

Digest of references to the Kirkby family 1509 - 1704 with particular regard to William Kirkby & Col. Roger Kirkby

BLACK is from original research

RED is from an initial visit to the National Archives at Kew

GREEN is from a second visit to the National Archives at Kew

Blue is from a third visit to the National Archives at Kew

DIGEST OF KIRKBY REFERENCES

Calendar of State Papers (Domestic) Vol 1 Henry VIII

Ref 257(63) p125

14/11/1509

John Yong Keeper of the Rolls and Records in Chancery to cancel a Recognizance of 100 Marks made by Henry Kerkeby of Kerkeby, Lancashire, and others (Curwen and Huddleston) on 13/07/1522.
14/11/1 Henry VIII delivered to John Yong by Gilbert Curwen

Ref 519(26) p306

08/06/1510

John Yong to cancel Recognizance of 100 Marks for payment of £50. 8/6/2 Henry VIII

Ref 651(1) p363

01/12/1510

£50 above paid to John Heron. 1/12/2 Henry VIII

Ref 784(29) p422

17/05/1511

John Yong to cancel the above Recognizance. 17/5/3 Henry VIII

Ref 3107(18) p1328

06/07/1514

John Yong to cancel the above Recognizance.

Calendar of State Papers (Domestic) Edward VI 1547-1553

Ref 71 p20

1547

Persons certified by the Sheriffs to have £40 or more pa who have not compounded for their fines for knighthood
Amongst many others in Lancashire, Richard Kyrkby.

Ref 78 p26

12 Jan 1548

Account by John Bird Bishop of Chester in accordance with the orders of the Lord Protector of the sale of Church goods in the Diocese of Chester and the appropriation thereof.
Amongst many others, in the Deanery of Furness, Kirkby Ireleth, nothing alienated or sold.

Calendar of State Papers (Domestic) 7 Edward VI, Mary, Elizabeth I, James I

Addenda Elizabeth

p437

1572

The Queen to the Justices of the Peace of Cumberland. Our servant John Thornborough of Sheffield Hants, complains that having recovered at Law of Roger Kirkby of Cross House, Lancashire, the Manor of Stanton, Cumberland, he is impeached by Kirkby and his adherents in possession of the same. We therefore require you to assist in recovering and keeping peaceable possession of the said lands.

Calendar of State Papers (Domestic) 1 Elizabeth 1581-1590

Ref 97 p9

Feb 1581

Articles to be administered to Luke Kirkby and other priests lately committed to the Tower: of their coming into England: of persons reconciled by them to Rome: conference with Campion and any knowledge of where he is.

p22

June 1581

Copy of letters written by Priest in the Tower to Catholics in other prisons complaining of cruelty etc. Application of torture to Luke Kirkby and others.

p32

Nov 1581

Note from the Lieutenant of the Tower concerning Luke Kirkby and others desiring their transfer to another prison.

Calendar of State Papers (Domestic) James I 1611-1618

p366

7 May 1616

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Petition of William and Elizabeth Kirkby to Sir Julius Caesar that being ill they may be allowed to give their answers by Commissioners to the suit brought by Edward Galand.

Dugdale visitation 1664

1635

Birth of William Kirkby, 4th son of Roger Kirkby (1601 - 1643) M.P. Lord of the Manor of Kirkby and Agnes Lowther (1607-1685) sister of Sir John Lowther () of Lowther, Sir Christopher Lowther (1612-1644) of Whitehaven and Sir William Lowther (1688) of Swillington.

Roger K's sister Alice was married to William Fleming.

Lowther Family H.O. p.167

1637

Sir John Lowther (1582-1637) Agnes Kirkby's father died and left in his will £400 to her children "to be paid unto such of them as deserve best at her appointment".

Deed of Settlement Roger Kirkby Cheetham Society (see file)

9 Oct 1637

Estate of Roger Kirkby settled on his wife, [Agnes](#), and then on his eldest son Richard defined as

	£
(1) Certain lands and tenements at Kirkby Annual value	120
(2) Remainder of Manor of Kirkby and seignory of Ulverston	54..10s
(3) Rectory of Hawkshead	90
(4) Half of the Manor of Bolton	12
	=====
	276-10-0

The estate was subject to certain [annual payments](#).

Uncle John	(26-13s-4d)
Brother John	(20)
Brother Roger	(20)
Brother William	(20)
Brother Christopher	(20)
	£169-16s-8d

The payments to his brothers remained payable until they had attained real estate of £50 p.a. or a personal worth of £1000.

CWT38 (CWAAS Transactions Vol 38)

28 January 1639

Marriage of Jane Kirkby to John Lamplugh of Lamplugh, Cumberland.

(John Lamplugh was made a trustee of Sir Christopher Lowther's children.

On the death of Jane (1641), above, and of Sir Christopher in 1644, he, [John Lamplugh](#), married Frances, [Sir Christopher Lowther's](#) widow.)

Jane Kirkby was born 1622/3.

History of Non Conformist Lancashire Barrow PRO

1640

Roger Kirkby summoned to parliament.

The Puritanism of Lancashire p. 314

DIGEST OF KIRKBY REFERENCES

Roger Kirkby, one of the representatives of the county, was too undecided, and yet too hasty, often hesitating when he ought to act, and often acting when he ought to hesitate, to be trusted or feared by either party. In the beginning of the great conflict it was not easy to determine what part he would eventually take, as he seemed to be trimming and temporising, and striving to conciliate friends on both sides. On his election he was supported by moderate men of both parties, as he was disposed to give a qualified approval to some of the measures which they severally desired to secure, but as the contest became too decided to allow of his neutrality, he avowed himself a Royalist, and armed his tenantry in defence of the king.

John Kirkby, William's eldest brother, admitted to Gray's Inn. 1640

History of Non Conformist Lancashire 1641
Barrow PRO

Roger Kirkby discharged as Justice of the Peace by Lord Newborough (NB Judge Fell appointed at the same time)

CWT 38 (CWAAS Transactions Vol 38) 3 August 1641

Death of Jane Lamplugh nee Kirkby, William's eldest sister buried with her baby, Jane, having died in childbirth.

Roger Kirkby to Sir Christopher Lowther 12 August 1641
Cf Redbox photocopy

"At my coming downe from London I intended to have geven yew a visite at Whitehaven but meeting with soe uncomfotable a wellcome home I have diverted my purpose, my cheepest comforth in your partes is taken from me and the joye in my harte is in apparent danger, soe that if I should seek it my content in the world is nowheare to be found

Sir Christopher Lowther's commercial papers July/August 1641
4 letters from R Kirkby

Copies in red box. Refer for background to WK's father.

Account book. R Harrison, Agent to Fleming (ABRH)
PRO Kendal

Received of Mr Kirkbie in pt of £400 was lent to him and others upon their land due upon demand 1642
£385

Received of Mrs Kirkbie 16 Nov last part of £400 that was lent to husband and others 16 Nov
£5

Note. William Fleming of Skirwith was a major in a regiment of foot under the earl of Newcastle. He raised 98 men from his estates in Cumberland and Westmorland and compounded in 1644 (presumably after Marston moor). He agreed to command a troop of horse as Lieut. Col. under the Duke of Hamilton in the 2nd civil war, but the Royalists were defeated at Preston before it could be raised. Richard Kirkby, his cousin, may have served under him with the Earl of Newcastle (but see also Lamplugh and Girlington).

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Cowper CWTNS (CWAAS Transactions)

10 Dec 1642

Roger Kirkby appointed one of the collectors for Lonsdale Hundred of a subsidy for the king for raising troops; appointed to the council for the payment of troops; amongst Royalists at Preston.
Commands defence of Lancaster Castle and loses it to Col. Birch.

Feb 43

Battle of Lindale “Mr Kirkby” present –
father Roger, brother Richard, brother John or uncle John?

3 May 1643

Fleming

1643

Pd for my cousin Kirkby his men and mine over charges in going and coining to York and stay there and our horses as may appear by a note of particulars £6-14-0

Spent at Kendall when my cosin Kirkby Mr Phillipson, and myself went to Kendall to meet Mr Robert Curwen about poynting of a day for silling (?) officce 3/6d

July

Pd more for our own charges at Mrs Dixsons as my cosen Kirkby, my cosen Ambrose and myselfe and others all night 14/-

August

NB William Fleming and Roger Kirkby were first cousins; could have been his brother John (or Richard who would have been 18).

West

August

Roger Kirkby flees to Ireland and dies there.

Lamplugh Register

3 Nov

Mr Roger Kirkbee of Kirkbee in Furnace departed this life on Thursday being Nov 2 betwixt 2 and 3 of the cloke in the afternoon and was buried at Lamplugh church upon the third daie about seven of the cloke at night God send him a joyful resurrection.

Fleming

1645

Paid to my cozen Mrs Kirkby wch here husband had paid to Mr Willm Mr... for and in part of his wage for teaching £00-10-00

Pd to my cozen Mrs Kirkby the 20 Nov wch here husband had givenn Tho. Godsonne at several about wardships. £1 -10-00

Nov

Lent to my cozen Mrs Kirkby upon our account since here husband's death made 22 Nov 1643 £7-4 -00

Nov

(recovered Oct 1644)

NB Fleming also lent John Fleming £47 to bail out his cozen Lamplugh.

Society Composition papers

@ York 17/11/1645

Richard Kirkby having joined the royalist army under the Earl of Newcastle compounds for his estate £750 or £75 p.a.

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Fleming

April 1649

Paid to my cozen Mr Richard Kirkby upon Mr Willms letter which he said he had borrowed of his faterh in law and that it must needs be paid unto him upon the receipt thereof in regard Mr Kirbie was presentlie to come to London 18 April 1649 and most of it was paid in gold.

£110

**Kendal RO? ?CWAAS Cowper
1650**

Richard Kirkby settlement of his estate re compounding which was still unsettled. Estate included Kirkby Ulverston and Hawkshead (Cowper says in Kendal Musuem). Now lost.

Eleanor Kirkby, William's eldest sister, becomes engaged to George Crowle of Hull.

8/1651

Lowther Family/Hugh Owen p.116

1653

"Mr Kirkby who I find very intelligent in business" possibly William working either for Sir Gerard Lowther or the recipient of the letter, his uncle, Sir John Lowther of Lowther concerning property they held in Ireland nr Belfast.

Nov.

Daniel Fleming Via Cowper

14-17 Dec, 1656

14 given by my wife unto my Lord Evars for fiddling @ Kirkby Hall

1/6

15 lost by my wife at cards

5/-

lost by myself

8d

17for frosting houses (-----?)

21 Jan 1657

Given unto Mrs Pennington as a grace wife at Kirkby

10/-

Delivered more unto her for my aunt Anderton to buy cheese

1-0-0

Given to the nurse at Kirkby

5/-

David Fleming Account Book

5 Sep, 1657

Daniel Fleming tips a Kirkby servant 2/6 for bringing venison from Agnes Kirkby.

Dugdale visitation 1664

c. 1660

William Kirkby marries his first wife Anne daughter of Anthony Locke of Cerisbrooke, Isle of Wight (cf. Various notes in CWNS re date stone) **(CWAAS Transactions)**

Richard Kirkby proposed as a Knight of the Royal Oak but order never instituted. His estate valued @ £1500.

David Fleming Accounts Book

March 1661

20 given in the house at Low Barne when I went to visit my cousin Kirkby's third wife (Helena Maxey)

4/-

30 given to players

5/-

given to nurse

1/-

May

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22 given to players 6d
25 payd yesterday at Kirkby unto my cousin Crowle for a runlett of sack and
another of white wine for carriage etc being in full of all reckoning till this day £4..11s..4d

Lancashire MPs 1661 **Barrow PRO**

Richard Kirkby elected MP for Lancaster (see History of Parlt.)

Richard and William acted as a team to turn the return of the Stuarts to their own and their family's advantage. At the outset all went well. Richard went to London as an MP and was soon appointed to a number of offices such as Surveyor of Woods, Commissioner of Assessment, Commissioner for Corporations, Sub-Commissioner of Prizes and so on. He was a Colonel of Militia, and held a Captain's commission in the Grenadier Guards. (see History of Parliament p.687-90). William stayed in the north.

According to Isabel Ross in her biography of Margaret Fell his principal occupation was abusing his power as a JP tormenting Quakers generally and the widow of Judge Fell particularly. Richard was no lesser an anti-dissenter, speaking against Toleration in Parliament, and leading militia troops in suppression of illegal meetings.

As a young man William must have been in awe of his two older first cousins Roger, and Richard. The first was a Colonel of the Grenadier Guards, Governor of Chester Castle, an MP, a JP, and Lord of the Manor. He had killed his man in a duel, and was a friend of the highest in the land. The second was a Post Captain in the Royal Navy, and had returned laden with loot from the Spanish Main. By the time William wrote his will, he was Lord of the Manor, they were both dead without surviving issue, Roger in poverty, and Richard executed for cowardice on his own quarterdeck.

Dugdale Visitation 1664 c.1661

Birth of William's daughter Agnes.

Conventicle Bill 1663

Calendar of State Papers (Domestic) 1663 **(via Cowper) Charles II Vol 68 p45 (Docquet)**

Feb 8th

Grant made to Richard K of all woods and trees on the Barony of Kendal not fit for ship building.

Possibly intended in recompense for losses in civil war. Value lies in charcoal; does not seem to have been pursued.

Isobel Ross Margaret Fell (IRMF) Winter 1663/4 **p.165**

Meeting at Holker of Justices Preston, Fleming and Kirkby (all cousins), Middleton and Rawlinson to suppress Quakers after the Kaber Rigg plot.

[Dr Carleton, Dean of Carlisle, in a letter to Williamson, gives an account of affairs in the North : "The fanatics speak broad treason, and say that their deliverance is at hand. If not disarmed, they will soon rise in rebellion there, where all are so secure and negligent that unquiet spirits are impudently bold." About a year later, in 1664, this boldness led to a very formidable conspiracy being formed in the north in connection with a project for a general rising all over England. The local leader in this was Captain Robert Atkinson, of Watergate Farm, Mallerstang in Westmorland, formerly a captain of horse under Cromwell; one who had been very active during the Commonwealth in arresting Royalists, but had

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afterwards, to forward his own ends, pretended to furnish Sir Philip Musgrave with information of the plans and doings of the Quakers. On his double-dealing being found out, he was committed to prison at Appleby, but broke out, and little search appears then to have been made after him. Atkinson enjoyed great popularity with the commoners of the barony of Appleby, as he had conducted for them their great suit with the litigious lady of the barony, the Countess of Pembroke, about the fines and heriots claimed by her. Twice in October, 1663, did Atkinson, with a party of nineteen horse, meet at a place called Kipper Rigg, or Kaber Rigg, in the parish of Kirby Stephen, and about two miles and a half to the north-north-east of the town of that name, intending by a sudden dash to capture Sir Philip Musgrave and cut his throat, and then to seize on the excise money in the custody of the Clerk of the Peace. The failure to appear at the rendezvous of some thirty more, who were expected, prevented this plan from being carried out. It was but part of a more extended plan for a general rising all over England and Ireland.

