

ART. XIII.—*Dean Barwick and his Will.* By B. L.
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Read at Kendal, April 4th, 1964.

JOHN BARWICK, 1612-1664, sometime Dean of St Paul's, is rightly regarded as one of the famous men of Westmorland, and his name is still kept alive in Witherslack, his native place, particularly because of the Charity, which was founded under his will, and which still continues. As the tercentenary of his death approaches it seems fitting to recall his local connections and to record his various benefactions.

The career of John Barwick is copiously described in a biography, written in Latin, by his younger brother Peter Barwick — an English translation of which was issued posthumously in 1724 — but this is no longer readily available. He and Peter are both noticed at some length in the D.N.B. and in Atkinson's *Worthies of Westmorland*. References to Dean Barwick may also be found in N. & B., in the history of Sedbergh School, in the records of St John's College, Cambridge, and in Hutchinson's *History of Durham*. There is a good account of the family and of the Dean's charitable bequests in a small book called *Glimpses of Witherslack* by Miss E. Hodgson (1937).

Consequently there is no need to give in *Transactions* more than an outline of his life, but as his will is full of interest it seems desirable to print it verbatim, from a photostat of the probate copy at Somerset House, and by so doing correct several minor errors which have crept into the copies used by earlier writers. Furthermore I am able, thanks to our Editor, and by permission of Mr C. Eric Arnison, solicitor, of Penrith, to publish an epitome of deeds and papers relating to the tithes of the parish of Lazonby and certain lands in the parish of



The Barwick tablet with its misleading inscription.



Witherslack church.

Kirkoswald which from the 17th century until recently formed the endowments of Dean Barwick's Charity.

The Barwick Family.

John Barwick was the third son of George Barwick, "husbandman", and his wife Jane (née Barrow) who owned a small farm at Witherslack, probably Askew Green,¹ which is about a mile north of the church. His parents both belonged originally to the ancient parish of Cartmel, and their marriage is recorded in the Cartmel register, 1 August 1606. Both Barwick and Barrow were common surnames in Cartmel parish and it is impossible to trace the ancestry of George and Jane except to say that George was the eldest son of Nicholas Barwick of Fair Rigg near Staveley-in-Cartmel. (One of the family, Thomas Barwick of Fair Rigg, helped to restore Staveley church in 1678.)

George and Jane Barwick must have settled at Witherslack immediately after they were married, and there their children were born: Nicholas, William, John,² Peter, a son who died in infancy, and Edward. Witherslack was then in Beetham parish, and the christenings of these Barwick sons may be recorded in the Beetham register, but a search for them has been unproductive, perhaps because the writing is often faded and some of the entries are illegible. An Elizabeth "daughter of Georg Barricke" was baptized 22 May 1618, but there is nothing to shew that this was a sister of the Dean except that the date is consistent with such a possibility. The Witherslack register does not begin until 1671 when the present church was consecrated. It includes various Barwick entries, demonstrating that by the end of the 17th century and the beginning of the 18th there were several Barwick families in the parish, not only at Askew Green but also at Fell End, Beckhead and Swimmers.

¹ *Glimpses of Witherslack* 16.

² According to local tradition the Dean was born at Fell End, but according to Machell he was born at Halecot, so presumably his father had left Askew Green by 1612.

Nicholas was a farmer and succeeded his father at Askew Green, but later in life moved to Durham: in 1666 he was described as "of Witherslack" but in 1667 he married at Durham Eleanor (or Helen) Green, by whom he had two sons and a daughter, and he died at Durham in 1687.

William, too, was a farmer and lived at Fell End: he married, and had a son, George, and three daughters, one of whom was the Mary Barwick whose flat tombstone, just east of the porch of Witherslack church, has the inscription: "Here lieth the Body of Mary Barwick Neece to ye Revd Iohn Barwick D.D. late Dean of St Paul's who Died Augt the 30th 1735 aged 74."

John was born 20 April 1612 either at Fell End or (according to Machell) at Halecot, Witherslack,³ and was "bred a scholar". He was sent first to Heversham School and later to Sedbergh School. The Master of Sedbergh at that time was Gilbert Nelson of St John's College, Cambridge. On 14 May 1631 Barwick was admitted to St John's College under the tuition of the Rev. Thomas Fothergill, and one of his contemporaries at College was John Otway (afterwards Sir John), a Westmorland man with whom he formed a lifelong friendship. He was admitted Lupton Scholar 6 November 1634 and became B.A. 1634/5, Fellow 1636, M.A. 1638, and held the usual College teaching offices, 1636-1639. He was ordained deacon by the Bishop of Lincoln in 1640, became chaplain to the Bishop of Durham, and when in London lived at Durham House. He was a zealous Royalist, devoted to Church and King, and entirely opposed to the Commonwealth. He was an active agent for the King, and because of his anti-Commonwealth enterprises he was charged with treason, imprisoned in the Tower in 1650, but after two years and four months was released without trial 7 August 1652. Living mainly

³ Jane M. Ewbank, *Antiquary on Horseback*, 74. By "Halecot" is probably meant the old house now called "Halecot Cottage".

in London at Durham House, he resumed clandestinely his former work until the Restoration. All this is described in detail in his biography.

Many years earlier he had been appointed chaplain to Bishop Morton of Durham who had collated him to a prebend in Durham Cathedral about 1642, but he was never installed. Similarly he had been given the rectories of Houghton-le-Spring and Wolsingham, co. Durham, but could not be instituted until the Restoration.

In 1660 he was appointed Chaplain to the King and was advanced to the degree of D.D. by Cambridge University. He was offered, and declined, first (by the Earl of Derby) the bishopric of Man and then (by the King) the see of Carlisle. Ultimately he accepted the deanery of Durham and was installed by proxy on All Saints' Day 1660. He now also became Rector of Houghton-le-Spring until December 1661. While he was Dean of Durham, according to Hutchinson he "caused the cathedral and all the prebendal houses to be repaired; erected the grammar-school from the ground, and made it a nursery of good literature. He brought water into the college, to supply the occasions of all the prebendaries' houses; reformed the manners of his clergy, and augmented the salaries of the poorer sort; and did many other public acts for the benefit of his church". These achievements are the more remarkable when we find he was at Durham barely a year.

On 19 October 1661 he was appointed Dean of St Paul's and Prebendary of Oxgate, and almost at the same time he was chosen prolocutor of Convocation. At St Paul's he found awaiting him tasks almost as formidable as those he had just tackled at Durham. "He found everything in great confusion", the services discontinued, the fabric in disrepair, and the estates of the Dean and Chapter alienated or lost. "Despite ill-health Barwick set about his task energetically" and is specially remembered for restoring the musical services and for reviving more frequent celebrations of the Holy Communion.

In September 1662 Barwick was appointed to the Dean and Chapter living of Therfield in Hertfordshire, and it was his intention to retire to this country parish if for reasons of health he had to resign the deanery. In the event this never happened. Although he was only in his fifties the Dean was an increasingly sick man, and physical weakness began to overcome his mental energy: he died in London 22 October 1664. At his own request he was buried in St Paul's without pomp, but an elaborate Latin epitaph was inscribed on his monument in the south aisle. The monument has not survived the Fire of London and the rebuilding of the cathedral.

John Barwick's signature from a document in the Library of St Paul's Cathedral, 1662.

The epitaph is printed in his biography.⁴ There is another epitaph on a memorial tablet in Witherslack church.⁵

Barwick wrote and published many sermons and a *Life of Bishop Morton of Durham*.

There is a portrait of Barwick in the biography, and this suggests a somewhat ascetic person, but the study of his life leaves an impression of a man who was innately pious, intensely loyal and extraordinarily generous. It is very right to honour his memory in Westmorland, his native county.

Peter, like John, was also bred a scholar. He was seven years the younger. He, too, went to Heversham and then to Sedbergh School, and on 12 October 1638 was admitted to St John's College, Cambridge. He took his

⁴ *Life* 356 ff.

⁵ N. & B. i 233 (but with the wrong date, 1668 instead of 1664). Also, but not quite accurately, in *Antiquary on Horseback* 75.

B.A. in 1642 and his M.A. in 1647; in 1655 he became Doctor of Physick. He lived in London and was Physician to the King. He married Anne Sayon, "a merchant's widow, and near kinswoman of Archbishop Laud" (and previously the widow of Dean Howlet), by whom he had a son who died in infancy and three daughters, the only survivor of whom married Sir Ralph Dutton of Sherborne, Gloucestershire, Bart. He lived near St Paul's until the Great Fire, and afterwards near Westminster Abbey. Peter was John's faithful executor and biographer; he began the *Life* about 1671 and worked on it for some years. In 1694 his sight failed and he gave up his practice but he lived on for nearly ten years more and died 4 September 1705 in his 86th year.

Edward, the youngest of the family, a "Herald-Painter", took part in the Civil War, assisted John in serving the King, as described in the *Life* of the Dean,⁶ was imprisoned with John for a few weeks in 1650, and died soon after his release.

Dean Barwick's Will⁷

IN THE NAME OF GOD AMEN I John Barwicke Dr. in Divinity, and Deane of the Cathedrall Church of St. Paul London, being by the blessing of God of a sound minde and perfect memory but much weakened in my bodily health by reason of a consumption Doe make and Declare this my last Will and Testament in manner & forme followinge. First I humbly resigne my Soule into the hands of Allmighty God from whom I received it and every good thing, in hopes of a glorious resurrection unto life eternall through the onely meritts of Jesus Christ our Lord; And my Body I appoynt to be interred as my Executor shall thinke fitt with as much privacy and litle pompe as may be ITEM I give and bequeath to my Three brothers Nicholas William and Peter each of them Two hundred pounds, And to Mary the Sole Daughter of my brother Peter One hundred pounds, And to George the Sonne of my brother William Two hundred pounds, And to the Three daughters of

⁶ Edition of 1724, 116-123.

