

ART. XIX.—*The Fleming family: the first and third baronets of Rydal.* By C. ROY HUDLESTON, F.S.A.

Partly read at Rydal Hall, July 12th, 1963.

WHEN I was collecting material for my talk on the Flemings of Rydal when our Society visited Rydal Hall in July 1963, I turned to the account of the family in G.E.C.'s *Complete Baronetage* (1904) ii 192-194.

At these pages will be found an account of William Fleming, upon whom a baronetcy was bestowed on 4 October 1705, and his successors. Sir William died on 29 August 1736, aged 80, and the account goes on: "‘Lady Fleming, relict of ——’ (presumably his widow) d. 31 March 1757". We are previously told that she, who was married on 1 August 1723, was Dorothy, daughter of Thomas Rowlandson, of Kendal. Some years ago, however, I copied an inscription in Lancaster Parish Church to Dorothy, relict of Sir William Fleming, Bart., born 16 June 1701, died 22 April 1788. The Bishop's Transcripts of Lancaster show that Dorothy was buried on 26 April.

The will of Dame Dorothy Fleming (Appendix II), dated 12 September 1787, was proved in the Archdeaconry of Richmond on 3 June following.

Clearly then, Dorothy, widow of Sir William Fleming, the first baronet, did not die, as G.E.C. presumed, on 31 March 1757, but on 22 April 1788, nearly 52 years after her husband's death in 1736.

Turning again to G.E.C., we find that at p. 193 he says that Sir William Fleming, the third baronet, died on 31 March 1757, and his widow, Elizabeth, on 22 April 1788, aged 88. It will be noted that Dorothy Lady Fleming is said by G.E.C. to have died on the same day as her husband's nephew and eventual successor. We have seen that Dorothy in fact died on 22 April 1788 — on



SIR WILLIAM FLEMING,
first baronet of Rydal.
From the portrait at Rydal Hall.

the very day on which G.E.C. says that Elizabeth Lady Fleming died!

The *Gentleman's Magazine* for 1757 gives under deaths (p. 189) on 31 March "Lady of Sir Wm. Fleming, Bart., Knt. of the Shire for Cumberland". Sir William had become M.P. for Cumberland in the preceding year, and the *House of Commons Journal* xxvii shows that on 6 April 1757 the writ for the election of a knight of the shire for Cumberland "in the room of Sir William Fleming Baronet deceased" was moved. It is therefore clear that Sir William died shortly before 6 April 1757.

The Rev. Dr J. R. Magrath in his *The Flemings in Oxford* iii 440-443, printed a letter dated Ambleside, 24 January 1757, and written by the Rev. Isaac Knipe. Magrath said that the recipient was Sir Michael le Fleming, the fourth baronet, who was only eight at the time. The most cursory glance at the letter shows, however, that it could not have been written to a child, who was scarcely likely to have been interested in the election of the Provost of The Queen's College, Oxford.

The letter is mentioned at p. 357 of the H.M.C. Report on the Rydal MSS. and there it is correctly stated that the recipient was Sir William Fleming, who was, therefore, alive on 24 January 1757, and Miss Sheila J. MacPherson, the archivist in charge at the Record Office, County Hall, Kendal, kindly tells me that among the Rydal MSS. is a letter to Lady Fleming dated 26 January, which contains the following: ". . . it would give me a great pleasure to hear of your health and that Sir William was better".

Having progressed so far, I then asked Mrs N. K. M. Gurney, M.A., assistant to Canon Purvis, D.D., F.S.A., the Director of the Borthwick Institute of Historical Research, York, whether wills of Sir William and his wife could be found at York. She very kindly searched the probate indexes and act books, and was able to tell me that Sir William made his will (Appendix III) on

30 May 1755, appointing Elizabeth his wife sole executrix. She did not prove the will, and in her widowhood, on 5 May 1757, made her own will, appointing as executors her mother, Elizabeth Pettytt, widow, Sir James Lowther of Lowther, Baronet, Edward Wilson of Dallam Tower, Humphrey Senhouse of Netherhall, — Blencow of Lowick, Lancs., and John Moore of Grimeshill, Westmorland. Only John Moore acted, and to him, on 15 January 1760 probate was granted at York, power being reserved to Lowther, Wilson, Senhouse and Blencow, the other surviving executors.

On the same day Moore was granted administration of the will of Sir William Fleming.

These processes show that Elizabeth Lady Fleming died between May 1757 and January 1760. In a further grant of letters of administration in 1816 (see Appendix IV), it is stated that she died "in or about 1760".

It is clear that the *Gentleman's Magazine* was wrong in announcing the death of Lady Fleming on 31 March 1757: it was Sir William Fleming, the third baronet, who died.

To revert to Sir William Fleming, the first baronet, his wife and family. As we have seen, he remained a bachelor until he was 67, marrying in 1723, against the advice of many of his friends, Dorothy Rowlandson, the 22-year-old daughter of Alderman Thomas Rowlandson of Kendal. Though Thomas Rowlandson was a man of substance, he was hardly of the same social standing as the Flemings, which no doubt led to the marriage being frowned upon by some. Sir William's own feelings about the marriage will be found expressed in his will (see Appendix I). The marriage bond was entered into on 23 November 1722, and the marriage was at Grasmere on 1 August following.

Of the marriage, three daughters were born — Dorothy on 6 June 1724 (bap. at Grasmere 1 July), Barbara on 31 May 1729 (bap. at Grasmere 2 June), and Catherine on 12 April 1732 (bap. at Grasmere 30 April).

Dorothy married, 19 June 1746, her cousin Edward Wilson of Dallam, by whom she had three sons and seven daughters. Her husband died on 31 March 1764 at the age of 45, and she survived until 10 November 1797.

Barbara married at Lancaster on 10 August 1754 Edward Parker of Browsholme, and had issue. He died 22 December 1794, and she on 23 April 1813.

Catherine married, 6 July 1755, Sir Peter Byrne, fourth baronet (1732-1770), and died on 8 December 1786, having had issue.

As to Sir William Fleming, third baronet, the will of his uncle, the first baronet, gives a far from flattering portrait of him. From another uncle, Sir George Fleming, Bishop of Carlisle, the second baronet, we have some less unfavourable details.

In March 1743/4 Sir George wrote to the Duke of Newcastle recommending him for promotion in the Army, saying that "his father was in all the wars in Flanders under William III and Queen Anne and died a Major of Foot with the character of an excellent officer". He adds that William was "at first a little in the Sea Service, but is now a Lieutenant of Foot", having served at Dettingen in June 1743. (Professor Edward Hughes, *Fleming—Senhouse Papers* (1962) 99.) On 1 September 1745 he entered into a marriage bond for a licence to marry Elizabeth Petyt of York at Windermere or Witherslack, Fletcher Fleming of Rayrigg, gent., being the bondsman. William was then described as of Rydal (Lancaster Marriage Bonds 1739-45, *Lancs. & Cheshire Rec. Soc.*, vol. c, 172).

The marriage was at Windermere on 10 September, though Catherine Browne, writing from Kendal to her father at Townend, Troutbeck, on the day before, says: "You'l have heard of Capt. Fleming's being married to day at Wendermire to a young lady from York that has bene some time in this town. I hear she's a five thousand pound fortune" (Browne MSS. v 183).

After their marriage, William Fleming and his bride seem to have settled at Whittington in Lancashire. There is a letter of 18 December 1745 addressed to William at Whittington in the Rydal muniments (no. 5681), and on 26 April 1747 his daughter, Elizabeth Dorothy, was christened there, though the register omits the second Christian name. Shortly before this William had been at Rose Castle on a visit to his uncle, Sir George Fleming, Bishop of Carlisle. On 1 April 1747 Sir George wrote: "Capt. Will. left us this morning and seems fully determined to give Lady Fleming battle, which I dare say, as much as she loves the law, will not please her, when it affects dear self." (Hughes. *Fleming—Senhouse Papers* 99.)

Lady Fleming is, of course, the widow of Sir William, the first baronet. Whether she was unusually addicted to litigation I cannot say, but there is among the Whelpdale Papers at Hutton John, the bill of Thomas Whelpdale for legal work done for her in the years 1740-44, and a note of this will be found in Appendix V.

Sir George Fleming died on 2 July 1747, having been Bishop of Carlisle since 1734, and William now succeeded him as third baronet. He was still living at Whittington more than a year later, for his son was christened at Whittington on 21 December 1748, receiving the name Michael le, so that, it is said, the old family surname might be restored.

Between 1748 and his death in 1757 there is not much to record of Sir William Fleming. He became High Sheriff of Cumberland on 31 January 1754 and, a month or so after his term of office expired, seems to have had his eye on being Lieutenant-Governor of Carlisle. Certainly Sir James Lowther asked his friend Henry Fox to secure the appointment of Sir William, but writing on 12 February 1755, Fox reports that he had laid the request before the duke, who had replied that he could not think of giving the post to Sir William, as he had

sold out, and had "no pretence for a favour" (Rydal MSS. 5484c).

Though Sir James's interest on behalf of his friend failed on this occasion, on 19 May 1756, through his influence, Sir William was returned unopposed as M.P. for Cumberland, sitting in Parliament until his death on 31 March 1757 following. (B. Bonsall, *Sir James Lowther and Cumberland & Westmorland Elections, 1754-75* (1960) 37, 44.)

Sir William's first-born, Elizabeth Dorothy, who received a legacy of twenty guineas in the first codicil (dated 24 July 1751) to the will¹ of her kinsman, Bryan Benson of St Botolph Aldersgate Without, London, was buried at Grasmere on 18 November 1751. By this time a second daughter, Amelia or Emelia, had been born and baptised at Grasmere on 17 April 1751. (She apparently died on 2 December 1771.²) A third daughter, Barbara, was baptised there on 12 April 1752, and buried there on 19 December 1772.³ Elizabeth, the next daughter, was presumably born in 1753, since she was 77 when she died in August 1830 (Greystoke reg.), but there is no record of her baptism at Grasmere. Dorothy, the last of Sir William's children, was baptised at Grasmere in June 1756.

As will be seen from Sir William Fleming's will, printed in the Appendix, he owned the advowson of Windermere, which he bequeathed to his wife for her life, with the remainder to their daughters. Miss Sheila J. MacPherson, archivist in charge at the Record Office, County Hall, Kendal, tells me that the Rydal MSS. show that the Rev. Girlington Butler Barton, patron of Windermere, and rector since 1728, conveyed the advowson to Fletcher Fleming and Robert Philipson on

¹ P.C.C. 285, Hutton.

² *Gentleman's Magazine*, 1771, 571. She is called eldest sister of Sir Robert le Fleming. Her burial is not in Grasmere registers.

