

ART. XIV.—*The Dalstons of Acornbank.* By C. ROY
HUDLESTON, F.S.A.

Read at Carlisle, July 17th, 1958.

IN his paper on "The Family of Dalston" (CW2 x 201-270) Col. Haswell writes, on the authority of the Visitation pedigrees, that Christopher Dalston, the founder of the Acornbank branch of the family, married Mabel, daughter of Sir John Lowther of Lowther, who was buried on 8 February 1552-3.

The will of Sir John was printed in vol. 26¹ of the Surtees Society, published as long ago as 1853. Dated five days before his death, it contains the following:

"I wyll that Christofer Dalston and Mabell hys wyffe shall have sex oxen, sex kyen, sex young nolte, three scoore shepp, a sylver pott, a saltt, fyve sylver spones, a pounced salt, and a plane pece."

It will be noted that the testator does not refer to Mabel as his daughter. The residuary legatees were "Jayn Carlyll" and the testator's brother, Lancelot. To them he had already bequeathed his flock of wethers on Penrith Fell for their lives, they to keep up the stock, which was to revert eventually to the house of Lowther. Sir John laid down that his brother was to take nothing from Jane — his co-executor by reason of his joint executorship, "but for that to helpe and manteyn the sayd Jayn to hyr full ryght."

Who was Jane Carlyle, who benefited so substantially by Sir John Lowther's will? The answer is to be found in another will — that of Dame Jane Dacre, widow, of the city of Carlisle. It is dated 7 January 1574, and reveals that Dame Jane was the widow of Sir Thomas Dacre, of Lanercost, the sister of James Carlill, and more important still, the mother of Mabel Dalston, wife of

¹ Pp. 73-75. The will was proved in the Archdeaconry of Richmond.

Christopher Dalston.² The will, proved at Carlisle by Christopher Dalston on 12 January 1574, is so full of interest that a full abstract is given as Appendix I to this paper. I think there can be little doubt that Dame Jane Dacre is none other than the Jayn Carlyll of Sir John Lowther's will and that Mabel, the wife of Christopher Dalston, was their daughter, born out of wedlock.

I do not know when Jane became the wife of Sir Thomas Dacre. He made two wills: the first, dated 9 May 1552, was proved at York by his son Christopher on 12 June 1566. The second, dated 7 June 1565, was proved at Carlisle by Lady Jane Dacre, his widow, on 26 October 1565. In the first will he desired to be buried in the parish church of Lanercost, besides his late wife, and he goes on to make bequests to Ellinor, his wife, to whom he gives the residue of his estate. In the second will the chief legatee is his wife Dame Jane Dacre, to whom he gives all his manors and lands "for the naturall love and good will I bear and intend towards her better advancement, maintenance . . . during her lyffe justly and well at my hands desarved."

Having said so much of Christopher Dalston's marriage I turn now to the Dalston documents mentioned in CW2 lv 172. Some of these relate to the dispute between Christopher Dalston and his Temple Sowerby tenants. Col. Haswell observes that "a decision appears to have been easily reached", but the documents which I print in the Appendices (II and III) suggest that the dispute dragged on for several years.

Christopher Dalston was succeeded by his son Thomas, an abstract of whose will, dated 7 September 1615, Col. Haswell printed at p. 256 of his paper. A fuller abstract will be found at the end of this paper (Appendix IV).

On 23 March 1615 Thomas made a settlement of his personal estate (Appendix V). In this he explains that

² Christopher Dalston's mother is said, in the Visitation pedigree, to have been Eleanor, daughter and co-heiress of Thomas Carlile.

upon the marriage of his son and heir, Christopher, with the daughter of Sir William Hutton he made a settlement on Christopher, reserving to himself only a life interest, by reason of which he was barred from the power of granting annuities or rent charges to his younger children. The document goes on to state that Thomas "not unmindful of his other children and being careful to provide reasonable portion and stage of living for such of them as are hitherto sufficiently preferred desirous rather to leave unto them some yearly pension competent than to bestow upon them by his will any present portion or part either of money or goods w^{ch} through the unstayednes of youth & extraordinary riot & expence of this our age is soon consumed and wasted."

After this preamble, Thomas Dalston pays a tribute to "the honesty, discretion, good behaviour and prudence" of his son and heir, Christopher, whom he charges to pay annuities to his mother, younger brother Lancelot and sister Jane, the wife of Edward Birkbeck. Jane comes in for some severe strictures and her husband is likewise castigated, Thomas Dalston describing him as "a man of no worth at all."

Thomas died in January 1616 and in the following June his son and successor, Christopher, sought livery of his father's lands and provided a valuation of all the manors and lands which had descended to him (Appendix VI). From his father's inquisition post mortem it appears that Christopher was more than 30 years of age at his father's death. He matriculated at The Queen's College, Oxford, on 17 March 1597-8, aged 16, and was of Lincoln's Inn in 1599.

Col. Haswell says that he was knighted in 1615, but W. C. Metcalfe in his *Book of Knights* shows (p. 171) that King James I knighted him, with other Westmorland gentlemen, at Brougham Castle, on 8 August 1617.

On 7 April 1624 Sir Christopher bought from his brother-in-law, John Hutton³ of Huddlesough, Kirkos-

³ Sir Christopher's wife was a daughter of Sir William Hutton of Hutton Hall. John Hutton does not appear in the Visitation pedigree among Sir William's children, but he is mentioned in Sir William's will.

wald, the property in that parish known as Cannerheugh (Appendix VII), and on the following day he leased it to Richard Dalston.⁴ Cannerheugh descended to Sir William Dalston (see post) and on his death in 1771 was inherited by his sister Mary, wife of William Norton. She and her husband sold the property on 3 June 1772 to the Rev. Robert Graham of Netherby for £1,635.⁵

Sir Christopher Dalston was succeeded at his death in 1634 by his son John, who reigned at Acornbank for nearly 60 years. He matriculated at The Queen's College, Oxford, on 2 December 1631, aged 19, and graduated on 24 March following. In 1631 he was of Gray's Inn. He married Lucy, daughter and heiress of Richard Fallowfield, and to this pair were born 21 children, half of whom died in infancy.

Elizabeth, the eldest daughter, bought Millrigg from her Birkbeck kinsfolk in 1661 (Appendices VIII and IX), and henceforth John Dalston appears to have made his home a great deal in that charming house. In 1675 one of his sons, George,⁶ a parson in Hereford diocese, addressed a letter to him there (Appendix XI). John's wife, Lucy, was buried at Morland from Millrigg on 5 September 1682.

In July 1685 Bishop Nicolson called at Millrigg and John Dalston took him to Temple Sowerby in time for the arrival of the post announcing the news of the defeat of the Duke of Monmouth. The Bishop adds but one word about this business — bonfires (CW2 i 32).

Of John Dalston's son and successor, Christopher, Col. Haswell says that he was living at Millrigg when Dugdale made his visitation in 1664 (*recte* 1665). There appears, however, to be no mention of Millrigg in the printed

⁴ From papers at Tullie House, Carlisle, in the handwriting of William Jackson. I have not identified Richard Dalston.

⁵ *Ibid.* Cannerheugh was sold in 1774 by Dr Graham, for £1,200, to John Henry Rigg of St. Paul's, Covent Garden.

⁶ George matriculated at The Queen's College, Oxford, 14 July 1665, aged 17. B.A. 1669, was rector of Staunton, Glos., in 1672 and vicar of Dixon, Monmouth in 1675.

pedigree, which shows Christopher Dalston as aged 26, married to Bridget Fletcher,⁷ and with one six-months' old son, John. Christopher matriculated at The Queen's College, Oxford, on 10 March 1656-7. Bridget, his wife, was his kinswoman, for she was a granddaughter of Sir George Dalston, of the senior branch of the family. A copy of the fine levied on their marriage is among the Dalston documents (Appendix X).

Christopher Dalston was appointed Lieut.-Governor⁸ of Carlisle on 1 March 1694 and in May 1695 with his wife and children he entered into an agreement with Sir John Lowther, whereby certain lands were exchanged (Appendix XII).

The manor of Great Strickland (brought into the family by Lucy Fallowfield, the heiress of that family when she married Christopher's father) and the property called Gilshawghlinge, were conveyed to Sir John, who in return granted to the Dalstons Fairbank in Heskett-in-the-Forest parish, property at Papcastle, Tarraby, Nunclose and customary messuages at Hutton-in-the-Forest.

This settlement is an important document, correcting some of the statements made by Col. Haswell at p. 270 of his paper. Thus it is stated that one quarter of the manor of High Ireby had passed from the Dalston family before 1687, but it is clear from the settlement that eight years later the Dalstons held a third part of the manor.

Christopher Dalston was buried at St. Mary's, Carlisle, as of Castlegate, on 14 December 1697. By Bridget his wife he had four sons and three daughters:

⁷ There are many references to Bridget in *The Flemings in Oxford*. It would appear from i 402 that Bridget was engaged to Andrew Hudleston of Hutton John, but that the engagement was broken off at Hutton-in-the-Forest. Daniel Fleming, who was there at the time, was the husband of Bridget's sister, Barbara.

⁸ Not Governor, as Haswell states at p. 250 of his paper. Among the Dalston documents is a paper endorsed "1694. Carlisle muster Roll 9 July 1694." This shows Charles earl of Carlisle as Governor, Christopher Dalston as Lieut.-Governor, Thomas Green as Master Gunner, and John Pattinson, John Thomlinson and Henry Pattinson gunners. The document goes on to state that these six men were then mustered in the garrison in Carlisle "with Candle and Fire for six Hearths."

1. John Dalston, the heir of whom next.
2. Christopher Dalston (Appendix XV).
3. Henry Dalston (Appendix XIV).
4. Richard Dalston, died in infancy.
5. Lucy, said by Col. Haswell to have been unmarried in 1708, but by then she had been for eight years the wife of Hugh Todd, D.D., vicar of Penrith. The Penrith registers record that they were married in Carlisle on 30 May 1700.
6. Catherine⁹ married (marriage bond, Carlisle 7 December 1700) Joseph Forster of Low Buston, Northumberland.
7. Bridget married (marriage bond, Carlisle 8 June 1700) Paul Hudspeth of Newcastle. He was bap. at Corbridge, Northumberland, 4 May 1671 and bur. there 28 April 1718. Bridget was bur. there 30 Nov. 1712.¹⁰

Of John Dalston, Christopher's son and heir, I am able to add some biographical details not to be found in Col. Haswell's paper.