⁷ The spelling is the original, but abbreviations have been extended.

my brother William One hundred pounds apeice towards their marryage portions, And my will is that if any of the said Three last named Legattees happen to dye before marryage, Then the Legacy to her or them bequeathed to accrue to the Survivors or Survivor, And further that if any of them marry without their Parents consent, Then the Legacy of her or them soe marrying to accrue and be payd to the others or other of them ITEM my will is that the booke called Historia Bizantina printed at Paris in volumes be presented by my Executor to the most reverend Father in God Gilbert Lord Archbischoppe of Canterbury his grace as an acknowledgment of my gratitude for those many favours I have allwaies received from his Grace. ITEM I give moreover to my said brother Nicholas one hundred pounds in recompence of that good Service he hath done me at Durham and still doth me in manageing all my affaires there, And to my brother Dr. Peter Barwicke One hundred pounds as a debt I owe him for attendinge me in my Sickness, And the Summe of Two hundred pounds more in full recompence of his care and paines to be taken in his being my Executor ITEM I give and bequeath all my Plate to my Sister Anne the wyfe of my said brother Dr. as an acknowledgment of my thankefullness to her for her tender care over me in the time of my Sicknesse ITEM I give to Mr Samuell Howlet Sonne to my said Sister, all my bookes except papers and manuscripts and except the workes of our late Soveraigne King Charles the Martyr in folio Two volumes, which workes I will and appoynt to be presented by my Executor to my good Freind John Ottway Esqr. as a remembrance of me and an acknowledgment of my thankefullness unto him for his great paines and hazard taken at my intreayt in order to our present gratiouse Soveraignes happy restauration ITEM I give and bequeath to Theophilact Blechinden Twenty pounds, And to Jane Rowlandson Forty pounds, And to my Servant Arthur Sisson Fortie pounds, And to every meniall Servant belonging to my selfe or my brother Dr. the value of one yeares wages respectively, And to Thomas Day my Footboy Ten pounds for placeing him forth Apprentice to some honest handicraft trade accordinge to the discretion of my Executor ITEM I give and bequeath to Mr Thomas Cooke Tenn pounds to buy him a booke to be kept in remembrance of me over and above his Sallary for searveing the Cure at Therfield ITEM I give to the right reverend Father in God Humfrey Lord Bishop of London Forty Shillings for a Ring, And I do will and appoynt that the residentiaries of St. Paules mr Deane of Westminster mr Deane of Christchurch Dr Allestree Dr Gunning Dr Crawley Dr Burwell

mr Thomas Fothergill formerly my Tutor, mr Thirscross mr Oley, mr James Cookson, mr George Fothergill, mr John Kirkby, mr Richard Wrench, mr Thomas Wharton of Grayes Inne, mr Joseph Sheldon, mr Thomas Elborow and his wyfe, mr Rumbald, mr Snowe, mr Fisher and mr Houghton, have each of them a mourneing ring presented of Twenty Shillings price to weare in remembrance of me as my espetiall Freinds ITEM I give to Roger Barwicke Fishmonger in Ipswich Five pounds and I forgive him the debt he owes me And I also forgive to Mr Robert Browne the Tenn pounds he owes me by bond. For the remainder of that Estate wherewith God hath bin pleased to bless me, though I humbly acknowledge this and the rest also to be iustly due to him yett I humbly pray and hope that of his infinite mercy he will accept of this for the whole in manner followinge vitz. ITEM whereas I have lately purchased of Sr Thomas Dacres the Rectory or parsonage impropriat of Lasonby in the Countie of Cumberland in the name of my brother Dr Peter Barwicke, And whereas the village or Hamlett of Wetherslacke (the place of my Nativitie) is foure or five miles distant from the Parish Church and is cutt off from it by an interposition of an Arme of the Sea twice every day and is both troublesome and Daungerous for passage espetially for buryall of the dead from the said village, My will and minde is that the whole proffits of the said Rectory be in the first place employed in and upon the purchaseing incloseing and consecrating of a parcell of ground to be made a Churchyard and annexed to the Chappell of Wetherslacke aforesaid (wherein the right reverend Father in God George now Lord Bishopp of Chester hath bin pleased to promise me his paternall care and favour,) And after the said Churchyard shall be purchased enclosed and consecrated as aforesaid, or if my Executor shall finde too great difficultie in the doeing thereof or if the Inhabitants of Wetherslacke shall be indifferent or as well contented to bury their dead at the now Churchyard or Parish Church Then all the Issues and proffits of the said Rectory to be employed for ever in manner followinge, and my said brother Dr. to convey the same accordingly to some Inhabitants of Wetherslacke aforesaid or other fitt Trustees, vitz. Six and Twenty pounds yearlye thereof to the Curate of Wetherslacke for the time being for an augmentation to his Sallary. PROVIDED that he be in the holy Order of Preisthood that he be Dilligent and conformable to performe the Office of the Church at all such times as by law or laudable Custome is required that he be of a pious Sober and peaceable life and conversation, that he keepe a Schoole within the said Hamlett,

and teach the Children of the Inhabitants gratis, that he be diligent in chatechiseing the Children and Servants of the said Inhabitants publiquely in the Chappell, that he instruct the said Inhabitants out of the homilies of the Church sett forth or to be sett forth by publique authoritie, but that he doe not presume to preach unless he be found sufficiently enabled and be thereunto licensed by the Bishopp of the Diocess. Forty Shillings more thereof to the Vicar of Lazonby for the time being for a small augmentation to his vicaridge, Foure pounds more thereof yearly to be deposited in the hands of the Churchwarden of the said Chappellry to be employed and layd out (as occasion shall require) upon necessary repaires of the said Chappell and to provide utensills and ornaments for the same with the advice and consent of the Curat, And every Churchwarden to be accomptable for the said foure pounds in the asuall manner as he doth or ought to accompt for other publique moneys cominge to his hands: Tenn pounds more thereof yearly to be employed by the Trustees to place forth Apprentices mend highwayes or to give as portions in marryage with Mayds borne within the said Chapelry by such proportions and accordaninge to such orders and rules as my Executor shall cause to be sett downe and expressed in the Settlement, the residue of the rents and proffits of the said Rectory (incident charges in gathering or otherwise manageing the same being first defrayed) to be employed & disposed with and as the Tenn pounds yearly last mentioned ITEM I give and bequeath the Summe of Three hundred pounds to the Master Fellowes and Schollars of St. Johns Colledge in Cambridge, to be employed for buying bookees to their library or some other publique use there at the discretion of my Executor this being only a small earnest of what both my obligations and intentions called upon me for if God had pleased better to enable me ITEM I give the Summe of one hundred pounds towards the repaire of St. Pauls Church as my owne peculier mite besides what hath beene allready devoted and sett apart for that use by the deane and chapter of that noble Cathedrall ITEM my Will is that my Executor bestow Fortie pounds in good usefull Schoolebookes to be sent downe to Sedbergh Schoole and added to the library there, The remainder of my Estate whatever it be (after my debts Legacies and Funeralls discharged) I will to be distributed to the poore, and employed in other pious and charitable uses by my Executor at his owne discretion And I doe here againe nominate constitute and appoynt my trusty and dearly beloved brother Doctor Peter Barwicke to be my Sole Executor of this my last Will and Testament; IN TESTIMONY of all which

(revoaking all former Wills by me made) I have hereunto sett my hand and Seal this One and Twentieth Day of October Anno Domini 1664. And in the Sixteenth yeare of the raigne of our Soveraigne Lord King Charles the Second &c. Jo: Barwick. Signed sealed and published on the Day of the Date in the presence of us Tim: Thurstcrosse John Tillison Marke Weyland Jo. Houghton Notarii Publici.

The will was proved at London in the Prerogative Court of Canterbury by Peter Barwick, brother and executor of the deceased, 24 October 1664.

Notes on the Will.

Clearly the will was drafted after much thought and consultation despite the fact that it is actually dated 21 October 1664, only the day before the testator died, 22 October 1664.

The main provisions refer to the Charity which is described below but various other clauses are of interest, notably the one enumerating the Dean's "espetiall Freinds", and the clauses about his books, his plate, and his bequests to his College and his Cathedral. It is now impossible to say whether the books specially mentioned in the will and bequeathed to the Archbishop of Canterbury and to Sir John Otway are still in existence; the books which were to be sent down to Sedbergh School may be included amongst the 17th-century books in the present Library, but, if so, they are not specially recorded there as John Barwick's benefaction. It seemed conceivable that "all my Plate" bequeathed to Peter's wife Anne, might remain amongst the family possessions of the Dutton family, Mary Barwick (Peter and Anne's only surviving daughter) having married Sir Ralph Dutton, Bart., of Sherborne, Gloucestershire. However, the present head of the family, Lord Sherborne, has been kind enough to confirm that there is no trace of it, all the Dutton silver being of a later date. The £300 left to St John's College, Cambridge, for books or some other public use was in fact used towards the building of Third

Court. As for the £100 bequeathed to St Paul's Cathedral towards its repair — the then Cathedral being, of course, "Old St Paul's" — this was in addition to £500 which the Dean had given during his lifetime.

The list of friends who each received a mourning ring deserves more than a passing mention because it includes so many contemporaries whose names were well known at the time and are perhaps not unknown today, three hundred years later. In addition to the canons of St Paul's, the Dean of Westminster and the Dean of Christ Church, nineteen other friends are specified, many of them Johnians. *Dr Richard Allestree* (1619-1681) was Canon of Christ Church 1660, Regius Professor of Divinity at Oxford 1663, Provost of Eton College 1665. *Dr Peter Gunning* (1614-1684) was Master of St John's College and Regius Professor of Divinity at Cambridge 1661, Bishop of Chichester 1669, Bishop of Ely 1675. He preached Barwick's funeral sermon. *Mr Thomas Fothergill*, "formerly my Tutor", was a Fellow of St John's and a Prebendary of York. *Mr Thirscross* appears to have been a Fellow of Magdalene, Prebendary of York and Archdeacon of Cleveland; in 1660 he was living in retirement at Westminster. *Mr Barnabas Oley* (1602-1686), sometime president of Clare Hall, was Vicar of Great Gransden 1633, Prebendary of Worcester 1660, and Archdeacon of Ely 1679. *Mr John Kirkby*, admitted to St John's College as a pensioner 1631, was the son of Roger Kirkby of Kirkby Ireleth. *Mr Richard Wrench* was a Fellow of St John's and a Prebendary of Durham.

Mr Thomas Wharton of Gray's Inn was also a Johnian, admitted sizar 1640, the son of Humphry Wharton of Burtergill, Warcop. *Mr Joseph Sheldon*, afterwards Sir Joseph, was a nephew of Archbishop Sheldon and became Lord Mayor of London. *Mr Thomas Elborow* was yet another Johnian, admitted sizar 1639, the son of John Elborow of Haselbeech, Northamptonshire. He was Vicar of Chiswick, and Barwick stayed with him and

his wife during his last illnesses. *Mr William Rumbald* (1613-1667) was one of Barwick's principal confederates during the Commonwealth, particularly when the King was at Brussels, and is frequently mentioned in the Dean's biography.

Dean Barwick's Charity.

Endowments. Dean Barwick's Charity was created under his will in 1664 but it had been anticipated at least seven years earlier, as lands in Cumberland — to form an endowment for it — had been purchased from Sir Thomas Dacre of Lanercost by Peter Barwick acting as agent for John Barwick. Sir Thomas Dacre's estate was under sequestration for his loyalty to Charles I during the Civil War and he had been "obliged to advance a considerable sum of money" which he borrowed from Dr John Barwick, Sir Thomas Slater of the City of London, and Thomas Wharton esq., for the payment of his composition money. Eventually Haresceugh Manor⁸ was sold to Dr Barwick for the payment of the money particularly by him advanced. In 1657 Peter Barwick paid £500 for a lease for 99 years of tenements at Haresceugh and the Rectory, i.e. the tithes⁹ of Lazonby and Plumpton. In 1660 he bought from Sir Thomas Dacre for £334. 6s. od. a mortgage on Haresceugh Demesne. In 1663 he bought the Rectory of Lazonby "in trust for John Barwick", but John died the following year, and in 1666 Peter conveyed the Rectory to seven trustees "upon trust . . .". In 1667 Peter Barwick paid another £334. 6s. od. for a release of further property at Haresceugh from Sir Thomas Dacre and his son. Finally, in 1675, Peter Barwick made a deed of settlement convey-

⁸ Haresceugh was given by Ada de Engayne, temp. Henry II, to the Priory of Lanercost and "the Canons of that Priory used part for cattle but the Mountaines for sheepe, & enjoyed the same till the Dissolution". Then it was purchased by Henry Dacre.