³ She is stated in the various editions of Burke's *Peerage* to have married Edward Parker of Browsholme, but it was her namesake, her father's cousin who married Mr Parker (see ante).

9 September 1743, and they, on 21 June 1746, conveyed it to William Fleming. In 1754 Barton alleged that the conveyances were only by way of mortgages, but Sir William's right to it was apparently upheld, though the real test of strength came after he and his wife were dead. When Barton died on 12 February 1763, John Moore, as guardian of Sir William's four daughters, Amelia, Barbara, Elizabeth and Dorothy, who were infants, nominated his son, the Rev. Giles Moore. At once, Barton's widow entered a caveat against Giles Moore, nominating the Rev. Reginald Brathwaite, who was, no doubt, to keep the place warm until her son William Barton, then a boy of 14, was old enough to be ordained and presented. The dispute was lengthy, but eventually victory went to the Fleming girls, who, on 4 July 1765, duly presented Giles Moore. (Bishop of Chester's Act Book 7 f. 51, and P.R.O. Institution Books.)

Giles Moore died in October 1779, and on 24 February 1780 William Barton was presented, though by then the advowson had passed from the Fleming girls to their brother Sir Michael le Fleming. (P.R.O. Institution Books.) By this time only two sisters survived — Elizabeth, who was to marry Andrew Hudleston of Hutton John at Ponsonby on 21 July 1794, and Dorothy, who had married at St Nicholas, Whitehaven, on 12 August 1774, George Edward Stanley of Ponsonby, when the witnesses were her brother and sister, Sir Michael and Elizabeth. Dorothy died on 10 July 1786, aged 30 (m.i. at Ponsonby): of all Sir William's children only her descendants now survive, and it is her great-great-grandson, Mr Michael George Hughes le Fleming, who is the owner of the Rydal estate today.

APPENDIX I.

Will of Sir William Fleming, first baronet, 1736 (York)

In the name of God Amen I Sr William Fleming of Rydall in the County of Westmorland Baronet Being now in as Good

Health as I can well hope for at my age And 'being now of sound and perfect mind and memory praised be God for the same and all other his great mercies and favours And seriously considering the uncertain Estate of this Transitory Life and that all men must yeild unto Death when the Great God of Heaven shall order the time Doe think while it pleases God to spare me my memory and reason so to Dispose of the Estate Real and Personal which God of his Great Mercy hath given me as may in my Judgement most Consist with reason and my perticular Inducements And therefore I do make this my last Will and Testament in manner and forme following Hereby Revokeing and absolutely annulling by these presents all and every other will and wills heretofore by me made and delared either by word or writeing And in the first place I do most humbly and heartily recomend my soul unto the Great God of Heaven who gave it most humbly and earnestly begging and hoping to have full pardon and forgiveness of all my sins by the Death and passion of Jesus Christ my Ever Blessed Saviour and Redeemer And for my Body I comit it to the earth and desire it may be 'buried in the quire of the Parish Church of Grasmere (If I do not otherwise appoint the place) in or as near as can be to the place and grave where my mother was buried and in a private and decent manner but not too soon after my death according to the order for the Burial of the Dead in the present Book of Common Prayer and that the preface of the Booke called the Whole Duty of Man be then read instead of a sermon usual upon such occations and that the minister that reads the same be paid for so doing as if for a sermon And thinking myself obliged in the first place to make some convenient provision for my three daughters Dorothy Barbara and Catherine who I have contributed to be brought into the world and who as yett are my heirs at law and also for such other child or children as I may have if I happen to have any more born unto me then the three before named And I being desirous to have my said children brought up for the most part at Rydall Hall untill they shall be taken off by Death, married or disposed of in marriage, which hath been the seat of several of my ancestors and the Habitation for the most part of my Father and me, and very much beloved by me. I thinking and hoping they are likelier to be brought up there by their mother for the most part if she live and keep herself from marrying again so as to 'be agreeable companions, comforts and assistants to such as they shall happen to be married unto, then by being brought up in some Towns amongst vain shallow and little knowing companions except in their

own oppinions or at boarding schools according to the humours of too many in this age, where they are as like to gett ill as good or useful qualities and in more danger to be made preys to little worth Fellows then if prudently brought up at places remote from such nurseryes for intrigues and vanity I do therefore by this my will give and bequeath to my said three daughters Dorothy Barbara and Catherine to each and everyone of them the sum or sums following towards and in part for portions for them, that is to my Daughter Dorothy the sum of three thousand pounds, to my daughter Barbara the sum of two thousand five hundred pounds To my daughter Catherine the like sum of two thousand five hundred pounds to be due and to be paid to every one of them when they shall attaine to their several ages of twenty and one years or be marryed with the consent and approbation of their mother if then liveing and unmarryed again and in case of her being marryed again or dead then with the consent and approbation of such guardians tutors or trustees as I shall nominate and appoint for them by this or any later made will or codicil or the major part of them, the said several sums of three thousand pounds for my daughter Dorothy and two thousand five hundred pounds for my daughter Barbara and the like sum of two thousand five hundred pounds for my daughter Catherine to be raised and paid out of my personal estate estate and mean profits of such lands and other things belonging to me, as I shall or do charge or make liable or leave liable to answer and raise the said several sums before mentioned And in case it should happen that I should have any more daughter or daughters born to me then the three before named then I do give and bequeath to every of such daughter or daughters the sum of two thousand pounds a peice to be raised and paid after the like manner and at the like ages and times as before mentioned to my three daughters before named And I do give all that my capital messuage mansion and manour house of Rydall Hall in the County of Westmerland and all the demesne lands therewith possessed and enjoyed and the customary tennants yearly rents and the free rents in Loughrigg thereunto belonging with the dropping fines herriots boons and services and the mill and kiln and the waters and fishings and everything thereunto belonging to the parish of Grasmere in the said County of Westmerland to my wife Dorothy for the time and terme following upon the condition following and not otherwise but the said demesne land of Rydall subject to a rent charge of one hundred pounds a year settled on my said wife Dorothy by deed dated on or about the first day of August 1723 for a joynture for

her and in lieu and barr of her dower and thirds at Comon Law and in full of all her claimes after my death out of either my real or personal estate (excepting what I should afterwards give her by will or other writinge or writeings) that is upon the condition that she keep house at Rydall Hall and live there unmarried again and not otherwise and bring up my children with her until all my daughters are disposed of in marriage or dead which shall first happen and further for the time and term of one whole year longer that she may have convenient time to settle and dispose of such of the effects as I shall leave behind me for her to take care of for the good and benefit of my children she keeping the houses mill kiln and all things there unto belonging in good repair (and comitting no manner of waste upon the premisses) And I do also by this will give and leave her liberty to cutt down wood standing or growing in or upon the said demesne and premisses convenient proper or necessary for so doinge and also for fireing and husbandry gear And it is also my will and mind that if I dye and leave no heir or heirs male of my owne body born or to be born and if my wife live and continue unmarried again that then my wife do further after the marriage or death of all my daughters continue to hold possess and enjoy all the said manour and mansion house of Rydall Hall and all the demesne lands and all things as before mentioned thereunto belonging for the further time and untill my next heir male in the line from my Father that shall be intituled to the said manour house and manour of Rydall by this will shall and do give bond to my wife and to such of my daughters as shall be then living in the paenal sum of three thousand pounds of lawful money of Great Britain that he or they shall and will live inhabit and reside at the said Rydall Hall above nine months in every year and not lease or lett out the said house or more then half of the demesne lands thereunto belonging to be wasted or damaged by any farmer or farmers whatsoever And I do also give to my wife Dorothy (if she live and keep house at Rydall Hall and keep herself from marrying again after my death and not otherwise) to assist her to keep house and bring up my children all the yearly rent income and mean proffits of my capital messuage & manour house and demesne lands of Coniston Hall in the County of Lancaster and all the lands thereunto belonging with all the outhouses gardens orchards comon of pasture for the keeping of sheep there or thereunto belonging as have been formerly or usually kept there and also all the boon shearing and mowing to be yearly paid and performed to my manour house at Conistone and all services

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relating to my sheep from my customary tennants there and also all the forty three or forty four boon hens due to be paid yearly from my tennants in Conistone with power to distrain for them or any of them upon any failure of paying them as usual and also the yearly rent or produce of Conistone Mill and Kiln and also all the yearly rent for the liberty of fishing for charrs or other fish in Conistone (alias Thurstone) Water thereunto adjoyning with liberty for cutting down of wood convenient and necessary for keeping the houses mill and kiln and a boat for fishing in reasonable good repair and for husbandry gear and also for firing for the time and term hereafter mentioned that is untill all my daughters I shall leave shall be taken off by death or marryed or attain their several ages of twenty and one years and for one whole year longer for the reasons referred unto in the gift of the manour house of Rydall but it is my will and mind that if any of my male heirs in the line from my Father that shall happen be intituled to the manour house of Conistone Hall after the expiration of the term before mentioned that it is hereby given to my wife shall be desireous to live inhabit and reside at the said Conistone Hall which my Grandmother farmed of my father to the time of her death and from that time two of my uncles farmed of my Father and me to the time of both their deaths, that then my wife shall consent to their so doeing after the expiration of two years after my death and lett them have the said house and all the demesne lands thereunto belonging upon condition that they give her security to pay her forty and five pounds a year rent for the same for the term and time it is before mentioned to be given to her and not otherwise And it is my will and mind that my wife do take prudent and convenient care of such coppies of wood as I have or shall make at all those places where I shall have made any and given her any power by this will to medle for the good of posterity And it is also my will and mind that if I do or shall happen to sell any wood in my life time at Rydall or at Conistone or at Skirwith or at any other place belonging to me I do hereby reserve full power and liberty for all and every such person or persons as shall purchase any wood of me, at any of those places, to cut down saw and make saw pitts for sawing of it or to coal and get cover for coaling it or any of it, and to have free leave and liberty to take and carry it away at any time within the time agreed upon with me for so doeing or within three months after such time, as is or shall be mentioned for their so doeing in any memorandum or writeing of such sale And thinking it at this time doubtful whether I shall leave

any heir or heirs male of my own body and having no very pleasing to me prospect of my apparent male heirs in the line from my Father Sir Daniel Fleming, my next Brother George Fleming now left liveing (the Dean of Carlisle) being but a few years younger then myself and by his seldome visiting the parish church of Grasmere (in which parish I was born and have lived the most part of my time) unto which I very freely presented him to be parson, reckoned worth one hundred pounds a year without asking or reserving anything to myself, yea even so much as my prescription money of twenty shillings a year, a thing not very usual for wary patrons, cannot but think it very unlikely he will leave the formality of a Cathedral way of liveing and ease of a city life, to come after my death to live at any of the four houses I am likely to dye possessed of and where our ancestors lived with credit, if he had liberty so to do and I not knowing well what judgement to form of his only son William who I have but very seldome seen untill of late and that I last New Years Day gave him very freely a presentation to be Parson of Grasmere upon his Father's resigning of it, tho' it was farr from being acceptable to me never to hear from him all the last time he continued at Oxford, and to hear of the rejoicing bouts he made there upon hearing of the births of some of my daughters for their being daughters and to hear of the airs he gave himself there and other places thereupon And I being at this time very farr from having any hopeful prospect from my next nephew William, the only son of my Bother Michael Fleming deceased who I took very young in charity upon his Father's dyeing and leaveing him nothing to maintain him and did all I could to get him made a good scholar and when that would not do, took him to Rydall to me with some hopes of getting him trained up so as that he might be some way helpful to me as some of my Brothers had been to my Father and have induced me to have provided well for him but he was so farr from endeavouring at that as to run away twice from me, besides his late Ramble into Ireland without telling me of it and obstinately to be fond of and follow the worst company the neighbourhood and country produced, which I often chide him for but to no purpose he having now for more then two years by past, more especially since about last Easter gone two years lived a very unaccountable and very disagreeable, to me, life with little or no hopes of mending, unless age or experience or want bring him to wiser thinking, I now seldome seeing him, often but once a week, and several weeks not at all and I cannot discover all the ways he rambles And as to my next in the line now left liveing, my