On 1 July 1682 his father took him to Oxford and entered him as a commoner of The Queen's College, and he matriculated on 6 July following, aged 17.¹¹ From Oxford he wrote, on 16 October 1684, to his uncle and godfather, Sir Daniel Fleming.¹² He left the University without a degree in July 1685.¹³

Soon after succeeding his father he made a settlement of his estates on 4-5 February 1697-8. These comprised the manor of Temple Sowerby, Acornbank, Millrigg Hall, Hawtsey Wood, Hawtsey Bottom and Dallanbank in Westmorland, the manor of Uldale, a mill and dove-cote and the advowson, a third part of the manor of

⁹ L. E. Cotesworth, in *Records of the Cotesworths of Eggesburne*, 43. says that she was the second wife of Michael Cotesworth. He married at Ovingham, Northumberland, on 27 July 1699, Katherine Dalston, but she was certainly not one of the daughters of Christopher Dalston.

¹⁰ *N.C.H. Northumberland* x 225.

¹¹ *The Flemings in Oxford* ii 67.

¹² *Ibid.* 130.

¹³ *Ibid.* 139.

High Ireby and Roothwaite, the manors or lordships of Tarraby, Nunclose and Hutton, and the demesne lands of Papcastle in Cumberland.

The indentures of lease and release, together with a copy of the recovery suffered in Easter term 1698, are preserved among the Dalston documents.

John Dalston appears to have lived chiefly at Millrigg. A letter of 1699, written to him by his relative John Fallowfield, has survived, together with his reply (Appendix XIII), which ends: "My true love to my dear aunt and cousins who I long to see at pretty Millrigg."

In May 1699 George Fleming wrote to his father: "Jack Dalston is now return'd into the Country but I hear not a word of his marriage." In fact it was not until 1705 that he married, his bride being Lucy Cook of Stockton-on-Tees.

Col. Haswell speaks of John Dalston as not bulking largely in the family history, and he goes on to suggest that apart from being a deputy lieutenant and a magistrate the only other thing known of his career is that he quarrelled with the rector of Kirkby Thore. This is scarcely fair: papers at Levens Hall calendared by the Historical MSS. Commission in 1885 show that in December 1701 John Dalston was one of the four candidates for Westmorland in the general election, and was only beaten by 40 votes. Indeed his opponents, the Grahams, admitted "we should have lost it entirely but for Lord Thanet's interest." The Grahams ran Henry Graham and Sir Christopher Musgrave, and Sir Richard Sandford and John Dalston opposed them, the result being:

Sir R. Sandford	.	652
Henry Graham	.	584
John Dalston	.	544
Sir C. Musgrave	.	528

On 3 December 1702 John Dalston became sheriff of Cumberland and Bishop Nicolson's diary contains some

references to him during his year of office. Thus on 8 June 1703 Nicolson records that Mr Sheriff Dalston was "full of wrath against his brother Todd."¹⁴

John Dalston, the only surviving son of John Dalston and Lucy his wife was born 9 July 1706 "betwixt the hours of eight and Nine A Clocke at night", according to a partly eaten away paper among the Dalston documents. This gives John's height to 1713, when it is recorded "he was 4 foott wanting half an inch."

He was only two when he succeeded his father.

The papers of Thomas Whelpdale, a Penrith attorney, show that he from time to time borrowed money of him and that by 12 September 1755 he owed Whelpdale £685. He never married, but eight months before his death (which occurred at Bath on 25 May 1759) a son was born on 3 September 1758 to Ann Toppin of Acornbank, whose paternity was attributed to John Dalston. The child was christened John at Temple Sowerby on 1 March 1759, and in the churchyard is a stone with the following inscription:

"Here lieth interred all that's mortal of John son of John Dalston Esqr of Acornbank born Sept the 3rd 1758 Oblivion June the 24th 1777. Near the same Place lieth interred the body of John Gowling of Tem' — Sowerby who departed this life June 29th 1774 aged 49."

The registers of Temple Sowerby show that Ann Toppin married the above-named John Gowling, who was an innkeeper.

On the death of John Dalston without legitimate issue in 1759 the estates went to his first cousin William Dalston, son of Henry Dalston of Newcastle-upon-Tyne (Appendix XIV). William's uncle (his father's elder brother) Christopher (Appendix XV) is said to have gone "beyond sea", and was not heard of again.

William Dalston was christened at St. Nicholas,

¹⁴ CW2 xlvi 197: "Brother Todd" was the Rev. Dr Hugh Todd who had married his sister.

Newcastle upon Tyne on 24 March 1708.¹⁵ I have not been able to discover details of his career before he succeeded his cousin in 1759. He was described as of Millrigg on 1 February 1760, when he became sheriff of Cumberland. In that capacity he carried a congratulatory address from the county to King George III on his accession, and he was rewarded with a knighthood at Whitehall on 27 December 1760.¹⁶

Sir William died at Acornbank on 20 September 1771. The *Newcastle Courant* of 5 October records: "A little before his death he received an account of the death of his nephew William Norton of Hallgarth in the county of Durham Esq.; after reading it he said 'I shall not be long after him'."

William Norton's death on 16 September, "of an inflammation in his brain", had been announced in the *Courant* of 21 September. Uncle and nephew were buried in the family vault in Temple Sowerby church on 22 September.

Col. Haswell's pedigree says of William Norton that he and his sister Bridget "ob. juvenes." In fact William was 33 and Bridget 50 when they died.

They were children of William Norton of Coatham Hallgarth in the parish of Aycliffe, County Durham, who married at Aycliffe on 2 January 1732-3.

Mary Dalston, sister of Sir William. Their daughter Bridget was christened at Aycliffe on 17 January 1733-4. The baptisms of the other children have not been traced, but on 3 June 1772 William Norton and his three sisters, Bridget Norton, Ann Norton and Mary Norton, joined in a bond of £3,270 to secure the purchaser of Cannerheugh against any claim by their mother's uncle, Christopher Dalston.

William Norton is said to have been 30 on 13 May 1768, when he entered into a marriage bond to secure

¹⁵ One of his godfathers was Joseph Forster, the husband of his father's sister, Catherine.

¹⁶ W. A. Shaw, *Knights of England* ii 290.

a licence for his marriage with Dorothy Surtees, then 21, of Redworth, Heighington, County Durham. They were married at Heighington on 17 May following. Dorothy was daughter and co-heiress of Robert Surtees. Widowed in 1771, she married 2ndly¹⁷ (marriage bond, 14 February 1776) at Bishop Auckland, 19 February 1776, the Rev. Richard Bowser, chaplain to the 7th or Queen's Regiment of Dragoons. He died at Bristol in August 1782 and she married 3rdly at Sedgfield, County Durham, on 15 January 1784, John Whitfield, surgeon of that place.

Bridget Norton married Capt. Lancelot Holmes, R.N., of Gale Hall, Melmerby,¹⁸ and was buried at Temple Sowerby on 14 May 1784, aged 49. Anne Norton married Richard Hodgson Edmondson and was buried at Temple Sowerby 20 June 1810, aged 77.¹⁹ Mary Norton married at Aycliffe on 15 August 1772 Thomas Hodgson, who is described in the marriage bond on 9 May as of North Bailey, Durham. Their daughter, Mary, married John Boazman and took the Acornbank estate to that family. It is pleasant to add that Mr K. I. Boazman, a descendant, still lives at Millrigg.

With the death of Sir William Dalston, the male line of his grandfather, Christopher Dalston (1638-1697) became extinct. His cousin John Dalston, grandson of William Dalston, the above-named Christopher's younger brother, then became head of the family, though he did not succeed to any of Sir William's estate.

This John Dalston, who was baptised at Brougham on 24 August 1724, was apprenticed on 26 March 1741 to Robert Ellison, of Newcastle upon Tyne, mercer. He was crossed off the books on 20 January 1744,²⁰ and

¹⁷ She is described in the *Newcastle Courant* of 24 February as widow of *Capt.* Norton.

¹⁸ He was promoted captain in 1762. His m.i. at Kirkland says he was employed at the reduction of the Havannah under Sir George Pocock, and died 25 September 1785, aged 58.

¹⁹ Her husband was buried there, as of Acornbank, on 2 July 1802, aged 47.

²⁰ J. C. Hodgson, MS. pedigree, C.558/9, in Newcastle Public Library.

my next record ²¹ of him is his commission as second lieutenant in the 25th Company of Royal Marines on 3 June 1756. He was first lieutenant of the 30th Company on 13 October 1759, of the 38th Company on 1 May 1763, and was captain lieutenant of the 13th Company on 25 July 1775. On 12 November 1776 he was promoted captain, and he last appears in the Army List in 1782. From 1775 onwards he is described as Sir John Dalston, Bart.

There was a Dalston baronetcy, conferred upon William Dalston in 1641, and extinct in 1765 with the death of Sir George Dalston. Presumably John Dalston believed that Sir William Dalston had succeeded Sir George and that he himself as next male heir to Sir William had inherited the baronetcy, though Sir William was but a knight.

In a letter to the Lysons brothers, written from Hutton Hall, Penrith, on 26 May 1815, Mrs Mary Yates said:

“The Dalstons of Acorn Bank were a younger branch of the same family [i.e. of Dalston]. Sir William Dalston of that place was knighted upon carrying up an address from the county of Westmorland and did not claim the title of baronet upon Sir George’s death but upon Sir William’s death it was assumed by another branch of the family who said he did not take it up in Sir William’s lifetime as the Baronetage rested with him, this Gentleman was a John Dalston born I *believe* and brought up at a House of the Dalston’s called Millrig . . . It was said in the County he had no right to the title but nobody Else claimed it, and he held it till his death. He was a Captain in the Marine Service, and died in the Island of Ceylon, he was a man of science and had form’d a fine collection in different branches of natural history and antiquity which was afterwards sold in London. I remember his living a few years at a small House & Estate he had called Bank beck Hall, adjoining to Great Salkeld, which was also sold, but whether by him or his Daughter I do not know, this Daughter was an only child and married a Capⁿ Clements of the Navy. She is dead & left no issue. This Sir John Dalston had a sister who married an officer of the name of Lownds and was mother to

²¹ See P.R.O. H.O. 5/7 Ad. 6.