⁹ The tithes of the parish of Lazonby had been granted to Lanercost Priory in 1272, and had passed to the Dacre family after the Dissolution.

ing Haresceugh Castle, etc.,¹⁰ to the trustees "upon the same trusts as they held the Rectory of Lazonby" to augment the income of the Charity which otherwise "fell far short" of what was required to carry out the testator's wishes.

The rents of the Haresceugh Castle estate, and the tithes of Lazonby and Plumpton, formed the income of the Charity until recent times, but Haresceugh was sold to Mr John Blenkinsop 20 October 1920, and the tithes of Lazonby and Plumpton were redeemed in 1940.¹¹ The funds of the Charity are now invested through the Charity Commissioners.

The Charity itself continues to exist in substantially its original form as laid down by the founder, subject to minor amendments to bring it into line with the changed conditions of modern times. These amendments were first made in a new Scheme for the Management of the Charity 13 June 1885, subsequently varied by a number of subsidiary schemes, culminating in another new scheme 6 April 1956.

Burial ground and chapel.

John Barwick's intention as expressed in his will was to provide the people of Witherslack with a burial ground at or near their "Chapel" so that they need not carry their dead across the Kent estuary to the churchyard of their parish church at Beetham. Witherslack chapel at that time was not where Witherslack church is today but on the other side of Yewbarrow, near Witherslack Hall. Apparently it was found impracticable to carry out this idea and it was decided, instead, to choose a different site altogether, build a new chapel, and have the burial ground in the land around it.¹² It is interesting to note

¹⁰ For the early history of Haresceugh Castle, with a description and plan, see T. H. B. Graham's paper, "Six extinct Cumberland castles", CW2 ix 220-224.

¹¹ A pew in the chancel of Lazonby church was assigned to the trustees of Dean Barwick's Charity, as owners of the tithes of the parish, and the repair of the chancel was their liability.

¹² The existing yew trees may well have been planted when the churchyard was created.

that the Dean's will does not mention building a new chapel, and this was evidently done by the direction of Peter Barwick, the sole executor, who had complete discretion to use the residue of his brother's estate as he thought best. The site was chosen because it was near John's birthplace.

This new chapel, which eventually became the present parish church of Witherslack, appears to have involved a good deal of discussion before it was built. The parishioners petitioned the Bishop of Chester about it, and obtained his approval, in 1666. The inscription on the outside of the south wall of the church, over the small door, reads: "REVEREND IOHN BARWICK S.T.D. BORN IN THIS HAMLET, LATE DEAN OF ST. PAUL'S BUILT THIS CHAPPELL A.D. 1664",¹³ but this is distinctly misleading. 1664 is not the date of the building but the date of the Dean's bequest which made the building possible. In 1666 the trustees of the Charity made an agreement with William Lawson of Heysham for free-stone work "about the Church intended to be built in Witherslacke", and in 1667 Nicholas Barwick arranged for William Barwick to vote for him "touching the Building Witherslack Chapel" which evidently was not yet begun. It probably went up in 1668 or 1669, because when the site was granted and confirmed to the trustees by the Earl of Derby, 3 February 1669, it was expressly described as "All that Parcell of ground . . . whereupon our Church by my Order and Consent is lately built and erected and now inclosed with a stone wall for a Churchyard . . .". Incidentally we may note in passing that one of the three bells is dated 1669 and the other two are dated 1670.¹⁴ The sundial in the churchyard bears the date 1671. The chapel and chapelyard were consecrated 22 June 1671 by the Bishop of Chester, John Wilkins. John Brockbank, vicar of

¹³ S.T.D. is for Sanctae Theologiae Doctor (Doctor of Divinity).

¹⁴ RCHM *Westmorland* 248.

Beetham, was admitted curate the next day. He had been instituted to Beetham, which was a very poor living, in 1664 and he seems to have held the parish church and the chapel jointly until 1683. Then he moved from Beetham to Witherslack and remained there until 1712,¹⁵ in which year he probably died,¹⁶ but his burial is not recorded in the Witherslack parish register.

Machell gives an interesting but not wholly accurate account of the church as he saw it in 1692, a little more than thirty years after it was built.¹⁷ He says the building is twenty-six yards long (which is the length of the present nave without the sanctuary) and seven yards broad. Since then it has been altered and enlarged. In 1768 the roof was removed, the walls raised, and the roof put back again. The windows were enlarged, and work was done on the tower. The building was extended eastwards and the Ionic columns were put in to separate the sanctuary from the rest of the church. A vestry was added at the north-east corner. A plan of the alterations still exists.¹⁸

It is worthy of remark that Machell makes notes on the glass which was then in the east window (but now partly in the window in the north wall and partly in the corresponding window in the south wall); hitherto this glass has been supposed to be 18th century, but clearly if it was seen in 1692 it must be 17th century.¹⁹ He draws a sketch of the coat of arms of the Deanery of St Paul's, impaling those of John Barwick, but does not give the family motto (which is in the glass, beneath the shield) IN DURIS SERVATA FIDES. The arms of the Deanery of St Paul's are: Gules, two swords argent in saltire with points to the points of the escutcheon hilted and

¹⁵ B. Nightingale, *The ejected of 1662 in Cumberland and Westmorland* (1911), ii 984-985.

¹⁶ H. F. Wilson.

¹⁷ Jane M. Ewbank, *Antiquary on Horseback*, 75-78.

¹⁸ Miss E. Hodgson.

¹⁹ CW2 lvii 196. Professor Kenneth Harrison has recently shown that the glass is probably the work of Henry Giles of York. [*Westmorland Gazette*, 9 October 1964.]

pommelled or (being the arms of the see of London) differenced with the letter D (for Decanus) in chief or. The arms of John and Peter Barwick are: Argent, a rose of England gules between three bears' heads proper muzzled and bridled of the second.²⁰ The red rose, irradiated with gold, was granted 13 Charles II (1661) to John and Peter and their heirs, as an addition to the arms of the family, in recognition of their services to the Crown. These same arms also appear on hatchments near the entrance to the church; they used to hang one on either side of the belfry door.²¹

The extensive operations on the church in 1768 are proclaimed on a large framed wooden board, now on the north wall, which states:

A.D. 1768/This Ch: repaired & beautified/Pr. Jno. Hird/
By Order & Approbation of/The Rt. Hon. HENRY earl
of/Suffolk & Berkshire/The Rt. Hon. Ld. GEO. CAVEN-
DISH/Sr. MICHL. LE FLEMING Bart./Danl. Wilson/
Geo. Wilson/Thos. Fenwick/Fletchr. Fleming/Myls. Sandys/
Jacob Morland Esqrs./Edwd. Wilson/Jno. Hadwen/ Jas.
Birket/Robt. Myers/Jno. Bowes/Danl. Dickinson/Wm.
Walker/Wm. Bownas/Thos. Hartley/Gentlemen/Trustees
of the late Revd. Docr. JNo. BARWICK'S Charity/Jas.
Dowker Esqr. Solicitor to the said Trust,/The Revd. Jno.
Hunter Clk. Minister,/and Richd. Thornborrow Ch:
Warden.

At the present day the Trustees of the Charity still contribute an annual sum towards the repair and maintenance of the church, and from time to time they also help financially if any extraordinary work needs to be done.

Curate's salary. The Trustees of Dean Barwick's Charity are Patrons of the living of Witherslack, and part of the stipend of the vicar is provided by them. They built the "Parsonage House" in 1844.

²⁰ H. F. Wilson.

²¹ The Barwick arms, complete with the rose, appear on the house called Barwickstead in Beckermet, Cumberland (F. J. Field, *An Armorial for Cumberland* (1937), 80). The house was built by Dr Clark about a hundred years ago and the connection, if any, with the Barwick family is obscure. Neither John nor Peter left any male descendants.

School. A school was erected in 1678, and a separate room for girls was added in 1824. New buildings were provided in 1874 for boys, and in 1876 for girls. More recently the school has again become a mixed school.

Rector of Lazonby. A small annuity, originally £2 but now £3. 4s. od., is still paid to the Rector of Lazonby.

Apprentices. Grants are occasionally made to young men when they start work.

Highways. Contributions towards the upkeep of the roads are no longer made, this work having become the responsibility of the local authorities.

Marriage portions. Gifts of money are still presented to local "mayds" when they marry.

For many years the income of the Charity has exceeded £500 per annum.

Trustees. The Trustees came into being by an indenture dated 18 June 1666 when Peter Barwick conveyed the rectory of Lazonby to seven trustees "upon trust . . .", namely:

Nicholas Barwick, of Witherslack (eldest brother of John).

Thomas Simpson, of Torrisholme, in the county of Lancaster.

Thomas Atkinson, of Crosthwaite, in Westmorland.

William Barwick (elder brother of John), *Francis Bowes*,

Francis Nicholson and *John Pearson*, all of Witherslack.²²

In 1675 the Deed of Settlement names the following ten trustees:

Sir John Otway, of Gray's Inn.

Danyell Fleming, of Ridal, Westmorland, esq.

Nicholas Barwick, of the city of Durham, gentleman.

Thomas Simpson, of Torrisholme, co. Lancaster, gentleman.

James Bird, of Brougham, Westmorland, gentleman.

Thomas Barwicke, of Bigland, in the parish of Cartmell in co. Lancaster, gentleman.

Thomas Barwicke, of Barber Green, in the parish of Cartmell in co. Lancaster, gentleman.

²² The first two are described as gentlemen, the other five as yeomen.

Francis Nicholson, of Witherslack.

John Pearson, of Witherslack.

Robert Kellat, of Witherslack.

Many years ago the Charity Commissioners remarked: ‘‘As to the appointment of the trustees, the directions contained in the settlement of Dr Peter Barwick, have been disregarded, as well in respect of the number of them, as of the residence of those that have been appointed.’’²³ The original intention was that the trustees should number seven, should be inhabitants of Witherslack, and should if possible include two kinsmen of the founder. But as early as 1675 (see above) the residential qualification was being ignored, and the number of trustees had increased to ten. In 1753 the trustees went much further: it was agreed that their number should be increased again to twenty-one, and they were no longer to be confined to the parish of Witherslack. The result of this was that the trust tended to be composed largely of the gentry of Westmorland and North Lancashire, with only a sprinkling of Witherslack representation. In 1885, however, when the Charity Commissioners drew up a new scheme the trustees were limited to thirteen, the number which has been observed ever since. There are now seven “representative” trustees (i.e. representing the original foundation) and six “cooptative” trustees (nominated by the parish council of Witherslack). This arrangement was confirmed in the latest scheme, the current one, dated 6 April 1956.

Incumbents of Witherslack appointed by Dean Barwick’s Trustees.

In 1671 the present church was consecrated, although it remained technically a “chapel” until 1891 when the then curate became the first vicar. John Brockbank, vicar of Beetham, was (as we have seen) the curate or minister appointed in 1671, the curate of the Old Chapel,

²³ Charity Commission Report, p. 454.

James Case, having resigned. Under the old régime the curate had probably been chosen by the inhabitants who provided the chapel salary, amounting anciently to twenty nobles or £6. 13s. 4d., of which the Earl of Derby paid £1 .6s. 8d. "for his Lordship and Demesne". Under the new régime the first appointment appears to have been made by the inhabitants and Dean Barwick's Trustees acting jointly, but thereafter, as the trustees provided the bulk of the salary, the patronage seems to have been assumed by them, with the concurrence of the inhabitants. By the direction of the Bishop they continued to pay their chapel salary. The right of presentation has been undisputed ever since except that the Vicar of Beetham has twice tried (unsuccessfully) to claim that the patronage should be his, as vicar of the parish church.