Atkinson was to command in Westmorland and the bishopric of Durham, while his local colleagues were Captain John Waller, also of Mallerstang, Colonel Richard Richardson, of Crosby Garret, Thomas Fawcett, of Ravenstonedale, and Captain Cuthbert Studholme, of Carlisle, formerly a Parliamentary justice of the peace there. These daring men informed their followers of the general rising they expected. They said that in Wiltshire alone 5,000 men were ready, that in Westmorland and Durham 2,000 horse and dragoons were awaiting the signal, that confederates in Carlisle had promised to throw open without bloodshed the gates of that city, while Studholme had gained over a strong party in the castle garrison. The garrisons, too, at Appleby and Hull, they asserted, had been worked upon in a similar manner. Their object was "to force the King to perform his promises made at Breda, grant liberty of conscience to all but Romanists, take away excise, chimney money, and all taxes whatever, and restore a Gospel magistracy and mercy. The rising was fixed for October 12, 1663, but was, unluckily for the conspirators, postponed for some reason or other. Meanwhile they were betrayed by a Major Greathead, and on October 26 Musgrave writes to say that "Captain Atkinson, their principal man, is secured." By some connivance or other, Atkinson got out of Appleby Castle, on bond or bail, and bolted. Sir Philip sent off notice to the Sheriff of Yorkshire, adding that he himself would at once "secure the most dangerous of the old army." Owing to an expectation that Atkinson would attack Appleby to release his friends in prison there, Musgrave called out volunteers, which he did by sending round to his friends, and soon collected fifty volunteer horse, well armed, and some foot. The militia were got together later, and did three days' duty in November before being dismissed.

The pursuit for Atkinson was so hot that, as he dare not surrender to the Musgraves, who would have strung him up at once, he collusively, as was thought, gave himself up to Thomas Braithwaite of Burnside, and in company with him and Braithwaite of Warcop, set off to meet the Duke of Buckingham at York. They missed him, saw Judge Turner, and then returned to Appleby, but immediately started for London. The Braithwaites, anxious, probably, that Atkinson should have a fair trial, carefully concealed from the Westmorland and Cumberland justices all these journeys, and the fact that Atkinson was their nominal prisoner; indeed, Sir Philip would have given him short time to live could he have got at him, and would have had no hesitation in taking him from the Braithwaites by force. On the road to London Atkinson made another escape on Braithwaite's horse, by, as it was suspected, the connivance of one of the two Braithwaites. Atkinson, strange to say, returned to Mallerstang; apparently he had hopes of a pardon, on condition of betraying his comrades. Braithwaite continued his journey to London, and had a long private discourse with the King. Sir Philip writes of this, "It is a mystery, and some think Atkinson is still at command." John Dalston, of Acorn Bank, an active Royalist justice, speedily made Mallerstang no safe place for Atkinson; but he escaped falling into the hands of the local magistrates, and is next heard of as a prisoner in the Tower, There he was examined before the Lord Chancellor, the Lord Chief Justice Hyde, and Mr Secretary Bennet in the presence of Sir Philip Musgrave and Sir Thomas Gower, the Sheriff of Yorkshire. Atkinson appeared to have confessed somewhat, lied a good deal, and shuffled more, so, instead of the pardon he expected, he was handed over to the Musgrave, and hung either at Carlisle or Durham in 1664; some accounts say he was hung, drawn and quartered at Appleby...tragically a messenger carrying his reprieve was delayed at Stainmore. Several of his co-conspirators appeared at the assizes at Appleby in March, 1664, before Justice Twysden, Baron Turner, and Sir Philip, but no one else in the two counties appears to have suffered anything beyond imprisonment or outlawry for this conspiracy. John Aglionby, the Mayor of Carlisle sent Cuthbert Studholme to gaol on a charge of treason,

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but what became of him does not appear. The local magistrates ascribed the plot to the Quakers, and George Whitehead, next to Fox, the father and founder of the Society of Friends, and a Westmorland man, was taken to Whitehall from the prison where he was confined on a charge of illegally preaching, and examined on a charge of complicity in the plot. Nothing could be proved against him, and the charge was dropped. Apparently, at the time of the plot, the local justices included under the name of "Quaker" every dissident from their own religion except Papists. Westmorland was also full of Quakers, who had been disowned by, or who had seceded from, the Society of Friends, for in those days of religious excitement men roamed rapidly from one form of religion to another; among such doubtless Atkinson, found adherents.]

George Fox sent for, refuses to take oath of Supremacy. Released.

[Oath of Supremacy

The Oath of Supremacy, imposed by the [Act of Supremacy 1559](#), provided for any person taking public or church office to swear allegiance to the monarch as [Supreme Governor of the Church of England](#). Failure to so swear was to be treated as [treasonable](#). The Oath was later extended to include [Members of Parliament](#) and people studying at [universities](#).

Text of the Oath as published in [1559](#):

I, A. B., do utterly testify and declare in my conscience that the Queen's Highness is the only supreme governor of this realm, and of all other her Highness's dominions and countries, as well in all spiritual or ecclesiastical things or causes, as temporal, and that no foreign prince, person, prelate, state or potentate hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority ecclesiastical or spiritual within this realm; and therefore I do utterly renounce and forsake all foreign jurisdictions, powers, superiorities and authorities, and do promise that from henceforth I shall bear faith and true allegiance to the Queen's Highness, her heirs and lawful successors, and to my power shall assist and defend all jurisdictions, pre-eminences, privileges and authorities granted or belonging to the Queen's Highness, her heirs or successors, or united or annexed to the imperial crown of this realm. So help me God, and by the contents of this Book.]

Subsequently William Kirkby goes to Swarthmoor Hall, takes the names of some Quakers and imprisons others.

Conventicle Bill [The [Conventicle Act of 1664](#), 16 [Charles II](#) c. 4, was an [English statute](#) that forbade religious assemblies of more than five people outside the auspices of the [Church of England](#). This law was part of the programme of [Edward Hyde, 1st Earl of Clarendon](#), to discourage [nonconformism](#) and to strengthen the position of the [Established Church](#).]

Fox committed to prison with 10 others at the sessions at Lancaster by inter alia Justice William Kirkby. 60 others fined.

January

Margaret Fell complains to Col. Kirkby.... *"For thy brother to be a witness against an innocent people for punishing them for serving and worshipping the lord"*.

Margaret Fell arrested for refusing to swear at Ulverston (See Fleming Williamson correspondence ref. P.169)

18 February

At the assizes in Lancaster George Fox imprisoned. Margaret Fox tried.

14 March

Daniel Fleming (cousin 1633 -) thanks Williamson for a letter clearing the local Justices of prosecuting the Quakers out of private pique. MF says *"I had not been here but for my neighbours."*

Judge Twisden offers MF her liberty if she undertakes not to hold any further meetings. She refuses and is

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held in Lancaster prison until the next assizes.

Before Judge Turner who had praemunired other Quakers. MF complains to judge of bad conditions imposed by the cruelty of Justice William Kirkby who was rebuked by the judge (p.176).

August 1664

[PRAEMUNIRE (Lat. praemonere, to pre-admonish or forewarn), in English law an offence so called from the introductory words of the writ of summons issued to the defendant to answer the charge, Praemunire facias A.B., &c., i.e. cause A.B. to be forewarned. From this the word came to be used to denote the offences, usually ecclesiastical, prosecuted by means of such a writ, and also the penalties they incurred.

The range and description of offences subject to the penalties of praemunire were greatly widened after the Reformation, so that acts of a very miscellaneous character were from time to time brought within the scope of enactments passed for a very different purpose. For instance, the penalties of praemunire were incurred, under an act of Queen Elizabeth (1571), for denying the Queens title; and under an act of James I. the Statute of Monopolies (1623), for obtaining any stay of proceedings (other than by arrest of judgment or a writ of error) in any suit for a monopoly; under an act of Charles I. (1640) the attempting to restrain the importation or making of gunpowder was a praemunire; in the reign of Charles II. an act of 1661 made the asserting maliciously and advisedly, by speaking or writing, that both or either house of parliament has a legislative authority without the king, a praemunire.]

MF sentenced to praemunire forfeiting her estate and imprisoned for life.

Note

Swarthmoor Hall is a substantial house which was then the centre of a prosperous estate which had been the property of Margaret Fell's late husband Judge Fell. He was a friend of Oliver Cromwell, and had replaced Roger Kirkby as J.P. in 1642. He was a Sequestrator of Royalist estates. He owned half the Lordship of the Manor of Ulverston. This he might have purchased from the Kirkbys when they were fined for their Royalist support (probably Judge Fell presiding). The Swarthmoor Estate surrounded Ulverston and was virtually adjacent to the estates of the Kirkbys, Flemings and Prestons. If forfeited to the King it is probable that it would have been regranted to Royal supporters in the area.

During the period of the trial George Fell (M.F.'s son) who was not a quaker became friendly with the Kirkbys, (see family letters, IRMF p.180) and tried to demonstrate Swarthmoor was his, not his mothers.

Isabel Ross on Margaret Fell of Swarthmoor p 192
Nov 1664

Fell reported as being "very curteus to him" (Wm Kirkby)

Wm Kirkby to R Kenyon
DDKE 2/10/27 (No copy)

1664

Warrant signed by W.K. to Constable of Blackburn hundred to collect Hearth tax and pay it to Mr R.K. or Mr Henry Rowe on 12.12.64 at the house of Lawrence Prickett.

WK to Roger Kenyon
DDKE 9/36/31

14 Sept 1664

Lancaster 14 Sept 1664

Sir, I forgot to speake to you according as I was desired by my Bro: that was that if you thought the horse you were speaking to him o,f were a penniworth, you would buy him for him. Otherways you will

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be pleased to lett him know your answer, that he may take care else where to furnish him selfe. However, I expect your answer and in wt I may. Be assured I am

*Yours to command
William Kirkby*

**WK to R Kenyon
DDKE 9/37/9**

7 March 1665

Garstang 7th of March 1664/5

Worthy Sir,

Yours dated yesterday I have for which I give you very many thanks. And approve well the form of the warrant, only I see not how the double duty for this halfe yeare will come in. For those that paid 2s at Michaelmas for half return mut pay 2s now this ensuring half yeare. But I leave it to your discretion. At ye assises wee shall all meet and then consult wch will be most convenient. I am thronged just now upon ye collection. Till I see youe I can only assure you I am

*Your reall LO. friend
William Kirkby*

**Fieldhouse Collection
PRO Barrow**

1665

Ralph Kirkby - appointing “*the worshipful Mr William Kirkby Esq*” as supervisor to his will.

Ralph Kirkby was some kind of distant cousin. His will exists in full (see copy on file) I have only included this entry because it demonstrates W.K. was important locally.

Calendar of State Papers (Domestic) Charles II, Vol 137 p67 **21 Nov 1665 Exminge**

p57. Col. Rich. Kirkby to Williamson, Profession of Service>Letters for him must be lrft atNew Market

Calendar of State Papers (Domestic) Charles II, Vol 138 p95 **10 Dec 1665 Exminge**

p87. Col. Rich Kirkby to [Williamson] Thanks for kindness to his brother Wm. Wishes one of Williamson’s servants would write to him weekly

Calendar of State Papers (Domestic) Charles II **Jan 11 1666 Oxford**

The king to the Farmers of Customs. An embargo being laid on English vessels, or those manned by the English, their officers are to allow no vessel to go from any port, unless 1/5th of her company is taken from the Dutch prisoners, on security for their forthcoming on return of the vessel
[Entry Book 17 p164]

Calendar of State Papers (Domestic) Charles II, Vol 53 p344 **10 April 1666 London**

p75. Wm. Kirkby to John Swaddel. Apologies for leaving town without waiting on him.

Calendar of State Papers (Domestic) Charles II, Vol 157 p422 **May 1666**

p74. Col. Robt. Kirkby to Lord Arlington. Has served the late and present Kings with good reputation, but at his own charge, whereby he has ruined his fortune, and is in danger of dying in gaol unless His Majesty extends his promised protection. Begs leave to raise a regiment, as this summer is likely to be full of action, or to serve as Commissioner for Prizes, or to succeed Sir Chas. Wheeler, or to have a

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recommendation to some foreign prince, or something, to pull him out of the mire. Entreats his Lordship's help therein [2 pages]

Calendar of State Papers (Domestic) Charles II Vol 186, p401/2. Petitions **1666**

p63. Petition of Richard Kirkby. For payment of £500 or part thereof lent by his father in law Dr Thomas Eden a on privy seal to the late King and come to him in right of his wife, is much reduced by great sufferings and vast expense in his majesty's service.

Richard K put out of Prize Commission **1666**

Journal of G. Fox p.105 **14 June 1666**

Letter from G Fox to Margaret Fell states that William Kirkby buried his wife.
(?Datestone 1667)

"& Coll Kirkby wasted all his estate and buried 3 wives"

"Will Kirkby buried his wife" (line through it)

Calendar of State Papers (Domestic) Charles II, Vol 182 p371 **26 Dec 1666**

p141. W.Mack to his father in Galloway. Has arrived at Carlisle and intends to sail for Whitehaven. Religious advice. Cautions against too much fellowship with Episcopal party and the Corrats. Asks how business goes in Scotland. Is at great charges and spent half his money. Endorsed "Intercepted by Col. Kirkby."

p142. [W.Mack] to wife in Galoway. Religious advice. Wishes her not to go much to church; reading God's word will inform her better than submitting to prelatical power. Family affairs. Wishes her to come to him and bring as much money as she can get. Endorsed "Intercepted by Col. Kirkby."

Calendar of State Papers (Domestic) Charles II, Vol 190 p497

5 Feb 1667 Preston

p110. Wm Wearden to James Higges. Would have answered is last but thought Sir Phil Frowde and Col. Kirkby would inform him concerning the business. Has more hopes for Mr Williamson than formerly, if the Vice Chancellor would not resign, as is hinted in Col. Kirkby's letter. Will do his utmost for him.

Court Book Broughton 1658-80 p.46

Feb 1667

We find a deed good from John Walker younger of Ellermire to William Kirkby of Ashlack Esq bearing date Feb 8 1667 of the yearly rent of 8s and 6d.
(Reference to WK as "*of Ashlack*" is out of sequence.)

Calendar of State Papers (Domestic) Charles II, Vol 192 p517

15 Feb 1667

The King to visit Molineux, Governor of Liverpool Castle, Sir Roger Bradshaw, Sir G.Shakerley and Col. Kirkby. The said castle being now unfit to be used as a place of strength, they are to give orders to workmen so far to demolish the out walls as to render it untenable and the materials are to be preserved until further orders.
[Entry Book 23 p344]

Feb 15th. 4. Draft of the above.

DIGEST OF KIRKBY REFERENCES

Calendar of State Papers (Treasury) Vol II

am Saturday 29 Jun 1667

p22. Col Kirkby ordered to produce his accompt book for 1665
[Treasury Minute Book (TMB) I p40-41] (PRO Piece Ref T29/1)

pm Thursday 4 July 1667

p28. Mr William Kirkby, Receiver of the Fireheath money Co Lancs is heard, he alleging that he compounded first with the county. To be considered Monday next. There is also a reference to Cumberland & Westmorland Hearth Tax.
[TMBI p52-54] (PRO Piece Ref T29/1)

p53

Mr William Kirkby Receiver of the ffirehearths for Lancashire that he compounded firstly with the County then demands a moiety after that composition by virtue of the late Lord Treasurer's letter. That this point be considered Monday next at 3 in the afternoon Lord Ashley being present.