Brother Roger Fleming, he hath not lived so regularly as to give much hopes of his being long lived and as to his only son Daniel the next in the line who hath been by many thought hopeful it may be feared that his marrying too soon and but indifferently may do him damage And as to my nephew Fletcher the only son of my younger Brother Fletcher Fleming he is yet too young for any judgement to be formed what his conduct will be or what ill company may not bring him into in regard it [*sic should be "of"*] his as yet seeming easy temper But I haveing known many instances of young men (or young masters, as many call them) being made more extravagant and wastful by dropping into Estates too easily before they knew the care required either to keep or improve them I think that it well deserves my care to endeavour to arme in some measure against such ills and remembering what happened at Conistone upon the death of my uncle Roger Fleming (who was only my farmer of that house and demesne thereunto belonging) from some of my Brothers his executors And considering that some of my male heirs in the line from my Father (considering their Humours) if I dye without an heir or heirs male of my body may goe about and endeavour to prevent or frustrate some of the bequests in this my will upon a pretence or an oppinion that a sort of an intaile mentioned in the last will of Sir Daniel Fleming my Father dated on or about July the Sixth 1697 should be of force and take place before anything done or mentioned in this my will I think it may be proper and convenient to lett them know that my Father had no power to make that intaile or any intaile of the houses lands or Estates therein mentioned, as any lawyer with a proper stock of law will tell them, he, that is my Father, haveing before his marrying Barbara the daughter of Sir Henry Fletcher Baronet, my mother, that is by lease and release dated August the twelfth and thirteenth 1655 settled all the manours houses lands and tenements and their appurtenances that then belonged to him and that he had any title unto, upon the heirs male of their two bodyes, as by the said settlement may more at large appear, all the parts of which settlement are in my custody or in friends' hands for my use And I being eldest son and heir of my Father and the said Barbara my Mother and after their deaths tennant in taile of all the houses, lands and so forth, so settled I did therefore to enable myself to settle the said manours, houses lands and so forth upon the issue of my own body or for want of such, so as I should think most convenient and proper And therefore I did by deed dated on or about April the Twenty Fourth 1705 inrolled in Chancery on or about

May the Fourteenth 1705 and by two common recoveryes suffered persuant thereto in Easter Term 1705 make myself tennant in fee of all the said manours lands and so forth in the countyes of Westmerland and Cumberland as I soon after did by deed inrolled and by lease and release at the Assizes at Lancaster make myself of the manour of Conistone and all things thereunto belonging in Lancashire, so that all the estates mentioned in the settlement of 1655 before mentioned, reference being thereunto had, was and is in my power to dispose of according to my pleasure (whatever airs some of my Brothers or their son or sons may have given themselves more plentifully then wisely) with all and every part of my estate I possess both real and personal and but for this will or some after made will or codicil my daughters if I have no son or sons would be my heirs at law and be legally intituled to all I have or leave behind me but what I shall give and dispose of otherwise But I being desirous to have all the antient estates that was my Father Sir Daniel Flemings that I dye possessed of by vertue of the settlement made upon my mother's marriage before referred unto kept in my sirname blood and kindred as long as it shall please Almighty God to permit and encourage the same, some of which hath been in my name and family ever since the reign of King William the Conqueror, with whom my first ancestor in England came in with a body of men for his assistance and who had an Estate I yet enjoy granted from him, do hereby (if I dye without heir or heirs male of my own body and do not leave my wife ensient with child of an heir or heirs male and not otherwise and if my bequest and disposition before mentioned of the demesne and manour of Rydall for the term before mentioned and the gift out of the demesne and manour of Conistone and so forth be peaceably and without any disturbance truely and quietly answered [*sic*] to my wife to assist her to bring up my children as desired and by this my will intended and not otherwise) give grant devise and bequeath all the demesne and demesne lands manour and lordship of Rydall in the parish of Grasmere in the County of Westmorland and the Fishings of Rowthey Brathay Elterwater Loughrigg Tarne and Rydall Water and the advowson of the parish church of Grasmere and all my right and priviledge of grassing beasts or sheep upon Grasmere Fells or Commons but subject to the disposition to my wife for the times and terms before mentioned and also the demesne and demesne lands manour and lordship of Conistone in the County of Lancaster with the free fishing of Conistone (alias Thurstone) Water and all my lands and rents and the water corn mill and iron forge for making

iron in Conistone aforesaid but subject to the disposition to my wife for the times and term before mentioned and also the manour and lordship of Beckermouth alias Beckermet in the County of Cumberland with the free rents thereunto belonging and also the demesne and demesne lands manour and lordship of Skirwith in the County of Cumberland but subject to such rent charge or charges as I shall charge to be answered and paid out of the same and also the capital message and tenement manour and lordship of Kirkland and its appurtenances in the said County of Cumberland and also the capital message tenement and rectory of Monk Hall in the said County of Cumberland but subject to such rent charge or charges as I shall charge to be answered and paid out of the same and also all my customary tennants, rents at or in Brathmire near unto the said Monk Hall in the said County of Cumberland with all their and every of their rights members hereditaments and appurtenances unto the heirs male of mye body lawfully begotten or to be begotten and to the heirs male of his body for ever and for want of such heirs male then unto my next Brother George Fleming now left liveing (the Dean of Carlisle) for the term of ninety nine years if he shall so long live but so as he do not cutt down wood and commit any waste, remainder to the Honourable Anthony Lowther of Lowther Esquire Sir Thomas Lowther of Holker Baronet my nephew Daniel Wilson of Dallam Tower Esquire and Mr William Rowlandson (brother to my wife) and their heirs dureing the life of the said George Fleming and after the determination of the said term of ninety nine years and death of the said George Fleming then to the use of my nephew William Fleming son of the said George Fleming for the term of ninety nine years if he shall so long live without impeachment of waste, remainder to the said Anthony Lowther Sir Thomas Lowther Daniel Wilson and William Rowlandson and their heirs dureing the life of the said William Fleming in trust for the benefit of the heirs male of the body of the said William Fleming lawfully to be begotten and after the determination of the said term of ninety nine years and death of the said William Fleming then to the use of the heirs male of the said William Fleming lawfully to be begotten remainder to my nephew William Fleming son of my brother Michael Fleming deceased for the term of ninety nine years if he shall so long live but only upon condition he do not cutt down wood or commit any sort of waste (his behaviour haveing for some years been such as to deserve (unless he mend much) to be intirely omitted and left out of this will and settlement) remainder to the said Anthony Lowther Sir Thomas

Lowther Daniel Wilson and William Rowlandson and their heirs durement the life of the said William Fleming in trust for the benefit of the heirs male of the body of the said William Fleming lawfully to be begotten and after the determination of the said term of ninety nine years and death of the said William Fleming then to the use of the heirs male of the said William Fleming lawfully to be begotten Remainder to my brother Roger Fleming for the term of ninety nine years, if he shall so long live without impeachment of waste. Remainder to the said Anthony Lowther Sir Thomas Lowther Daniel Wilson and William Rowlandson and their heirs durement the life of the said Roger Fleming and after the determination of the said term of ninety nine years and death of the said Roger Fleming then to the use of my nephew Daniel Fleming son of my said brother Roger Fleming for the term of ninety nine years if he shall so long live Remainder to the said Anthony Lowther Sir Thomas Lowther Daniel Wilson and William Rowlandson and their heirs durement the life of the said Daniel Fleming in trust for the heirs male of the body of the said Daniel Fleming lawfully to be begotten and after the determination of the said term of ninety nine years and death of the said Daniel Fleming then to the use of my nephew Roger Fleming son of the said Daniel Fleming for the term of ninety nine years if he shall so long live Remainder to the said Anthony Lowther Sir Thomas Lowther Daniel Wilson and William Rowlandson and their heirs durement the life of the said Roger Fleming in trust for the benefit of the heirs male of the body of the said Roger Fleming lawfully to be begotten and after the determination of the said term of ninety nine years and death of the said Roger Fleming then to the use of the heirs male of the said Roger Fleming lawfully to be begotten Remainder to my nephew Fletcher Fleming only son of my Brother Fletcher Fleming deceased for the term of ninety nine years if he shall so long live. Remainder to the said Anthony Lowther Sir Thomas Lowther Daniel Wilson and William Rowlandson and their heirs durement the life of the said Fletcher Fleming in trust for the benefit of the heirs male of the body of the said Fletcher Fleming lawfully to be begotten and after the determination of the said term of ninety nine years and death of the said Fletcher Fleming then to the use of the heirs male of the said Fletcher Fleming lawfully to be begotten Remainder to the use of the heirs male of the body of such of my three daughters Dorothy Barbara and Catherine lawfully to be begotten as shall happen to be married to the man that hath a more valuable estate than any of her other sisters upon condition that he take my