The list²⁴ of incumbents is as follows:

1671	John Brockbank	died. 1712
1712	Richard Ion	d. 1742
1742	John Hunter	d. 1778
1778	John Dawson	d. 1843
1843	W. J. Woodcock	res. 1845
1845	Thomas Marshall Postlethwaite	d. 1888
1888	George Rubie	res. 1889
1889	John Compton Butterworth	res. 1895
1896	Frederick Robert Chapman Hutton	res. 1901
1901	William Henry Scotter	d. 1943
1943	Basil Caultley Robinson	res. 1950
1950	Henry Dennis	res. 1953
1953	James Boyd Airton	res. 1955
1955	Thomas Young	res. 1964
1964	Bryan Greg Fell	

Sources

(The following MSS. and books are in the Library of St John's College, Cambridge)

Vita Johannis Barwick.

Paper, folio. 17th century. Bound.

²⁴ From the Rev. T. Young. This is more complete than the list in CW₂ i 188.

Idem Liber. With three letters of King Charles II in his own handwriting (from Brussels December 1658, June 1659, all signed "your affectionate friende Charles R."). Also a receipt for £100 signed "Charles R." (1660).

Paper, 8 x 6 Bound. This copy of the *Life* was made by the author's directions for the Library of St John's, and seems to be the corrected copy.

A Collection of Letters to and from Dean Barwick.

Paper, folio. Bound. These letters, many of which are in cypher, are all printed in the Appendix to the *Life*.

Vita / Johannis Barwick, S.T.P. / Ecclesiae / Christi & S. Mariae Dunelmensis primum, / S. Pauli postea Londinensis / Decani, / et / Collegii Sancti Johannis Evangelistae / apud Cantabrigienses aliquando / Socii: / a Petro Barwick, M.D. 1721.

The */Life/* of the Reverend Dr John Barwick, D.D. / sometime Fellow of St John's College in Cambridge; / and immediately after the Restoration / successively / Dean of Durham, and St Paul's. 1724.

The Life of Dr John Barwick, Dean of St Paul's written in Latin by his brother, Peter Barwick, M.D., and translated into English by Hilkiah Bedford, arranged and edited by G. F. Barwick, B.A. 1903.

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- Royal Commission on Historical Monuments: Westmorland.* 1936. (248-249.)

- A Short History of the Parish Church of St. Paul, Witherslack.*
E. Hodgson. 1931.
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- Antiquary on Horseback.* Jane M. Ewbank. 1963. (57, 74-77.)
- "Old Witherslack". H. F. Wilson. Article in the *Westmorland Gazette* 13 May 1922.

Acknowledgements.

For help in the preparation of this paper I am indebted to:
The late Harold S. Hodgson, of Witherslack.

C. Roy Hudleston.

C. Eric Arnison.

Edward Moser, Clerk to the Trustees of Dean Barwick's Charity.

A. R. B. Fuller, Librarian, St Paul's Cathedral.

The Rev. D. Court, Vicar of Beetham.

The Rev. T. Young, lately Vicar of Witherslack.

The Lord Sherborne.

F. Puryer White, Keeper of the Records, St John's College, Cambridge.

A. Guy Lee, Librarian, St John's College, Cambridge.

I. Christopherson, Librarian, Sedbergh School Library.

E. G. W. Bill, Librarian, Lambeth Palace Library.

Miss S. Macpherson, Archivist, County Hall, Kendal.

The Deeds of Dean Barwick's Charity.

The deeds, documents and records belonging to the Trustees of Dean Barwick's Charity, in the care of their Clerk, Mr Edward Moser, of Kendal, are substantially complete from the inception of the Charity down to the present day. There are over a hundred deeds and documents, excluding the Haresceugh deeds to be described hereafter. These "Writings" from the beginning down to 1753 were arranged, numbered and listed by the Rev. J. Hunter, curate of Witherslack, who made a "Register-Book" with the following contents:

- Rr. 1. Contains Harskeugh Writings.
- Rr. 2. Contains Writings of the Improperiate Rectory of Lazonby.
- Rr. 3. Contains the Fine of Lazonby and Harskeugh, the Earl of Derby's Grant, and the Bishop of Chester's Deeds of Consecration and Confirmation.
- Rr. 4. Contains Copy of Dean Barwick's Will, and several papers of Proceedings in the Law, etc.
- Rr. 5. Contains Deeds of Election of new Trustees.
- Rr. 6. Contains several Letters both of Instruction and Debate and sundry other papers relating to the Trust.
- Rr. 7. Contains Indentures of Apprenticeships.
- Rr. 8. Contains sundry Acquittances, several Bills of Repairs and Disbursements. and Various other Papers.

The "Writings" relating to Haresceugh (Rr. 1 and Rr. 3) were all, or nearly all, transferred to the new owner when the estate was sold by the trustees in 1920, which explains why they have been separated from the other deeds and documents. Those that remain cover *inter alia* the purchase of the rectory of Lazonby 1663, the appointment of the original trustees 1666, the Witherslack parishioners' petition to the Bishop of Chester 1666, the Earl of Derby's grant of the site of Witherslack church and churchyard 1669, the resignation of the Rev. James Case as curate of Witherslack, and the consecration of the new church 1671. The original Account Book of the Charity begins in 1671 and ends in 1835, this being followed by a Minute Book which runs from 1836 to 1892.

Schedule of Haresceugh Deeds.

By C. ROY HUDLESTON and B. L. THOMPSON.

The following Deeds belonging formerly to Dean Barwick's Trustees and now to Mr John Blenkinsop are in the care of Messrs Arnison & Co., Solicitors, Penrith.

Bundle marked Register no. 1.

- No. 1. 26 Feby 1657. Thos. Wharton Sr Thos. Dacre & Henry Dacre to Dr. Pr. Barwick. Deed of Lease of Hareskugh Tenmts. & Rectory of Lazonby & Plumton for 99 Years.

Grant by Thomas Wharton of Grays Inn, Middlesex esq. Sir Thomas Dacre of Laynor Castle, [sic] Cumberland, Knight and Henry Dacre esq., son and heir apparent of the sd. Sir Thomas to Peter Barwick of London, doctor in physic, for £500 paid to Sir Thomas and 5s. apiece to Henry Dacre & Wharton, of two messuages with several parcels of arable meadow and pasture (being six parts of eleven) lying dispersedly with the town fields and territories of Haskough and parish of Kirke Oswald in the possession of James Wells and Richard Wells containing altogether 120 acres & also the rectory of Lasonby and Plumpton and tithes of corn grain and hay. Also all the capital messuage or farm commonly called Castletidde in the parish of Walton in the co. of Cumberland and the liberty of a very large common there together with all commons of pasture sheepwalks liberties of fouldings &c &c all which premises are situate in the several parishes fields or liberties of Haskough Kirke Oswald Lasonby and Plumpton and now are or late were in the tenure of Mary Dacre widow mother of the sd. Sir Thomas. To have and to hold from 24 December last past until the term of 99 years is ended paying therefor each year to Wharton and his heirs the rent of one pepper corn at the feast of St. Michael the Archangel if demanded. Signed by Thomas Wharton and Thomas Dacre. Seals gone. Henry Dacre does not sign. Witnesses: John Conyers, James Browne, Peter Miles.

- No. 2. 20 Decembr. 1660. Sir Thos. Dacre to Dr. Pr. Barwick.
Mortgage Deed of Hareskeugh Demesne. Con. £334. 6s.

Indenture between Sr. Thomas Dacres of Leonard Cost, Cumberland, Knight, and Peter Barwick Doctr. in Phisick and one of the physicians in ordinary to the King's most excellent Majesty. For £334. 6s. Sir Thomas grants to the sd. Peter Barwicke all those two messuages or tenemts. together with several parcels of arable meadow and pasture (being six parts of eleven) lying dispersedly within the townfields & territories of Haskough in the parish of Kirke Oswald now or late in the possession of James Wells and Richard Wells the whole being bounded with Raven water West Greenehill Jordaine & other Common fell ground north and east and

Buskridge & Hudleskeugh south containing 120 acres & all edifices buildings barns yards & appurtenances thereunto belonging. Provided that if the sd. Sr Thomas shall pay the said Peter Barwicke £336. 16s. on 2 February next in the common dining hall of Grays Inn, Middlesex, that then this indenture to be void. Signed by Thomas Dacre. Seal 3 escallops. Capt et cogit 20 dec 1660 coram me Ro Griffith. Witnesses: Robert Dacres, Thom Sandford, Thomas Brooke. Endorsed: in dors claus Cancellar infra script dni Regis quarto die Marcii Anno Regni sui tertio decimo per Rogerum Gillingham.

No. 3

is a paper copy of this, certified as a true copy of the original deed remaining in the Evidence Chist at Witherslacke, examined 9 Nov. 1683 by Jo. Brockbanke and Tho. Heblethwaite.

No. 4. 23 Augt. 1667. Sr. Thos. Dacre & Henry. Dacre Esqr. to Dr. Peter Barwick. Release of Hareskeugh. Con. £334. 6s.

Indenture 23 Aug. 19 Charles II between (1) Sr. Thomas Dacre of Lenercoste, Cumberland, Kt., and Henry Dacre of Lenercoste, esq., son & heir apparent of the sd. Sir Thomas and (2) Peter Barwicke Doctor in Physicke and physitian in ordinary to the King. Whereas the sd. Sir Thomas by his deed of 20 Dec. 1660 granted to the sd. Peter Barwick for £334. 6s. all those two messuages &c. at Hascough (the earlier deed is quoted in full) This indenture further witnesseth that Sir Thomas and Henry his son for the further consideration of £334. 6s. to them paid have remised released and for ever quit claimed to the said Peter Barwicke the power and equity of redemption created (in the 1660 deed). Condition that Sir Thomas, Henry Dacre, and Mary wife of the said Henry shall upon demand levy a fine or fines de droit come. Signed: Thomas Dacre, Hen. Dacre. Both seals bear 3 escallops — just discernible. Sir Thomas signs in the presence of Jo. Otway, Fran. Story, Rich. Preston. Henry's witnesses are Jo. Otway, Henry Browham, Tho. Dacre, Rich. Preston.

No. 5 is a copy of no. 4.

No. 6 is another copy of no. 4.

No. 7. 5 June 1671. Dr. Pr. Barwick to Geo. Cowper & al. Lease of Hareskugh for 11 yrs. Con. £20 (endorsed counterpart).

The deed is between Dr. Peter Barwick physician in ordinary

to the King and George Cowper, William Slee, Giles Wells, all of Hareskugh yeomen, and John Wilson of Buscoerigg yeoman. Dr. Barwick grants them the capital messuage tene-ment and demesne lands &c. called Hareskugh with appurtenances to have and to hold for eleven years at a yearly rent of £20 without any manner of let suit trouble molestation or incumbrances of him Peter Barwick or of Sir Thomas Dacre late of Leonard Coast or of Henry Dacre his son and heir apparent. Signed by Cowper, Slee, Wells & Wells. Witnesses: Richard Fetherstonhaugh, William Barwicke mke, Ja. Bird, Chr. Pettyt.