Wednesday 31 July 1667

p2850. Col. Kirkby, receiver of Fireheath Co Lancaster called in. Bro: to be here 20 Aug
[TMBI p91-93] (PRO Piece Ref T29/1)

pm Monday 19 Aug 1667

p65. Col. Kirkby's bro, called in. They will attend the Auditor for their dispatch
[TMBI p120-123] (PRO Piece Ref T29/1)

Tuesday 3 Sept 1667

p74/5. Auditor Chislet called in about the account of Col Kirkby & his brother of the heqrth money for Lancashire. His brother demands £1180 for charges the J.P.'s having sat ~~at~~ in all parts of the county at his charge about settling that revenue. The sum brought in by penalties is £1714. The Auditor to allow him the moiety. Write such J.P.'s as Col. Kirkby shall nominate to call such constables before them as he shall desire to get in arrears
[TMBI p135-137] (PRO Piece Ref T29/1)

Monday 9 Sept 1667

p184. Treasury warrant to Auditor Chislet to allow to William Kirby late Receiver of Hearth money for Co. Lancs one half of £1714 recovered by him on forfeitures on the Hearth Money Acts: together with 1d in the £ paid by him to the Clerk in the Peace there
[Treasury Miscellaneous Warrants early XXXVI p40] (PRO Piece Ref T51/36)
This appears in a table of entries headed "Not of the Nature of Treasury Minutes" and is not referred to in the general text of Vol II

William Kirkby Esq Late receiver of his Majesty's duty of Hearth Money for the County of Lancaster. That he hath brought in and compounded for the sum of 1714l as so much by his effort and industry recovered upon the forfeitures in the Acts forthold ----- And that he hath also allowed and disbursed unto the Clerk of the Peace there one penny in the pound for the Hearth Rolls by him returned for Michaelmas 1665. We do therefore direct you upon the ---- of Mr Kirby's making it appear to you that he hath surrendered the said sum of 1714l for the said forfeitures, and disbursed the said 1d in the pound as aforesaid. You do further state one moiety of the said 1714l and likewise after his allowance of one penny in the pound to be allowed to ye said unto ye said William Kirkby on his account now before you.

*Albermarle Ashby
Clifford etc*

Thursday 26 Sept 1667

p954. Mr Kirkby to have the longest time any have had to pay in the remainder of his account and process to stop in the meantime
[TMBI p168-169] (PRO Piece Ref T29/1)

23 Oct 1667

RK one of 7 MP's sent to question Prince Rupert and Monmouth? On division of fleet and failure of

DIGEST OF KIRKBY REFERENCES

Naval intelligence.

Named to chief political committee of Parliament. No part in the Impeachment of Cliveden

Calendar of State Papers (Domestic) Charles II, Vol 221 p543

24 Oct 1667 Whitehall

Reference recommending to the Treasury Commission the petition of Col. Rich. Kirkby for the Commissioners place in the Excise, void by indisposition of Wm. Fowth
[Entry Book 18 p 265]

Calendar of State Papers (Domestic) Charles II, Vol 221 p545

25 Oct 1667

p24. Order in the House of Commons that Lord Arlington, with Mr Comptroller and Col. Kirkby, be desired to peruse all papers and intelligence relating to the Dutch fleet, the times of their reception, the orders thereon, and the time of dividing the fleet, and that such letters, or the abstracts of them, be laid before the house.

[Printed in the Commons Journals, Vol 9 p 8.]

Calendar of State Papers (Treasury) Vol II

Thursday 31 Oct 1667

p113. Col. Kirkby's petition read. The Farmers of the London Excise to certify whether Fowth be well or not.

[TMBI p201-204]

26 Nov 1667

p206. Treasury commission to Richard Kirby as Receiver for County Lancaster of the One Month and Eleven Months' tax.

[Treasury Miscellaneous Warrants Early 34 p65, 67, 68-70, 79]

Court Book of the Manor of Broughton
p.42 1658-80; 27 Nov 1667

November 1667

Also we find good a deed from John [Postlethwaite?] Robert Dawson, Edward his son, Thomas Townson, John Woodburn to William Kirkby Esq of a tenement at Ashlack 20s.

Also we find good a deed from John Walker to William Kirkby Esq of a parcel of ground at Ashlack rent one peppercorn.

Calendar of State Papers (Treasury) Vol II

am Monday 9 Dec 1667

p141. Mr Ellyot, of the Bedchamber, called in about a tally on the Royal Aid payable by one Anthropus, Correspondent to Kirkby for Lancashire. Antrobus to attend tomorrow.

[TMBI p249-251] (PRO Piece Ref T29/1)

am Wednesday 11 Dec 1667

Mr Antrobus & Mr Ellyot to attend on Thursday

[TMBI p255-256] (PRO Piece Ref T29/1)

There is no further mention of Antrobus for some years

am Thursday 19 Dec 1667

p153. Write to Col. Kirkby to pay his arrears on the Aids of Co. Lancaster

[TMBI p272-273] (PRO Piece Ref T29/1)

Dec 1667

Petition of Sir Jordan Crossland, Sir Thomas Higgins, Col. Richard Kirkby and Mr Prideaux to the King. Have served faithfully as Commissioners of Prizes but were left out when the number was reduced; beg a

DIGEST OF KIRKBY REFERENCES

share above their ordinary salary in the Bounty which His Majestie granted to those who remained in.

[Ibid No 227]

Draft of the above [by Williamson]

[Ibid No 228]

Jan-Mar 1668

Probable death in childbirth of Anne, wife of William Kirkby, and birth of his son Roger.

10 Mar 1668

RK asks Parliament for protection from creditors.

**WK to R Kenyon
DDKE 9/39/33**

10 May 1668

Yorke 10 May 1668

Deare Sr

I am from this place for London. Where I extreamely desire to see you. That we may conclude althings. I pray come if you can. However lett me receive a line to your resolve. I am

*Inclose your letters to me
to Mr Henry Kirkby at the
post office London*

*Sr
Your faithfull servant
William Kirkby*

**WK R Kenyon
DDKE 9/39/31**

14 May 1668

Cowen 14 May 1668

I writt lately to Mr Roe to acquaint you of my beeing at Preston and to desire to know if you could come up to London latter end of this month or beginning of June. I intend from Yorke to London, & to be there God willing latter end of this month. I pray if possible come up then, that wee may trie w can be done for I cannot longer delay the paying (?) my account. Soe pray if you can come up, however lett me heare from you and direct your letter for me, under cover (?) To Mr Henry Kirkby at the post office London w you doe lett me have a line I am

*Sir
Your humble servant
William Kirkby*

Calendar of State Papers (Domestic) 1667-1668

25 May 1668. Leeds

Chas Kirkby to Mr Francis. Begg to be honoured with a line at Hull, where he shall be for the next eight days as ship in which he goes to Dantzic will not sail before then; when beyond seas will return the compliment.

[Ibid No 57] Probably not our Kirkby family

**WK to Roger Kenyon
DDKE 9/39/35 LRO**

2 June 1668

London 2 June 1668

Deare Sir

Yours of the 29 I have. I am sorry you cannott come up and I feare without your assistance I shall obtaine noe further allowance for you from the Lords of the treasurie. I doe assure you I shall be extreeme glad to doe you any service (?) And in what I may command freely sir

*I hope my stay will
Be [] short rate (?)*

*Your obliged friend and servant
William Kirkby*

Calendar of State Papers (Treasury) Vol II

DIGEST OF KIRKBY REFERENCES

am Friday 5 June 1668

p344. *Petition read from Mr Kirby collector concerning his Lancashire Firehearth account and he and his bro. Called in. His account to be considered this day week and process to be suspended for three weeks.*

(TMB II p201) (PRO Piece Ref T29/2)

pm Thursday 11 June 1668

p351. *Col. Kirkby called in about his bro's chimney account for Co Lancs. To attend Thursday next with Auditor Chislet if Lord Ashley be then well. Meanwhile the process to stay for three weeks.*

(TMB II p209-210) (PRO Piece Ref T29/2)

[No mention of attendance on June 18. ie 'Thursday next']

23 June 1668

Headed: Various matters "not of the nature of Treasury Minutes"

p585. *The Treasury Lords to the King's Remembrancer to stay process against William Kirkby. Late receiver of Hearth Money for County Lancaster for three weeks.*

[Treasury Miscellaneous Warrants Early 36 p90] (PRO Piece Ref T51/36)

Mr Wm Kirkby Proces Stopt. After our Hearty Comendations, Whereas processe are issuing out against William Kirkby Esqr late Receiver of the Hearthmoney for the County of Lancaster &c his Security for not having perfected his accompt of that Receipt. The said William Kirkby being not upon his accompt before us we have the right fitt & doe desire your Lordships that such processe may be Suspended against the said William Kirkby & his Security for the Space of 3 Weeks from th edate hereof. And so we bid your Lordships farewell & remayne

23rd June 1668

Your Lordships very loving friends
Clifford etc

Thursday 2 July 1668

p371. *Sir Robert Long's opinion to be asked about Mr Kirkby's tally. A warrant for it to be altered in accordance with Auditor Chislet's certification.*

[TMB II p236] (PRO Piece Ref T29/2)

13 July 1668

p381. *Warrant for stay of process against ~~Mr Gibbs and~~ Mr Kirby (Kirckby) late receiver of Hearth Money for County Lancaster, till the end of Michaelmas Term next*

(TMB II p250-251) (PRO Piece Ref T29/2)

(repeated Oct and Nov)

Friday 27 July November 1668

p495. *Deputy Auditor Chislet to attend on Tuesday morning about William Kirbye's Firehearth account for Co. Lancs and meantime process to stop to next terme.*

(TMB II p398-400) (PRO Piece Ref T29/2)

Wednesday 7 Oct 1668

p453. *Warrant for stay of process against Mr Kirkby till Michaelmas term (See also 13 July above)*

[TMB II p343] (PRO Piece Ref T29/2)

Calendar of State Papers (Treasury) Vol II 1667-68

Oct 1668

p589. *The Treasury Lords to the Auditor &c., of the receipt to charge a tally struck upon William Kirkby, late Receiver of Hearth Money for Co Lancs*

[Treasury Miscellaneous Warrants Early 36 p93] (PRO Piece Ref T51/36)

Wm Kirkby. After and Whereas there was a certain tally sheet be att the receipt of the Exchequer dated the 20th of September in the 19th year of his Majestye's Reigne on Willm Kirkby Esq Late Receiver of Hearth Money for the County of Lancaster for the sum of threescore and nine pounds fifteen shillings six pence in the year ending at Lady Day in the 16th year of his Ma^{te} Reigne. 2 And it appearing that the said William Kirkby Commission beares date the 25th of July in the said XVth year of his Ma^{ties} Reigne

DIGEST OF KIRKBY REFERENCES

soe that the said sume by reason of the said mistake hath not been applied to, now can properly be allowed upon the accompt of the said Richard Kirkby as by the Certificate of Deputy Auditor Chislett appeared and these are now to will and require you to take in ---- the said tally and the respective entries made thereupon And to cause one other tally for the like sume of sixty nine pounds fifteen shillings and six pence dated the 20th of September in ye said 19th yeare of his Ma^{ties} Reigne to be Levied and Struck on the said William Kirkby on his said receipt for the yeare ended att Lady Day in the XVIIth yeare of his Ma^{te} Reigne And let this warrant be entered in ye respective offices that it may appear upon what account the tally was allowed And for soe doing this shall be your warrant Whitehall Privy Chamber the Second of July 1668

Clifford Wm Coventrye
Duncombe

5 Oct 1668

p624. The Treasury Lords to the King's Remembrancer to stay process against William Kirkby until 10th November 1668 on his account as receiver of Royal Aid for Co Lancs.
[Treasury Miscellaneous Warrants Early 34 p126] (PRO Piece Ref T51/34)

8 Oct 1668

p626. The Treasury Lords to the King's Remembrancer to stay process against William Kirkby on his account as receiver of Hearth Money for Co Lancs until return of an audit.
[Treasury Miscellaneous Warrants Early 36 p109] (PRO Piece Ref T51/36)

Wm Kirkby – After and Whereas process are issued out against William Kirkby Esqr late Receiver of the hearth money for the County of Lancaster and his Security for moneys of that Duty ---- swered to his Majy. Now forasmuch as the account of the said William Kirkby and the tally relating thereto are at this time in the hands of the Auditor for the said County who is now out of ----- Wee doe therefore desire your Lordships to take Care that the said Process and all Issues to be made thereupon to be Suspended until the return of the said Auditor And Soe Wee bid your Lordships heartily farewell and remaine

Your Lordships very Loveing Servants

Whitehall Treasury Chambers
8th October 1668

Albermarle
Clifford
Duncombe

6 Nov 1668

p631. The Treasury Lords to the King's Remembrancer to suspend process against William Kirkby (Kirby) Receiver of Aids for Co Lancaster.
[Treasury Miscellaneous Warrants Early 34 p137] (PRO Piece Ref T51/34)

Col Kirkby. After and Whereas we have lately directed your Lordships to secure process to be stopped against William Kirkby Esq Receiver of the Royal Aids for the County of Lancaster until the 10th of November instant. Now for that the said William Kirkby ---- so farr resolve from ---- that he ---- presently attend the ---- and ---- of accompts of ye said Receipt in so small a ---- we have thought fit and do accordingly desire your Lordships to give orders that all proceedings be suspended against the said William Kirkby and his security for the reason aforesaid ---- the first day of ---- next ensuing in which ---- he hath undertaken to ---- and clear all arrears of his said ----

30 Nov 1668

p637. The Treasury Lords to the King's Remembrancer to stay process against William Kirkby late Receiver of Hearth Money for Co Lancaster until the first day of the next term.
[Treasury Miscellaneous Warrants Early 36 p112] (PRO Piece Ref T51/36)

Processe Stopt against Wm Kirkby. After & Whereas processe are issued out against William Kirkby Esqr late receiver of the Hearthmoney for the County of Lancaster for not having perfected & passed his

DIGEST OF KIRKBY REFERENCES

accmpts of that Receipt. Now for that the said William Kirkby is at this time upon the passing of the said Accmpt before us We desire & direct your Lordships to cause the said processe to be Suspended & all issues thereupon against the said William Kirkby & his Securities until the first day of the next Terme. And So We bid your Lordships heartily ffarewell & remayne

Your Lordships &c GD

30th November 1668

To the Lord ffanshaw

Tuesday 1 Dec 1668

p498. Col. Kirkby called in with Auditor Chislet about his bro's account of the Hearth money for Lancashire. *That the auditor is to engross me his ~~the~~ account according to the affidavit.* (TMB II p403-404) (PRO Piece Ref T29/2)

Calendar of State Papers (Treasury) Vol III Pt 1

(Another item “Not of the nature of Treasury Minutes”)

18 January 1668/9

p180. Memorandum Warrant to the Auditor to state Mr Kirby's account for Hearth money with allowance of £1211-16s-4d.

[Minute Book DCXXIV (624) p19] (PRO Piece Ref T29/624)

Friday 29 January 1668/9

p17. Process stayed against William Kirkby (*Kirby*) late Receiver of Hearth money Co. Lancs., for his *Chimney Account till next terme.*

(TMB III p24) (PRO Piece Ref T29/3)

William Kirkby to R.Kenyon DDKE

12 Feb 1669

Dear Sir.

Preston 12/2/68/9

I have received a very uncivil letter from Mr Tho. Smith, wch causeth I will not give head collector Mr Fox a Discharge bill I am assured the monys is paid above, is for Mr Smith I shall deal with him as well as I can.