surname of Fleming upon him and that his heirs male and posterity after him do the like and not otherwise which if he or they refuse or neglect to do then the remainder to go to the heirs male of the body of such of my other daughters lawfully to be begotten that shall be married to the man of the next most valuable estate but upon condition that he take my surname of Fleming upon him and his heirs male and that his posterity after him do the like and not otherwise, which if he or they refuse or neglect to do then the remainder to go to the heirs male of the body of such other of my daughters lawfully to be begotten that shall be married to a man of the next most valuable estate but upon condition that he take my surname of Fleming upon him and his heirs male and his posterity after him do the like and not otherwise, which if he or they refuse or neglect to do then the remainder to go to my right heirs for ever And as to my estate at Nibthwaite or Nibthwaite Grange in Furness in the County of Lancaster part of which came to me by the death of my uncle William Fleming gentleman and part I purchased of the executors of my uncle Roger Fleming gentleman and part I purchased of Daniel Abrahams gentleman and as to my estate at Bainsbank and Cuthberts in Middleton in the County of Westmerland which I purchased of Roger Moore gentleman and also my estate in the said Middleton which I purchased of Thomas Jackson and also my estate at Milnhouse in the said Middleton which I purchased of Christopher Preston Mary his wife and Ann Bouskill spinster and also my estate at Applegarth in the said Middleton which I purchased of William Redding and John Redding and so forth and also all my estate at Cowperthwaite in Firbank and in Grayrigg with all their appurtenances in the said County of Westmerland which I purchased of Mr William Bowman and also all my free rents in Old Hutton and Holmscales and elsewhere in the said County of Westmerland that I purchased of Thomas Rowlandson of Kendall gentleman and also all my estate manour house and demesne lands of New Hall in Staveley in the said County of Westmerland that I purchased of Thomas Shepherd of Kendal Gentleman, it is my will and mind and I do hereby give and grant all the yearly income produce and mean proffits of all the said eight estates purchased by me as before mentioned with liberty to cutt down wood necessary and convenient for repairing and new building upon the premisses or any of them (that is if I do not sell or otherwise dispose of some of them) after the charges for assessments and other out payments and necessary charges for repairs or new building and charges for managing them are deducted unto such trustees

as I shall in this my will or in any other later made will or codicil nominate and appoint to take care of my daughters and children or to my executors that is in trust for the sole use benefit and advantage of my three daughters before named and of such other daughter or daughters as may or shall be born unto me, shall attain unto the full age of twenty and one years and further untill the youngest daughter I shall then have living (if I dye without leaving an heir or heirs male of my own body) shall attain unto her full age of twenty and five years, to goe share and share alike amongst them, unless I shall by some later made will or codicil otherwise dispose thereof as an augmentation and advancement to the portions I have hereby or shall hereafter give leave and appoint for them or any of them, that is if my personal estate prove sufficient to answer the portions I hereby design and give them, but if my personal estate fall short then to goe to help and make up the deficiency of that to answer the portions and legacies I leave and give to my children or to any other person or persons whatsoever But as to the estate at Ambleside that I purchased of William Tyson I think it not proper for me to medle with it in this will but leave it to be disposed of by some codicil to this my will so as I shall think most convenient, because most of it is customary land And if either my brother George Fleming (now Dean of Carlisle) or his son my nephew William Fleming or my nephew William Fleming son to my brother Michael Fleming deceased or my brother Roger Fleming or his son Daniel Fleming or his grandson Roger Fleming or my nephew Fletcher Fleming or any son or sons that shall or may be born to any of them, go about to hinder, frustrate, disturb or prevent my wife or any of my daughters or any of those person or persons to whose care and trust I leave my daughters or any of them (in case of my wife's either death or marriage again) from possessing quietly enjoying receiving and reaping all or any of the advantages or benefits designed and hereby given and by me intended to be given them by this my will or any clause therein or in any codicil to this my will made or to be by me made (a thing that may be feared when I am dead from some of their humours and by past discovered tempers and designs) then it is my will and mind and I doe hereby give grant and bequeath the rents issues and profits of all the before mentioned eight estates that I purchased as before mentioned that I dye possessed of unto my daughters dureing the life time of such disturber, that is if I do not leave an heir or heirs male of my own body that shall live to the age of twenty one years and marry or before that age married and

leave heir or heirs male of his body to enjoy the same after him But if my Brother George Fleming his son William Fleming my nephew William Fleming son of my brother Michael Fleming deceased my brother Roger Fleming his son Daniel Fleming and his grandson Roger Fleming and my nephew Fletcher Fleming to whom I have hereby intailed all the antient parts of my estate that shall be at my death in my possession that came to me by the death of Sir Daniel Fleming my father, to keep up my family in my name from my daughters who are now my heirs at law and legally intituled to all I have and dye possessed of except to what I otherwise dispose of from them by this or some other later made will or codicil be thankful for what I have hereby left them and be realy and truely assisting to my wife and children as in gratitude and for some extraordinary reasons I could mention they are much obliged to be and if no one or more of them make any endeavours to disturb or hinder either my wife or any of my children or any of those person or persons I leave in trust to take care of my children or be assisting to them or any of them from peaceably and quietly possessing and enjoying all I give leave and dispose of and hereby design for my children by this will or any other will or codicil I shall make after this will, then it is my will and mind and I hereby give (if I leave no heir or heirs male of my body and not if I do) all the before mentioned eight estates by me purchased as before mentioned that I shall dye possessed of to go after the youngest daughter I shall then have liveing shall attain her full age of twenty and five years and not before the full end and expiration of that time and term unto such of the male heirs of my family in this will before mentioned as are or shall be then liveing and entituled to possess and enjoy the said antient estates hereinbefore as by me settled upon him and them for and dureing the same term and time under and subject to the same limitations and remainders as are in this will mentioned for and in respect of the antient estates unto all and every of my relations therein mentioned and not otherwise upon any pretence or account whatsoever but if any of them disturb or go about to hinder or prevent my wife or any of my children from receiving and enjoying all the benefits and advantages given and intended to be given her or them by this will or any clause therein or in any codicils I shall make as an addition or to be reckoned as part of my will then it is my will and mind and I hereby absolutely debarr such disturber or hinderer from haveing or receiving any benefit or advantage by this will or any clause therein dureing the full time and term of his natural life and I do hereby give all

the yearly rent income and produce of all the estates that are mentioned in this my will to be given or intended to be given to such disturber or disturbers for and dureing the full term of his or their natural life or lives unto such trustees as I shall nominate and appoint in this my will for the sole use and benefit of my daughters and after the death of such disturber the estates so mentioned to goe to the next heir male to such disturber named in the limitation and remainder in this will mentioned to keep him and them in as peaceable an humour and practise as in gratitude they should be and it being much my desire to have all my daughters brought up and educated prudently and warily, well knowing it to be much more for their good and for the good of those to whom they shall happen to be marryed then to have them brought up and educated much otherwise, yet to the end and purpose that they may not be any ways burthensome to their mother or in case of her either death or marrying again unto such person or persons as may be intrusted and intituled by this my will to have the bringing of them up and takeing care of educateing of them as they should be and as I desire they may be educated it is my will and mind and I do hereby give direct and appoint that the several sums hereafter mentioned and expressed be allowed and paid yearly unto her him or them for their maintenance and education that is intrusted with the bringing of them up according to this my will, that is the sum of thirty pounds a year a peice from the day of my death until their severally attaining unto their ages of ten years and from their attaining unto their several ages of ten years the sum of forty pounds a year a peice until their severally attaining unto their ages of sixteen years and from their attaining unto their several ages of sixteen years the sum of forty five pounds a year a peice until their severally attaining unto their ages of twenty one years or marriage which shall first happen All the said several sums for the maintenance of my daughters to be paid out of the interest produced by their several portions or out of the mean proffits of the several estates by me purchased as before in this will mentioned And if any one of my daughters before named happen to dye before her being marryed with the consent and approbation of the persons before mentioned or referred unto or before her comeing to the age of twenty one years or being marryed as before mentioned then it is my will and mind and I do give one thousand pounds out of either of the portions designed for such dyeing daughters to their surviveing sister to be due and payable to her if she live to be marryed with the consent and approbation of the person or

persons before mentioned or referred unto or attain unto the age of twenty one years which shall first happen And if it do so happen that all my before named three daughters dye before their being marryed with the consent as before mentioned and before their attaining unto the age of twenty one years and that I have no more child or children born unto me and not otherwise then it is my will and mind that one third part of the money undisposed of for paying portions to my three daughters before named as before mentioned be laid out in the purchaseing of lands to be settled as I have hereby settled the manour and demesne of Rydall, that is to all the males mentioned in this my will from my brother George to my nephew Fletcher Fleming and to his heirs male and for default of such remainder to my daughters and their heirs male for ever and the other two parts to go as I shall dispose of it by will or any codicil made thereunto but if it so happen that I have any more child or children born unto me then what are before mentioned then it is my will and mind and I hereby give the said two third parts to such child or children And tho' it is unlikely I should know how long I have to live or what my personal estate may be improved to amount unto at the time of my death or what that I leave and the mean profits of the estates by me purchased may by good management amount unto before my children before named (who are all yet young) can attain unto their several ages of twenty one years or be married with the consent and approbation of the persons before referred unto or what losses may happen in money by me lent or in money due and oweing unto me or in such sums of money as may be lent by those I leave in trust to take care of my children and so forth yet I hope with good prudent and honest management there may be more then sufficient to answer all my bequests to my children and to pay all that I am oweing and also all such legacies or other bequests as I shall mention and direct to be answered and paid by this will or by any codicil I shall make to be added to this my will and something to spare to be distributed for the benefit of my children share and share alike unless I shall by some later made will or codicil otherwise give and dispose thereof and I do by this will constitute ordain and appoint my wife Dorothy tutrix of all my daughters before named and of all the children that shall be born unto me (conditionally she keep unmarried again and not otherwise) until they severally come to the ages of twenty one years or be married with the consent and approbation of their mother if liveing and unmarried again and of my nephew Daniel Wilson of Dallam Tower Esquire if then liveing

and in case of his being dead of his heir and of two or more of the persons I shall nominate and appoint to be trustees or executors in trust for the good benefit and advantage of my children and I do direct and appoint that all my daughters or children be brought up educated and directed by my wife that is so long as she keeps herself from marrying again and not otherwise for if she shall be so imprudent and forgettful of the gratitude and obligations she owes me for the very generous manner of my taking her to be my wife contrary to the advice of many and to have so little kindness and concern for the good of the children born to us as to marry again after I am dead then it is my will and mind and I hereby direct and appoint that from the day or time of her marrying again that she my wife Dorothy have nothing to do with the educateing bringing up or directing of my daughters or children nor with anything of right belonging to them or any of them nor be from that time entituled to any right claim or demand and whatsoever out of the demesne mill and kilne and fishing at Conistone or out of the demesne manour or lordship of Rydall other then the rent charge out of the same demesne of Rydall for her joynture as before mentioned and that she my wife Dorothy and such person as she shall marry (if she prove so imprudent as to marry again) shall be accountable and be obliged to answer to such other of the trustees and executors in trust as I shall nominate authorize and appoint by this my will or by any codicil or codicils hereafter made to be taken as part of my will to take care of my children and what of right belongs to them for the benefit and advantage of my children.