Mr Willam Lownds, Commissioner of the Customs, and to Richard Lownds a solicitor who livd in Red Lion Square, London, some years ago and probably may do so still.²²

The Court Books of the Honour of Penrith show that at the Court Baron and Copyhold Court of William Henry duke of Portland, held at the Moothall in Penrith on 14 April 1766, John Dalston, Esqr., was admitted to a messuage and tenement called Beck Bank, and 2½ roods of land in the South field adjoining to Conyhow in Great Salkeld.

At the Court Baron of the Duke of Devonshire held at the house of Edward Heylin, innholder in Penrith, on 11 June 1787, Mary, wife of Peter Clements, Esquire, only daughter and heir at law of Sir John Dalston, Baronet, deceased, prayed to be admitted to the messuage in Great Salkeld called Beck bank, and 2½ roods of land. At the same Court, on the surrender of Peter and Mary Clements, Thomas Hall of Gamblesby was admitted tenant of the premises, paying 12s. 8½d. for an alienation fine.

APPENDIX I.

Will of Dame Jane Dacre 1574 (Carlisle Probate Registry)

7 January 1574 Dame Jaine Dacre of the city of Carlisle within the parish of S^t Maryes widow & late wife to S^t Thomas Dacre knyght sometime of Lanercost deceased

My body to be buried within the parish church of S^t Maryes nigh the place where my brother James Carlill lieth

To my daughter Mabell Dalston wife to Christopher Dalston of Uldaill gent all that mine estate title interest possession & inheritance which I have of in and to one tenement or capital mansion house within the city of Carlisle called the Whyt hawle situate & being in Abbay gait & all my estate in one meadow in Weryeholm next adjoining upon the south side of one close now in occupation of Wyllm Talentyer on the one side and on the other side upon one meadow called Cunstable Medow to hold to my said daughter Mabell Dalston during her life and after her death to descend to George Dalston second son to

²² British Museum Add. MSS. 9421 fo. 311.

the said Christopher Dalston and to his heirs of his body lawfully begotten and in default to the heirs general of the said Mabell Dalston my daughter To my said daughter Mabell Dalston my basyng and ewer of sylver To my said daughter Mabell Dalston my standing goblett double gylt and my great silver salt with a cover double gilt and she to occupy the same during her life natural and after her death the said goblet & salt to come to Mary Dalston daughter of the said Xpofer Dalston To my said daughter Mabell Dalston my brealt round Chyne of gold and all my implements of household & household stuff, to occupy and enjoy the same during her life natural and then to the foresaid George Dalston In consideration of which gifts and bequests my will is that there shall be deduct and paid towards the discharge and payment of my funeral expenses and legacies by the said Mabell Dalston £53. 6. 8. that is to say out of my sd chyne of gold £40 and out of my sd basyng and ewer of silver £13. 6. 8. To Mary Dalston daughter to the said Xpofer Dalston all that my belynn of goldsmith work and two figon Bracelets of gold my best petticoat of skarlett my black sattin gown two velvet kyrtles all my nett worke gorgetts and sleeves also one flower of gold with a ruby in the same also a Fether bett with all manner of furniture belonging the same To Thomas Dalston son and heir to the said Xpofer Dalston my silver pot double gilt and six silver spoones and the same to be delivered whensoever the s^d Thomas shall begin to keep house To John Dalston youngest son to the s^d Xpofer Dalston a stone pott with a cover & bands of silver & six silver spoons to be delivered after the natural death of the s^d Mabell Dalston his mother I forgive Thomas Carleton the elder all such sums of money as he was owing and indebted unto me & I forgive my nephew Thomas Carleton £10 which he was owing unto me & I forgive my nephew Lancelot Carleton £4. 13. 4. which he was owing unto me I give my nephew Ambrose Carleton 20/- To my nephew Anthonye Carleton 40s. To Thomas Carleton the eldest son to my nephew Thomas Carleton one silver cup with cover To every one of my nephew Thomas Carleton children 10s To my nephew John Semple²³ one flagon chyne of gold upon condition that he the said John Semple shall pay to his sister Dorothy Mongumerye £6. 13. 4. to my sister Ann James £4 and one black cloth gown with fringe To my nephew John James 20 gimmer hoggs and forty lambs going at Toppell Syke and £3. 6. 8. and that the said hoggs and

²³ See G.E.C. xi 623. It is there stated that Robert 3rd Lord Sempill may have married 2ndly Elizabeth Carlile by whom he had John, Jonet and Dorothy.

lamb shall have their pasturing and be kept at Toppell Syke so long as my term of years shall continue in the lease thereof to the use of the said John James and his assigns To my nephew Robert James 40s To Thomas Wells and Jaine his wife £3. 6. 8. To Elyen Myers wife to Thomas Myers £3. 6. 8. To Florence Denton my god daughter four lynning smocks four gorgetts four kynsheves a velvet french hood a gown of tust mockudow a read Freaste a dow petycott & £3. 6. 8. towards her marriage To my cousin Richard Denton £4 To Isabell Stephenson my woma[n] s^{vt} towards her marriage £3. 6. 8. and that she be honestly apparelled with linen and woollen clothes and that she have one of my worst fether bed a bolster a coverlet a pair of blankets and a pair of shets to Isabell Dean my woman ser^{vt} 40s To my nephew Stephen Carlylle or by what other name soever he may be called £6. 13. 4. and my grey nag called Gray Toppyn to the said Stephen all that my lease of Indent^{re} the tithes of Boundgait in Appleby with all my claim title and term of years in the same yet enduring To my niece Mary Carlill or by what other name soever she may be called £5 To my nephew James Carlill or by what other name soever he may be called £5 To John Stephenson and his wife 26s 8d To my servant John Pattenson 40s To Thomas Pattenson his brother xs To my servant Thomas Edmondson over and beside his wage 20s To my ser^{vt} Lancet Flower 20s to Jaine Baynes wife to John Baines of Carlisle 6/8 and one brewing caldron Residue to son in law Xpofer Dalston and George Dalston his son whom I make exors with M^r Gregory Scott one of the prebendaries of Carlisle S^r Thomas Warwyk pson of Morpeth Thomas Talentyer notary publick

proved by Xpofer Dalston, p. r. to George Dalston during his minority 12 January 1574

Inventory 23 March 1574

APPENDIX II.

(Dalston documents)

Endorsed: "1559, 1568, 1570 & 1571 proceedings before the L^d president of the north at York Between the Lord and the Tent^{ts} of Temple Sowerby"

[Copy.]

Ebor. 11 March 1559. In the matter in travers between Rich^d Stable Roger Stable Geo: Perker W^m Lowes W^m Atkinson W^m Stephenson Robert Gowland & John Peacock of Temple Sowerby pl^{ts} & Chris: Dalston of Uldale, Cumberland, gent.

deft, concerning the occupation & possession of their tenements or farmholds in Temple Sowerby claimed by deft in that he is seized therof in his demesne as of fee & claimed by pl^{ts} by an ancient laudable custom called tenant right there used time out of memory of man within the manor of Temple Sowerby. By the s^d custom pl^{ts} allege all tenants & their children born in the lordship should only pay for fine or gressome to the use of the lord at every change of tenant the ninth part of their goods, which custom deft denied and showed books whereby it seemed that other tenants of the manor had paid fines for their farmholds. For the avoiding of further charges at the motion of this court to the s^d parties it is ordered by the Lord President & Counsell that pl^{ts} shall have and enjoy their farmholds during their lives without let or interruption paying therefor the rents & other services due & accustomed to deft & his heirs as his other tenants there do. and in consideration thereof pl^{ts} shall pay to deft for their fine & gressom for this time for the same farmholds & for the goodwill of deft 20s. before the Feast of Pentecost.

Ebor. 28 May 1568.

Christopher Dalston of Uldale gentleman called into the court at the pursute of W^m Peacock of Temple Sowerby concerning the occupation of one tenement or farmhold in Temple Sowerby claimed by the custom of tenant right there used as he alleged. Upon examination before the Lord President & Counsell it appeared that deft is seised of the manor of Temple Sowerby in his demesne as of fee & the tenement is parcel of it. Plf's father John Peacock who died since the manor came to the inheritance of deft took by lease of deft the tenement for his life paying accustomed rent. Since his death his wife Christian by deed took the tenement of deft for her life as by depositions sworn before Lancelot Pickering Tho^s Fallowfield Tho^s Hylton & Simond Slingsbye to whom a commission was awarded forth of this court & afterwards returned published & read in the same it did appear It further appeared that divers other tenements, to the number of 10 or 12 are let on lease by deft so as the custom there of tenant right (if there was any) is destroyed by reason of taking their tenements by lease. Deft dismissed out of this Court.

Ebor. 9 Dec. 1570.

In the matter in travers between Agnes late wife of W^m Stephenson late of Temple Sowerby widow, by James Burkbye her attorney, plf. & Chris. Dalston & W^m Blaymire of Temple

Sowerby by Tho^s Sandys their attorney defts, concerning the occupation of a tenement or farmhold in Temple Sowerby claimed by plf to be customary land & that by force of the s^d custom is seised of the farmhold for her life. It is ordered by the vice president & counsell by the consent of both parties, that the plf in consideration of such interest & title of tenant right as she claims in the farmhold shall occupy a tenement or farmhold in Alkeytrie within the manor of Uldale called scalcross of the yearly rent of 3s 5d for life without paying a fine; paying yearly for the same the said rent of 3s 5d, and the plf shall continue in possession of the said farmhold in Temple Sowerby until March 6 next, and to have and take her corn now by her sowⁿ, of the said farmhold when the same shall be ready to reap and the said Chris: Dalston to plow & sow the ware crop of the farmhold in Temple Sowerby and pl^t to plow & sow the ware crop of the said farmhold in Alkeytrye. The s^d Chris: Dalston to enter the farmhold in Temple Sowerby on March 6.