My occassions are very earnest, and accordingly as I writt to Mr Rowe I hope I shall receive the monys you promised to pay for Mr Graiensworth as also the other money due upon account. My occasions are pressing therefore I pray lett me heare from you. I shall be heare till Monday morning. I am etc.

Calendar of State Papers (Treasury) Vol III

Monday 1 March 1669

p30. Mr Kirkby's case about the £1211 (~~which he demands~~) to be remitted to him is to be moved in the Privy Council

(TMB III p45) (PRO Piece Ref T29/3)

2 April 1669

p206. Treasury warrant to deputy Auditor Chislet to allow £1211-16s- 4d in account to William Kirckby late Collector of Hearth money Co. Lancaster for 1½ years to 1665 Sep 29, being for charges and expenses in ~~the same~~ that service.

[Warrants Early 36 p125-126] (PRO Piece Ref T51/36)

Wm Kirckby's Allowance of 1211:16s:4d. After & Whereas it appears unto us by the Affidavit of Wm Kirkby Esqr ~~the~~ late Collector of the Hearthmoney for the County of Lancaster for one yeara & a halfe Ended at Michaelmas 1665 that he hath paid to the Clerk of the Peace of the said County the sum of 28l:16s:4d for his salary Within that time after the rate ~~with~~ of one penny in the pound, And further by the said affidavit it appeareth that the sum of one Thousand Seven hundred and ffourteen pounds tenn pence hath bin by him raised upon Compositions of forfeitures upon concealments of the said duty in pursuance of the late Act of Parliament in that behalfe over & above the duty Leviable thereby; & that in the said service he hath Expended by himself & his Agents the sum of One Thousand one hundred eighty three pounds or thereabouts, So that in the whole there appears to have bin disbursed by him in that

DIGEST OF KIRKBY REFERENCES

service the sum of twelve hundred & eleven pounds Sixteen Shillings & ffoure pence, which he having prayed may be allowed unto him upon the accompt aforesaid, His Majesty was pleased by his Order in Councell of the 3rd March last past in Consideration thereof together with the good Service as well performed by the said William Kirkby in raising and leavying the ffines & penalties and for the concealing the said Duty as upon severall Occasions relating to the advantage of his Majesty's Affaires to direct the stating of the said accompt of the said William Kirkby & the allowance of the said last mentioned sum of 1211l:16s:4 unto him in consideration of his necessary charges & Expences in the service aforesaid. We doe therefore in pursuance of the said order in Councell hereby direct & require you in the State of the said William Kirkby's accompt for the said Duty to allow unto him the said sum of 1211l:16s:4 for his necessary charges & Expences in th eService aforesaid. And for so doing this shall be your Warrant

Whitehall Treasury Chambers the 2nd of April 1669

Ashley Clifforde
Duncombe

To our Loving ffreind
~~Sir P~~ William Chislet Esqr
Deputy Auditor of his Majesty's
Revenue for the County of Lancaster

25 May 1669

p224. *The Treasury Lords to the Kings Remembrancer to stay process against ~~Mr~~ William Kirkby, Receiver of Aids for County Lancaster [Warrants Early 34 p163] (PRO Piece Ref T51/34)*

Wm Kirkby. Whereas processes are issuing out against William Kirkby Esq, Receiver of the Royal Aids for the County of Lancaster for not having presented and passed his accounts of that ---- before this time. Now for that the said William Kirkby hath represented to us the difficulty of collection of the arrears of those assessments. And that he is appointed by Sir William Doyly to attend the Coming of his Majesty Carriage to York upon the eighteenth of June next with such money as he hath ready. And hath therefore desired some further time to be allowed him for the perfecting his said account. We have thought ---- and do hereby desire and direct your Lordships to grant and ---- process and all issues whatsoever thereupon - ---- the said William Kirkby or his processing on the account aforesaid may be suspended until th etenth day of July next.

Broughton in Furness Court book 1658-80

June 1669

p.57 *We find a deed good from Edward Dawson son (sic) to William Kirkby Esq of a tenement at Knittleton rent.....*

We find a deed good from Edmond Dawson to William Kirkby Esq of a tenement at Knittleton rent.....

Calendar of State Papers (Treasury) Vol III

Wednesday 30 June 1669

p97. *Petition read from Mr Kirbye. ~~My~~ The lords can stop process no longer unless his accounts be stated.*

(TMB III p134) (PRO Piece Ref T29/3)

Friday 16 July 1669

p106. *Process against Mr Kirkby stayed for 21 days, he having promised to be here then to finish his accompt.*

(TMB III p146) (PRO Piece Ref T29/3)

**Calendar of State Papers (Treasury) Vol III Pt 1
Item headed 'Not of the Nature of Treasury Minutes'**

19 July 1669

DIGEST OF KIRKBY REFERENCES

p249. Treasury warrant to the King's Remembrancer to stay process against William Kirkby, Receiver of Aid for Co. Lancaster. Col. Richard Kirckby, his brother, having undertaken that he shall attend on his account with all speed. [See also 25/5/1669]
[Warrants Early 34 p184] (PRO Piece Ref T51/34)

Mr Kirkby Process Stopt. After and Whereas process are issuing out against Wm Kirkby Esq Receiver of the Royal Aids and additional supply of the County of Lancaster for not having yet perfected and passed his Accompts for that Receipt. And it having been represented unto us in his behalf that he cannot possibly be here to attend his Audit in this office within the time lately by us granted him. Without prejudice to his Ma^{ties} affaires now in his hands and Col Richard Kirkby his Brother having undertaken that he shall be here with all speed We have thought it convenient and doe hereby desire and direct your Lordships to cause all processe whatsoever and all issues thereupon made and to be made against the said William Kirkby or his family for the cause above mentioned to be suspended and forborne for the space of one and twenty days from the date hereof. And so we bid your Lordships very heartily farewell and remayne

Your Lordships very loving friends
Ashley Clifford

19 July 1669

p330. Delivery to Mr D [Dorney] to do (1) Robes order, (2) Sir R.Otley &c, (3) Two warrants Honeywood &c, (4) Kirkby, Trevanion, Ely to transcribe. Kilby report: Done
[Minute Book 624 p49] (**May not be our Kirkby**)

Calendar of State Papers (Treasury) Vol III

This item 'Not of the Nature of Treasury Minutes

3 Aug 1669

p332. Mr Kirby: Warrant to Stay process on production of the tally of £84-1s-2d paid on his super
[Minute Book 624 p54] (PRO Piece Ref T29/624)

Friday 6 August 1669

p130. Warrant to stay process against Mr Kirkby on his firehearth account on his producing a tally to shew that £18 super upon him is paid.
(TMB III p172) (PRO Piece Ref T29/3)

Friday 13 August 1669

p137. Mr Kirkby's (*Kirby's*) account. is ~~is~~ Declared a warrant for the delivery of his bonds.
(TMB III p180-181) (PRO Piece Ref T29/3)

This item 'Not of the Nature of Treasury Minutes

Friday 13 August 1669

p269. Treasury warrant to the Kings Remembrancer to deliver up the bonds of William Kirkby. Receiver of Hearth money for Co. Lancaster and to supersede process against him.
[Warrants Early 36 p139] (PRO Piece Ref T51/36)

Wm Kirkby. After & Whereas William Kirkby Esqr Reciever of the Duty on Hearths & ---- in ye County of Lancaster hath perfected & passed his accompt for the said Receipt These are therefore to desire & direct your Lordships to cause all the Bonds and security entered into by th esaid William Kirkby for that -----, and remaining in your office to be delivered up to him. Taking ----- Receipt for ye Bonds as ----- -- is usual. And soe wee bid your Lordships heartily farewell & remayne

Your Lordships

13 August 1669

Ashley Clifford

W.K. to Roger Kenyon
DDKE 9/40/3 8

1669

Mr Roger: Kenyon &

Kirkby 14 September 1669

DIGEST OF KIRKBY REFERENCES

Mr Henry: Rowe

My occasions calling me from home and my necessities pressing me extremely I am constrained to give this letter to my good friend Mr John. Askew who I have entreated to receive the monys of you due to me, upon payment of wch he will give you your Bond, and accept for payme(nt): If you have paid any monys for me to Mr Rothwell. In November 1667 I sent Mr Rowe a true account by wch it appeared due to me 62 £ 2 8, you cannot expect to have more allowed than is allowed me, for I have only 1d in the pound allowed for the dutie wch causeth this summe to be in arreere, though I protest my utmost endeavour was used to gaine a further allowance wth the expence of at least 5£ on the occasion. My earnest request is therefore that the monys may be paid and althings closed. I also request Mr Kenyon that he will be pleased to pay that 17£ he promised soe long since to pay for Mr Greensworth. And heerein I entreat you both not to faile me, wch will add to the obligations of

*your faithful friend an servant
William Kirkby*

Lowther family H/O p.168

October 1669

Diary of Sir John Lowther of Lowther

'My sister Kirkby and seven daughters (and 4 of their husbands) all well married viz one to Mr Crowle of Hull (He was mayor of Hull in 1661) 2nd to Mr Dicconson of Wrightington (Lancs) 3rd to Mr Blennerhassett of Flimby (Cumberland) 4th to Mr Wilson of Dallam Tower (Westmorland) 5th to Mr Dodding of Furness (Lancs) 6th to Mr Spencer at Leeds, 7th to Mr West in Lancashire.

Fells of Swarthmore Hall (Isobel Ross?)

December 1669

George Fell "I am informed he has been with Kirkbyto send mother to prison if she wont take £200 per annum.
(Page 229)

Calendar of State Papers (Domestic)

29 Dec 1669

p629. Commission for Col. Rich Kirby to be Captain of the Company of foot in the Duke of Albermarle's Regiment, Late Sir Frescherville Holis'. Minute
[S.P. Dom Entry Book 20 p204]

Calendar of State papers (Treasury) Vol III Pt 1

Downings memoranda

Monday 10 Jan 1669/70

p342. Memorandum: to get the rest of the papers for the Privy Council & to copy at Sir P(eter) W(ych) the rest. Query what notice to Col. Kerby. Query Sir Thomas Daniell.
[Minute Book 624 p66]

This item 'Not of the Nature of Treasury Minutes

11 January 1669/70

p514. *Sir George Downing to Col Kirkby to attend my Lords of the Treasury tomorrow about the arrears of the Aids remaining on the accompts of said Kirkby and his brother as late Receivers for Co. Lancs (Out Letters General II p193) (PRO Piece Ref T27/2)*

Downings memoranda

Friday 14 Jan 1669/70

p345. Arrears of taxes: Warrants & letters according to Sir W. Doily's certificate Write the Barons of the Exchequer, Sir W. Doily Sir R. Long & Mr Sharwyn to attend on Friday, when my Lords intend to take into consideration the getting in the arrears of the Aids standing out in the several counties, and also in the collectors hands, & that my Lords desire them to be here exactly at eight in the morning by reason that my Lords are to go to the Privy Council at 10 o'clock.

DIGEST OF KIRKBY REFERENCES

Mr Kirkby [ordered] into custody
[Minute Book 624 p67] (PRO Piece Ref T29/624)

Calendar of State Papers (Domestic) 1670 & Addenda 1660-1670

17 Jan 1670 Bridekirk

p24. Geo Williamson to Jos Williamson. I have a desire for the collectors place at Whitehaven, vacant by the preferment in Ireland of William Kirbie. Mr Christian & the youngman Addison solicit it, but such persons should not be thought by the country to have such interest as to get a command over me in that employment, which will be considerable addition to my place there. Pray speak to Sir John Shaw & Sir John Worsenam [Wolstenholme, Farmers of Customs]. I will give them as good security as any formerly had. I trouble you lest a younger fellow should domineer over me.
[Ibid No 69]

Calendar of State Papers (Treasury) Vol III Pt 1

Wednesday 19 January 1669/70

p346. Col and Mr Kirbye's petitions to be referred to Sir Wm Doily
(Minute Book III p228-229) (PRO Piece Ref T29/3)

Wednesday 23rd February 1669/70

p372. Process of extent against Col. Kirby's brother
(Minute Book III p259) (PRO Piece Ref T29/3)

16 March 1669/70

p540. Treasury Warrant to the King's Remembrancer for stay of process against William Kirkby, late Receiver of Hearth Money for Co Lancs until the end of the Easter term.
[Warrants Early 36 p155] (PRO Piece Ref T51/36)

Wm Kirkby. After & Whereas process are issuing out against William Kirkby Esqr late Receiver of the hearth money for the County of Lancaster for not having perfected and passed his Accounts of that Receipt before this tyme: Now for that it appeared ---- by ---- of Mr Deputy Auditor Chislett dated the fourth of March in ---- that the account of the ---- for three half yearly ended at Michaelmas 1665 is sworn to before Baron Spelman and declared by ----: and that those ---- Debt depending thereon upon the said Mr Kirkby: Therefore we desire and ---- your Lordships to cause all process whatsoever and issues thereon made or to be made against the said William Kirkby or his Security for the cause aforesaid to be suspended and ----- until the end of Easter Term.

16 March 1669

your Lordships
L Clifford
J Duncomb

[The King's Remembrancer (or Queen's Remembrancer when the monarch is female) is an ancient judicial post in the legal system of England and Wales. Since the Lord Chancellor no longer sits as a judge, the Remembrancer is the oldest judicial position in continual existence. The King's Remembrancer was created in 1154 by King Henry II as the chief official in the Exchequer Court, whose purpose was 'to put the Lord Treasurer and the Baron's of Court in remembrance of such things as were to be called upon and dealt with for the benefit of the Crown', a primary duty of whom was to keep records of the taxes, paid and unpaid. The first King's Remembrancer was Richard of Ilchester, a senior Civil Servant and later Bishop of Winchester. The King's Remembrancer continued to sit in the Court of the Exchequer until its abolition in 1882. The post of King's Remembrancer is held by the Senior Master of the King's Bench Division]

[REMEMBRANCER, the name originally of certain subordinate officers of the English Exchequer. The office itself is of great antiquity, the holder having been termed remembrancer, memorator, rememorator, registrar, keeper of the register, despatcher of business (Maddox, History of the Exchequer). There were at one time three clerks of the remembrance, styled kings remembrancer, lord treasurers remembrancer

DIGEST OF KIRKBY REFERENCES

and remembrancer of first-fruits. The latter two offices have become extinct, that of remembrancer of first-fruits by the diversion of the fund (Queen Annes Bounty Act 1838), and that of lord treasurers remembrancer on being merged in the office of kings remembrancer (1833). By the Queens Remembrancer Act 1859 the office ceased to exist separately, and the queens remembrancer was required to be a master of the court of exchequer. The Judicature Act 1873, 5. 77, attached the office to the Supreme Court, and the Supreme Court of Judicature (Officers) Act 1879 transferred it to the central office of the Supreme Court. By s. 8 the kings remembrancer is a master of the Supreme Court, and the office is usually filled by the senior master. The kings remembrancer department of the central office is now amalgamated with the judgments and married womens acknowledgments department. The kings remembrancer still assists at certain ceremonial functions relics of the former importance of the officesuch as the nomination of sheriffs, the swearing-in of the lord mayor of London, the trial of the pyx and the acknowledgments of homage for crown lands. Other duties are set out in the Second Report of the Legal Departments Commission, 1874.]