And I do constitute ordain and appoint my wife Dorothy so long as she keep herself from marrying again but no longer and my nephew Daniel Wilson of Dallam Tower Esquire and in case of his death his son and heir after the time of his arriving to the age of twenty two years and my nephew Robert Tatham of Stainforth in Yorkshire gentleman and Mr John Moore son of Mr Giles Moore of Grimeshill in Middleton and Mr Thomas Dennyson of Lathwaite in Strickland and Mr William Williamson of Gill in Appplethwaite and Michael Knott my at this time servant and steward at Rydall to be my trustees and executors in trust of this my will, to whom I give bequeath and devise all my goods cattles chattels bills mortgages forfeited or not forfeited and all my personal estate whatsoever and not herein or by some codicil to my will otherwise by me given and bequeathed for the only sole use and benefit of my said daughters and children and such other person and persons as by this my will or by any codicil or codicils I

shall hereafter make shall be directed limited and appointed. In testimony whereof I have to this my last will and testament contained in eleven sheets of paper to each sheet whereof I have put my hand and to the last sheet whereof I have put my hand and seal this Seventh day of November in the year of our Lord one thousand seven hundred and thirty four.

Will. Fleming [Seal]

Signed sealed published and declared by Sir William Fleming the testator to be his last will and testament (the following interlineations being made and entered therein before execution thereof (that is to say) the word [made] in the twenty ninth line of the first sheet, the word [herriots] in the tenth line of the second sheet the word [and] in the third line and the word [more] in the eighteenth line of the fourth sheet, the word [all] in the nineteenth line of the seventh sheet the word [to] in the first line and the word [shall] in the fifteenth line of the eight sheet) In the presence of us who at the request and in the presence of the said testator subscribed our names as witnesses thereunto as followeth: Tho: Knott sworn John Cookson, Gawen Brathwaite Robert Newton sworn Laurence Harrison sworn

Know all men by these presents that whereas I Sir William Fleming of Rydall in the County of Westmorland Barronet have made declared and published my last will and testament in writing bearing date the seventh day of November in the year of our Lord one thousand seven hundred and thirty four and whereas I did voluntarily omitt mentioning in my said will before mentioned and referred unto several legacies and other bequests I was inclined and designed giving and bequeathing to be mentioned in a codicill or codicills to be made to my will to which I might add or deminish as I found I had occasion or reason without having the trouble or labour of writing all my will over again Now I doe therefore by this present codicill which it is my full will and mind shall be of the same force and effect with my said will give grant and bequeath as is hereafter mentioned and expressed That is having in my will as before mentioned reserved power to charge the rectory or capitall messuage of Monkhall in the County of Cumberland with such rent charge or charges as I should charge to be answered and paid out of the same it is therefore my will and mind and I doe hereby give grant and bequeath unto my brother Roger Fleming now Parson of Brigham in the County of Cumberland a rent charge of twenty pounds a year for his naturall life to be paid him half yearly by ten pounds a payment the first

payment to commence at the end of one half year from the day of my death out of the rent of the said rectory of Monkhall with full power and authority to distraine for the same (in case of any failure of payment of the same within the space of twenty days) after due to be paid him and in case my said brother Roger Fleming dye and leave his now wife Margaret a widdow I then give and bequeath to her for the terme of her natural life half of the said rent charge of twenty pounds a year given him as before mentioned, that is the sume of ten pounds a year to be paid her after the death of my said Brother Roger toward her support and maintenance and the other half of the said twenty pounds a year rent charge that is the sum of ten pounds a year I give after the death of my said brother Roger Fleming to his son Daniel Fleming my nephew for the terme of his natural life both the said sums to be paid them at the like times with that of the rent charge before given to my said Brother Roger and I hereby give them and either of them the like power of distraining for their two rent charges (in case of any failure of payment of the same within the space of twenty days after due) after the death of my said brother Roger Fleming And I having also reserved power to charge the demesne manor and lordship of Skirwith in the County of Cumberland with such rent charge or charges as I shall charge to be answered and paid out of the same it is my will and mind and I do hereby give grant and bequeath unto my nephew William Fleming son of my Brother Michael Fleming deceased a rent charge of twenty pounds a year for the terme of his natural life to be paid him out of the rent of the demesne of Skirwith to commence and be due to be paid him half yearly from the day of my death by the sum of ten pounds a time, that is if he doe not sell or any ways mortgage the same or any part thereof and I hereby give him full power and authority to distraine for the same (in case of any failure of payment within the space of twenty days) at any time after due, but if he either sell or mortgage all or any part of the said rent charge so given him then it is my will and mind that from the day of his either selling or mortgaging the said rent charge so given him or any part thereof the said rent charge shall determine and cease to be payable or due either to him or his order and I also hereby give to my wife Dorothy to be first paid out of such personal estate as I shall leave the sum of two hundred guineas if she make no other claime out of any part of either my reall or personal estate excepting to her joynture and what I shall leave her by will codicill or other writing under my hand to help her to keep house at Rydall

hall untill she receive other supplies to help her to bring up and educate my children of whom I hope and earnestly desire she will take very good care And I hereby give to my neice Susanna Fleming (who I took very young in charity with her brother when their Father died at Hull and left them nothing to support them with) the some of four hundred pounds with some tho' but small hopes she will be more grateful than her brother hath been and assist to put better things then vanity into the heads of my daughters And I also hereby give to three of the daughters to my brother Richard Fleming deceased that is Ann Issabell and Catherine each one hundred pounds (Barbara the eldest of their sisters being by the death of their brother and his only daughter (an infant) to be intituled to so much of his estate as to render noe occasion to give charity to her from my daughters my heires at law And I also give to my neice Alice Fleming daughter to my brother Roger Fleming the sum of two hundred pounds and I give the four hundred pounds to my neice Susanna and the three hundred pounds to my brother Richard's three daughters and the two hundred pounds to my brother Roger's daughter Alice as above mentioned to be paid them within three months after my decease upon this condition only and not otherwise that each and everyone of them severally give her bond to my wife and some of my daughters or to some of my daughters' trustees in manner following (that is to say) the daughters of my brother Richard and the daughter of my brother Roger for repayment of the whole given them as aforesaid and my neice Susanna for repayment of the sum of two hundred pounds of the sum given her in case any of them dye unmarried for the sole use benefitt and advantage of my daughters or such of them as shall be then living And thinking myself obliged to remember some that did take much care of me in times of want of health and ailments I doe therefore hereby give to Mrs Elizabeth daughter of Mr William Bateman with whom I was left (with others) in trust by her father and who lived with me a considerable number of years now wife of Mr George Hyde the sum of fifty pounds to be paid to her own hand if she outlive me and her receipt to be a sufficient discharge for the same and I doe further give to the said Elizabeth in case she survive her husband for and during the time of her widdowhood only the sum of ten pounds a year toward her support in that condition out of my free rents in Old Hutton and which I purchased of Mr Thomas Rowlandson and I give to Mary formerly Cookson but now wife of Mr Bragg if she outlive me who was my servant above seven years and took great care of me upon

severall occasions more perticularly in a very severe ailment I had by an ill fall that confined me several weeks to only sitting upon my bedside and after that a long time to my chamber the sum of twenty pounds for which her receipt to be a sufficient discharge and I give to Elizabeth Cookson her sister who was my servant in her place if alive at my death for her much care of me in an ill ailment I had when she was my servant the sum of ten pounds And I having proffered Doctor Anthony Askew to give him five guineas if he cured an ailment she had got in her arme it is my will and mind that if he cure her the said five guineas be paid to him and if he doe not cure her arme which I now think unlikely he will or can doe that the said sum be paid to her in charity and I give to Mary Pull or Pow my present servant the sum of five pounds for the trouble she hath had about me and also if she be my servant at the time of my death the sum of ten pounds more in return for the trouble she may probably have with and about me if she doe as should doe and if the said Mary be not my servant at the time of my death I give to such woman as shall be my servant in her place at the time of my death the like sum of ten pounds for her hoped for care of me and trouble she may have about me and I give to her that shall be servant to my three daughters the sum of five pounds and I give to all my servants at the time of my death not by my will or this codicill otherwise named that have been my servants three years or more the sum of forty shillings a peice and to those that have but been my servants a shorter time than three years the sum of twenty shillings a peice And I hereby give to every one of trustees and executors in trust named in my will or this codicill the sum of ten pounds a peice if they act and assist my wife and children honestly and heartily they having their reasonable charges allowed them for what they doe relateing thereunto And tho I shall not have at my death much plate to divide amongst my children never affecting to strive for much for a shew or for more then might be convenient and usefull to me in house keeping, yet what I bought being most of it as good and pretty in its kind as I could get in London and therefore I am for deviding some of what I leave amongst my daughters to put them sometimes in mind of their loss of a kind Father but in the first place I give and devise unto the heires male of my Family according to the limitation of my estates mentioned in my will so long as it shall please God to continue any of them a pretty large wrought gilt silver bowl with the Fleming's coat of arms upon it given by my great great grandmother (an extraordinary woman) to the heires

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male of the family to be kept by them as an heirloom and a lucky peice of plate as I have reason to believe it hath been to all those that have had the keeping of it since her death and I also give to the heires male of my family according to the limitation before mentioned a large silver bason with Fleming's arms upon it given by a near relation to the family as ingraven and mentioned on the side of it will shew to that purpose and I give and devise unto my eldest daughter Dorothy my new gold watch and gold chain which I desire her mother to lay carefully by for her untill she be of age like to take care of it herself and I give to her a large silver salver imbossed of curious raised German work with the Dudley and Fleming's arms upon it with a large silver cup with two ears and a lid thereunto of like curious work belonging which was given me at London by my aunt Dudley when I was about six or seven years old and sent me by John Banckes my Father's then steward and at the like time that she made the large picture of me in the parlour at Rydall be taken, which silver cup and cover my mother kept very carefully for me as long as she lived, but upon her and my father's death his executors seized the said silver cup and cover because of John Banckes my Father's steward being dead who was witness of the gift, which made me out of regard to her memory and intention purchase them of my Father's executors at a very high price considering what they could have made of them by selling them by weight and I give to my daughter Dorothy two of the largest of my six silver salvers and one never used silver full pint cann and also two very pretty silver tumblers all with my paternal coat of arms well cut upon them and also a curious stone seall sett in gold which I had from a deservedly much to be valued Female Friend and I give to her all my damask linnen in the chest in my great closet in my chamber which was said to be a present to my mother upon her marriage and cost me very dear of my Father's executors in regard to her Memory And I give and bequeath to my second daughter Barbara one large silver tankard which my Father had bought a little before his death and which I bought of his executors with the Fleming's coat of arms and crest upon it and I also give her two of the middlemost of my six silver salvers and I give her one of my silver pint cannas fellow to that given to my daughter Dorothy with my coat of arms wel ingraven upon them and I also give her my four silver salts with my crest cut upon them and also my large silver poop laddle and I also give her an old silver porringer given me by my aunt Dudley when I was very young with letters of her name A.D. upon