Ebor. 22 July 1571.

Chris. Dalston of Uldale, gent., appearing by Thos. Sandes his attorney called into this court at the pursuit of Agnes Stephenson of Temple Sowerby by Tho: Coltehurst her attorney concerning the occupation of a tenement or farmhold in Temple Sowerby, claimed by pl^t for the term of her life according to the ancient & laudable custom of tenant right as she alleged. It appeared that deft is seised in his demesne as of fee of & in the manor of Temple Sowerby and since the manor came to his hands there was suit and variance in this court between him and William Stephenson, plaintiff's late husband, for the tenant right of the said tenement which he claimed by the custom, but was unable to prove in this Court. It appeared that by motion of this Court for quietness between deft & him it was decreed that the said William Stephenson should only have the same for his life & should pay 20s. to deft for a fine for the premises &c [as in extract, 11 March 1559]

Pl^t is Stephenson's widow & claimed the premises by the said custom which, as it appeared, was destroyed if any such had been, yet nevertheless it was ordered in this court on 9 Dec. last past that deft should have & enjoy the said tenement or farmhold without let or interruption of s^d plf & deft at the motion of the court & because deft was a poor woman with children was content that she should occupy another farmhold in Alkeytrye &c. It was therefore thought to this court that plf. has no just claim to maintain her suit against deft & deft is

dismissed out of this court with 10s for his costs in this behalf sustained

Copies made at suit of Chris. Dalston gent above named 22 April 1572.

The true copies of Interrogatories & depositions of witnesses examined before Commissioners directed by L^d Presid^t & others of H.M.'s Counsel in the North Parts.

Interrogatories administered on part of Chris. Dalston deft ag^t R^d Stable & ors plts.

13 Sept. 1 Eliz. Depositions sworn before the Commissioners. Anthony Barwise Tho^s Sandfirth sqrs & Edw^d Byrkbeck.

Thos Lowson of Temple Sowerby (59) says that the tenants and farmers of Temple Sowerby be tenants and occupiers of the grants & admittance of the Lords and pay their gressoms at income or change and the 9th portion of their goods to the Lord He knows one Cicily Mydleton paid 33s 4d gressom to Chris. Dalston.

Every tenant ought to pay gressom or income at change to ye Lord and he, Rich^d Hall, Tho^s Lowes Thomas Haigeson & other four tenants of Temple Sowerby granted to pay to James Pickering steward there 40s every party for their fine & this deponent part thereof in court full. Antho. Chesburne, ten^t there paid £6. 13. 4. for gressom to my Lady Conysbie stew^d there & Chris. Mydleton paid £4 to Antho. Layton steward for income or agreement as farmers there and every ten^t there did take their Farmholds of Thomas Dalston & paid their fines & incomes.

Miles Haigson of Temple Sowerby (46) — the tenants & farmers of T. Sowerby pay the ninth portion of their goods to the Lord at their deaths and tenants at the change paid gressom and fine — This he has known for 20 years and he himself paid £3 to Antho: Layton steward & after to Thomas Dalston for gressom & income.

W^m Blaymyer (56) also speaks of the custom of the manor. His father, a tenant, paid my Lady Conisbye 40^s for his gressom & he himself paid Thomas Dalston £7. 6. 8. for gressom or income. The ninth part of a tenant's goods is due to the Lord at a tenant's death. He paid Chris. Dalston 53s 4d for his gressom.

John Cayll (46) of Temple Sowerby. He knows John Stephenson paid fine of 6s 8d to James Pyckering & Antho: Layton stewards.

W^m Goland (26) paid his gressom to Thomas Dalston. His father took of Lady Conysbye.

Interrogatories on part of Chris. Dalston, deft. against Robt Peycoke plf

Witnesses for Dalston :

Thos Lowson of Temple Sowerby 60 or thereabouts has known the tenement mentioned in the bill for 50 years. Deft demised the tenement to Jno Peacock, compt's father for his life at an annual rent of 8^d. John Peacock died before Christian his wife & after his death deft demised the tenements her for life. This deponent & Wm Blaymyer were attorneys & delivet possession. The annual rent of 8^d was reserved. There are eleven tenements within the manor holden by lease for life or term of [*sic*] years — their names are — Mydleton Rowland [blank] Jno Lowess Roger Atkinson — Stable W^m Atkinson W^m — Jno Gowling & W^m Pyckering.

W^m Blamyer of Temple Sowerby 50 or thereabouts — similar evidence to Gowling except that his knowledge is only 41 years. Will^m Gowling of Temple Sowerby 48 or thereabouts — evidence as before but his recollection only 28 years.

Myles Haigeson of Temple Sowerby 48 or thereabouts — evidence as before but his remembrance is but 36 years.

Interries to be ministered to witnesses of Robt Peycoke plf.

Depositions taken at Temple Sowerby 25 January 7 Eliz. by Lanct Pyckeringe Tho^s Fallowfield Tho^s Hyltone & Symond Slyngeby by virtue of the Queen's commission to them directed from the Lord President & others of her Highness's Counsell in the North Parts.

Tho^s Lambert of Culgayth (80) evidence as before except that he can remember 60 years. Has always dwelt within one mile of Temple Sowerby. The tenants of the manor pay not so much for their Tenements as other adjoining that have like tenements by the one half.

Geo: Fawber of Temple Sowerby 50 or thereabouts has known the manor & the s^d Tho^s Dalston & Chris: Dalston Lords of the same. He has agreed with the s^d landlords & pd. fine & gressom as they & he could agree. He was commanded by Mr Dalston's bailiff to prayse the goods and chattels of John Paycock father to plf which amounted to £18. 6s. 6½ but what of the goods came to deft's hands he cannot depose.

W^m Sowerby of Temple Sowerby 33 or thereabouts. similar evidence to other deponents.

John Gowling of Temple Sowerby 63 or thereabouts. Knows manor of Temple Sowerby & in his time hath changed 4 or 5 sundry landlords. The tenants hold their tenements as the landlords & they can agree. As there have been several lords so they have paid & done sev^l customs & services. Thos. Lowson Bailiff to deft put plt from the occupation of the s^d tenement.

John Dawtone of Temple Sowerby 30 or thereabouts. He was one of those who praised the goods of Cristian Paycock late tenant of the tenement & they amounted to £10. 1s. 1d.

Robt Gowling of Temple Sowerby 32 or thereabouts holds his tenement for life by force of an order in the Queen's Court at York.

Jno Lowson of Temple Sowerby 30 or thereabouts corroborates previous deponents.

John Pattinson of T. Sowerby 26 or thereabouts corroborates. Certificate that copies are true ones.

22 April 1572

Chr. Turner

APPENDIX III.

(Dalston documents)

Endorsed: 4 Dec^r 16 Eliz. 1573. Copy of Decree between the Lord and Tenants of Temple Sowerby

[Copy]

Ebor. 4 Dec. 16 Eliz.

In the matter in Travers between Agnes Stephenson of Temple Sowerby widow, William Gowling, John Robinson, Roger Stables, William Lowys, Robert Gowling, John Hearon, Jno Pattison, Robert Perker, John Lowys, John Dalton, John Blaimer, Robert Peacock, Robert Browne, William Atkinson, Michael Sowerby & Elizabeth Stable widow of Temple Sowerby, plaintiffs and Christopher Dalston of Udale, Cumberland gentleman, deft., concerning the occupation of their messuages, lands and tenements in Temple Sowerby, claimed by plaintiffs by custom of tenant right there &c &c.

Upon examination it appeared that some of the plaintiffs heretofore sued deft in this court for expulping them from their tenements or farmholds in Temple Sowerby, claiming them by the like custom of tenant right, at which time they could not prove the said custom, by reason whereof it was ordered in this court that deft should have and enjoy the lands & tenem^{ts} claimed

by the plaintiffs Since the making of the order plaintiffs have molested and sued deft for their said custom of tenant right in the Court of Chancery where deft was dismissed and the matter remitted to this court. It was alleged by plaintiffs that deft & they were agreed to stand to the order, dome, award and judgment of Humfray Musgrave Esq^r Edward Birkbeck & Thomas Wybergh gentlemen for & concerning the s^d farmholds and their custom of tenant right and the s^d arbitrators awarded that plaintiffs should have their houses, edifices and buildings, tofts, crofts garths and orchards in their tenures, with half of all arable lands meadows pastures moor mosses marishes &c and all waists of woods & underwoods, and deft to have in consideration of the houses orchards tofts and crofts as much good ground in other places in the Fields of Temple Sowerby to be set forth by four or two indifferent persons being nominated by the parties & the moiety of all their arable land meadows &c &c without any further claims to be made thereunto by plaintiffs, and they shall give and surrender all their whole title interest and demand in the said moiety to the s^d Chris. Dalston & his heirs for ever. The tenants shall hereafter grind all their grains yearly growing upon their lands in Temple Sowerby at the mill of defendant which is necessary for the maintenance of their households and to pay multure to deft at the said mill for all their grains and shall at their proper costs & charges repair half so much of the mill and mill dam as they were accustomed before to do and shall also yearly make their several suits at his Court to be holden within the said manor and they shall be one of the homage and jury at defendant's court so that he does not keep and hold court more than twice a year and the tenants shall make probates of testaments & pay Letherwick & other amerciam^{ts} for bloud & affray & all other amerciam^{ts} reasonably assessed and found in the said Court and they shall attend upon the said Christopher to the service to be done upon the Borders so often as necessity requireth as by articles thereof drawn by the said inhabitants and shewed in this court more at large appears, and the said deft denied in open court that he submitted himself to stand to & abide their said order and award & denied that the said arbitrators delivered any such articles unto him, declaring the same to be their award or any other articles, and alleged that the articles by them showed, were showed by plaintiffs in the Court of Chancery where the same took no place because the said deft was not privy to the same and thereupon dismissed as is aforesaid and remitted to this Court, and although as it should seem to this Court the articles showed by plaintiffs do not bind deft because they are but articles & never published