No. 8 is lacking.

No. 9. 15 July 1675. Dr. Pr. Barwick to Sr. Jno. Otway & al. Copy of Deed of Settlemt. concerning Hargh. & Lazonby. (Endorsed 21 Febr. 1681. "The estate in Lawe in Sr. John Otway, Sr. Daniel Fleming, Nicholas Barwick, Thomas Simson, James Bird, Thomas Barwick senior, Thomas Barwick, junior, dead, Francis Nicholson, John Pearson, dead, Robert Kellat.")

Indenture 15 July 1675 between (1) Peter Barwick of the City of London, Doctor of Physick, Physician to the King, and (2) Sir John Otway of Grays Inn, Danyell Fleming of Ridal, Westmorland, esq., Nicholas Barwick of the City of Durham, gentleman, Thomas Simpson of Torrisholme, co. Lancaster, gentleman, James Bird of Brougham, Westmorland, gentleman, Thomas Barwicke of Bigland and Thomas Barwicke of Barber green, both in the parish of Cartmell in co. Lancaster, gentlemen, Francis Nicholson, John Pearson & Robert Kellat, all of Witherslack in the said co. of Westmorland. Quotes in full the earlier deeds of 1660 and says that the messuages were purchased by the said Peter Barwicke with the only proper money of John Barwicke, Doctor in Divinity and late Dean of St. Paul's, London, decd., and was to be disposed of to such pious uses as are contained in the last will of the said Dr. John Barwick dated 21 Oct. 1664 of which the said Peter Barwick was the sole executor . . . The said Peter Barwick in pursuance of the trust reposed in him by his said dear brother Dr. John Barwick deceased, by indenture 18 June 1666 granted to Nicholas Barwick, Thomas Simpson, Francis Nicholson and John Pearson & Thomas Atkinson and William Barwicke & Francis Bowes deceased all the aforesaid impropriate Rectory or parsonage of Lazonby to hold upon several trusts in the said indenture mentioned, and whereas

the yearly profits of the said rectory fall far short to answer the good and pious intentions of Dr. John Barwick this indenture witnesses that the said Peter in pursuance of the trust imposed in him by his said dear brother and that the said may be fully accomplished has granted to the said Sir John Otway, Danyell Fleming, Nicholas Barwick, Thomas Simpson, James Bird, Thos. Barwick senior, Thomas Barwick jun, Francis Nicholson, John Pearson and Robert Kellat all those aforesaid two messuages & tenements together with several parcels of arable lands meadow & pasture being six parts in eleven in Hascough, &c., &c., to have and to hold to the same uses as the said Peter in the said indenture of 18 June 1666 granted the said rectory of Lazonby. And the said Peter constitutes his trusty and well beloved friends Thomas Fetherstonhaugh of Kirkoswald, esq., and Robert Willison of Penrith, gentleman, to his attorneys to enter into the said messuages to give and deliver quiet and peaceable possession thereof. Signed in the presence of Peter Boys, Hen. Heblethwaite. Memorandum that on 7 Oct. 28 Charles II quiet and peaceable possession and livery and seizen were given by Thomas Fetherstonhaugh and Robert Wilson to the within named James Bird of & in one parcel of arable and meadow ground called the Calf close parcel of the lands within granted in the name of all the messuages, tenements & premises within mentioned in the presence of us George Cock, Robert Barnefather, John Browne, Charles Benson. (This is a true copy, examined by John Brockbanke, curate at Witherslack.)

No. 10. *1st March 1681. Sr. John Otway & al. to John Bird. Lease of Hareskeugh for 21 Years. Anl. Con. £20.* (Contemporary endorsement: Lease of Hareskugh from Sr. Daniel Fleming & other the trustees of Witherslack Chappel to John Bird from 25 Marcii 1681 for 21 Yeares . . . soe this lease ends 24 Marcii 1702.)

Indenture 1 March 34 Charles II 1681 between (1) Sir John Otway of Grays Inn, Kt., Sir Daniell Fleming of Ridall, Kt., Nicholas Barwicke of the City of Durham, gentleman, Thomas Simpson of Torrisholme, co. Lancaster, gentleman, James Bird of Brougham, co. Westmorland, gentleman, Thos. Barwicke of Barber green in the parish of Cartmell, co. Lancaster, gentleman, Francis Nicholson and Robert Kellatt, both of Witherslack, co. Westmorland, yeomen, and (2) James Bird of Kirkoswald, yeoman. Lease of the capital messuage tenement and demesne lands called Harescugh, to have and

to hold for 21 Years at the annual rent of £20. Signed: Dan. Fleming — seal of 15 quarterings — Nichs. Barwicke — seal 3 bears' heads — Jo. Otway — seal a pile, a chevron — crest out of a coronet 2 wings — Tho. Simpson — seal not apparently heraldic — Ja. Bird — seal of 6 quarterings (1 & 6) on a chev. engrailed between 3 lions ramp 3 fleur de lis (2) on a bend 3 plates (3) stag trippant (4) a fess indented & in chief 3 crescent moons (5) chevron between 3 fish — Thomas Barwicke (mark), Francis Nicholson (mark), Robert Kellatte mark). Fleming signs in presence of Edw. Wilson, John Browham, William Newton, Jo. Brockbanke; Otway signs in presence of Jo. Duckett, Rich. Johns, John Mansurgh; Simpson signs in presence of Willm. Garnett, John Crosfield, Jo. Brockbanke; Bird signs in presence of Edmond Killner, Tho. Fetherstonhaugh, Wm. Robertson; Thomas Barwicke & Robert Kellatt sign in the presence of Mary Brockbanke, Anne Barwicke (mark), Jo. Brockbanke; Francis Nicholson signs in the presence of Chr. Guy, Tho. Hobkin (?), Ri. Saule; Nicholas Barwick signs in presence of Tho. Hobkin, Antho. Kirton, Will. Werdon, Wm. Sandrson.

No. 11. *1st March 1681. Counterpart of no. 10.*

Signed by John Bird, who uses the same seal as James Bird, in the presence of Edmond Killner, Thos. Fetherstonhaugh, Wm. Robertson.

No. 12. *11 March 1683. Jno. Bird to Wm. Salkeld. Lease of a Chamber at Har: for 18 yrs. Con: 1s. p. ann.*

No. 13. *11 March 1683. Counterpart of no. 12.*

No. 14. *21 February 1694. Jno. Bird to Jos: Brown. Lease of Hargh Demesne for 8 Yrs. Rent £21 p. ann.*

No. 15. *21 February 1694. Counterpart of no. 14.*

No. 16. *23 October 1694. Jno. Bird to Fran: Robinson. Lease of Cottage at Hargh. for 7 Years. Con: £6 p. annum.*

No. 17. *22 March 1696. Case touching Dr. Barwick's Charity.*

22 Marcii 1696/7 How the matter of fact touching the Charity of Dr. John Barwick for Witherslack Chappell &c. stands.

8 Aug: 15 Ca: 2di Sr. Thomas Dacre &c conveys to Dr. P. Barwick the Rectory of Lazonby.

20 December: 1660 Sr. Tho. Dacre mortgageth Haskough to Dr. P. Barwick.

21 Octobr: 1664 Dr. John Barwick's will directing the Charity.

18 Jany. 18 Ca. 2di Dr. P. Barwick recitinge that lazonby was bought with Dr. John Barwick's money conveys the same to Nicholas Barwick, Thomas Simson, Thomas Atkinson, William Barwick, Francis Bowes, Francis Nicholson, John Pearson for the use of the Charity in Dr. John's will.

31st Aug. 1667 Release of the Equity of redemption of Hascough from Sr. Tho. & Henry Dacre to Dr. P. Barwick.

Trinity Term 20 Ca. 2di Fine from Sr. Tho. & Henry Dacre to Dr. Barwick.

15 July 27 Ca. 2di Dr. P. Barwick recitinge that Hascough also was bought with Dr. John's money to be disposed to the pious uses in the will & that Lazonby fell far short to answeare the same did therefore convey Hascough to: mort. Sr. John Otway, Daniel Fleming Esqr., mort Nicholas Barwick, Thomas Simson, James Bird, mort Thomas Barwick of Bigland, mort Thomas Barwick of Barber green, Francis Nicholson, mort John Pearson & mort Robert Kellett to the same charitable uses.

15 July 17 Ca. 2di Nicholas Barwick, Tho Simson, Francis Nicholson & John Pearson (the three surviving Trustees in the deed of 18 Jany. Ca 2di) grant Lazonby to Mr Fetherstonhaugh & his heirs to the use of Sr John Otway, Sr Daniel Fleminge, Nicholas Barwick, Tho Simson, James Bird, Thomas Barwick, Francis Nicholson, John Pearson & Robert Kellett for the charitable uses aforesaid.

No. 18. 20 Feb: 1702. Oswald Bird to Wm. Wilson & al. Lease of Hark. for 21 Yrs. Con: £25 p. ann.

No. 19. 22 May 1703. Oswald Bird to Anne Slee. Lease of Cottage at Hareskugh. Rent 1s. p. ann.

No. 20. 4 July 1704. Oswald Bird to Wm. Salkeld. Lease of a Chamber at Hareskeugh for 21 Yrs. Rent 1s. p. ann.

No. 21. 8 May 1717. Robt. Stainbank to Geo: Nicholson. Lease of Hareskeugh for 21 Years. Con: £30 p. ann.

No. 22. 1 Sepr. 1721. Jno. Harrison & al. to Geo: Arnison. Deed of Customary Mess: at Hargh. Rent 4s. p. ann.

No. 23. 5 July 1736. Wm. Knipe & al: to Peter Thompson. Deed of House & Garden at Haresceugh. Rent 1s. p. ann.

William Knipe of Broughton Esqr., Miles Sandys of Graithwaite Esq, Henry Marshall of Ainsam gent., John Bowes of

Lancaster Mercht., the Rev. Thomas Bowes vicar of Clapham, Yorks, John Pearson, William Poow, Robert Poow, John Stainbank & George Hartley all of Witherslack yeomen, Governors & trustees of the late Dean Barwick's Charity in Witherslack, lords of the manor of Upper Hareskugh, to Peter Thompson of Upper Hareskugh, yeoman. Whereas a customary home-stead commonly called Hutchison House together with a garden stead of 55 yards in length and 17 in breadth in the manor of Upper Hareskugh was lately in defect of payment of rent devolved on the sd. Governors who now grant it to Peter Thompson at the annual rent of 1/- a year. Signed: Peter Thompson. Witnesses: John Thompson, Richard Thornborrow.

No. 24. 1 Feby. 1737. Geo. Hartley to Geo. Arnison. Lease of Hargh. Demesne for 21 Yrs. Rent £36 p. ann.

No. 25. Feb. 1670. Dr. Pr. Barwick to Henry Dacre. Copy of Lease of Hareskeugh Demesne & Lazonby Tithes. Con: £50 p. ann.

Peter Barwicke, Dr. in Phisick & one of the Phisiants in ordinary to the King, to Henry Dacre of Leonard Coast Esqr. Grant of the Capital messuage tenement & demesne lands called Haskugh together with all appurtenances and the parsonage or impropriate Rectory of Lazonby To have and to hold for (blank) years at a yearly rent of £50 to be paid at Pentecost & St. Martin the Bishop in winter at or in the south porch of the parish church of Penrith between the hours of one and three in the afternoon. Not signed.

