dennison of Strickland Roger. Hubbersty Head disbursements 1772-3. Conveyance of the same; Thomas Rowlandson to Oliver Allanby. 16 March, 1736.
75. Admittances to the same by Richard Dennison, gent., and his devisee to Henry Dickinson. 1774-1776.
76. Leases of the same by Reginald Dennison of Apothecary's Hall, London, to George Knott of Coniston.
77. Lease of the same from George Knott to Roger Fleming of Whitehaven. 24 May, 1782.
78. Conveyance of Waterhead in Furness Fells (Coniston) by Edmund Godyston (?) husbandman to Myles and Henry Sawrey of the same Waterhead. 4 May, 1577.
79. Indenture between Richard Harrison of Waterhead and Roger Whinfell of Scarhead in Torver. 12 March, 1663.
80. Conveyance by William Sawrey the elder of Coniston Waterhead to William Fleming of Coniston Hall of the moiety of the tenement called Craggamiddin or Farend. 1669
81. Admission of George Knott to land in Coniston. 1775.

186 A CALENDAR OF THE HILL TOP DOCUMENTS.

82. Lease of tenement called Tarneside in Crosthwaite by William Harrison of Lythe, co. Westmorland, farmer, to Thomas Swainson of Townend in Crosthwaite ; and the same from William Harrison and Rowland his son to Thomas Swainson of Bulmanstrands. 1637.
83. Conveyance of tenement called Lyth Barns to Thomas Swainson of Tarneside by William Knipe of Broughton in Cartmel, gent., Tobias Knipe of Floder, co. Westmorland, gent., Thomas Cocke of Gartside, Myles Rowlandson of the Lowe in the Lyth, Thomas Atkinson and John Cartmell, both of Crosthwaite, yeoman. 22 Jan., 1663.
84. Conveyance of Tarneside. Thomas Pearson of Low-wood in Witherslack to James Burrow of Underbarrow, waller, 17 Sept., 1685.
85. Conveyance of Walkmiln close in Crosthwaite by James Burrow of Tarnside, waller, to William Burrow of Underbarrow, shearman, his brother ; and agreement between the parties. 28 May, 1694.
86. Papers relating to the Burrow family. 1729-1789.
87. Conveyance of Nook tenement at Green in Crosthwaite by Thomas Robinson, butcher, to Tobias Atkinson of Spout in Crosthwaite, yeoman. 1 July, 1734.
And other documents relating to Nook ; including conveyance to James Burrow of Green. 1789.
88. Conveyance of Green in Crosthwaite by Tobias Atkinson of London to George Atkinson of St. Andrew Moor in Cartmel. 24 Jan., 1772.
89. Award between Rowland Harrison of Crosthwaite, tanner, and William Levens of Crosthwaite glover. 8 Feb., 1603.
90. Patent issued to Edwin Sandes, gent., of Satterthwaite. 19 Nov., 1605.
91. The Joint and Severall answers of Edward Wilson and Agnes Grigg, two of the defendants to the Bill of Complaint of Catherine Viscountess Dowager of Lonsdale, James Lowther, esq., Theophilus Blechyndon and others, complainants.
“ these defendants deny all combination and confederacy wherewith either of them are charged in or by the said Bill.”
92. Deed for signature (but not signed) by the Customary tenants of certain townships of Marquess and Richmond

A CALENDER OF THE HILL TOP DOCUMENTS. 187

Fees appointing managers to settle disputes as to dues claimed by Viscount Lonsdale. March, 1709.

93. The verdict of the jury at Crosthwaite and Lyth at the court of Catherine Queen Dowager and Alan Bellingham, esquire, held at Crosthwaite 3 Nov., 1687. List of tenants admitted, Queen's jurors, lord's jurors, Byrelemen, Garth Loukers, and Pinders.
-