or pronounced as any award to the said parties and for that also the s^d plfs contrary to the tenure of the same articles have upon pretence of their supposed tenant right vexed and sued deft, whereby themselves breaking the articles are not to be after relieved upon the same in this Court, yet deft being here present in Court upon his own free will in open Court because he would be at quietness with the plaintiffs and no further be molested as he by a long time hath been, that the said plaintiffs & all the other tenants of the manor of Temple Sowerby having no lease for life or for years of their said tenements made by deft or his father should leave their dwelling houses, tofts, crofts, garths & orchards adjoining with the moiety of their arable lands meadows & pastures to their tenements belonging for & during the term of 1,000 years with reasonable common for the pasturing of their cattle of the moors and wastes of the manor and turf grass for their necessary Fuel yielding and paying the yearly rent of four marks at the usual terms and to do all other suits & services as before is declared in the articles alleged to be made by the arbitrators, so that the said deft may peaceably enjoy the other moiety of the s^d lands meadows & pastures to be set forth by four or two indifferent persons to be nominated & appointed by the assent of the parties and the same ground so divided to be bounded or severed by hedges as shall be appointed by the said Commissioners. Therefore it is ordered & decreed by the said Lord & Counsell that a Commission shall be awarded to Humfray Musgrave Esq^r Thomas Birkbeck Leon^d Dikes & George Porter Gentlemen to divide and set out the premises according to the offer and motive of the s^d deft and that after the same shall be set out, plaintiffs and other tenants who have no leases as is aforesaid & their assigns to have and enjoy the same for the said 1,000 years paying yearly four marks rent — that is every man according to the rate and quantity of their farmhold as shall be assessed by the said Commissioners and such other duties and customs as is before declared. And deft to make them leases to that effect at their costs and charges upon reasonable request. And where it is alleged by deft that Michael Sowerby one of the plfs has already taken a lease upon this deft for 21 years, it is ordered that if he will take any benefit of this decree that he shall surrender his former lease and if he will not, then this decree shall not bind deft to make a lease to him for 1,000 years.

In testimony that this copy is true, the Lord President & Counsel have caused her majesty's signet to be set 7 February 1577.

APPENDIX IV.

Will of Thomas Dalston of Acornbank Esq. (Carlisle Probate Registry).

To be buried in Kirkbythorne Church To my grandchild John Dalston all my plate vizt one bason and ewer parcel gilt one great salt doble gilt two lesser salts doble gylt two great standing cuppes with covers doble gylt three bolles for wyne doble gylt three silver bowlls for beer one dozen and a half of spoons parcel gilt one sylver sugar box reserving the use and occupation thereof to my wife for life After her decease the use and occupation thereof to my son Christofer during his life and so to my forsaied grandchild John Dalston of intent . . . that the same shall remayne as heirlumes To my said grandchild John Dalston £50 towards his maintenance and learning and in remembrance of me his grandfather.

To my grandchild Marye Dalston £50 for her better advancement in marriage if she live till she be married To my two grandchildren Benyamyn Tyffen and Marye Tyffen to be paid to my sonn William Tyffen their father within one year after my death.

Whereas I have heretofore promised and given to Edward Birkebecke and Jane his wife and my daughter one annuitie of £5 during my life and after my decease £10 yearly during the life of the said Jane upon condition that the same shall not be aliened or mortgaged.

Whereas Sr William Hutton knight is owing to me £10 by writing obligatory I appoint the said bond to be delivered to the said Edward Birkebecke to serve in full payment of the first year's annuitie To my cosn Anthonye Hutton in token of my love and Remembrance of him £10 desiring him that he will be willing to further my executrix with his advice and counsell in pformance of this my will To my cosne John Wood £5 which he is owing to me by bond I will and charge my sonn and heir Christofer Dalston to give to my servant John Crosbye in recompence of his service two acres of land in som convenient place near his tenement to hold in tenant right the rent of 2s with fine and other services according to the manor of Uldale and one cowgate in somer tyme in a place called Aukatree during his life Residue to my faithful and loving wife Jane Dalston, she sole executrix.

Witnesses: Antho Hutton Christ. Dalston John Crosbye (mk)
John Dovanbye (mk) John Clyburne (mk).

Proved at Penrith 20 February 1615 by the executrix.

APPENDIX V.

(Dalston documents)

Tho^s Dalston Esq^r to Chr^r Dalston his son. Grant of his personal estate

Indenture 23 March 12 Jas. I and of Scotland 48 [1615] between
 (1) Thomas Dalston of Accornebancke, co. Westmorland esq. and
 (2) Christofer Dalston his son and heir apparent.

Whereas heretofore the said Thomas upon the marriage of his said son and heir apparent with the daughter of Sir William Hutton of Penrith, co. Cumberland k^t and in performance of the covenants of the marriage conveyed all his lands and tenements of any estate of inheritance whatsoever within the counties of Cumberland and Westmorland to the said Christopher and the heirs of his body lawfully begotten with divers remainders over reserving only to himself an estate for his life in the s^d lands whereby he is barred from all power of granting any annuity or rent charge out of the lands for the advancement of his other children, nor can the lands be charged with any of his debts after his death. The said Thomas upon consideration hereof not unmindful of his other children and being careful to provide reasonable portion and stage of living for such of them as are hitherto sufficiently preferred desirous rather to leave unto them some yearly pension competent &c &c than to bestow upon them by his will any present portion or part either of money or goods wch through the unstayednes of youth & extraordinary riot & expence of this our age is soon consumed & wasted. Having had full trial & experience of the honesty, discretion, good behaviour and prudence of his s^d son Christopher finding him in all things answerable to his expectation, whereupon being assured that his said son will be willing and careful for the discharge and execution of all such debts gifts, annuities as the said Thomas his father shall impose upon him, he the said Thomas has given to the said Christopher all his leases, farms & berms of years, cattells, household stuff, gold, silver, coin beasts & cattell & all his goods, as well real as personal, movable as immovable quick and dead in consideration whereof the said Christopher covenants and grants to the said Thomas Dalston that he will pay all the debts and duties now owed by Thomas, and after Thomas's death will pay to Jane Dalston, wife of Thomas, and mother of the said Christopher an annuity of £100 for her life, in lieu of the third part of the goods of her husband and an annuity of £20 to Lancelott Dalston younger son of the s^d Thomas for life in

recompence and satisfaction of his filial portion, and an annuity of £10 to Jane daughter to the said Thomas for her life in lieu and recompence of her filial portion, who though she deserved not to be remembered among the children of the said Thomas having disobediently matched herself in marriage (contrary to her father's mind & the comfort of her friends) to a man of no worth at all in himself having no means with which to maintain her according to her parentage being given to all manner of riotous waste & expense so that there is little hope of reclaiming her from such Courses yett the said Thomas taking pity and comisseration of her poor estate & in discharge of his conscience before God hath limited and appointed this annuity of £10 to be paid for her & only to her use for a continual & yearly sustenance for her life provided always that if her husband offer to mortgage or sell the annuity that payment of the annuity shall cease The said Christopher covenants that within half a year after the death of the said Thomas he will pay and deliver to William Tyffen son-in-law to the said Thomas for the use of Benjamyn Tyffen and Mary Tyffen children unto the said William & Barbarye Tyffen lately deceased, daughter to the said Thomas Dalston 100 marks which sum he, Thomas, intends to bestow upon his said two grandchildren as a benevolence & remembrance of his love to them.

Signed: Thomas Dalston.

Seal missing.

Witnesses: Willm Hutton Antho: Hutton Bernard Hutton Christofer Robinson Will^m Teasdel John Pattyson [George Parker?].

APPENDIX VI.

(Dalston documents)

Endorsed: Livery to Ch^r Dalston son & heir of Tho^s Dalston of lands in Westmorel^d & Cumberl^d with the particular & value annexed 15th June 14th Jam^s 1st 1616

Indenture 15 June 14 James (of Scotland 49th) between (1) Rt Hon. William Lord Knollis Master of the King's Majesty's Court of Wards & Liveries. S^r Roger Wilbraham kt. surveyor of the same liveries in the name & behalf of the king (2) Christopher Dalston son and heir of Thomas Dalston esq. deceased.

Whereas the King is agreed to grant to the said Christopher a special livery to be had of and in all such lordships manors lands tenements &c &c. which have descended to him from the said Thomas as his son and heir but so that the king should not be deceived but have perfect knowledge and understanding of all

the lordships manors & lands &c. and their yearly value whereof the s^d Christopher intendeth to take any advantage by reason or colour of the said special livery and to the intent the King should not be deceived of any lordships manors lands &c which he descended to the said Christopher by the death of the said Thomas Dalston . . . the said Christopher hath delivered the day of the date here of unto the said William Lord Knollis & Sir Roger Wilbraham k^t a writing hereunto annexed in which the s^d Christopher promises that therein be contained all those lordships manors lands & tenements &c &c with the yearly value of the same which he wills or intends to have out of the King's hands or possession by the said special livery and all those lordships lands &c. & their yearly value which have been put in any feoffm^t fine or recovery &c &c. by and after the death of the s^d Thomas — And the said Christopher agrees that he will pay the cost of searching viewing and valuing the true value of the lands etc etc.

Annexed: Valuation, in Latin, of the manors, lands tenements & hereditaments lately of Thomas Dalston armiger, dec^d & which have descended to his son and heir Christopher Dalston. Thomas died 17 January 13 James and Christopher was of full age — 30 years and more. Inqn. at Morland 12 April 14 James. On 22 January 13 James Christopher sought special livery . . .

The said Thomas Dalston, being seised of all the premises in demesne as of fee by indenture 12 April 5 James made a settlement of the manor of Temple Sowerby, and of Acornbanck & lands &c., on himself for life, with remainder to his wife Jane for her life, remainder to the said Christopher Dalston and the heirs male of his body lawfully begotten &c And Thomas by fine levied & the King's licence and by indenture 17 August 3 James conveyed the said messuages, lands & tenements in the city of Carlisle, Bocherbie Hubberbye Ayketon Cawdegate Wearyholme and Pluckholme, co. Cumberland to the use of the said Christopher Dalston and Anne his wife for their lives with remainder to heirs male of Christopher lawfully begotten &c And the said manor of Uldale and the fourth part of the manor of Heigh Irebie and Rowthaite & messuages lands in Uldale Lowthaite Heigh Irebie and Low Irebie & manor of Newbie Staines to the use of the said Thomas for his life, with remainder to the s^d Christopher Dalston & his heirs male, & to the right heirs of s^d Thomas.