No. 26. 22d. Augt. 1758. Order of Letting the Demesne of Hareskeugh in Open Sale to John Nicholson at £69 p. ann. Dean Barwick's Trustees to John Nicholson Conditions for Letting Hareskeugh Demesne.

The property was to let on a 14 year term, Rent to be paid at the church porch at Witherslack. The trustees were Fletr. Fleming, Edward Wilson, John Bowes, Heny. (?) Holme, Daniel Dickinson, Willm. Walker, Wm. Bowness. The mark of William Harrison bellman & cryer. The bidding began at £58 — John Gowling — and John Nicholson's first bid was £65. He increased it to £67 and it was awarded to him at £69.

Register No. 4.

Rr. 1. No. 1. 21 Octr. 1664. Copy of Dean Barwick's Will.

This copy has been sent to James Bird and is addressed:

"These For his much esteemed and very good friend Mr James Bird att his house in Brougham". On dorse of first sheet: "Mr Bird, Sr. Jo: Otway was not at the Sessions where I was and got Sr. Danyells hand & seale to the Leases, Mr Simpson was here lately and sealed the said Leases, and did take them with him to get Francis Nicholson to seal them, who lives neare him. Yours, Jo. Brockbank. Witherslack June 21: 82."

Rr. 4. No. 2. *The Plea of Dr. Pr. Barwick & al. Con. Dacre.*

The plea of Peter Barwick Dr. of Phisick Sr. John Otway knt. and James Bird gentleman three of the defts. to the Bill of Complaint of Henry Dacre Esqr. They say that Henry Dacre the Compt. at the time of the exhibiting the Bill and long before — on Monday in the feast of the conversion of St Paul 26 Charles II in London by the name of Henry Dacre late of Abbey Leonard, Cumberland, Esq. was and still stands outlawed at the suit of John Tonge gen. in a plea of debt. He was also outlawed on 1 October 27 Charles II at suit of William Holdgate on a plea of debt and on Monday next before the feast of St. Mark the Evangelist 27 Charles II at suit of William Tallentire in a plea of trespass and assault and on 1 March 28 Charles II at suit of Robert Grayham gen. of a plea of trespass, and on 24 May 28 Charles II in Cumberland at suit of Jeremiah Wolley on a plea of debt and on 11 October 28 Charles II in Cumberland at suit of William Askugh gen. & Dorothy his wife of a plea of debt, and on 24 Nov. 31 Charles II in Cumberland at suit of William Kidd of a plea of trespass, and on 17 June 32 Charles II in Westmorland at suit of Mary Brathwaite widow exec of a plea of debt. The said outlawries are still in force and defts. offer for the same for plea unto the said bill of Complaint and demand the Judgement of the Court whether they shall be compelled to make any further or other answer and pray be dismissed with their reasonable charges.

Rr. 4. No. 3. *16 Feb: 1682. An Acct. of Bills filed. Dacres con. Barwick.*

1st Bill filed 16 Febr. 82.

fo. 1. That Sr. Tho. Dacre the plts. father was seized of the Mann. of Harskugh & other lands in Cumberland pt. of the lands of the Priory of leonardcoast holden of the Kinge by paymt. of a Fee farme Rent of 5oli p. ann.

2. That upon his mariage & in consideracon thereof by Indenture . . . 5to. Car. primi did covenant to assure the

same to the use of himselfe for life Remainder to his first sonn in tayle male with a Remainder to preserve the contingent uses &c. a mariage setlemt made accordingly butt the deede is comed to the hands of the defendts.

7. . . . the Plt. is eldest sonn & heir of Sr. Thomas who is dead & the premises ought to descend or remaine to the plt.

8. . . . Sr. Thomas in the times of userpacon for his loyalty was plundered &c. & sequestered & havinge thereby contracted sev'all debts was forced for payment thereof to sell part & mortgage other part of his estate & pticularly 7 Car: 2di sold the Rectory of Lazonby 5oli p. annum for 50oli to Dr. Barwick Dean of Paules or to Dr. P. Barwick.

10. That beinge desirous to farm the Rectory at 5oli p. annum or thereto obliged by covenant the plt. by bond judgmt. or otherwise became surety for paymt. of the Rent Butt Sr. Thomas (as pretended) neglectinge paymt. for sev'all yeaeres the plt. was arrested therefor & paied to Dr. Barwick or Mr Bird 50oli for arrears of Rent &c.

12. That shortly after Dr. Barwick entered on the Rectory & lett it to others for 5oli p. ann & it was worth & might have been lett for soe much.

13. That Hareskugh is 3oli p. ann & noe part of lazonby.

14. . . . Dr Barwick combininge with James Bird & John Bird, Sr. Jo. Otway Sr. Dan. Fleming & others to defeat the plt. of Hareskeugh doe sett up a title to themselves & some of them beinge intrusted by Sr. Dacre with the Custody of the Deeds of Setlemt. &c have possessed themselves therof & suppressed & cancelled the same & give out that Sr. Thomas was seized in Fee of Hareskugh & had power to sell & did convey the same to Dr Barwick whereas if any such was the confederates had notice of the mariage setlemt. & the conveyance under which they claime onely a mortgage & redeemable on payment of some money longe since payed by pcepcon of pftts.

20. That the Defendts. refuse to sett forth when how & for what consideracon the same was soe conveyed, sometimes pteddinge they collates all security of Lazonby agt. for former estates of the securinge the same at 5oli p. ann & other times that it is part of the Rectory of lazonby, othertime they claim the same under some statute or judgmt ads Sr. Thomas Sclater for money longe since payed.

25. That for 10 or 12 years the Confederates have detained the premises from the plt. & received the Rents to their own use butt refuse to discover the same & what Fees (?) or other casuall pftts they have received tho they have received yearly 3oli besides 2ooli for wood yett noe part of the Fee farme Rent was ever payed by the Confederates but the plt. is still charged therewith.

28. That the Confederates have for some small consideracon purchased in divers incumbrances whereon litle or nothinge was due & have made sev'all greatt estates amongst themselves giving ot that Dr. Barwick hath setled both Lazonby & Hareskugh for some charitable use whereas Hareskugh belongs to the plt. who ought to enjoy it & to be freed of part of the Fee farm Rent.

34. That the defendts. may discover the truth & set forth the names & places of aboad of the Trustees that they may sett forth what estate they clame & of the dates & contents of the deeds & the reall consideracon. That they may fully answere all the primises is the scope of this Bill.

2nd Bill filed 2 December 85.

2. That Sr. Tho. Dacre the plts. father beinge seized in Fee of the mannor of Hareskugh & of the Rectory of lazonby & havinge contracted sevall debts by sufferinge for the kinge by deede dated 20 robr 1660 conveyed Hareskugh to Dr. Peter Barwick in Fee under a provision of redempcon on paymt. of (£334 ?) 2do Febr. then next.

3. That the mortgage became forfeited yet Sr. Tho. continued paymt. of interest & payed some of the principle & by deede dated 18 August 1663 Sr. Thomas sold the Rectory to Dr. Barwick in fee for 65oli pt. whereof was discompted in satisfaction of what on the mortgage of Hareskugh [sic].

4. That Dr. B. before the purchase of Lazonby enquired into the yearly value thereof & was satisfyed therein & noe covenant in the deede of purchase that it should (paper torn at fold) of value butt above a year afterwards vizt. Decem-ber 1664 Dr. B. pretended he was deceived in the yearely value &c. expectinge it should have yeilded 5oli p. ann. & havinge a power over Sr. Thomas by reason of Hareskugh mortgage prevailed with him to give him some covenant that Lazonby at the purchase was 5oli p. ann. & for some yeares should soe continue; that this covenant was forced from Sr. Th. a yeare after purchase & without any such (?) consideracon.

8. That Dr. B. alledginge that both Lazonby & Hareskugh were entailed on the plt. prevailed with the plt. to joyne in a Fine with Sr. Tho. & thence thereof as to Lazonby was declared of (a) confirmacon of the purchase & as to Hareskugh by a particular deed dated 23rd Aug. 1667 for confirmacon of the mortgage and thereby it is pretended Sr. Tho. & the plt. are menconed to Release the equity of redempcon of Hareskugh butt if they did it was still upon trust & agreemt. the same should be redeemable on paymt. of what was due on the mortgage for that noe new money was payed &c. butt the very same sume as the first mortgage marked in the Release as the consideracon thereof.

10. That as a further evidence that it was not intended to be absolute besides the consideracon of the value near 30l p. ann. the possession continued with Sr. Thomas for some yeare after & that Dr. B. havinge drawne in the plt. to be bound wth Sr. Tho. in some statute &c in relacon to the mortgage of Hareskugh & ye surreptitious covenant about the value of Lazonby after the release & before his entry on Hareskugh caused the plt. to be arrested on the said security & kept in prison till he payed to the Dr. or Mr Bird 500l which if at all due was for satisfacon of Hareskugh Mortgage or on accompt of the defect of value of Lazonby.

13. That about 2 or 3 yeares after Dr. B. entered on Hareskugh & pretendinge the money first lent thereon as alsoe the purchase money of Lazonby was the money of Dr. John Barwick & that Dr. John B. had by will demised Lazonby to Charitable uses & that pursuant to the will Dr. Peter B. conveyed Lazonby to Trustees; that after sev'all yeares it beinge pretended that the yearly value of Lazonby was not sufficient to satisfy all the charitable uses amountinge to 42l p. ann. Dr. P. B. as pretended has conveyed Lazonby (Harsk. in margin) to the same Trustees for makinge up the defect of value of Lazonby whereas if there was a defect he ought to have made it up out of other estate of Dr. J.B. in his hands & not to have conveyed Hareskugh beinge butt a mortgage & in truth all the moneys due payed.

16. That the plt. as heire or heire in taile is entitled to Hareskugh ought to have a reconveyance thereof & an accompt of the mezne pfitts since the Dr. entered which is 13 or 14 yeares the same havinge all alonge beene 30l p. ann.

18. That Dr. P.B. haveinge confederated with Sr. John Otway, Sr. Daniel Fleming, James Bird &c. (naming 8 more

who are trustees) in whom the estate in Law of Hareskugh is vested how to defraud the plt. refuse to come to any accompt for the Rents or make any reconveyance sometimes pretending the Release was absolute or if it continue a mortgage the meane profitts have not satisfyed the interest & that there is more due the mortgage than the land is worth whereas Dr. P.B. & Jas. Bird who draw & contrived all the deeds & was privy to most of the transaccons doe know & believe that it was not argued or intended that the release should be absolute to foreclose Sr. Tho: & his heirs from Equity of redempcon.

22. Nor can it be imagined it should be intended as an absolute purchase for that the originall mortgage was but for 334li 6s & though none of it was payed by the purchase of Lazonby (the contrary whereof is most pbable & true) yett Hareskugh beinge worth 3oli p. ann. & an estate in Fee it could not be intended he should have it for 334li 6s & noe new money was payed at makinge the Release besides 5ooli payed after & before the entry on Hareskugh.