Wednesday 16 March 1670

p388. *Warrant to stay process against William Kirkby on his Hearth Money (Fire Hearth) account (Minute Book III p278) (PRO Piece Ref T29/3)*

Tuesday 22 March 1670

p390. *Col. Kirkby called in: prays that the extent against him may be stayed, and proposes the sale of his estate for making good the debt of the Aids. Warrant to stay the extent for 2 months. (Minute Book III p281, 625 p93) (PRO Piece Ref T29/3)*

23 March 1670

p542. *Treasury warrant to the King's Remembrancer to stay process against William Kirkby, late Receiver General of Assessments for Lancashire. (Warrants Early 34 p230) (PRO Piece Ref T51/34)*

Wm Kirkby. Whereas process of extent are standing over against Wm Kirkby Esq late Receiver General of the Assessment for Lancashire for not having accounted ---- ---- Richard Kirkby Esq the surety for the said ---- hath lately applied ---- to his own behalf of ---- Wm Kirkby praying your allowance and compensation for his ---- ---- and changed in the employment ---- ---- ---- the debt now remaining charged on the said account out of his own estate -----
----- your Lordships to cause ----- to be suspended for two months

Isobel Ross p.174

April 1670

Col. Kirkby enforces conventicle act and keeps Margaret Fox in prison.

George Fell conspires with William Kirkby to reimprison his mother on Praemunire after her release in 1668.

RK speaks in House of Commons against toleration of dissenters **1670**

Appointed as Prize official **1670**

Calendar of State Papers (Treasury) Vol III Pt 1 1669-72
Item 'Not of the Nature of Treasury Minutes'

13 May 1670

p571. *Sir George Downing to Col. Richard Kirkby receiver of the 11 months tax for Co. Lancs Concerning the arrear of £4197-18s-5.5d remaining either in his hands or in the collectors hands ~~as~~or yet uncollected according to Sir Wm Doily's ~~calculation~~certificate. You are to attend my Lords hereon on the 16th instant.*

(Out Letters General II p278) (PRO Piece Ref T27/2)

(Note: Col. K was one of a long list of receivers on whom identical summons were served).

DIGEST OF KIRKBY REFERENCES

Col Richard Kirkby for Lancaster. Sir. The Lords Commissioners of the Treasury having received a certificate from Sir William Doily Examined with Sir Rob^t Lang Auditor of the Receipt of the Exchequer Whereby it appears that there is still in Arrears of the Eleven Months Assessments the sum of 4197l:18s:5½d which remaynes in your hands or in the hands of the Collectors for those assessments or else uncollected from the County.

Their Lordships have therefore commanded and I give you notice that they desire that you attend them on Monday 16th Day of May instant in order to the settling right this business and the speedy payment in of the Arreare, the delay whereof hath been to the great prejudice of his Majestie's service

I am your servant

Sir G.D.

13 May 1670

The like letter sent to 20 other individuals for an approximate total of £71,000

There is a reference to 'Chimney Farmers' on May 16th in Minute Book III p325

May 1670

Richard's affairs in London had also taken a turn for the worse, and he had lost his lucrative post as Commissioner of Prizes. In May 1670 Sir George Downing served him with notice to appear before the Treasury Lords to account for heath tax arrears of £4197-18s-5 1/2d. Sir George also named him in parliament as a debtor to the crown. According to The History of Parliament "as this was known to have only been incurred as security for his brother the effect was to win the house's sympathy for him."

Calendar of State Papers (Domestic) 1670 & Addenda 1660-1670

17 May 1670

p223. Col. Rich Kirkby to Lord Arlington. I pray your protection from (or 'for'?) Col. Rich Shuttleworth & his servant, who have come to town from Lancashire, the Col. Being subpoenaed as a witness in a trial at the Exchequer & having an argument on at the Exchequer Bar. He served under the late usurpation but I will engage for his loyalty.

[Ibid No 144]

Wednesday 8 June 1670

p444. Col. Kirkby to attend of Friday about his (brother's) account of the Aids

[Minute Book III p338-340]

[He does not appear to have attended]

The Fells of Swarthmoor p.264 (Isobel Ross?)

(July 1670)

I perceive Col. Kirkby is the informer and that he still appears on all occasions much opposed.

Calendar of State Papers (Domestic)

Col. Kirkby reported as being in Aldersgate Street examining Quaker houses.

3 July 1670

p314. Notice by Geo Harris. Being proprietor of this house I desire all persons to forbear further meddling with anything in it, or creating a disturbance and to return all things taken away or make satisfaction, whereby they will avoid further trouble at law to obtain justice. Noted (by Williamson) as found by Col. Kirkby on the post of the door of the conventicle house in Aldersgate Street near Charterhouse Yard.

[Ibid No 15]

(Isobel Ross?)

George Fox writes that Col. Kirkby is busy persecuting Quakers.

Oct 1670

Court Book of the Manor of Broughton

1671 p77

Dec 1670

DIGEST OF KIRKBY REFERENCES

We find a deed good from (.....) Askew dated 5 Dec to William Kirkby Esq of a tenement at Ashlack rent 10s.

**The Lowther Family/Hugh Owen
p.318**

1671

Sir William Lowther of Swillington 1612-88, William Kirkby's uncle appointed commissioner of customs.

Calendar of State Papers (Treasury) Vol. III pt II

19 July 1671

p914. The Treasury Lords to the King's Remembrancer for process of immediate extent to issue out of the Exchequer against the following Receivers General of the late monthly assessments & their sureties for detaining considerable sums of his Majesty's moneys in their hands, Viz:-

Richard Kirkby and William Kirkby for CoLancs

(With three others for other counties)

[Warrants Early 35 p29-30] (PRO Piece Ref T51/35)

13 December 1671

Item headed 'Not of the Nature of Treasury Minutes'

p1157. The Treasury Lords to the Customs Commissioners to employ Wm Kirkby as the moving and riding surveyor to survey and attend the several ports & creeks from Carlisle to Chester along the North Coast for the prevention of frauds.

[Warrants Early 43(XLIII) p104-105] (PRO Piece Ref T51/2)

**WK: R Kenyon
DDKE 9/43/6**

1672

Garstang 15 J(an) 1671/2

Deare Sr,

Since I parted with you, I have met with such a throng of concernes that it hath been impossible for me to observe my promise in meeting you today. I have wearied out all my horses, soe that have sent my man to you, for your horse, for wch please to sett your rate and I will not faile to pay you at meeting, or when you please, I promised you a horse of mine but really as yet I cannot spare him. For lam bound in hast for Liverpoole and Chester - this morning I am for Wyer Water to visit one of Merchant Tyldesleys shippes arrived wth wines I am in all truth

Sr

*Your most affec: and
obliged friend and servant
William Kirkby*

Calendar of State Papers (Domestic) Charles II Dec 1671-May 1672

20 Feb 1672 Preston

p149. E. Wall to Williamson, Expressing his thanks for his forwardness in preferring his son's suit for a place in the Palatine Chancery, of which he has heard through his friend Col. Kirkby.

[*Ibid* No. 62.]

13 March 1672

p196. John Byrom and others to Col. Richard Kirkby. Requesting him to procure a pardon for James Buckley, a private, who, when his company was being trained at Ratchdall (Rochdale), when standing sentinel, shot James Chadwick, a soldier in the same company, who, with three other disorderly persons, refused to stand when challenged.

[*S.P. Dom., Car. II.* 303, No. 217.]

8.am 22 April 1672 Hull

p362. J. Perkins to Williamson. Saturday the Drake frigate arrived, convoying some merchant ships from

DIGEST OF KIRKBY REFERENCES

London, and about 30 light ships for Newcastle, which she left off the Humber, no privateers being yet seen or heard of on the coast. She is come for the seamen pressed very opportunely, for they ran away daily after they were pressed for want of a frigate or ketch to take them in. A vessel arrived yesterday from Ostend reports that a French caper appeared there last Thursday, and took two vessels from Zealand, but the Governor manned out a shallop, retook the prizes, and brought them into Ostend. Col. Kirkby is come, but he and Sir Solomon Swale will act nothing concerning the Dutch ships seized here, till the rest of the sub-commissioners come, who are expected to-day. As soon as I have their order, I shall take the prizes into my custody. The wind was easterly all Saturday and yesterday, and is now northerly, and calm.

[S.P. Dom., Car. II, 306, No. 37.]

23 April 1672 Hull

p369. Sir Solomon Swale & Col. Rich Kirkby to Sir Robt Southwell or Williamson. Our clerk Mr Grifen arrived y'day & today Col. Gylby with the commissions from the Admiralty weary and weak. Today we have taken into our custody three small prizes formerly brought in and detained here, and having caused an exact inventory to be taken on board each, toorrow we shall take the examination and depositions concerning them. They have nothing in them but their tackle and furniture, except that in one is a small quantity of perished salt fish and a little flax. We shall send up the inventories and depositions as soon as possible and expect their Lordships further commands thereon, as also concerning what may be in port at Newcastle.

[S.P. Dom Car II]

There are a number of entries in April & May 1672 concerning a Joshua Kirkby and licence to preach as a Presbyterian in Wakefield. Not one of ours I think.

CWT (CWAAS Transactions)

Letter from M Dodding (W.K. bro in law) to Sir Robert Bradshaigh

Honored Sir,

I was desired by Mr Sawry & Mrs Fell to kiss your hand with this enclosed, the contents whereof they did communicate to mee, desireing (att your convenience) you will please to signify your intentions in a line to me. I doubt I and my partners may have justly forfeited your noble kindness through our neglect in paying the 2 lasts yeares duty; but that wee may noe longer incurr your censure of being forgetfull & ingratefull for soe greate a favour wee have desired Will. Kirkby to pay all that's due from your most obliedged Servants, humbly requesting a continuance of this Kindness to us so long as you thinke fitt, & wee shall for the future bee more punctual. I begg you will make my most humble service acceptable by presenting it to your noble Lady, son & daughter, & that you will believe I am,

Sir,

*Your most faithfully devoted servant
Myles Dodding*

(Concerning funding of militia men)

Calendar of State Papers (Treasury) Vol III Pt 2

26 April 1672

p1065. Col. Kirkby to attend my lords on Monday *afternoon*

[Treasury Minute Book 4 p250-1]

(There appears to be no record of his attendance at the Treasury on the Monday)

7 June 1672

Treasury warrant to customs commissioners to pay 15/- per day for incidents and traveling expenses to William Kirkby as riding surveyor for the several parts from Carlisle to Chester.

Item headed 'Not of the Nature of Treasury Minutes'

p1249. Treasury Warrant to the Customs Commissioners to pay 15s a day for incidents & travelling charges to Wm Kirkby as riding surveyor for the several ports from Carlisle to Chester.

DIGEST OF KIRKBY REFERENCES

[Money Book (Customs) p55]

Monday 17 June 1672

p1084. A proposal presented to my Lords concerning settling an officer in Ireland about Plantation good, both for an itinerant at present and for an officer to be settled there for the future with ample power to seize: The law determining that it shall be seizable & triable in England. See the law for the Act of planting tobacco (In the margin). Kirkby to be the itinerant officer & a blank for the other.
[Treasury Minute Book 4 p290-293]

12 July 1672

p1093. Mr Kirkby's instructions to be passed.
[Treasury Minute Book 4 p313-314]

Item headed 'Not of Treasury Minutes'

p1276. Letter. Sir Rd Howard to the Customs Commissioners. "I have orders from my Lords to finish Mr Kirkby's instructions. What salary is he to have during his employment?"
[Out letters general III p142]

15 July 1672

Item headed 'Not of Treasury Minutes'

P1280. Treasury Instructions to William Kirkby Esq (For his expedition to Ireland as surveyor to prevent abuses of the Navigation Act there)

Divers ships do come into several ports of Ireland from His Majesty's Plantations with tobacco and other Plantation commodities contrary to the Acts of 22 & 23 Car II for the regulation of the Plantation Trade to His Majesty's loss in his Customs in England and to the manifest decay of the trade of this realm. You are to enquire what ships & to what place belonging have so landed goods and at what time since Michaelmas last: what goods have been so landed & what duties paid, and to make a return to the treasury of the names and masters of such ships, and whether or no they went from any port in England to the Plantations and from what port, & whether they have given bond in such port of departure, or have departed from any other foreign port not allowed by law. To this end you are to inspect the books of the Customs in all the ports of England as well of the patent officers as of the Farmers. You are to make a return to the Treasury that so not only these evils may be prevented for the future, but that the Farmers of the Customs of Ireland may make satisfaction to His Majesty for so much of the duty upon Plantation commodities as they have unduly received.

[Warrants not relating to Money III p102] (PRO Piece Ref PRO 30/32/48 – p102)

To William Kirby Esq^r

Whereas diverse Ships doe come into sevrall Ports of Ireland from his Ma^{ty} Plantacons wth Tobacco and other Plantacon Comodities contrary to the Statute made in the 22th & 23th years of his Ma^{ts} Reigne for the Regulacon of y^e Plantacon trade to his Ma^{ts} great p^{re}judice and lofse in his Revenue of Customes in this his Kingdome of England and the manifest Decay of y^e trade of this Realme. For prevencon whereof finding it neceffary That some fit pson be forthwith difpached thither to supervife and inspect the transactions of that affaيرة, Wee doe hereby direct and authorize you to take Care thereof and to obferve these Instrucons following

1 That you inquire what Ships and to what places such ships belong as have arrived & unladen in any Port of Ireland any Plantacon Comodities and at what tyme since Michaelmass last.

2 What Goods and how much of each sort of such Goods have been there landed and to whose hands they came.

3 What Duty hath been there paid for such Goods and to whom.

4 That you make Returns to us of the names and Masters of such shippes who have fo arrived and unladen there contrary to the said Statute, And whether or no they went from any Port of England to the said Plantacons: and from what Port: and whether or not they have given Bond according to law in such Port from whence they Departed. And whether or not they departed from any other foreign Port not allowed by Law. To the end that where such Bonds have been given the same may be put in procefsse.

And for the Ends aforesaid you are to inspect the Books of the Customes in all the Ports of England as well of his Ma^{ts} Patent Officers as of the Farmers of the Revenue to see what Duty hath been

DIGEST OF KIRKBY REFERENCES

collected upon Plantacon Comodities.

You are also to make returne to us of yo^r obfervacons and proceedings herein That foe not onely the like Evills may be p^{re}vented for the future But that the farmers of y^e Customes of Ireland may make fatisfacion to his Ma^{ty} for soe much of y^e Duty upon Plantacon Comodities as they have unduely received.

15 July 1672

Shaftsbury
Clifford

Tuesday 16 July 1672

p1094. Write to the Customs Commissioners to represent what salaries they think fit for Mr Kirkby & what advance money may be necessary for him.

[Treasury Minute Book 4 p315-316]

A letter to be written from my Lords to the Lord Lieutenant of Ireland to countenance Mr Kirby in his employment and to offer him necessary assistance.

[Ibid]

Item headed 'Not of the Nature of Treasury Minutes'

p1281. Sir Ro Howard to [The Customs Commissioners] to certify my Lords the salary per day proposed for Mr Kirkby on his expedition into Ireland

[Outletters General III p147]

19 July 1672

Item headed 'Not of the Nature of Treasury Minutes'

p1285. Treasury Warrant to the Customs Comissioners to allow 30s a day to Wm Kirby from the time of his departure from London on his expedition into Ireland (for surveying and reporting on the abuses of the Navigation Act & Plantation trade there) till the time of his return: & further to pay him £60 by way of imprest forsetting out & furnishing himself with horse &c for said expedition.