it and I also give her my repeating clock to be carefully kept in remembrance of me and I give and bequeath to my youngest daughter Catherine one pretty large wrought silver tankard with silver ears and a loose lidd of the like work with Fletcher's arms upon it given me upon my christening by Sir George Fletcher Barronet my godfather and I give her two of the least of my six silver salvers and I also give her three very pretty about half pint silver cann's with my coat of arms upon them and three silver casters that is a sugar, a mustard and a pepper box and also a large silver soop spoon However it is my will and mind that notwithstanding anything before mentioned in this my will my wife shall and may have the use during the time she continues to live at Rydall of all the plate before mentioned and of all the plate of silver that I shall leave behind me and I having brought from London seven dozen of good hard mettles pewter plaits few of them ever yet used that is one dozen of soop plates and six dozen of plain plates with my coat of arms handsomely cut upon the sides of them I give the soop plates to my daughter Dorothy and the other six dozen to be equally divided amongst my three daughters hoping and wishing that when they look upon them they will remember from whom they are descended and strive to avoide undervaluing themselves or misbehaving themselves or suffering themselves to act imprudently in the greatest business of their lives their marriages and as to the books mapps and manuscripts that are in the press in my parlour or in my closet near thereunto adjoining I give and bequeath such of those books as have my Father's name in them, which cost my Father much money, to be kept in the house at Rydall and not to be removed from thence, for the use of my heirs male, concluding that if the books and manuscripts be well considered by any of my male heirs they will inable them to understand the affaires of this and some neighbouring countyes and to be in a capacity to doe good to themselves and county And as to my pictures I give one of my at London drawn pictures with a gilt frame to my daughter Dorothy to keep by her as I hope she will carefully in remembrance of me and I give the copy of it drawn by Mr Hyde to my daughter Barbara and I doe desire my wife to get another copy drawn of my picture for my daughter Catherine to keep and I give my other drawn London picture with a gilt frame with that in the parlour of me given by my Aunt Dudley and drawn when I was very young to be kept in the house at Rydall with all my other family pictures for the use of my heirs male which I hope they will keep carefully and allow house room for them as I think they should

in gratitude And not knowing but that my wife or some of my daughters tho' yet young may take a pleasure in reading to improve and informe their understandings I doe notwithstanding any thing hereinbefore mentioned give my wife and children full power to take keep and use any books I shall dye possessed of, more perticularly any of the diverting story books in the press in my parlour or in my large closett thereunto adjoyning of which my father bought plenty for the use of his children and more perticularly the books in my chamber and closett thereunto adjoyning and I give them all my Bibles Common prayer books and prayer books and other godly books and I give to my daughter Dorothy a gilt bound bible and common prayer book with cutts in it and my intire coat of arms pasted therein and I give to my wife a large Bible in my chamber and two Common prayer books of a larger then common letter which I desire she will keep carefully, they having the births and ages of my children entered in them of my own handwriting And tho' I can with too much cause conclude that my nephew William my brother Michael's son and such of his confidents councillours and advisors yet alive as have not killed themselves with irregular living will make much noise that I should but leave him an annuity so limitted they should have the braines to inquire and consider how little he meritts from me and how ill he hath behaved himself to me: they should consider that I took him very young (when his father died and left him nothing to support him) in pure charity and compassion and that I was for some time very fond of him and designed providing well for him untill I discovered his obstinate temper and that I could not govern him and they should consider the charge and vexation I had in sending him to four severall schoolmasters that is when he grew rebellious and idle at one I sent him to another and then to another and another and when he gott little at any of them except the last place from whence the master removing to a very unfitt place for William I did not think proper to send him after the master. They should also consider his running twice away from me and the vexation and trouble I had about getting him home again. They should also consider that when I took him home to Rydall to me with some little hopes of training him up to understand some business and to be some way usefull to me (as my Father had trained three of his sons one after another to be very usefull to him) for which I designed rewarding him well but doe all I could he bid defyaunce to my advice and run quite contrary to what he thought would be agreeable to me and then being come to an age that he should have

considered his own good and ill circumstances I was influenced to put about four hundred pounds in money and securities I had got by improving a small legacy left him and by severall sums gott by the help and assistance of friends I had in London out of the King's bounty money to Dead Officers' Children into his hand to see if that would incourage or induce him to manage well, when he had got his all in his possession and had nothing besides to depend upon and they should consider how soon after he had got that into his hand he set up to be a noted finished Rake and in how very few years he spent that in swearing drinking gaming keeping a running horse or mare and as said a very Chargeable Ramble into Ireland and then for a finishing stroak, contrary to the advice of me and all his true Friends that ever I heard of, he took a progress to London about Christmas gone twelve months where (or upon the way as was said) he got quit of so much of the money he had left unspent as that his Friends in London could find nothing liker to keep him out of a goal then to send him on board one of the King's men of war in the squadron sent to Portugal where he continued some time but how long or how he behaved himself there is to me unknown or whether he left the squadron by disertion or some other misdemeamour but so it was that he gott about last Christmas to Gosport near Portsmouth, a remarkable ill place for one of his ill conduct, where he continued untill a Gentleman in London kindly and generously sent to get him cleared there and then to furnish him with money to get to London and then sent him down by the Kendall carryer to Kendall from whence after some very imprudent sallyes made he got to Rydall the twenty fifth of March last and I soon had very disagreeable bills to pay for his stay at Gosport, his getting to London and then from thence to Kendall, everyone showing something of his waistful management displeasing to me And tho he hath carryed himself seemingly pretty grave since the twenty fifth of March last that he gott to Rydall, but whether that any way proceeds from a sence of his by past follies or from a want of money to practise some of his follies over again I believe neither I nor any man living can form any probable good judgment to be depended upon but not to say more upon so disagreeable a subject I think he hath cause to be thankful for my providing an annuity for him to support him from want if he allow himself to live to any considerable age And I have heard of Gentlemen of good estates that have not provided larger annuities for their own sons (which is not his case) and I could name a younger Brother, a Relation to him, that out of a

less annuity lived with credit and reputation and saved money as to leave besides other legacies a handsome large silver bason to be kept by his Family as a Remembrance of him, which I have in my keeping as will appear by what is engraven on the side of it. However, I doe besides the said annuity give and leave him the sum of thirty pounds to inable him to go to London to try if he can by laying aside his ill grounded pride and extravagancies get something to find him bread to keep his annuity untouched and kept for a bank for age or want of health, which the life he hath led may give him cause to fear, and there is no doubt but that there are plenty of such sort of places to be got, if he will conceal his Pride and submit to accept of things suitable to the ill circumstances he hath reduced himself unto And whereas I have in and by my said last will and testament given and devised unto my daughter Dorothy the sum of three thousand pounds and unto my daughter [*sic*] Barbara and Catherine each the sum of two thousand five hundred pounds and by a subsequent clause in my said will have ordered that in case any of my daughters above named happen to dye before she be marryed by and with such consent as in my said will is mentioned or her attainment of the age of twenty one years that then two thousand pounds of her portion so dyeing shall be paid in equall moyties to her surviving sisters upon their respective marriages with such consent as aforesaid or when they respectively attain the age of twenty one years and in case two of my daughters above named shall happen to dye before they are marryed with such consent as aforesaid or before they attain their said ages of twenty one years that then one thousand pounds out of each of the portions of my daughters so dyeing shall be paid unto their surviving sister when she is marryed with such consent as aforesaid or attain her full age of twenty one years and whereas there will remain the sum of one thousand pounds in case my daughter Dorothy dye unmarried before the age of twenty one years (my other two daughters living) as a Remainder or Residue of their specifick legacies or sums above mentioned and disposed of by my said will and if my daughter Dorothy and one of my younger daughters both happen to dye unmarried before the age of twenty one years (the other living) there will remain three thousand five hundred pounds and in case both my younger daughters dye unmarried before the age of twenty one years my daughter Dorothy living there will remain three thousand pounds as a remainder or residue of their specifick daughters' legacies or sums above mentioned and disposed of in and by my said will I doe therefore by this codicil give and bequeath

such residue or remainder be it five hundred pounds one thousand pounds three thousand pounds or three thousand five hundred pounds as the case shall happen to fall out by reason of the death of any one of any two of my daughters as above named before she or they be marryed with such consent as aforesaid and before she or they attain the age of twenty one years in manner following To be divided into four parts, one fourth part to go to my wife if alive and unmarried again but not if dead to her executors or assignees other then some of my daughters if any of them be then living and one other fourth part to go to my brother Michael son and daughter William and Susanna and one other fourth part to goe to my brother Richard four daughters or as many of them as shall be then living and one other fourth to go to my brother Roger's son Daniel and daughter Alice to be divided betwixt them and all the remainder and residue of the portion and portions of my said daughters and every of them given and bequeathed and to be raised and ariseing out of my personal estate interest or produce thereof and out of the clear yearly rents produce and proffitts of all and every of the real estates by me purchased and divised trustees or executors in trust for the use of my said daughters in and by my said will untill my youngest daughter attain or would if living have attained her full age of twenty five years in case of the death of any one or any two of my said daughters unmarried and before the age of twenty one years I give devise and bequeath unto the survivors of my said daughters equally betwixt them and to the survivour if only one shall happen to be alive.