23. That Sr. Tho. or the plt. never borrowed other money of Dr. P.B. than what was lent on the originall mortgage for satisfaccon wherof besides what was payed out of the purchase of Lazonby & other Sumes payed by Sr. Thomas Dr. P.B. hath extorted from the plt. 5ooli at one time & taken the mesyne profitts of Hareskugh for 24 years amountinge to 5ooli more & though P.B. may pretend to discharge himself of part of the first 5ooli by sayinge it was for defect of value of Lazonby yett that covenant beinge extorted a yeare after purchase & without any new consideracon & Lazoby (though not worth 5oli p. ann.) yett well worth the money paid for it the plt. hopes he shall not be pmitted soe to doe.

26. That for his pretence of lendinge the plt. or his father any other money he knowes in his conscience they are fals & what money he reckons was lent or payed on the release or statute was only money pretended to be incurred (?) due by reason of the covenant & made up thereof of the interest & interest upon interest for the money due on Hareskugh mortgage & this P.B. & Ja. Bird know & P.B. actinge as trustee for Dr. Jo. B. kept a book of accompts or other memorandum how he disposed of his brother's money whereby he knows & cann set forth what originall money he at any time lent the plt. or his father & what he received againe & P.B. & Ja. Bird have & lately had a paper how the 5ooli

payed by the plt. was made up or they remember the same or the most considerable pticulers thereof & Ja. Bird keeps a Diary or some Notes or papers what he acts for his clent in the like nature & thereby or by some other Notes they know or can remembe how the sooli was made up.

32. That if in the event the plt. shall not be relieved for redempcon of Hareskugh then he ought to have satisfacion for part of a Rent of [sic] he hath payed for them & the defendts. ought to pay their proportion for the future; that the said lands are part of the mannor of Abbey leonarcost whereof the plt. is lord wch. mannor is holden of the Kinge by paymt. of a fee farme Rent of 5oli p. ann. & in case the plt. may not redeeme Hareskugh then the Rent ought to be apporconed & the defendts to buy their pporcon. as well for the time past as to come.

33. That the plts. beleife the defndts. have continued & made divers secrett & fraudulent estates of the premises which they ought to discover & conceale from the plt. the deedes & concerninge Hareskugh.

34. For that the plt. hath no relieve at law ne: can have a discovery of the truth but by the (illegible) of the Defendts. especially of Dr. P.B. of James Bird & Jo. Bird haveinge had a reward or beinge prised some reward for concealing the truth or gained some estate in the premises to him or one John Bird which they refuse to discover.

Rr. 4. No. 4. *Brief. Ashby a. Dacre &c.*

Charles Ashby plt.: Sr. Thomas Dacre knt., Henry Dacre Esqr., Richard Monke, William Moore, William Meales, William Slee, Edward Atkinson, Defendtd. in eiectmt . . .

Rr. 4. No. 5. *4th May 1666. Trustees to Wm. Lawson. Agreemt. for Free-Stone Work about the Church.*

Articles off Agreemt. coveted and agreed upon the Fourth day of May 1666 Betweene Nicholas Barwicke of Witherslack gentl., Tho: Simpson of Torisholme gentl., Wm. Barwicke, Thomas Atkinson, Francis Bowes, Francis Nicholson and John Pearson of Witherslacke afforesd. yeomen of thone pty. and Wm. Lawson of Heysham in the County of Lanc. Freemason of the other pty. Witnesseth that it is agreed betwixt the said pties. that the said William Lawson shall cutt hewe and pollish the Free stone worke hereafter menconed for the Church intended to be built in Witherslacke Wm. Lawson

doth hereby for himselfe his heires exec. & admrs . . . covente promise and fully agree to & with them (the persons mentioned above) . . . that he . . . will substancially cutt hewe & pollish out of the best & whitest Free stone quarries in Heysham . . . six compleat windowes of three lights a peece and Five Foot high the mullion of Foureteene inches of light, with compleat water tables over them three handsome & decent Loope holes of one light a peece for the under Bell lofte and Four Compleat windowes for the bell lofte to containe two Foot high the light besides the cast of the head and two lights a peece two substancial doores of Foure Foot wide and seaven Foot high and one doore of two Foot and a halfe wide and Five Foot and a halfe high, the porch doore & the quier doore to be decently tabled over, one decent Fount, as is usuall in other churches and a compleat dyall post. As alsoe . . . will putt the same upon shippboard betwixt & the next tyde after that any vessel comes for the same & afterwards sett upp the same in Witherslacke soe as the walles of the sd. intended Church be not hindered for want thereat and that the same shal be ready to delivr if sent for before the last day of May next as alsoe shall . . . upon demand dresse and pollish the old Free stone worke att Witherslacke afforesd. att ye Chappell here and after sett upp the same as afforesd. & to put in a new mullion if need be amongst the sd. old Freestone worke & forthwith p'vide such of the sd. Free stone worke as will First be used & to make it ready and upon demand to repaire to Witherslack to advise abt. settine out the ground worke of the sd. intended Church & to doe all other things which was menconed betwixt the sd. Wm. Lawson & Wm. Barwicke In consideracon whereof . . . the said Nicholas Barwicke, Tho: Simpson, Wm. Barwicke, Tho: Atkinson, francis Bowes; Francis Nicholson and John Pearson doe . . . promise & agree to . . . pay . . . the sd. . . . Wm. Lawson . . . ten pounds . . . vzt. Five pounds . . . upon the First day of May . . . and five pounds . . . upon the eleaventh day of November next . . . signed Tho: Simpson, the said Willm. Lawson m'ke, Witnesses Sa: Hutton, Richard Simpson.

Rr. 4. No. 6. 9 May 1667. Nich: Barwick to Wm. Barwick assignmts. of votes touching the Building Witherslack Chapel.

Med . . . I Nicholas Barwicke . . . declare my assent and consent to and wth. my fellowe Trustees for the Chappell of Wetherslacke in all the bargaines agreements and artickles

they have made or shall make with workmen for building the said Chappell and shall bee willing to joyne with them in the pformance of all and every of the said agreements and artickles which upon our part are to be pformed . . . I doe alsoe . . . authorize . . . my brother William Barwicke (in my absence) to give my vote with his owne in anything he shall thinke fitting relating to the said trust, as also to declare this my consent accordingly, and with all as the Donors Executor does expect, soe doe I (that not onely the Trustees but) all the rest of the Inhabitants of the Chappellry of Wetherslack will shew theire gratitude and be soe sensible of the Donors zeale and charitie extended to the place of his nativity That they and every of them will be willing and ready to joine together to the carrying on and pfecting such a worke wherein the glory of God may bee soe much advanced and alsoe the good of themselves & posterities for ever . . . the ninth Daie of maie . . . 1667. Nicholas Barwicke, seal 3 bears' heads a crescent for difference, witnesses Thomas Bowes mark, William Kilner, John Burrow, Chr. Nikolson.

Rr. 4. No. 7. 1669. *Ashby con Dacre & al. Ejectmt defaced.*
(This is a copy of no. 4).

Rr. 4. No. 8. 1 March 1681. *John Bird to Sr. Jno. Otway & al. Bond for performance of Covt. touching the Demising of Hareskeugh.*

John Bird of Kirkoswald & Robert Teasedaile of Reeveland co. Durham, yeoman, are bound to Sir John Otway of Grays Inn, Middx., Sir Daniel Fleming of Ryall [sic] Westmorland, Nicholas Barwicke of the city of Durham, gen., Thomas Simson of Torrisholme, co. Lanc., gen., James Bird of Brougham, gen., Thomas Barwicke of Bigland, p. of Cartmell, Lanc., gen., Francis Nicholson of Witherslack, co. Westmorland, yeoman, & Robert Kellat of the same, yeoman, in £200 to keep the articles covenants & agreements in indentures bearing date with these presents. 1 March 1681. Signed by John Bird & Robert Teasdale who both use the Bird seal showing Bird, Beauchamp & three other quarterings. Witnesses: Edmond Kilner, Tho: Fetherstonhaugh, Wm. Robertson.

Rr. 4. No. 9. Mar. 7th 1681. *Robt. Hume & al. to Sr. Jno. Otway & al. Bond touching Lazonby Tithes.*

Rr. 4. No. 10. 11 Mar. 1683. *Jno. Bird to Wm. Slee. Lease of cott: at Hareskeugh. Rent 1s. p. ann.*

Rr. 4. No. 11. 11 Mar. 1683. *The counterpart of no. 10.*

Rr. 4. No. 12. 3 June 1689. *Certif: non prov: Dacre & Dr Barwick & al.*

Henricus Dacre Ar Quer Petrus Barwick in Medicinis Doctor Johnes Ottway Mil Jacobus Bird Ar Defendants May it please yr. Lordpps. The Joint Answers of the said Defendants to the Plts. Bill of Complaint were duely fyled with mee the Eleaventh day of July 1684 & there hath not been any further proceedings since had in the said Cause as appears by my Booke Dated this third day of June 1689 Rich Garth p. def.

Rr. 4. No. 13. 23 Octoer. 1694. *John Bird Jos. Brown & al. agreemt. touching the Granting a Lease of Hareskeugh.*

Rr. 4. No. 14. 23 October 1694. *Jno. Bird to Fran: Robinson. Lease of Cottage. Rent 6d p. ann.*

Rr. 4. No. 15. 21 Feb. 1694. *Jos: Brown & al. to John Bird. Bond touching Hareskeugh.*

Register No. 9.

Rr. 9. No. 1. *Forest of Inglewood. Copyhold Court of the Most Noble William Henry Cavendish Duke and Earl of Portland Lord of the said Forest holden at the House of John Simpson innholder at Salkeld Gates in & for the said Forest. 25 Aug. 1773 before Ralph Cooke Steward. Admittance of Nathan Gowling.*

Rr. 9. No. 2. *4th July 1774. Gowling to Trustees of Dean Barwick's Charity. Declaration of Trust. 1774.*

Indenture between (1) Nathan Gowling of Lazonby, husbandman, and (2) George Wilson Esq., Edward Wilson, John Hadwen, John Bowes, William Walker, William Bownass, Daniel Dickinson, Robert Myers, gentlemen, Rt. Hon. Henry Earl of Suffolk and Berkshire, the Rt. Hon. George Cavendish, commonly called Lord George Cavendish, Sir Michael le Fleming Bt., Daniel Wilson, Thomas Fenwick, Jacob Morland and Myles Sandys, esquires, the Rev. Thomas Symonds, clerk, D.D., Rev. Daniel Wilson, Thomas Hartley, James Dowker, John Walker and James Birket, gentlemen, trustees of Dr. John Barwick D.D. formerly Dean of the Cathedral Church of St. Paul, London. Quotes the admittance of Gowling at the Court 25 Aug. 1773 to ground in Nicholson

Garth, which was conveyed to Gowling so that he might be seized of the same to and for the sole and only proper use of Dr. Barwick's trustees, subject to the rules laid down by Dr. Barwick's brother, Dr. Peter Barwick, in indenture 15 June 18 Chas. II. (signed) Nathan Goulding [sic] Witnesses: Wm. Crosfield, John Nicholson.