[Money Book (Customs) p63]

23 July 1672

Item headed 'Not of the Nature of Treasury Minutes'

p1290. The Treasury Lords to The Lord Lieutenant of Ireland to give Mr K all countenance possible in his commission for the discovery of such abuses as we are informed are frequently practised in Ireland by merchants who import commodities thither contrary to law. In particular he will require your orders to the Customs (Farmers in Ireland) for inspecting their books.

[Warrants not relating to Money III p117] (PRO Piece Ref PRO 30/32/48 – p117)

Our very good Lord

After our Hearty Commendations wee having thought fitt to employ William Kirby Esqr for the Discovery of such abuffes as wee are frequently are enformed are frequently practised in Ireland by merchants who import comodityes thither from his Ma^{ty} plantations Contrary to Law to the great prediuce of his Ma^{ties} Customes in England yo^r lord^{sp} will perceive that this is a busines w^{ch} is considerably to his Ma^{ties} Revenue and ought to be Supprest by a timely care and therefore wee Doe not Doubt but Yo^r Lord^{sp}s will be ready to countenance Mr Kirby with yo^r Authoritie in it upon all occasions wee onely Send this Letter by him to yo^r Lord^{sp} to introduce him to yo^r Lord^{sp} when his Ma^{ties} Service shall require his applying himselfe to you: So Desire yo^r orders of y^e Customs for inspecting their books or what else shall be neffisarie in this buffineffe whereby he may be able to give us a good acco^{nt} of the buffineffe by us interested? to him And soe wee bid yo^r Lord^{sp} Heartily farewell and remaine

Our Very good Lord
Yo^r exell^t very Loving friend
and Humble Servant
Shaftesbury

Treasury Chamber
23 of July 1672

Clifford

Lord L^t of Ireland

31 August 1672

DIGEST OF KIRKBY REFERENCES

Item headed 'Not of the Nature of Treasury Minutes'

p1301. *Treasury Lords to respective Commissioners for the following arrears:-*

For county Lancashire letter to the commissioners of Assessment for the hundred of Amounderness in answer to theirs of May 10 about the £300 charged on William Werden Collector of Assessment in said Hundred ordering him to pay said money into the Exchequer on account of William Kirkby Reciever which by a tally so levied will be sufficient to discharge both to him and the county.

[Warrants not relating to Money III p139-140] (PRO Piece Ref PRO 30/32/48)

20 Sept 1672

p1100. The Farmers of the Irish Customs are to attend on Monday afternoon about Mr Kirby's letter.

[Treasury Minute Book 4 p328-331]

23 Sept 1672

p1101. The papers and accounts from Mr Kirby in Ireland about tobaccos landed there are delivered this day to the Customs Commissioners for them to peruse & report their opinion upon.

[Treasury Minute Book 4 p332-334]

Calendar of State Papers (Treasury) Vol IV

16th January 1673

p35. Treasurer Clifford's instructions to the Customs Commissioners in the form of resolutions on the said Commissioners paper of the 13th inst. On your report of Mr Kirkbie's having settled a correspondence in the several ports in Ireland [to inform as to breaches of the Navigation Laws] I very well approve thereof. You are to make him allowance from time to time for his charges.

[Warrants not Relating to Money III p250]

The English Navigation Acts were a series of laws which, beginning in 1651, restricted foreign shipping. Resentment against the Navigation Acts was a cause of the Anglo-Dutch Wars and the American Revolutionary War.

The 1651 Act

The first Navigation Act was passed in October 1651 by the parliament of the Commonwealth of England led by Oliver Cromwell. It was reaction to the failure of a British diplomatic mission to The Hague seeking a joining of the Commonwealth by the Republic of the Seven United Netherlands, after the States of Holland had made some cautious overtures to Cromwell to counter the monarchical aspirations of stadtholder William II of Orange. The stadtholder had suddenly died however and the States were now embarrassed by Cromwell taking the idea quite too seriously. The British proposed the joint conquest of all remaining Spanish and Portuguese possessions. England would take America and the Dutch Africa and Asia. As the Dutch, however, had already taken over most Asian Portuguese colonies, they saw little advantage in this grandiose scheme and proposed a free trade agreement as an alternative to a full political union. This again was unacceptable to the British, who would be unable to compete, and was seen by them as a deliberate affront.

The 1651 Act banned foreign ships from transporting goods from outside Europe to England, and banned ships from third countries from transporting goods from a country in Europe to England. These rules specifically targeted the Dutch who controlled a large section of Europe's international trade and even much of England's coastal shipping. It excluded the Dutch from essentially all trade with England, since the Netherlands produced very few goods itself. This trade, however, constituted only a small fraction of total Dutch transportation. It's common to mention the Act as a major cause of the First Anglo-Dutch War, though it was only part of a larger British policy to engage in war after the negotiations had failed. The British naval victories in 1653 (the Battle of Portland, the Battle of the Gabbard and the Battle of Scheveningen) forced the Dutch to acknowledge the Act in the Treaty of Westminster (1654). The Act seems to have had very little influence on actual Dutch trade practices.

The 1660 Act

After the Restoration of Charles II in 1660 a second Navigation Act was passed, with the rules expanded to cover exports as well as imports. The Act also imposed severe restrictions on the colonial trade. All foreign shipping was banned from this trade and the colonies themselves were forbidden from directly exporting certain goods, including tobacco, sugar and cotton, to non-English consumers. The Colonists were only allowed to trade with England and were only allowed to sell English goods.

This was part of a general English policy to take over Dutch trade, which culminated in the Second Anglo-Dutch War. As the Dutch successfully beat off this attempt, the Treaty of Breda allowed the Dutch to transport German goods also.

Later Acts

A series of four acts, passed between 1662 and 1773, imposed further taxes and restrictions on trade with England's, and after 1707, Britain's colonies.

The 1733 Molasses Act levied heavy duties on the trade of sugar from the French West Indies to the American colonies, forcing the colonists to buy the more expensive sugar from the British West Indies instead. The law was widely flouted, but efforts by the British to prevent smuggling created hostility and contributed to the American Revolution.

The Navigation Acts were repealed in 1849 by which point Britain's utter domination of world shipping allowed them to pursue a more laissez-faire philosophy.

The Navigation Acts were passed under the economic theory of mercantilism under which wealth was to be increased by restricting trade to colonies rather than with free trade. Many scholars, including Adam Smith, have viewed the Navigation Acts as a very beneficial example of state intervention. The introduction of the legislation allowed Britain's shipping industry to develop in isolation and become the best in the world. The increase in merchant shipping also led to a rapid increase in the size and quality of the British Navy, which led to Britain becoming a global superpower.

Calendar of State Papers (Treasury) Vol IV

20th January 1673

p42. Sir Ro Howard to the Customs Commissioners to draw up what moneys are fit to be given to such persons as are settled at present by Mr Kirby in Ireland, in relation to preventing frauds in the Customs [in Ireland]
[Out Letters General III p219]

Calendar of State Papers (Domestic) Charles II.

22 Feb 1673

p598. Approval by the King of William Spencer Esq, Sir Robt. Bindloss, Sir Geo Middleton, Sir Rog Bradshaigh, Robert

p599. Holt, Richard Kirkby, Roger Newell, Thomas Preston, Edward Fleetwood, William Bankes, and Alexander Rugby as Deputy Lieutenants of Lancashire, and Lord Viscount Cholmondeley, Sir Willoughby Aston, Sir Peter Leicester, Sir Richard Brookes, Sir George Warburton, Sir Philip Egerton, Sir Robert Cotton, Sir G. Shakerley, Sir Peter Brookes, Peter Venables, Thomas Cholmondeley, Richard Leigh, Henry Leigh and Thomas Leigh as Deputy Lieutenants of Cheshire, and the Right Honorable the Earl of Bridgwater as Lord Lieutenant of the above counties is to issue deputations to them respectively.
[S.P. Dom., Entry Book 40, p. 4.]
List of the above Deputy Lieutenants,
[S.P. Dom Car. II 333, No. 192.]

Calendar of State Papers (Treasury) Vol IV

31 March 1673

DIGEST OF KIRKBY REFERENCES

p97. *Treasurer Clifford to the Customs Commissioners to raise the salary of Wm Kirkby, one of the riding surveyors of the customs from £80 p.a. to £150 p.a. as from Xmas last*

[Warrants not related to Minutes III p341] (PRO Piece Ref PRO 30/32/48 – p341)

Whereas W^m Kirkby Esq is confirmed and appointed one of y^e riding Surveyors of his Ma^j Customs wth the sallary of eighty pounds per annum for the ?????? And it hath been since represented to ???? that he hath shewed great Diligence and fidelity thereon and that the said Service will be found a better reward and Encouragement for him I have thought fit and do hereby order and ????? that the said salary be made up one hundred and fifty pounds per annum and so Counted from Christmas last past: And so I bid you Heartily farewell & remain yo^r very loving friend Clifford.

31^t March 1673

To y^e Com^{rs} of y^e Customs

19th April 1673

p306. A warrant for 100l for Col Kirkby: upon the Privy Seal dormant

[Treasury Minute Book Vol 5 p5-6]

27th May 1673

p144. Treasurer Clifford to Customs Commissioners, “Let Mr Kirkby’s salary be paid to him at Liverpool henceforth.”

“I think it very necessary for his Majesty’s service that Mr Kirkby should be sent into Ireland and the Isle of Man to prevent abuses in the Plantation trade”

[Warrants not Relating to Money III p404]

Excerpts from the Navigation Acts

British Parliament

Navigation Act of September 13, 1660

For the increase of shipping and encouragement of the navigation of this nation wherein, under the good providence and protection of God, the wealth, safety, and strength of this kingdom is so much concerned; (2) be it enacted by the king’s most excellent Majesty, and by the Lords and Commons in this present Parliament assembled, and by the authority thereof, that from and after the first day of December, one thousand six hundred and sixty, and from thence forward, no goods or commodities whatsoever shall be imported into or exported out of any lands, islands, plantations, or territories to his Majesty belonging or in his possession, or which may hereafter belong unto or be in the possession of his Majesty, his heirs, and successors, in Asia, Africa, or America, in any other ship or ships, vessel or vessels whatsoever, but in such ships or vessels as do truly and without fraud belong only to the people of England or Ireland, dominion of Wales or town of Berwick upon Tweed, or are of the built of and belonging to any the said lands, islands, plantations, or territories, as the proprietors and right owners thereof, and whereof the master and three fourths of the mariners at least are English; (3) under the penalty of the forfeiture and loss of all the goods and commodities which shall be imported into or exported out of any the aforesaid places in any other ship or vessel, as also of the ship or vessel, with all its guns, furniture, tackle, ammunition, and apparel; one third part thereof to his Majesty, his heirs and successors; one third part to the governor of such land, plantation, island, or territory where such default shall be committed, in case the said ship or goods be there seized, or otherwise that third part also to his Majesty, his heirs and successors; and the other third part to him or them who shall seize, inform, or sue for the same in any court of record, by bill, information, plaint, or other action, wherein no essoin, protection, or wager of law shall be allowed; (4) and all admirals and other commanders at sea of any the ships of war or other ship having commission from his Majesty or from his heirs or successors, are hereby authorized and strictly required to seize and bring in as prize all such ships or vessels as shall have offended contrary hereunto,

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and deliver them to the court of admiralty, there to be proceeded against; and in case of condemnation, one moiety of such forfeitures shall be to the use of such admirals or commanders and their companies, to be divided and proportioned amongst them according to the rules and orders of the sea in case of ships taken prize; and the other moiety to the use of his Majesty, his heirs and successors.

II. And be it enacted, that no alien or person not born within the allegiance of our sovereign lord the king, his heirs and successors, or naturalized, or made a free denizen, shall from and after the first day of February, which will be in the year of our Lord one thousand six hundred sixty-one, exercise the trade or occupation of a merchant or factor in any the said places; (2) upon pain of the forfeiture and loss of all his goods and chattels, or which are in his possession; one third to his Majesty, his heirs and successors; one third to the governor of the plantation where such person shall so offend; and the other third to him or them that shall inform or sue for the same in any of his Majesty's courts in the plantation where such offence shall be committed; (3) and all governors of the said lands, islands, plantations, or territories, and every of them, are hereby strictly required and commanded, and all who hereafter shall be made governors of any such islands, plantations, or territories, by his Majesty, his heirs or successors, shall before their entrance into their government take a solemn oath to do their utmost, that every the aforementioned clauses, and all the matters and things therein contained, shall be punctually and *bona fide* observed according to the true intent and meaning thereof; (4) and upon complaint and proof made before his Majesty, his heirs or successors, or such as shall be by him or them thereunto authorized and appointed, that any the said governors have been willingly and wittingly negligent in doing their duty accordingly, that the said governor so offending shall be removed from his government.

III. And it is further enacted by the authority aforesaid, that no goods or commodities whatsoever, of the growth, production or manufacture of Africa, Asia, or America, or of any part thereof, or which are described or laid down in the usual maps or cards of those places, be imported into England, Ireland, or Wales, islands of Guernsey and Jersey, or town of Berwick upon Tweed, in any other ship or ships, vessel or vessels whatsoever, but in such as do truly and without fraud belong only to the people of England or Ireland, dominion of Wales, or town of Berwick upon Tweed, or of the lands, islands, plantations or territories in Asia, Africa, or America, to his Majesty belonging, as the proprietors and right owners thereof, and whereof the master, and three fourths at least of the mariners are English; (2) under the penalty of the forfeiture of all such goods and commodities, and of the ship or vessel in which they were imported, with all her guns, tackle, furniture, ammunition, and apparel; one moiety to his Majesty, his heirs and successors; and the other moiety to him or them who shall seize, inform or sue for the same in any court of record, by bill, information, plaint or other action wherein no essoin, protection or wager of law shall be allowed.

XVIII. And it is further enacted by the authority aforesaid, that from and after the first day of April, which shall be in the year of our Lord one thousand six hundred sixty-one, no sugars, tobacco, cotton-wool, indigoes, ginger, fustic, or other dyeing wood, of the growth, production, or manufacture of any English plantations in America, Asia, or Africa, shall be shipped, carried, conveyed, or transported from any of the said English plantations to any land, island, territory, dominion, port, or place whatsoever, other than to such other English plantations as do belong to his Majesty, his heirs and successors, or to the kingdom of England or Ireland, or principality of Wales, or town of Berwick upon Tweed, there to be laid on shore; (2) under the penalty of the forfeiture of the said goods, or the full value thereof, as also of the ship, with all her guns, tackle, apparel, ammunition, and furniture; the one moiety to the king's Majesty, his heirs and successors, and the other to moiety to him or them that shall seize, inform, or sue for the same in any court of record, by bill, plaint, or information, wherein no essoin, protection, or wager of law shall be allowed.