Counties of Westmorland and Cumberland

The manors or lordships of Temple Sowerbye and Newbie Staines

with appurtenances and a capital messuage called Accornebancke and also another capital messuage and lands called Colbie Hall and Colbie demesnes with all its appurtenances in the town and territories of Colbie in Westmorland also the manor or lordship of Uldale with appurtenances in Cumberland and a fourth part of the manor of lordship of Heighe Irebie and Rowthwaite with appurtenances in Cumberland and 50 messuages 20 cottages a water mill an orchard 1,000 acres of land 300 acres of meadow 300 acres of pasture 30 acres of wood 1,000 acres of moor 1,000 acres of turbarry 20^s rent in Uldale Rowthaite Heighe Irebye and Lawe Irebye and in the city of Carliell Botcherbie Hubberbie Ayketon Cawdegate Wearie Holme and Pluckholme also the advowson of the church of Uldale.

The manor of Uldale and the premises in Uldale and Lowthaite the manors of Temple Sowerbie and Newby Staynes are held of the King in chief by the 20th part of a knight's fee And the manor of Uldale and the premises in Uldale and Lowthaite are worth per annum £13 and the manors of Temple Sowerbie and Newbie Stanes are worth per annum 40s., and the fourth part of the manor of Heighe Irebie and Rowthwaite are held of Henry Earl of Northumberland as of his barony of Allerdale but by what service is unknown and worth per annum £10 and the messuages lands and tenements in Carliell Cawdegate pluckholme Botcherbie Hubberbie Ayketon and Wearyholme are held of the King in free socage and worth per annum 40s. and the capital messuage and lands called Colbie Hall and Colbie demesnes are held of Margaret Dowager Countess of Cumberland as of her manor of Appleby, Services unknown, and worth per annum 20s.

Total £26. 10s.

In possession £8. 16. 8.

APPENDIX VII.

(Dalston documents)

Purchase of Cannerheugh 1624

7 April 1624. Indenture between John Hutton of Huddleskewghe, Cumberland gentleman and S^r Christofer Dalston of Accornebancke Westmorland k^t.

Whereas Thomas Bartram of Kyrkoswold in Cumberland gentleman did heretofore by his deed sufficient in the law give grant & assign to the said John Hutton all his estate and right and term of years which he had by or under the King's letters patents

bearing date at Westminster 26 June in the 8th year of the King's majesty's reign that now is, of in and to two tenements within the lordship of Kyrkoswolde called Cannerhewghe To have and to hold the said two tenants to the said John Hutton for the time and term of years in the said letters patents expressed That now the said John Hutton in conseration of £143 paid by the said Sir Christofer Dalston hath given granted and assyned to him the said two tenements and also the said deed of assignment &c.

Signed: John Hutton.

Only fragment of seal remaining.

Witnesses: Rich^d Dalstonn John Crosbye mark John Lowson mark . . . Hall²⁴ Robert Sewell.

APPENDIX VIII.

(Dalston documents)

Bond to Elizabeth Dalston, spinster 1661

Endorsed: No. 28 [terribly fragile]

Bond August 1661 of Henry Birkbeck . . . and Anne Towanson widow and mother of the said Henry to Elizabeth Dalston of Acornebanke Westm^d sp^r

to perform covenants in a deed of sale of the same date of one capital messuage and mansion house known as Millrigg.

Signed: Henry Birkbeck Anne Towanson [mark].

Seals fragmentary.

APPENDIX IX.

(Dalston documents)

Exemplification of Fine. Elizabeth Dalston & Henry Birkbeck & others 1661

Endorsed: No. 13. Exemplification of a fine in three weeks of S^t Michael 13 Charles II [Oct. 1661]

Between Elizabeth Dalston quer et Henr' Birckebecke Anne Towinson widow & Reginald Dobson & Anne his wife deforcians of a messuage two barns a dovecote two gardens an orchard ten acres of land ten acres of meadow twenty acres of pasture & common of pasture in Culgath alias Culgarth.

Henry Ann Reginald & Anne acknowledge the premises to be the right of Elizabeth who has given them £60 [?] 23 Oct. [?].

[Seal much damaged]

* The Christian name may be Edward.

APPENDIX X.

(Dalston documents)

Fine on Christopher Dalston's marriage 1664

Endorsed: pasc 16^o Car 2^d Fine upon M^r Christopher Dalston's marriage

Charles II &c. Greeting. Know ye that among the records and feet of fines &c at Westminster Easter term, 16th year of our reign [April 1664] is contained &c: This is the final concord made at Westminster in fifteen days of Easter, 16th year of our reign, between Katherine Fletcher, Philip Musgrave knight and baronet, William Dalston knight and baronet, George Fletcher knight and baronet, John Lowther knight and baronet, and Daniel Fleming armiger quer., and John Dalston armiger and Lucy his wife and Cristofer Dalston generosus deforciantis of the manors of Temple Sowerby and Great Strickland with appurtenances and of 30 messuages 20 cottages 120 acres of land 55 of meadow 130 of pasture 40 of moor and 40s. rent in Temple Sowerby Great Strickland Cleburn and Newbiggin in Westmorland and of the manor of Uldale with appurtenances and of 20 messuages 20 cottages 100 acres of land 50 acres of meadow 120 of pasture 600 of moor & 40s rent in Uldale High Ireby Rootwhayte Culgaith alias Culgarth and Blencarne in Cumberland whereof a plea was summoned &c viz that the s^d John Dalston and Lucy and Cristofer [acknowledge] the said manor and lands to be the right of the said Katherine and the said Katherine Philip William George John Lowther and Daniel have them of the gift of the s^d John, Lucy & Cristofer for which they have given the s^d John Lucy & Cristofer £680.

APPENDIX XI.

(Dalston documents)

Letter George Dalston to his father 1675

These For John Dalston Esq^r att Mill Rigg in Cumberland

Recommended to the grand postmaster

To London 3^d

Stanton Sept 29

1675

Honord S^r

At my arrivall at Stanton I found so much disorder in my Affairs that almost all the time has been employd in composing them so that I could not conveniently discharge my Duty by

writing till now. The person whom I employd as my curate did most perfidiously betray the Trust repos'd in him (having but preach^t Thrice at Stanton During all the time of my absence and att Dixton not at all) & not only so but endeavord to supplant me by spreading a broad false reports of my Death, so that had not a friend of mine (who receivd a letter from me a little before I came away) certifid ye contrary The perfidious Itinerant had been inducted, my lord having granted a Fiat and orderd his instruments to be drawne. but my unexpected return quickly alterd ye scene and putt a stopp to their Proceedings. my Lord was gone for London three days before I got home. I went after him and after a little discourse soon retrievd my parsonage but my vicarage is still in Limbo, the Bishop of Hereford having suspended me for three years ab officio et beneficio (too severe a doome for anothers fault) I understand that since I came Home he is gone for London too, w^{ch} will cause me to take another Journey thither However I question not but when his Lordshipp is rightly inform'd in the business it will be no difficult matter to retrieve it. This s^r is the posture of my affairs at present. I have no more to say but to give you my humble thanks and acknowledgm^{ts} for y^r liberality and kindness to me when I was with you Heaven send us a joyfull meeting againe, till when, that Health and Happiness may be your constant Attendants shall be the dayly prayer of

S^r y^r Dutifull sonn
Geo: Dalston

My Duty to my
Dear Mother

APPENDIX XII.

(Dalston documents)

Settlement by Christopher Dalston 1695

Indenture septempartite 15 May 7 William III, 1695 between (1) R^t Hon. Sir John Lowther of Lowther Westmorland baronet, one of H.M.'s most honble privy council (2) Christofer Dalston of city of Carlisle Esq. & Bridgett his wife (3) John Dalston of same gentleman eldest son & heir apparent of the s^d Christofer (4) John Barrow of Gratia Street, London vintner (5) Willam Atkinson of Lowther gentleman (6) Christofer Dalston and Henry Dalston younger sons of the said Christofer and Bridgett (7) Lucy Dalston Katherine Dalston and Bridgett Dalston spinsters daughters of the said Christofer and Bridgett

For the cutting of and docking of all estates tail and remainders of in and upon and every the manors lordships messuages lands etc hereinafter mentioned and for the conveying settling to and upon such person and persons to such use and uses and upon such conditions as hereafter are more particularly mentioned and in puruance and part of performance of certain articles of agreement 11 May 1695, it is hereby covenanted, and the said Sir John Lowther, Christofer and Bridgett and John Dalston covenant with John Barrow that they will before the end of Hilary term next ensuing levy and acknowledge to John Barrow one or more fine or fines sur cognizance de droit come ceo etc.²⁵ of all that the manor and lordship of Temple Sowerby with rights members &c. & all messuages lands tenements rents to the s^d manor belonging and of all the capital message & demesne lands called Acornbanck otherwise Achornebanck with appurtenances and of all that manor & lordship of Great Strickland otherwise Mickle Strickland with rights members &c. and of all those closes called Gillshawghlinge in Meaburne and of all that the manor and lordship of Uldale, Cumberland, with rights, members &c., and the advowson of the parish church of Uldale and the third part of the manor of High Ireby and Roothwaite otherwise Rowthwaite with rights & members and of the capital message and tenement called Millrigg otherwise Millrigg hall situate within the manor of Culgaith otherwise Culgarth, co. Cumb^d and of all other the messuages lands tenements rents and hereditaments of the said Christofer Dalston and John Dalston with in the several manors parishes &c of Uldale Kirkoswald Kirkland Culgaith Blencarn and Cannerhugh otherwise Canneheugh in county of Cumberland and of all that capital message tenement demesne lands and farm commons called Farebancke situate within the manor of Plumpton and parish of Hesket, co. Cumberland late in the tenure of the s^d Sir John Lowther his lessees or lessee and of that capital message tenement and farm within the manor of Papcastle otherwise Papcastre in co Cumberland late, in the tenure or occupation of him the s^d Sir John Lowther his lessees and lessee heretofore the lands anl hereditaments of George Lamplugh gentleman deceased and lately purchased by the s^d Sir John Lowther of one Thomas Staples esq. and of all those customary messuages lands & tenements within the township of Terraby Cumb^d in the tenure of the respective, customary tenants the which he Sir John Lowther lately purchased (with some other lands) of

²⁵ The fine was duly levied in three weeks of Trinity 1695 and a copy of it is among the Dalston documents.