Rr. 9. No. 3. (12) 13: May. 25th March 1786. *Mr John Tallentire to Dean Barwick's Trustees. Conveyance of the Flatt &c. in Haresceugh. Conson. £315. Inrolled in his Matys. High Court of Chancery . . . 13 May 1786 . . . John Mitford.*

Indre 25. March 1786 between (1) Jonathan Tallentire of Owthwaite, p. of Renwick, Cumbd., gentleman (2) Daniel Dickinson of Lyth in p. of Heversham, Westmd., yeoman, Robert Myers of Cartmel, co. Lancaster, gentleman, Rt. Hon. George Cavendish of Holker, co. Lancaster, esq., commonly called Lord George Cavendish, Sir Michael le Fleming of Rydal, Westmorland, Baronet, Daniel Wilson of Dallam Tower, co. Westmorland, esq., Thomas Fenwick of Burrow Hall, co. Lancaster, esq., Myles Sandys of Graithwaite, co. Lancaster, esq., The Rev. Thomas Symonds of Kirkland, Westmorland, Doctor in Divinity, Thomas Hartley of Ulverstone, co. Lancaster, gentleman, James Dowker of Kirkby Kendal, Westmorland, gentleman, John Walker of Witherslack, Westmorland, yeoman, James Birkett of Kirkby Kendal, gentleman, John Machel of Hollow Oak, co. Lancaster, esq., Edward Taylor of Finsthaite, co. Lancaster, esq., James Ainslie of Kirkby Kendal, doctor of physic, Robert Dickinson of Lyth, yeoman, John Bownas of Witherslack, yeoman, and Robert Thornborrow of Witherslack, yeoman.

Quotes indenture of 18 Aug. 5 Charles II, 20 Dec. 1660, 23 Aug. 1667, and will of Dr John Barwick, 21 Oct. 1664. His brother Dr Peter Barwick in pursuance of the trust in him reposed granted to Nicholas Barwick of Witherslack, gentleman, Thomas Simpson of Torrisholme, Lancaster, gentleman, Thomas Atkinson of Crosthwaite, Westmorland, yeoman, William Barwick of Witherslack, yeoman, Francis Bowes of the same place, yeoman, Francis Nicholson of Wilson House, p. of Cartmell, yeoman, and John Pearson of Witherslack, yeoman, inappropriate rectory of Lazonby with appurtenances to be employed to the uses and intents laid down in the will of Dr John Barwick. The yearly profits of the rectory of Lazonby fell short to answer the good and pious intention

of the testator, which the said Dr Peter Barwick observing and being desirous that so charitable a benefaction should be fully answered in further performance and faithful discharge of the said trust, he by a deed of 15 July 27 Charles II granted to Sir John Otway of Grays Inn, knight, Sir Daniel Fleming by the name of Daniel Fleming of Rydal esq., the said Nicholas Barwick of Durham, gentleman, Thomas Barwick of Bigland and Thomas Barwick of Barber Green, both in the p. of Cartmell, gentlemen, the said Francis Nicholson, Thomas Simpson, James Bird of Brougham, esquire, the said John Pearson and Robert Kellett of Witherslack, yeomen, the castle of Hareskeugh alias Haskeugh and two messuages and tenements, &c., and 120 acres of land of Cumberland measure to the same uses & trusts as the rectory of Lazonby. The said Daniel Fleming, James Bird, Thomas Simpson and Francis Nicholson the only surviving trustees then living did by indenture 30 March 1696 in pursuance and discharge of their Trust grant to Timothy Fetherstonhaugh and Thomas Fetherstonhaugh all the said castle of Hareskeugh & the two messuages and land there and the impropriate rectory of Lazonby to the use and behoof of the sd. Sir Daniel Fleming, James Bird, Thomas Simpson, Francis Nicholson and to the use and behoof of Richard Simpson, George Barwick, Thomas Pearson, Robert Atkinson, John Harrison, James Hartley and Francis Bowes on trust that they should dispose of the said castle, rectory, tithes, lands, &c., to the purposes laid down by Dr John Barwick in his will. By indentures of Lease & release 6-7 May 1784 between (1) John Hadwen of Kirkby Kendal Esqr., the said William Bownas of Witherslack, yeoman, both since deceased, Daniel Dickinson, Robert Myers, Lord George Cavendish, Sir Michael Le Fleming, Daniel Wilson, Thomas Fenwick, Myles Sands, Thomas Symonds, the Rev. Daniel Wilson then of Lancaster since deceased, Thomas Hartley, James Dowker, John Walker and James Birkett (2) William Crosfield of Broughton in Cartmel, gentleman, and James Barrow of Meethop, Westmorland, gent. (3) the said John Machel, Edward Taylor, James Ainslie, Robert Dickinson, John Bownas and Robert Thornborrow the said castle, rectory, messuages, lands were conveyed to the said John Hadwen, William Bownas, Daniel Dickinson, Robert Myers, Lord George Cavendish, Sir Michael Le Fleming, Daniel Wilson, Thomas Fenwick, Myles Sandys, Thomas Symonds, Daniel Wilson, clerk, Thomas Hartley, James Dowker, John Walker, James Birkett, John Machel, Edward Taylor, James Ainslie, Robert Dickinson, John

Bownas and Robert Thornborrow for trusts laid down in will of Dr John Barwick. The said John Hadwen, William Bownas and Daniel Wilson, clerk, are all dead since the execution of the last mentioned indentures and the other trustees survive. The messuages, tenements and lands hereinafter mentioned and intended to be hereby granted lie intermixed with the said Trust estates & premises and the trustees have agreed with the said Jonathan Tallentire for the absolute purchase for £315 of those two messuages, dwelling houses or tenements with the laith or barn and other houses & premises called the High Onsett at Upper Hareskeugh within and parcel of the manor of Hareskeugh and the parcel of ground lying within and part of the close called the flatt part of the demesne called Hareskeugh Castle containing 10 acres 2 Roods 6 perches customary measure, lately bought by sd. Jonathan Tallentire from Joseph Lawrence of Blencow Hall, Cumberland, yeoman, & holder of the sd. trustees as parcel of the manor of Hareskeugh by payment of yearly apportioned customary rent of 3s. 7½d., reserving to the sd. Jonathan Tallentire a parcel of land adjoining the garth garden of the said Jonathan belonging to his dwelling house called the Low Onsett at High Hareskeugh. Signed: Jonathan Tallentire Seal: Crest — a ram passant Witnesses: John Atkinson of Shap innkeeper, John Nicholson of Hareskeugh, Wm. Richardson of Kendal attorney This deed was acknowledged by Jonathan Tallentire the grantor . . . and inrolled in H.M. High Court of Chancery 27 March 1786 before me Wm. (?) Richardson a Master Extraordinary in Chancery.

Rr. 9. No. 4. *1st Dec. 1824. Forest of Inglewood. Admittance of John Goulding.*

Rr. 9. No. 5. *1st Dec. 1824. Forest of Inglewood. Admittance of Edward Tatham.*

Manor of Haresceugh. Call Papers, Verdict Papers and Admittances going back to 1760 and ending with (a) the Verdict Paper of a Customary Court of the Manor of Haresceugh held at Raven Bridge near Haresceugh Castle 4th June 1913, and (b) the Verdict Paper of a Boundary Perambulation held the same day: the latter describes the boundaries in detail and is signed by the 12 members of the jury and by those who perambulated the boundaries, namely Percy J. Hibbert and 9 others described as Lords of the Manor (i.e. Trustees of Dean Barwick's Charity), 2 Flag Bearers, 24 members of the

public, Geo. Ed. Moser (Steward) and Herbert Dinsdale (Clerk to the Steward).

Manor of Haresceugh. Court Book starting with the Court Baron and Customary Court of Edward Wilson Esqr., Lord of the Manor, "for and on behalf of himself and others Trustees of John Barwick Doctr. of Divinity late Dean of St Paul's Charity to the Township of Witherslack in the County of Westmorland" held at Haresceugh 18th August 1760, and continuing down to 1859.

Manor of Haresceugh. Court Book 1868-1926.

Manor of Haresceugh. List of the 16 tenements in the Manor which were enfranchised 1st January 1926 by the Law of Property Act, 1922.

Haresceugh Castle Farm and the Manor of Haresceugh. Conveyance 6th November 1920 of Haresceugh Castle Farm (301 acres) and The Manor of Haresceugh from the Official Trustee of Charity Lands and Others (the Trustees) to Mr John Blenkinsop (the Tenant) for £5,150. At this time the Trustees were: Thomas Atkinson Argles of Eversley, Heversham; Charles Arthur Dawson of Halecote, Witherslack; William Farrer of Whitbarrow Lodge, Witherslack; Edmund Basil Potter of Halecote House, Witherslack; John Crayston Webster of Ellen Gowen, Arnside; Percy John Hibbert of High Hampsfield, Grange; Henry Cottam Hodgson of High Foulshaw, Milnthorpe; Robert Hoggarth of Low Wood, Witherslack; William Lewthwaite of Townend, Witherslack; Edward Wingfield Lodge of Lawns Cottage, Witherslack; Joseph Pearson of Pool Bank, Crosthwaite; Edward Scott of Kay Moss, Witherslack; and Thomas Wilson of Ulpha, Witherslack.

Dean Barwick's Charity. 1885. Printed "Scheme for the Management and Regulation of the Charity of Dr. John Barwicke", 1885. The charity and its property shall continue under the management of 13 trustees; the property shall be vested in the Official Trustee of charity lands and the funds shall be transferred to the Official Trustees of Charitable Funds on the trusts of this Scheme; a School for Boys and a School for Girls shall continue to be maintained in the present School Buildings; the trustees shall apply not more than £70 per annum in Rewards and Exhibitions; the trustees shall pay £100 per annum to the Incumbent of Witherslack; the trustees shall pay £10. 10. 0. per annum to the present Parish Clerk; the trustees shall pay £20 per annum to the Churchwardens of

Witherslack for the repairs of the Church; the trustees shall pay £3. 4. 0. per annum to the Vicar of Lazonby; the trustees may apply up to £20 per annum for apprenticeships; the trustees may apply up to £60 per annum for giving marriage portions to maids born in the Township of Witherslack; the trustees may expend up to £10 per annum in subscriptions to schools where any property of the Charity is situate, and in prizes for the children of the Schools in Witherslack or any schools as aforesaid, and also up to £25 per annum in or towards repairing the highways of Witherslack; any residue shall be invested in the name of the Official Trustees of Charitable Funds in trust for the Foundation in augmentation of its endowment.

Dean Barwick's Charity. 1905. Printed "Scheme of the Charity Commission in the Matter of the Charity of The Very Reverend John Barwick, D.D. (exclusive of The Barwick Educational Foundation constituted by an Order made by the Charity Commissioners on the 20th October 1905 under the Board of Education Act 1899, s. 2(2)) . . . founded by Will dated 21st October 1664 and regulated by a Scheme of the High Court of Chancery of the 13th June 1885." This Scheme continued the Charity substantially as before but divided it into two: The Barwick Ecclesiastical Charity, to be managed by 6 Cooptative Trustees, and the Barwick Estate Charity, to be managed by 7 Representative Trustees appointed by the Parish Council and (the same) 6 Cooptative Trustees. The Schedule of Property includes the Right of Presentation to the Benefice of Witherslack; the Tithes of Lazonby and Plumpton Wall (£226. 2. 7. per annum); Haresceugh Castle Farm and Land known as the Flatt, in the Parish of Kirkoswald (£228. 16. 8. per annum); the Manor of Haresceugh; Consols (£363. 4. 10.) and Consols (£73. 10. 2.).

BARWICK.