XIX. And be it further enacted by the authority aforesaid, that for every ship or vessel, which from and after the five and twentieth day of December in the year of our Lord one thousand six hundred and sixty shall set sail out of or from England, Ireland, Wales, or town of Berwick upon Tweed, for any English plantation in America, Asia, or Africa, sufficient bond shall be given with one surety to the chief officers of the custom-house and such port of place from whence the said ship shall set sail, to the value of one

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thousand pounds, if the ship be of less burden than one hundred tons; and of the sum of two thousand pounds, if the ship shall be of greater burden; that in case the said ship or vessel shall load any of the said commodities at any of the said English plantations, that the same commodities shall be by the said ship brought to some port of England, Ireland, Wales, or to the port or town of Berwick upon Tweed, and shall there unload and put on shore the same, the danger of the seas only expected; (2) and for all ships coming from any other port or place to any of the aforesaid plantations, who by this act are permitted to trade there, that the governor of such English plantations shall before the said ship or vessel be permitted to load on board any of the said commodities, take bond in manner and to the value aforesaid, for each respective ship or vessel, that such ship or vessel shall carry all the aforesaid goods that shall be laden on board in the said ship to some other of his Majesty's English plantations, or to England, Ireland, Wales, or town of Berwick upon Tweed; (3) and that every ship or vessel which shall load or take on board any of the aforesaid goods, until such bond given to the said governor, or certificate produced from the officers of any custom-house of England, Ireland, Wales, or of the town of Berwick, that such bonds have been there duly given, shall be forfeited with all her guns, tackle, apparel, and furniture, to be employed and recovered in manner as aforesaid; and the said governors and every of them shall twice in every year after the first day of January one thousand six hundred and sixty, return true copies of all such bonds by him so taken, to the chief officers of the custom in London.

Qualification of the Navigation Act of 1660

At Whitehall the 13th of February 1660. Present the King's most excellent Majesty. Upon reading a narrative from the officers and commissioners of his Majesty's customs setting forth that some merchants trading for New England find themselves much grieved in respect of the strictness of the Act for Navigation, lately passed in Parliament, requiring bond to be given here for such commodities as shall be there laden, that the same shall be brought to some part of England, Ireland, or Wales, etc. And the commodities of that country being generally clove-boards, pipe-staves, and other timber, fish, and such other rough commodities do better vend in other parts than here in England, and by proceed thereof commodities of greater value from Spain and other parts have been usually imported into England, and his Majesty thereby much advantaged in his revenue. Upon due consideration whereof, and at the humble suit of some merchants now outward bound upon that trade, it is thought fit, and accordingly this day ordered by this board, his Majesty present in council, that the right honorable lord high treasurer of England do give power and authority to the officers and commissioners of his Majesty's customs in this port of London that they take bond of the merchants trading to those ports only to return the proceeds of those commodities that they shall there lade and not bind them up to return the commodities in specie, the said clause in the said Act of Navigation notwithstanding. And further, that the lord high treasurer be, and accordingly he is, hereby desired to write his effectual letters to the governor of that plantation giving him the same liberty to take the like bond there, as being most conducive to the benefit and advantage of trade and improvement of his Majesty's revenue.

Navigation Act of July 27, 1663

V. And in regard his Majesty's plantations beyond the seas are inhabited and peopled by his subjects of this his kingdom of England; for the maintaining a greater correspondence and kindness between them, and keeping them in a firmer dependence upon it, and rendering them yet more beneficial and advantageous unto it in the further employment and increase of English shipping and seamen, vent of English woollen and other manufactures and commodities, rendering the navigation to and from the same more safe and cheap, and making this kingdom a staple, not only of the commodities of those plantations, but also of the commodities of other countries and places, for the supplying of them; and it being the usage of other nations to keep their plantations trade to themselves.

VI. Be it enacted, and it is hereby enacted, that from and after the five and twentieth day of March one thousand six hundred sixty-four, no commodity of the growth, production, or manufacture of Europe shall be imported into any land, island, plantation, colony, territory, or place to his Majesty belonging, or which shall hereafter belong unto or be in the possession of his Majesty, his heirs and successors, in Asia,

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Africa, or America (Tangier only expected) but what shall be *bona fide*, and without fraud, laden and shipped in England, Wales, or the town of Berwick upon Tweed, and in English built shipping . . .; and whereof the master and three fourths of the mariners at least are English, and which shall be carried directly thence to the said lands, islands, plantations, colonies, territories, or places, and from no other place or places whatsoever; any law, statute, or usage to the contrary notwithstanding; (2) under the penalty of the loss of all such commodities of the growth, production, or manufacture of Europe, as shall be imported into any of them from any other place whatsoever, by land or water; and if by water, of the ship or vessel also in which they were imported, with all her guns, tackle, furniture, ammunition, and apparel; one third part to his Majesty, his heirs and successors; one third part to the governor of such land, island, plantation, colony, territory, or place, into which such goods were imported, if the said ship, vessel, or goods be there seized or informed against and sued for; or otherwise that third part also to his Majesty, his heirs and successors; and the other third part to him or them who shall seize, inform, or sue for the same in any of his Majesty's courts in such of the said lands, islands, colonies, plantations, territories, or places where the offence was committed, or in any court of record in England, by bill, information, plaint, or other action, wherein no essoin, protection, or wager of law shall be allowed.

VII. Provided always, and be it hereby enacted by the authority aforesaid, that it shall and may be lawful to ship and lade in such ships, and so navigated, as in the foregoing clause is set down and expressed, in any part of Europe, salt for the fisheries of New England and Newfoundland, and to ship and lade in the Madeira's wines of the growth thereof, and to ship and lade in the Western islands of Azores wines of the growth of the said islands, and to ship and take in servants or horses in Scotland or Ireland, and to ship or lade in Scotland all sorts of victual of the growth or production of Scotland, and to ship or lade in Ireland all sorts of victual of the growth or production of Ireland, and the same to transport into any of the said lands, islands, plantations, colonies, territories, or places; anything in the foregoing clause to the contrary in any wise notwithstanding.

VIII. And for the better prevention of frauds, be it enacted and it is hereby enacted, that from and after the five and twentieth day of March one thousand six hundred sixty and four, every person or persons importing by land any goods or commodities whatsoever into any the said lands, islands, plantations, colonies, territories, or places, shall deliver to the governor of such land, island, plantation, colony, territory, or place, or to such person or officer as shall be by him thereunto authorized and appointed, within four and twenty hours after such importation, his and their names and surnames, and a true inventory and particular of all such goods or commodities, (2) and no ship or vessel coming to any such land, island, plantation, colony, territory, or place, shall lade or unlade any goods or commodities whatsoever, until the master or commander of such ship or vessel shall first have made known to the governor of such land, island, plantation, colony, territory, or place, or such other person or officer as shall be by him thereunto authorized and appointed, the arrival of the said ship or vessel, with her name, and the name and surname of her master or commander, and have shown to him that she is an English built ship, or made good by producing such certificate, as abovesaid, that she is a ship or vessel *bona fide* belonging to England, Wales, or the town of Berwick, and navigated with an English master, and three fourth parts of the mariners at least Englishmen, and have delivered to such governor or other person or officer a true and perfect inventory or invoice of her lading, together with the place or places in which the said goods were laden or taken into the said ship or vessel. . .

Calendar of State Papers (Domestic) Charles II

19 June 1673

p380. Commissions to Roger Kirkby to be Ensign to Capt Bartue and 2 other Ensigns. All in the Earl of Craven's Regiment of Coldstreamers. Minutes [S.P. Dom Entry Book 35a f68]

Calendar of State Papers (Treasury) Vol IV

14 July ~~May~~ 1673

p370. Treasurer Osborne to the Customs commission you are to pay William Kirkby £63-15-0d for 85 days spent upon survey of the Northern district.

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[Money Book (Customs) p125]

28 July 1673

p375. Treasurer Clifford's approval & confirmation of Customs regulations as follows [being formerly made by the Treasury Commissioners.]

Mr Kirbie's having settled a correspondency in the several ports of Ireland, is approved
[Warrants not Relating to Money III p474-5]

Thursday 21st August 1673

p193. Write Mr Mountney, Cashier of the Customs to pay Col Kirkby 100l for a quarters salary as [a Sub-] Commissioner of Prizes in the port of Hull.

[British Museum Additional M/S 28077 p21]

11 Sept 1673

p541. Commission to Roger Kirkby and Edward Jones to be Ensigns to Capt Motlow (Mutlow) and Capt Robert With in the Coldstream Guards respectively. Minutes

[S.P. Dom Entry Book 35a f78]

13 December 1673

p438. Royal Warrant for a privy seal to the Lord Treasurer for £350 (and 6% interest thereon from 1671 - 31 December) levied on William Kirkby receiver of the Aid for County Lancs.

[King's Warrant Book III p423-6. British Museum Additional m/s 28,075 p21] (PRO Piece Ref PRO 30/32/41)

State Paper office Williamson Collection

Sir Joseph Williamson appointed Secretary of State for the Northern department. He was Daniel Fleming's tutor at Oxford and possibly W.K.'s also. (Daniel Fleming was a cousin of W.K.). Office expired 1678.

(See also, [below](#), correspondence of RK recorded by Cowper). Letters of 11, 14, 16 Sept asking for any kind of job; desperate for money.

Calendar of State Papers (Domestic) Charles II

11 Sept 1674 Gray's Inn

p353. Col. Richard Kirkby to Williamson. Being unable by reason of my confinement to this place to pay my respects to you and congratulate you, I beg to represent my sad condition, being forced to keep house for fear of my creditors, and my pay being half assigned towards their discharge I am pinched most horridly, and myself and family are in the greatest distresses imaginable. I have written to-day to the Duke of Monmouth to procure me some small boon from his Majesty, and leave to dispose of my commission. I must beg you to have me in your memory, if you see any fit time to insinuate it into his Grace's ear, for, without some present help of my friends I am utterly ruined.

[S.P. Dom., Car. II. 361, No. 228.]

14 Sept 1674

p355. Col. Richard Kirkby to Williamson. I am so well acquainted with your readiness to help your countrymen that I presume to give you this second trouble, since I cannot wait on you, unless in the evening. I have neither money nor credit, nor shortly shall have clothes. If his Majesty will now order me my whole pay, if he shall not otherwise dispose of me to some employment, I shall make shift to live and serve him. I am become the wonder of my relations and friends, who know how kindly he promised to make me his care, as well as with what vast expense, as with affection and loyalty I have served him. I am ashamed to see them, more to trouble them, since they cannot but think I have in some way provoked him. I beseech your counsel and assistance that my ready observance may convince you that with justice I may pretend to my sovereign's kindness, for I have ventured my life, spent my estate, and ruined my children already for him. Surely either in the Navy, Excise, or Customs an employment may fall for me ere long.

[S.P. Dom., Car. II. 361, No. 227.]

16 Sept 1674 Gray's Inn

p358. Col. Richard Kirkby to Williamson. I thank you most heartily for all your favours, especially for

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yours of the 15th. I wish I might serve you as your menial servant. I'll gladly do it, and perhaps as Master of horse, few better able, none more willing. I have besought the Duke of Monmouth, who promised with Lord Arlington to do what they could, when opportunely. I have stayed till ready to starve. The Chancellor of the Duchy has advised me to draw a petition to his Majesty and to move you to present it. He would with your Honour second it, to have it referred to the Duke of Monmouth, who is the proper judge, if his Majesty do not

p359. immediately order it. If there be anything amiss I beseech you to expunge it and according to your commands I'll amend it.

[S.P. Dom., Car. II 361, No. 231.]

Sept 1674

Col. Richard Kirkby to the King. Petition for an order for a present subsistence for the petitioner till his Majesty shall otherwise provide for him either at home or abroad, he being reduced to such want and extremity that he is ashamed to express.

[S.P. Dom., Car. II 361, No. 232.]

RK appointed to committee for the Test bill.

The several Test Acts were a series of English penal laws that imposed various civil disabilities on Roman Catholics and Nonconformists. The principle that none but persons professing the Established Church were eligible for public employment and the severe penalties pronounced against recusants, whether Roman Catholic or Nonconformist, were affirmations of this principle.

The Act of James I of England provided that all such as were naturalized or restored in blood should receive the sacrament of the Lord's Supper. It was not, however, until the reign of Charles II of England that actually receiving of the communion of the Church of England was made a precondition for holding public office. The earliest imposition of this test was by the Corporation Act of 1661 requiring that, besides taking the Oath of Supremacy, all members of corporations were within one year after election to receive the sacrament of the Lord's Supper according to the rites of the Church of England.

This act was followed by the Test Act of 1673. The immediate cause of the Test Act (the full title of which is "An act for preventing dangers which may happen from popish recusants"). This act enforced upon all persons filling any office, civil or military, the obligation of taking the oaths of supremacy and allegiance and subscribing to a declaration against transubstantiation and also of receiving the sacrament within three months after admittance to office. The oath for the Test Act of 1673 was:

"I, N, do declare that I do believe that there is not any transubstantion in the sacrament of the Lord's Supper, or in the elements of the bread and wine, at or after the consecration thereof by any person whatsoever."

The act did not extend to peers; but in 1678 the act was extended:

"I, N, do solemnly and sincerely in the presence of God profess, testify, and declare, that I do believe that in the Sacrament of the Lord's Supper there is not any Transubstantiation of the elements of bread and wine into the Body and Blood of Christ at or after the consecration thereof by any person whatsoever: and that the invocation or adoration of the Virgin Mary or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are superstitious and idolatrous..."

The necessity of receiving the sacrament as a qualification for office was abolished by George IV of England and all acts requiring the taking of oaths and declarations against transubstantiation etc. were repealed by the Roman Catholic Relief Act of 1829.

Vol IV Calendar of State Papers (Treasury)

5 May 1675

p734. Royal sign manual for £100 to Col. ~~Roger~~Richard Kirkby as royal bounty (money warrants hereon

dated 6 May)

[Kings Warrant Book 4 p335; Money Book (General) p112]

p739. Warrant from Treasurer Danby to Sir John Osborne Lord Treasurer Remembrancer. There are several late convictions of recusants from Co. Lancs, Yorks, West Riding & Durham delivered over into your office by schedule of Pipe for Recusants. You are hereby to cause several commissions (with instructions to be thereto annexed) ~~hereto~~ to the persons as below to seize into the King's hands 2/3 part of the lands, tenements, hereditaments, leases and farms of the Recusants in said counties and to reduce ~~the~~ same into severalty for His Majesties use leaving to every of the said Recusants his Chief mansion house as part of his third part &c., ut supra p694.

- amongst "the persons as below" is William Kirkby

[Warrants not Relating to Money VI p37-9]

Recusants

In the history of England, recusancy was a term used to describe the statutory offence of not complying with the establishment of the Church of England. From the 16th to the 19th century recusants were subject to civil penalties and sometimes, especially in the earlier part of that period, to criminal penalties. Roman Catholics formed a large proportion of recusants, and were those to whom the term initially was applied, but other non-Catholic groups who dissented from the Church of England were, later, also labeled recusants. The recusancy laws were in force from the reign of Elizabeth to that of George III, though not always enforced with equal intensity.

The first statute to address sectarian dissent was issued in 1593 under Elizabeth I and specifically targeted Roman Catholics, under the title "An Act for restraining Popish Recusants." It defined "Popish Recusants" as those "convicted for not repairing to some Church, Chapel, or usual place of Common Prayer to hear Divine Service there, but forbearing the same contrary to the tenor of the laws and statutes heretofore made and provided in that behalf." Other acts also targeted Roman Catholic recusants, including statutes passed under James I and Charles I, as well as laws defining other offenses deemed acts of recusancy.

Recusants were subject to various civil disabilities and penalties under English penal laws, most of which were repealed during the regency and reign of George IV in the early 19th century. The Nuttall Encyclopaedia notes that Dissenters were forgiven by the Toleration Act of William III, while Roman Catholics "were not entirely emancipated till 1829".

Early recusants included Protestant dissenters whose faiths derived from fundamentalist movements, although with their growth after the restoration of Charles II, these groups were later distinguished as nonconformist.

Sarah Fells Account Book

1675

p533. Sarah Fell supplies William Kirkby and Myles Dodding with bottles bought in Bristol.