John Aglionby esq. and of all those customary messuages lands and tenements within the town township village hamlet &c of Nunclose in Cumb^d in the tenure of the several customary tenants heretofore the lands freehold and inheritance of Richard Graham gentleman and George Graham his son and lately purchased (with some other lands) by the s^d Sir John Lowther of one John Patteson gent. and of all those customary messuages lands &c within the manor town township etc. of Hutton otherwise Hutton in the Forest, Cumb^d in tenure of several customary tenants heretofore the lands freehold and inheritance of one Richard Fetherstonhaugh gentleman and lately purchased of and from him by the said Sir John Lowther and of the reversion and remainder of all the s^d manors lordships messuages lands tenements and hereditaments to the use of John Barrow to the intent that he may become perfect tenant of the freehold and inheritance of all the said manors etc., to the several precipes to be brought against him for the same by the s^d Wm Atkinson whereby good and perfect common recovery may be had before the end of Easter Term.

And it shall be lawful for the said William Atkinson to sue out of the High Court of Chancery several writs of entry sur le disseizin en le post against John Barrow, returnable in the Court of Common Bench at Westminster, & the s^d Sir John Lowther Christofer Dalston and John Dalston who shall also thereupon appear gratis and after the said several counts or declarations against them by the s^d Wm Atkinson shall make defence and vouch to warrant the premisses respectively the common vouchee &c &c.

It is further agreed that after such recoveries had and suffered the s^d fine and fines and recoveries levied of the s^d manors & premises and the whole effect shall be for the said uses and intents hereinafter mentioned. That is to say, as to the manor of Great Strickland with its appurtenances and the messuages called Gilshawghlinge (except the closes called Dallanbanck parcel of the manor of Great Strickland) to the sole and proper use and behoof of the said Sir John Lowther and of his heirs and assigns for ever And for and concerning the said capital messuage called Farebank to the sole and proper use and behoof of him the said John Dalston and his heirs and assigns for ever and under payment of the annual and yearly fee farm rent or free rent of £5 to be paid yearly to the s^d Sir John Lowther and as for the capital messuage called Millrigg otherwise Millrigg hall with all those lands near thereunto adjoining as they lie severed between the loaning or way that leads towards Culgarth on the

north east side thereof and so from Millrigbridge to the high street which leads from Temple Sowerby to Edenbridge and so down by the river of Eden situate within the manor of Culgaith & Temple Sowerby or of one of them to the only proper use of the said Christofer Dalston the father & Bridgett his wife for their lives and the longest liver of them and in part of the jointure of the said Bridget And as for the manor or lordship of Temple Sowerby etc and the capital messuage called Acornbanke and premises at Blencarn and Cannerhugh to the only use and behoof of the said Christofer Dalston the father and his assigns for so long and during all the time that he the said John Dalston shall live single and unmarried and form & after the marriage of the said John Dalston then to the use of the s^d Lucy Dalston Katherine Dalston and Bridgett Dalston the daughter and their assyns for so long and until such time as the said John Dalston shall pay to them £1,500, to wit £500 each, and after the payment of the £1,500 then to the use of the said John Dalston and of the heirs male of his body lawfully begotten and for default then to the use of the said Christofer Dalston second son of him the said Christofer Dalston the father and his heirs male &c &c & for default then to the use of the said Henry Dalston and of his heirs male & for default to the use of the heirs male of the s^d Christofer Dalston the father lawfully to be begotten & for default then to the use of the right heirs of the said John Dalston for ever And as to the other manors lordships messuages lands tenements rents and hereditaments whatsoever, to the use of the said Christofer Dalston the father for life and then as to all the said last mentioned manors lordships messuages lands &c. and also as to the s^d capital messuage and tenement called Millrigg otherwise Millrighall and the lands and premises above limited in jointure to the said Bridgett Dalston the mother, after her death to the use of the said John Dalston [with similar remainders] with a proviso that John Dalston shall covenant with the said Christofer and Bridgett that after Christofer's death he during his life time and every other person to whom any estate in the premises is limited (other than the manor & lands limited to Sir John Lowther and the capital messuage called Millrigg and other lands limited for Bridgett's jointure) shall pay to Bridgett wife of Christofer Dalston, if she survives him for her life one annual rent of £170, in full of her jointure & in satisfaction of her dower; £30 a year to Christofer Dalston the son, and £30 a year to Henry Dalston.

It is further agreed that if John Dalston shall marry during

the life of his father that it shall be lawful for John to charge the manor of Temple Sowerby for the jointure of his wife.

Proviso that Christofer Dalston the father has right to fell and sell the oak and ashwood in Holtshott parcel of the demesne lands of Acornebank, and the ellerwood upon the demesne lands. The said Christofer covenants with the said John that during his lifetime he will pay to Thomas Dalston Esq. William Dalston and Charles Dalston gentlemen his younger brothers £24 a year apiece provided for them in an indre made in 1663 between (1) John Dalston Esq. & Lucy his wife, bothe dec^d & the said Christofer Dalston the father & (2) Dame Katherine Fletcher dec^d Sir Philip Musgrave B^t dec^d Sir William Dalston B^t dec^d. Sir George Fletcher B^t. Sir John Lowther B^t dec^d & Daniell Fleming esq now Sir Daniell Fleming k^t etc.

Signed: John Lowther (Seal: 6 annulets)
 Christr Dalston (Seal: Chevron between 3 daws' heads)
 Bridget Dalston (same seal)
 John Dalston (same seal)
 John Barrow
 Lucy Dalston (same seal)
 Bridget Dalston
 Catherin Dalston (same seal)

The Dalstons sign in presence of Ja Bird John Elwood Jos: Senhouse.

Sir John Lowther's witnesses: John Hooker, John Allison Lan: Simpson. John Barrow signs in presence of Francis Quantocke, John Airay, Jo Ollivant.

APPENDIX XIII.

(Dalston documents)

Letter to John Dalston & his reply 1699

Addressed: "For The Trulij worshipfull John Dalston Esq^r att Carlile
 pp^d 2"

June 13-99

Honored Sir

Yesterday Mr Bowerbanke came over and semes to be much trubled that his husbandrie should be soe much hindered he intending a verie considrable crop of wheat soe that he disires to know your pleasure and your demand, soe I went to Hornb your unckel being gone to London to know what your Cosen

would saie and would say nothing but Bourbanke might apele to yourselfe soe be pleased to doe or say what you in your great Judgement shall thinke fitt This day Peter Robinson gred with Will Bowerbank for slating of Acronbank and tomorow all hands will be at worke there was carts from Culgaith and Sourby yesterday and tomorow soe maney as will being all or most your neighbours was

with gladness Sir Your humble and most obedant servant

John Fallowfield

In another hand

D^r Cosen

I thinke tis proper that Bourbanck shoud waite upon you him selfe for hee seemes to be very stiff in the bussiness and wont come at you. You very well know what Frd's that he is to you, so use your owne discretion but if it were my case they should both truckle, wch is all from yr most obliged kinsman & srvant

J Dalston

My true love to my Dear Aunt & Cosens who I long to see att pritty Milrigg.

APPENDIX XIV.

Henry Dalston.

Henry Dalston, third son of Christopher Dalston by Bridget Fletcher his wife, was apprenticed on 5 November 1691, to Timothy Tully, boothman of Newcastle-upon-Tyne. He was free of the Merchants' Company on 24 July 1701, and a few weeks later married Catherine Martin.²⁶ She was buried at S^t Nicholas, Newcastle, on 12 June 1704, and on 22 May 1705 he married at the same church Bridget Wilson. Of their eight children,²⁷ only William (later Sir William Dalston) and Mary, who married William Norton, survived infancy.

The registers of S^t Mary-le-Bow, Durham, contain the following entry, about which I have failed to discover more information: Buried October 30 1724 Henry Dalston esqre, alderman of Newcastle, a prisoner.²⁸

²⁶ Marriage bond, Durham, 11 August 1701, he of All Saints' parish, Newcastle, she of St. Oswald's, Durham.

²⁷ CW2 x 234.

²⁸ The registers contain many entries relating to prisoners and felons.

APPENDIX XV.

Christopher Dalston.

Christopher Dalston, second son of Christopher Dalston and Bridget Fletcher his wife, was born at Acornbank in the autumn of 1665, and his uncle Sir Daniel Fleming was his godfather. He became a captain in Col. William Northcote's regiment of Foot on 16 February 1693-4,²⁹ and there are several references to him in the Calendars of State Papers Domestic of the period. In 1703 there was a warrant for his arrest on a charge of depriving John Cabbage of his liberty under pretence of enlisting him as a soldier.³⁰

Captain Christopher Dalston married before 1697 Dorothy, one of the daughters and co-heiresses of Henry Lowther of Cocker-mouth by his wife Margaret Halton.³¹ The late D^r Magrath in his "The Flemings in Oxford" iii 367 devoted considerable space to discussing the parentage of Dorothy, whom he rightly surmised to be nearly connected with the Halton family.

D^r Magrath prints a letter written from Oxford on 1 September 1697 by George Fleming to his father, Sir Daniel, in which the writer says: "Capt. Dalston together with his Lady & Cos. Fenwick are at Queens with old Mrs Lowder where they have been these 10 dayes; upon Munday they design for their Uncle Haltons, & from thence to Lond., soon after which they are for Carlisle by the way of Long Newton, & Cos. Vaine's Coach is to meet them at York."

At this time M^{rs} Lowther was keeping house for her brother, Timothy Halton, Provost of the Queen's College.³² Christopher Dalston and his wife appear to have lived at Lorton Hall. Their children were Christopher, born presumably when his mother was on a visit to her Halton relatives at Johnby Hall and christened at Greystoke on 9 September 1700, Margaret, christened at Lorton on 12 December 1701, and buried there on 26 June following, and Thomas, baptised at Bolton, Westmorland, on 22 January 1715.