Proved at York 10 December 1736

A true and perfect inventory indented and made of the goods chattels and personal estate of the Honble Sir William Fleming late of Rydal Hall in the parish of Grasmere and County of Westmerland Baronet Deceased Apprized the Thirteenth and Fourteenth days of December in the year of our Lord God one thousand seven hundred and thirty six and several other days by Thomas Knott George Briggs John Cookson William Green and John Sawrey as followeth

	£	s	d
First Purse and apparel	25	10.	0. 11½
In old gold	16.	17.	9
Six fat cattle	13.	10.	0
Forty-six beasts that is oxen cows heifers &c	75.	0.	0
Nineteen horses	51.	10.	0
Sheep at Rydal Hall	170.	0.	0

Sheep at Conistone Hall	97.	10.	6
Sheep at Monk Hall	80.	0.	0
Sheep at Skirwith Hall	20.	0.	0
Sheep at Ambleside	28.	0.	0
Sheep at New Hall	13.	0.	0
Sheep at Nibthwaite	21.	0.	0
Wool	400.	0.	0
Plate given	89.	2.	6
More plate	77.	5.	0
gold watch chain and seal given	20.	0.	0
a repeating clock given	3.	3.	0
seven dozen of fine hard mettles plates given	4.	4.	0
damask linen given	9.	0.	0
Twenty four family pictures given	24.	0.	0
Household goods and furniture	152.	15.	9
Tables, boxes, saddles &c in the Schoolhouse	5.	8.	0
Presses, chests, boxes, drawer &c in the Great Closset	3.	0.	0
Two silver watches five gold rings and locket in ditto	9.	0.	0
a silver box a silver comb a box with some old silver in sliding rules and other rules, scales, weights &c in the Great Closset	4.	13.	0
Books that were Sir William Fleming's all the large and valuable library that were his Father, Sir Daniel Fleming's, being given in trust by the said Sir Daniel Fleming in and by his last will and testament for the use of the male heirs of the Family so that as wee apprehend Sir William Fleming had no more right than the use of them while he lived	10.	0.	0
Stamp paper and plain paper	4.	1.	3 $\frac{1}{2}$
Saddles, pilions &c	3.	5.	0
Armour	5.	5.	0
Cheviot [<i>sic</i>] chaise harness and wheels	30.	0.	0
hay and corn	32.	5.	0
Goods at Conistone Hall	8.	0.	0
Copper ore there	1.	1.	0
Goods at Skirwith Hall	2.	10.	0
Goods at Nibthwaite	1.	0.	0
Goods at New Hall		8.	0
Goods at Cowperthwaite	1.	0.	0
Goods at Ambleside	11.	15.	0
Goods in the Smithy at Rydal	2.	10.	0
Press in the Parlour reckoned by some to be an heirloom	2.	0.	0

Brewing copper and lead reckoned by some to be an heirloom	1. 15. 0
Virginals	0. 10. 0
Husbandry gear	7. 18. 0
Timber boards square [<i>sic</i>] wood &c	29. 5. 6
Slate	3. 0. 0
Money owing to the deceased upon mortgages bond & bills &c	10328. 3. 9½
Rents in arrears due November November 11 1736	817. 16. 8
Desperate Debts	440. 19. 10
	<hr/>
In all	15582. 15. 6½
Debitory	
Debts owing by the deceased	35. 8. 2
Funeral expences	150. 3. 4
	<hr/>
In all	185. 11. 6
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Clear Total	15397. 4. 0½

Apprizors

Tho: Knott

Geo: Briggs

John Cookson

Will: Green

John Sawrey

APPENDIX II.

Will of Dame Dorothy Fleming 1788 (Archdeaconry of Richmond)

This is the last will and testament of me Dame Dorothy Fleming of Lancaster in the county of Lancaster widow I give and devise to my grandson Daniel Wilson of Dallam Tower in the county of Westmorland esquire and to his heirs and assigns all that my messuage and tenement lands and hereditaments called and commonly known by the name of Sparrowmire situate in Strickland Kettle in the parish of Kirkby Kendal in the said county of Westmorland and also all those my two inclosures called and commonly known by the names of Briery Hill and Fletchers Feild with the parrockes and lane thereunto belonging and adjoining also all that my messuage and tenement called and commonly known by the name of Hagfoot situate lying and being in Strickland Roger in the parish of Kirkby

Kendal aforesaid with all the lands grounds woodlands and appurtenances thereunto belonging also all that my spring or inclosure of wood called Jackson's spring situate at or near Staveley park in the township of Over Staveley in the parish of Kirkby Kendal aforesaid and also all that my customary messuage and tenement or farm with all the lands and grounds thereunto belonging with the appurtenances called Skelgil situate in Ambleside in the parish of Windermere in the said county of Westmorland with the grasses thereunto belonging in Troutbeck in the said county of Westmorland parcell of the lands there called the Richmond Fee and I give unto him my said Grandson the stock of sheep belonging to me and lett with the estate at Skelgil aforesaid and also all the goods and furniture belonging to me and in or upon any of these estates aforesaid and now in the possession of the farmers thereof But I do hereby charge my said estates and premises so given to my said grandson Daniel Wilson as aforesaid with the payment of the several sums following, that is to say, to my daughter Dorothy Wilson widow the sum of one hundred and five pounds to my grandson Edward Wilson the sum of one hundred and seventy pounds to my granddaughter Dorothy Wilson the sum of one hundred and five pounds to my granddaughter Elizabeth Wilson the sum of one hundred and seventy pounds to my granddaughter Barbara Wilson the sum of one hundred and seventy pounds to my granddaughter Charlotte Wilson the sum of one hundred and seventy pounds to my daughter Barbara Parker two hundred and ten pounds to my son Edward Parker esquire the sum of one hundred and five pounds to my grandson John Parker esquire the sum of five hundred and twenty five pounds to my grandson Sir John Fleming Leicester Baronet the sum of seventy pounds to my grandson Henry Augustus Leicester the sum of two hundred and fifty pounds to my grandson Charles Leicester the sum of two hundred and fifty pounds and to my granddaughter Catherine Atkinson the sum of two hundred and fifty pounds all which said legacies or sums of money I do hereby order and direct shall be paid to the said several legatees or their respective personal representative or representatives at the end of twelve calendar months next after my decease I give and bequeath unto my said daughter Dorothy Wilson all my household furniture plate linen china and books that I shall be possessed of at the time of my decease and I do hereby nominate and appoint my said daughters the said Dorothy Wilson and Barbara Parker joint executrixes of this my will to whom I give my monies and all the of my personal estate not hereinbefore disposed of equally between

them they thereout paying my just debts and funeral expences and also paying the legacies following, that is to say to my said granddaughter Catherine Atkinson the sum of fifty pounds and to the reverend Christopher Atkinson her husband the sum of fifty pounds to be paid by my said executrixes at the end of twelve calendar months next after my decease and I do hereby order the following other legacies to be paid by my executrixes at the end of two calendar months next after my decease, to wit, to Matilda Warbrick the wife of Mr John Warbrick of Lancaster the sum of forty pounds, to my maid servant Ellen Dennison in case she shall be in my service at the time of my decease the sum of twenty pounds and to such poor house-keepers as shall at the time of my decease reside in the several townships of Rydal Loughrigg Grasmere and Ambleside above Stock in the said county of Westmorland or in any of them and who shall not have had relief from the said several townships or any of them the sum of thirty one pounds ten shillings The same to be paid distributed proportioned and divided in such manner as my said executrixes shall think and I do hereby order and direct that my funeral shall be directed by my said two daughters which I desire may be conducted in a private manner agreeable to the directions I intend to leave for that purpose And I do hereby revoke all former wills by me made and declare this to be my last will and testament In witness whereof I have to this my will contained on three sheets of paper set my hand at the bottom of the two first sheets and my hand and seal to this sheet the twelfth day of September in the year of our Lord one thousand seven hundred and eighty seven.

Signed sealed published and declared by the said Testatrix as and for her last will and testament in the presence of us who at her request in her presence and the presence of each other have attested the same

Dorothy Fleming

Mary Austin
J. Warbrick
Thomas Austin

June 3^d 1788 Dorothy Wilson & Barbara Parker the Executrixes within named were sworn well & truly to execute & perform the same and so forth Before me

J. Thomas Surre.

effects above £1000

APPENDIX III.

Will of Sir William Fleming, third baronet, 1760 (York)

This is the last will and testament of me Sir William Fleming of Rydall Hall in the County of Westmorland Baronet made this thirtieth day of May one thousand seven hundred & fifty five in manner following that is to say first I give devise all and every my messuages lands tenements meadows pastures hereditaments and real estate whatsoever and wheresoever with the perpetuall advowson of Windermere Church and tyths thereunto belonging unto Elizabeth my well beloved wife for and during the time of her natural life only upon this condition and not otherwise that she pay or cause to be paid yearly and every year after my death unto each of my three Daughters Emelia Barbara & Elizabeth the sum of twenty pounds a peice towards their maintainance and support and if I shu'd have another child born unto me then and in that case only fifteen pounds a peice to my three daughters and fifteen pounds yearly and every year after my death to such other child for its maintainance and support as shall be born unto me out of the said messuages lands tenements meadows pastures hereditaments and real estate whatsoever and wheresoever I die possessed off and the perpetuall advowson of Windermere Church and tyths thereunto belonging and after the decease of my dear wife unto my three daughters Emelia Barbara & Elizabeth and the child that may hereafter be born unto me share and share alike and to their heirs and assigns for ever Also I give and bequeath all and every my personal estate and effects of what nature or kind so ever and wheresoever unto the said Elizabeth my wife (except my books manuscripts left by my Grandfather Sir Daniel Fleming to the heirs male of the family which I give and bequeath to my son Michael) and if that my personal estate and effects amount to above a thousand pound the over plus or remaining part of my said personal estate I give and bequeath to my three daughters and the child and children that may be born unto me share and share alike and to be paid to them as they attain the age of twenty one separately) and I will that the said Elizabeth my wife do out of the same help to educate bring up and maintain my said daughters and the child or children that here after may be born unto me and provide for their being put into the world in the best manner she shall be able and think fit in her discretion and I nominate and appoint my said loving wife Elizabeth to be sole executrix and also residuary legatee of this my will and only guardian to my dear son Michael Le, who I thank God and hope he is well provided for In witness whereof

I have to this my last will and testament set my hand and seal the day and year above written

Signed sealed publish'd and declared by the said testator as and for his will and testament in presence of us who have hereunto sett our names as witnesses W. Fleming thereto at his request and in his presence

James Dixon
John Croft
Mary Carleton

Bond, 9 January 1760 of John Moore of Grimeshill in the county of Westmorland esq., James Dixon of Orrest in the parish of Windermere gentleman and William Johnson of Lancaster clerk that the above bounden John Moore, one of the executors named in the last will and testament of Dame Elizabeth Fleming widow deceased who whilst living was the relict sole executrix and residuary legatee named in the last will and testament of Sir William Fleming late of Rydall Hall in the county of Westmorland, Diocese of Chester and Province of York Baronet deceased, do well and truly execute and perform The last will and testament of the said Sir William Fleming deceased, having at the time of his death bona notabilia in the said Province and do likewise administer his goods and exhibit into the Prerogative Court at York a true and perfect inventory of all and singular his goods rights credits cattles and chattels.

On the same day John Moore was sworn well and truly to execute and perform the will of Sir William Fleming.

The grant passed on 15 January 1760.

APPENDIX IV.