Bishop Nicolson in his diary of 10 July 1711³³ has the following: "Tuesday m. C. Dalston's Lady craveing Justice on her Husband &'s paramour." The Bishop of Barrow-in-Furness assumed that C. Dalston was Charles Dalston, of the elder branch of the family, but I think it far more likely that the "C" stands for Christopher.

²⁹ Charles Dalton, English Army Lists.

³⁰ MS. Calendar S.P. Dom. 1703.

³¹ For information about Henry and Margaret Lowther see CW2 li 128.

³² *The Flemings in Oxford* i 398 n. 6.

³³ CW2 iv 53.

On 12 November 1711 there is a reference to Charles in the Duke of Portland's MSS. as follows: "Mr Dalston . . . being now in Yorkshire where he constantly resides . . . His father Sir John Dalston is still alive."³⁴

There are two further references in Bishop Nicolson's diary which make it almost certain that it was Christopher's wife who craved justice. On 29 January 1712-13 Nicolson noted: "House against Dinner: where Capt D's wife attending for Justice on M^{rs} Eliz. Ryley", and on the following day: "m. M^{rs} Dalston after the Rect of M^r Gregory's sham-letter, return'd to Cocker-mouth."³⁵ M^r Gregory was presumably the Rev. Peter Gregory, who was presented to the rectory of Uldale on 3 March 1697-8³⁶ by Christopher Dalston and his brother Henry, acting as their father's executors.

A copy of a pedigree of the Dalston family at Tullie House, said to have been compiled about 1772 says that Christopher "about 40 years ago went beyond sea & has never since been heard of."

In fact he appears to have died before 1722, for there is a document at Tullie House in which the next of kin of Christopher Dalston, late of the parish of Lorton, gent., are cited to appear in the old Chapel of Whitehaven on 25 October 1722. On that day Robert Green of Wharton in the parish of Kirkby Stephen gent., principal creditor and administrator of Christopher Dalston Esqre late of Lorton deceased was bound to make a true inventory of his effects.

In a volume of letters labelled "Westmorland Nobility" at Tullie House is a deed of 1726 entered into between Christopher Dalston of Lorton Hall Esq. & Dorothy Dalston his mother. He had matriculated at the Queen's College, Oxford, on 1 April 1717, aged 16, and I have no further details concerning him.

On 5 March 1730-1 administration of the goods of Dorothy Dalston, of Carlisle, widow, was granted at Carlisle to William Setree of Penrith, the principal creditor. I take Dorothy to be the widow of Captain Christopher.

APPENDIX XVI.

Thomas Dalston.

A prominent member of the family was Thomas Dalston, a younger son of John Dalston and Lucy (Fallowfield) his wife. In the years 1675-1678 he is described as of Penrith: in 1685 he

³⁴ H.M.C. Portland v 108.

³⁵ CW2 iv 62.

³⁶ Not 1702 as Col. Haswell states. See Nightingale, *The Ejected of 1662* i 557 and N. & B. ii 133.

was living at Millrigg, and in 1696-7 at Great Salkeld. In 1697 he bought Hornby Hall from his relative, Catterick Birkbeck, and appears to have lived there until his death in 1716. In 1703 the churchwardens of Brougham presented him for non-attendance at church, and it is clear that in his later years at least he was not a member of the Church of England. On 23 June 1706, when he was staying at Bath, he obtained a renewal of his lease of the tithes of Langwathby.³⁷ In this year he was at loggerheads with Lord Thanet, as letters in the Hill MSS. show. Later there was a Chancery suit between Thanet and Dalston.

Dalston's only daughter, Lucy, christened at Penrith on 4 July 1676, married John Leyburn of Cunswick. Details of the marriage settlement of 23-24 January 1700 are given in F.E.C.I. L41 in the P.R.O. The same document also gives a letter of 15 September 1718 from Thomas Fletcher, an arch enemy of Catholics, in which he gives details of Thomas Dalston's estate, including the capital messuage of Hornby Hall in the parish of Nine Kirks, worth £90, and a tenement in Knock, in the parish of Dufton. John Leyburn took part in the rising of 1715, and Fletcher adds the following information about him: "John Leyburne who married Thomas Dalston's daughter had a son Thomas Leyborne died 5 or 6 years ago. Upon Leyburne's conviction Thomas Dalston made some new settlement in trust and made William Dalston his brother trustee and gave him the tithes of Langwathby by will for his own use and on purpose that he should be a faithful trustee to Leyburn. William Dalston since his brother's decease has sold the tythes of Langwathby to one D^r Todd but neither resides at Hornby nor much concerns himself with that estate and often says he has the name of an estate but nothing further." Fletcher goes on to report that Leyburn went to live at Hornby after his release from the Marshalsea and acted as owner of the place but was advised to leave and reside elsewhere. He urges that William Dalston of Salkeld, Dorothy Dalston of Hornby, and William Jefferson, of Hudfoot, attorney, who had been clerk to Thomas Dalston, should be examined.

On 28 October 1718 Francis Foote urged that immediate possession should be taken of the Hornby estate.

In spite of this Hornby continued to be the home of various members of the family, though Haswell is wrong in suggesting that on the death of Thomas Dalston in 1716 his brother William went to live there. He lived at Great Salkeld until his

³⁷ Haswell (CW2 x 263) prints Lazonby, but in Thomas's will it is quite clearly Langanby = Langwathby.

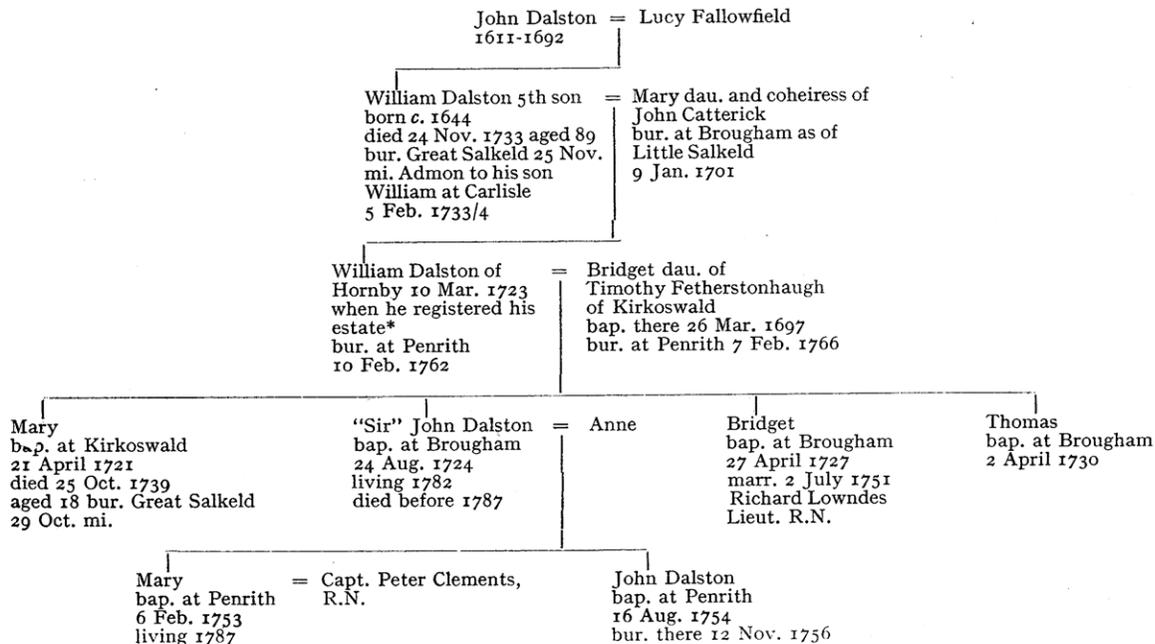
death in 1733. His son William is described as of Hornby in 1724, but of Udfot in 1730. Hornby was the home of Thomas's sister, Dorothy, when she made her will in 1728.

Thomas Dalston's daughter and heiress, Lucy Leyburne, died 30 September 1749 and was buried in St Oswald's Church, Durham, on 2 October. C. M. Carlton (*The monumental Inscriptions of the Cathedral, parish churches and cemeteries of Durham*, 1880, p. 140) gives the inscription to her memory on a small marble slab in the floor³⁸ near the font. This says that she was relict of John Leyburne of Counswick and died at the age of 73. In her will (24 April 1747) she describes herself as widow and relict of John Leyburn late of Kirkby Kendall, co. Westmorland esq. She leaves to her cousin John Dalston of Accornbank esq., one of the two pictures of her late father Dalston deceased "which he shall choose" and one guinea. To her cousin William Dalston of Great Salkeld she leaves a silver tankard (a line leaving him "the other of the pictures of my said father" has been struck out). To her niece Elizabeth Ann she leaves the green worked bed, the tapestry hangings, all the rest of the family pictures, the two china dishes and two large china basins, the wrought quilt, and dessert knives and forks. She leaves to her goddaughter Lucy Ann all her plate with the Leyburns arms, except one tankard, and her best diamond ring. Another diamond ring, of the shape of a heart, is left to her cousin Ann Warwick, £5 to Mr. James Thornburgh (son of Nicolas), but in case of his death before the testator, the money to go to his mother, to William Newby and his wife £5 each, to Margaret Parkinson one guinea, to Mr George Thornburgh her large silver knives and forks, to her cousin Killpatrick £10, to her cousin Montgomery's children £5, to the maid living with her and attending her at her death £30. The residue is left to her goddaughter Lucy Warwick, whom she appoints sole executrix. Witnesses: Jane Willson, William Richardson, W. Jefferson.

The will was proved at Durham on 12 October 1749 by Lucy Warwick of St Oswald's, Durham, spinster. The bondsman was John Wilson of the city of Durham clerk.

³⁸ The floor is now carpetted and if the slab exists it is now invisible.

PEDIGREE II
Decendants of William Dalston.



* a freehold message at Ousby. P.R.O. E. 174/7.