Will of Dame Elizabeth Fleming 1760 (York)

This is the last will and testament of me Dame Elizabeth Fleming widow of Sir William Fleming late of Rydall Hall in the County of Westmorland Baronet deceased First I will and direct that all my just debts and funeral expences be fully paid and satisfied and subject thereto I give and bequeath all my personal estate of what nature or kind soever and wheresoever unto my Honoured Mother Elizabeth Pettytt widow Sir James Lowther of Lowther in the said County of Westmorland Baronet Edward Wilson of Dallam Tower in the said County of Westmorland esquire Humphrey Senhouse of Netherhall in the County of Cumberland esquire [blank] Blencow of Lowick in the County of Lancaster esquire and John Moore of Grimeshill in the said

County of Westmorland esquire (my executors hereinafter named) in trust that they or the survivors or survivor of them and the executors or administrators of such survivor do and shall as soon as conveniently maybe after my decease place the same forth at interest in such manner as they shall think fit and pay and apply the interest or annual dividends and profits thereof for and towards the maintenance and education of my four daughters Emelia Barbara Elizabeth and Dorothy Fleming respectively until they shall severally attain the age of twenty one years and when and so soon as my said four daughters shall have respectively attained the said age then I give and bequeath the said trust estate and effects and all interest and dividends due thereon unto my said four daughters equally to be divided amongst them share and share alike but in case of the decease of any of them before attaining the said age of twenty one years then the share or shares of her or them so dying shall go and be paid to the survivors or survivor of them share and share alike as and when her or their original share or shares shall become due and payable as aforesaid And I do hereby constitute and appoint my said mother Elizabeth Pettyt the said Sir James Lowther Edward Wilson Humphrye Senhouse Blencow and John Moore full and sole executors of this my last will and testament hereby annulling all will and wills by me made In witness whereof I have hereunto set my hand and seal the fifth day of May in the year of our Lord one thousand seven hundred and fifty seven

E. Fleming

Signed sealed published and declared by the said Dame Elizabeth Fleming the testatrix as and for her last will and testament in the presence of us who at her desire and in her presence have hereunto subscribed our names as witnesses

Susanna Noble
Reg^d Dennison

Bond 9 January 1760 of John Moore of Grimeshill co Westmorland esquire and James Dixon of Orrest, parish of Windermere, that the said John Moore, one of the executors of Dame Elizabeth Fleming late of Rydall Hall in the County of Westmorland, Diocese of Chester and Province of York widow deceased, execute the will of the said Dame Elizabeth, having at the time of her death bona notabilia in the said Province and pay her debts and legacies and exhibit into the Prerogative Court at York a true and perfect inventory of her goods.

On the same day John Moore esquire was sworn to execute the will of Dame Elizabeth Fleming, power being reserved to Sir James Lowther Baronet, Edward Wilson, Humphrey Senhouse and [*blank*] Blencow esquires the other surviving executors in the will.

The grant passed on 15 January 1760

Bond, 27 February 1816, of Robert Davies of the city of York, gentleman, James Robert Fryer of the same city gentleman and Richard Skilbeck of the same city, writer, that the said Robert Davies being by decree of court administrator of the goods of Dame Elizabeth Fleming late of Rydal in the parish of Grasmere in the county of Westmorland (having in her lifetime and at her death bona notabilia in divers dioceses or peculiar jurisdictions within the Province of York) widow deceased heretofore the wife and afterwards the widow and relict of Sir William Fleming late of Rydal Baronet deceased (left unadministered by John Moore esquire who alone took upon himself the probate and execution of the will of Dame Elizabeth and died intestate or at least no will of the said John Moore is proved in this court) (limited so far only as relates to and concerns all such term of years as was vested in the said Dame Elizabeth at the time of her decease in trust for Emelia Fleming her daughter by virtue of an indenture of lease 30 July 1753 made between (1) the Rev. Henry Yarborough D.D., Prebendary of the Prebend of Ampleforth founded in the Cathedral and Metropolitan Church of Saint Peter in York and (2) the said Sir William Fleming and Elizabeth his wife (who survived him) and also all such term or terms of years as she the said Elizabeth Fleming her executors or administrators were entitled to in trust as aforesaid under any renewed lease of all the mansion house belonging to the said prebend in Stonegate in the city of York then late in the tenure of John Davies of the same city cabinet maker and Luke Napier of the same city mercer then deceased and one part thereof then in the tenure of William Beckwith mercer and the other part then unoccupied which mansion house then adjoined upon a tenement then in the occupation of Bernard Lentwere staymaker on the south and on a tenement then in the occupation of Richard Whittle barber on the north) do execute and perform the will of the said Elizabeth Fleming deceased and administer her goods (left unadministered and limited as aforesaid) in order to enable him to make an assignment of the now residue of such term of years as aforesaid (Elizabeth Petty widow Sir James Lowther Baronet Edward Wilson esquire Humphrey Senhouse esquire and [*blank*] Blencow esquire the

other executors having died without having taken upon them probate of the will in this court

Former grant 15 January 1760

Declaration, 27 February 1816 of Robert Davies of the city of York gentleman administrator of the goods with the will annexed of Dame Elizabeth Fleming late of Rydal in the parish of Grasmere in the county of Westmoreland widow deceased who died in or about 1760, limited as to the residue of all such term or terms of years as was or were vested in the said deceased and more particularly mentioned in the annexed bond executed by the Robert Davies, who makes oath that he has made diligent search and enquiry after the personal estate and effects of the deceased and to the best of his knowledge the goods of which deceased died possessed within the Province of York limited as aforesaid are under the value of £20, and she had no personal estate and effects at the time of her deceased within the Province of Canterbury to which he need to administer

Robert Davies

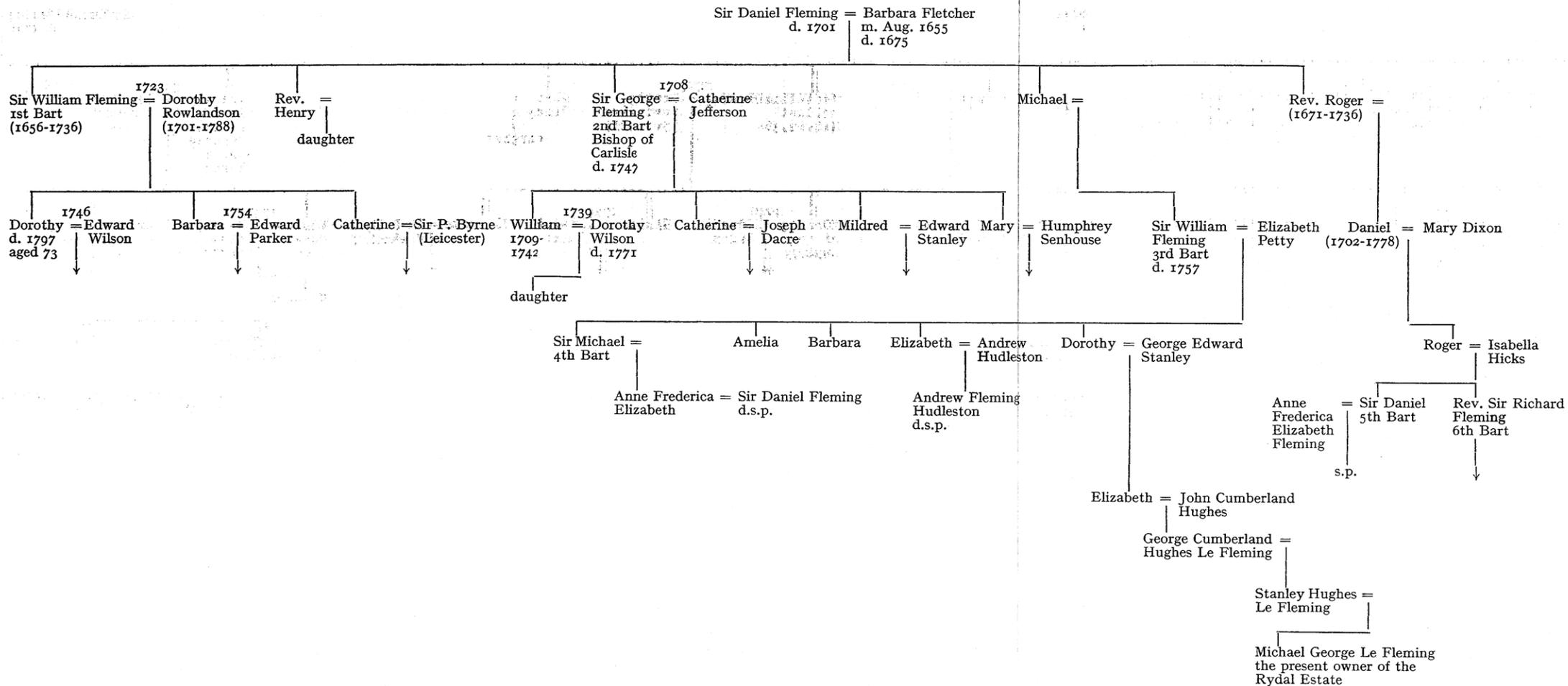
APPENDIX V.

Bill for legal work done by Thomas Whelpdale for Dorothy Lady Fleming (Whelpdale MSS. at Hutton John)

The account is for work done by Thomas Whelpdale of Penrith, attorney, in 1740-44. The bill opens with £1. 6. 8 for Mr Whelpdale's journey to Rydal to take instructions, two days out, horse hire and expenses. On 8 September Mr Hutchinson — Whelpdale's partner — went to Rydal "to settle the Bill [i.e. a bill in Chancery] with Lady Fleming", and at Easter 1743 is a note of an action "Lady Fleming against Birkett Trinity 1743. The Young Ladies' Cause". This appears to relate to the living of Grasmere.

At Michaelmas 1741 the suit of "The Honble the Lady Fleming on behalf of Miss Fleming. Fleming Infts against Fleming c^{rk} & al" is mentioned, and at Hilary 1741: "Letter from Lady Fleming with one inclosed to the Bishop". This is followed by a note of a subpoena against William Fleming clerk (the Bishop's son) at Easter 1742.

After this on 13 May is noted: "Severall attendances on the Bishopp to desire he would wave his priviledge". In the September following Mr Hutchinson went to Rose to wait on the Bishop and "serve him with letter missive".



On 28 November Mr Whelpdale went to Unerigg "to adjust matters with Mr Christian". The cost for two days out, horse hire and expenses was two guineas.

An even longer journey was undertaken by Hutchinson in July 1743, when he went to Settle for service on Mr Tatham.

A subpoena was served on William Fleming esquire at Michaelmas 1743, and at Trinity 1744, the answer of Roger Fleming "& al" was taken at Whitehaven, and at the same time fifty miles were travelled for service on Mr Senhouse. Another charge was for a copy of the answer of Daniel Fleming, Fletcher Fleming and Roger Fleming. For all this work, "besides several Extraordinary Journeys to Rydal by Mr Whelpdale at Lady Fleming's Request not charged", the bill totalled £200.

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* Since these lines were written Mrs Gurney has succeeded Dr Purvis as Director of the Borthwick Institute.