Calendar of State Papers (Domestic) Charles II

9 June 1675

p174. List of persons to be left out being those mentioned in the last entry with the addition of George Weld; of those that were to supply the defects of the old commission and make the number 21 viz, Edward Grey, Sir Reginald Forster, Sir Richard Muleverer, Sir Thomas Daniel, Sir William Bowles, Sir Thomas Gery, Sir John Kirk, Edward Progers, William Erskine, John Mitton, Henry Progers and Richard Kirby and of the persons in the warrant Mr killigrew gave Mr Secretary, being those in th elast entry but two with the omission of Weld and the addition of Henry Kilegrew and Henry Progers.

[S.P. Dom., Car. II. 371, No. 115.]

22 June 1675

p173. Warrant to the Lord Keeper for a bill constituting Edward Grey, Sir William Roberts, Sir Thomas

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Daniell, Edward Progers, George Weld, Richard Kirby, Edmund Warcupp, Philip Bulstrode, Cornwall Bradshaw, John Harris, Samuel Maidwell, Francis Weaver, and Philip Burton, Commissioners for licensing Hackney Coaches. Minute.
[Home Office, Warrant Book 1, p67.]

Two drafts thereof, in one of which Henry Killegrew is substituted for Weld.
[S.P. Dom., Car. II. 371, Nos. 112, 113.]

Calendar of State Papers (Treasury) Vol IV

8th September 1675

p812. Warrant from Treasurer Danby to the Customs Commissioners to employ the following as Tide Waiters in fee, London port. Amongst others is Ben Kirkeby loco William Davies dismissed.
[Out Letters (Customs) III p20]

From Cassell's New English Dictionary - "Tide-waiter: A Customs Officer who boards ships entering port in order to enforce customs regulations."

If you think about it, in the days before telegraphs, radar, steam powered tugs etc etc, the Customs Officers would have waited upon the incoming tides that would helped sailing ships into port. No oared long boat or cutter was going to row against the tide to tow a ship to its berth.

22nd September 1675

p819. Entry of the reference to the Customs Commissioners of the petition of John Brewer master of the 'Charles' of London, belonging to Thomas Kirkby, shewing that said ship being laden with Deals, Brimstone and Salt Beef to go to Nantes in France with orders to touch at England for a sea brief was seized by the searchers at Gravesend.
[Out Letters (Customs) III p28]

Sea brief: The customary certificate of national character which neutral merchant vessels are bound to carry in time of war; a passport for a vessel and cargo.

P827. Warrant from Treasurer Danby to Sir William Jones, Attorney General, to enter a noli prosequi to the information against the ship 'Charles' laden at Amsterdam with instructions to touch at Dover for a sea brief where he being informed that he must come into the river Thames before he could have a sea brief. Brought ship up to Gravesend where it was seized as having contraband aboard although there was no intention to unload, the Deals and Brimstone being intended for France and th eSalt Beef for Martinique.
[Out Letters (Customs) III p32-3]

Calendar of State Papers (Domestic) Charles II

8(?3) Oct 1675 Preston

p392.(?332) Col. Richard Kirkby to Williamson. To-day I met here yours truly of the 28 Sept., being thus far on my way towards London. On Wednesday from Wigan Sir Roger Bradshaigh, Sir John Otway, Mr Banks and myself set forth for London. I doubt not we shall kiss your hands before the opening of the Parliament. I have had health enough to perform many troublesome journeys in the service of my sovereign and my country since my coming to these parts the just account whereof I reserve till I see you, only telling you that, in all parts of the kingdom where I have been since I left you I have always met with generous and loyal declarations of all due obedience, and affectionate well wishes to the King, as also continual remembrance amongst your friends of your Honour.
[S.P. Dom., Car. II. 373, No. 261.]

Calendar of State Papers (Treasury) Vol IV

14 Dec 1675

p356. Sir Ro Bradshaigh's petition [is read and ordered] to be put among my Lords papers for the [Privy] Council tomorrow. Sir Ro Bradshaigh, Mr Banastre & Col. Kirkby are to be at the Treasury Chamber

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tomorrow morning, before (the meeting of the Privy) Council to meet the Attorney & Solicitor General. [Treasury Minute Book V p81-82] (PRO Piece Ref PRO 30/32/33)

15 Dec 1675

p357. Sir Ro Bradshaigh, Mr Banastre & Col. Kirkby are to be at the Treasury Chamber, before Council to meet the Attorney & Solicitor General.

[Day Book p99] (PRO Piece Ref PRO 30/32/7) There is also a great deal of information about the Customs service on this page.

W M Fleming Accs book
CWT (CWAAS Transactions)

Dec 1675

"Spent at Woodland Chappell, when we did take Charles Russel along with us, with my couzen Mr William Kirkby [of Kirkby Hall] and agreed with him for 2 new Hammers for £9 and all his made Iron-gear at 17s. a hundred [weight] and all his Casten Iron at 5s. a hundred, we takeing what we have occasion for". Thus on 18 January 1676, 1s.6d. was "spent at the Weighing of the Iron at Woodland Forge" and, on 1 June, £1 12s.0d. was "paid to Thomas Fleming and his Partners for the Carriage of all the Iron-gear, both great and small, which was bought . . . att Woodland Forge". On 7 August 1677, William Kirkby was paid £25 5s.5d. for this iron including, as agreed, £9 for "2 new hammers at the high Hall in Kirkby". From Woodland, amongst other items, "4 old Hammers, 3 Hammer Cheekes, one Hammer Bitt and an Hammer head" weighing 28 cwt, cost £7, "3 old Anvills" weighed 11.5 cwt, "3 old Hursts" weighed about 4.5 cwt and £2 was paid "for one Great Iron weigh boake with Iron strings, one Iron Coast and ... 3 Leaden weights being 7 stone". If the forge corresponds with the bloomery site listed by Alfred Fell (p.173) near Yeat House, Woodland (SD 248887), perhaps the sale of so many old hammers and anvils signifies that it was closing down.

(NB this may refer to William Kirkby son of Richard Kirkby.)

DDKE 130/19
Richard Kirkby to Kenyon

1676

Feb 24 75/6

Sr,
At last Sr John Otway has recd order to withdraw the Noli prosequi and I presume himself will signify so much unto you personally before I can, though I hope not to be far behind him myself to confirm it and so wishing you all happiness & desiring you to acquaint Mr Kenyon thus much I subscribe myselfe

Your most faithful and humble servant
Rich. Kirkby

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p484. Richard Kirkby to the King. Petition stating that the petitioner wholly relying on his Majesty's promise to do what he could for him and that he gave leave to Lord Arlington and Sir R. Carr to remind him of the petitioner, represents that he has been deprived of the favours given him, one of some woods in Westmorland, the other of being Commissioner of Excise, and is reduced to such want that he is ashamed to expose himself, and has neither money nor credit for one meal, and that Skillbeck, on whose account his Majesty ordered half his pay to be stopped, is now satisfied, and praying him to order the petitioner his full pay till there is an opportunity to provide better for him. *Endorsed*, "Col. Kirkby." [ibid. No. 221.]

Richard Kirkby to Lord [Arlington]. Shortly after the last prorogation I told you I had represented my sad condition to his Majesty, my salary as commissioner for prizes being extinct by the peace, who told me he would take care of me and would permit your lordship or Sir R. Carr to remind him of me when an opportunity offered.

I have been arrested without leave either from his Majesty, the Duke of Monmouth or Lord Craven or any

DIGEST OF KIRKBY REFERENCES

other I know of. His Majesty ordered the plaintiff and sergeants into custody by the Lord Chamberlain's warrant till I should be discharged. The plaintiff is now discharged by the Justices of the King's Bench on bail, having first an *Habeas Corpus* and the usual process of the court allowed him by the Lord Chief Justice, whereby he is discharged and I am kept in custody,

p485. 1,000£. will pay all my debts, save what my estate is mortgaged for. His Majesty orders half my pay towards payment of my debts, having eight children and myself to maintain and but 75£ *per annum* to live on, for I never yet mustered a man that had not his pay paid to himself. For these three years I have not had one mouthful of food for my children or myself, but from his Majesty's bounty. As I was one of the first to engage in his late Majesty's and continued till this day in his Majesty's service, so now I suffer in the vindication of his prerogative. I pray you to lay my case before his Majesty, and to assure him I must inevitably starve in prison, if not relieved by his bounty, and that my children must work or beg. I do not hear yet of above 300£. actions laid on me. [*S.P. Dom., Car. II. 387, No. 222.*]

8 Jan 1676

p489. Col. Richard Kirkby to Williamson. Since I last waited on you, I have never been able to stir out of my chamber, nor can I yet be confident of any speedy fitness to go abroad. Therefore I presume to remind you of my request on Mr. Elletson's behalf, for whom I desired your letters recommendatory to Lord Vaughan. He is a very well deserving person and of those good endowments that I

p490. doubt not you will be very well pleased in contributing your endeavours to his preferment, and so I humbly crave your speedy dispatch for him, that he may order his affairs and fit himself against the time the ships shall be in readiness. [*S.P. Dom Car. II 378, No15*]

19 Jan 1676

[Received] Haigh, near Wigan

p518. Sir Roger Bradshaigh to Williamson. Col. Kirkby has acquainted me that you have promised that the *noli prosequi* against Tildesley shall be withdrawn, and it is really just to do so for I affirm he is no conformist notwithstanding his former suggestions, for the case now before you from Mr Attorney is really the true matter of fact, so that if it be practicable to withdraw it without the Attorney's hand to the case I beg you will despatch the order to Sir John Otway, his Majesty's Attorney for our county. [*S.P. Dom., Car. II. 378, No. 107.*]

Calendar of State Papers (Treasury) Vol V Pt1

20 March 1676

P161. Royal sign manual for £100 to Col. R Kirkby as royal bounty. (Money warrant hereon dated March 21st)

[King's Warrant Book V p99. Money Book (General) p316]

William Kirkby & others to Roger Kenyon DDK (?DDK?)

22 April 1676

From Richard Kirkby, Miles Dodding & William Kirkby to Clerk of the Peace for Lancashire at the Sword and Buckler in Holbom, London regarding refusal by Alehouse keepers to pay fees of 18d each, and a request for Sir Robert Car's opinion. "*We have an unsettled obstinate people in these parts and but one man of law*".

Calendar of State Papers (Treasury) Vol V Pt1

15 June 1676

p245 Treasurer Danby to Custom commissions "*I approve of your* letter to Mr Kirkby riding surveyor to be resident upon his station with his salary and 6/8 per day, when travelling as allowed in the case of Mr Clement.

[Out Letters (Customs) III p166-9]

2 August 1676

p295. Charles Bertie to the Auditor of Receipt to pay off Col. Kirkby's order of 21st March last for £100 paying same out of the money which the Customs Cashier is to bring in for that purpose.

[Money Book (General) p422]

3 October 1676

p346. Instructions from Treasurer Danby to Customs Commissioners. The customs solicitor is to attend the Attorney General for his advice upon Mr Kirkby's information concerning the importing of Irish cattle and how the offenders may be proceeded against.

[Out Letters (Customs) III p221]

Sarah Fells Account Book

1677

William Kirkby sends a haunch of venison to the Fells.

John Kirkby (uncle) lends the Fells £20.

Calendar of State Papers (Domestic) Charles II

17 Jan 1677

p511-512. Matt Anderton to Williamson. In obedience to the proclamation some of the members of parliament are moving already towards Westminster. Lord Fitz-Hardinge, Sir Cyril Wyche, Sir John Hanmer and George Wold are come out of Ireland. Sir G. Shakerley, Sir Roger Bradshaigh and Mr. Cholmondeley intend 5 Feb. to begin their journey and our Bishop about the same time. Col Kirkby is here and goes hence to-morrow towards London.

[S.P. Dom., Car. II. 390, No. 58.]

Calendar of State Papers (Treasury) Vol V Pt1

15th August 1677

p730. Instruction from Treasurer Danby to Customs Commissioners in reply to their presentations of 13th inst.

Item (6) You have appointed the collector of Wisbech "which you inform me is a growing receipt" to be Surveyor, Searcher and Waiter there at his present salary instead of being Collector, he being but an indifferent man and have appointed Mr Kirkby, one of the Land Waiters to officiate there as Collector. I approve thereof.

[Out Letter (Customs) III p338-42]

Calendar of State Papers (Treasury) Vol V Pt1

15th September 1677

p744. Warrant from Treasurer Danby to issue a Commission for enquiring what moneys are due to the King during and by reason of the late vacancy of the see of Durham and now remaining in the hands of (among others) George Kirby, Receiver General of the revenue of the said bishopric.

[Warrants not Relating to Money VII p111]

Calendar of State Papers (Domestic) Charles II

12 Oct 1677. Haigh, near Wigan

p396. Sir Roger Bradshaigh and Col. Richard Kirkby to Williamson.

At the desire of my friend Col. Kirkby I beg your pardon that he has not before this given you any account of affairs in this county, but there was nothing worth the trouble, all being very *quiet* and peaceable. He came to my house last Wednesday fortnight in order to our going together to Lord Derby, but next day was taken with one of his fits of the gout, and has lain here on his back ever since, not able to help himself, but I attended my lord, who resolves to have a general rendezvous at Preston of all the forces of this county, of which you shall have an account. If in anything we can further serve his Majesty, please direct your commands hither. If the Parliament be like to sit in December, we beg you to honour us with a line of it.

Last Monday night a robbery was committed within three miles of this by above 20 horsemen well armed. They broke into a rich farmer's house and took 600£. of him, who was to be paid next day to a man that had married his daughter. I cannot hear that any of them are taken yet.

DIGEST OF KIRKBY REFERENCES

[S.P. Dom., Car. II. 397, No. 30.]

Calendar of State Papers (Domestic) Charles II

9 Nov 1677. Rydal

p510/511. Daniel Fleming to Williamson. Having lately received a letter from Sir John Otway and Serjeant Rigby for apprehending Barton, a Jesuit, who of late dwelt at Sir Thomas Preston's house, called the Manor, in the north end of Lancashire, I forthwith sent my brother William, Major to Col. Richard Kirkby, to go there with some constables and soldiers to search the manor, which they did last Tuesday very strictly, but Barton and one Grimshaw were gone above a week before. My brother seized all the arms he found there, disarming two of Mr. Walmesley's servants, which he found there. My brother heard there that Mr. Barton was met going from Mr Walmesley's to Lord Molineux's, intending as he said, to visit Sir T. Preston's children there, which my brother communicated to my cousin Dodding, who was to go next day to Wigan to a meeting of the Earl of Derby and his deputy lieutenants, who would, I doubt not, both acquaint his lordship therewith, and use his endeavours to get Barton taken. Soon after I had dispatched my brother, I was informed that Barton and Grimshaw had been lately in the barony of Kendal, on which I ordered my cousin John Brou[gham], our high constable, my ensign and a sergeant with some constables and soldiers to go to the several houses of Sir T. Preston in this county and to search for them and also to go to the houses of Sir Thomas Strickland, Sir Thomas Brathwait, Mrs. Layburne, and some other Papists to enquire after them. But, though our high constable fell short of apprehending the two priests, yet they heard of them at Burneshead, where they had been, and from whence they went the Wednesday before, Barton, as he said, into Yorkshire to visit his mother, and Grimshaw, as he pretended, into Lancashire to a Dr. Werden in or near Warrington. Besides what Mr. Oates has informed against Mr. Barton I doubt not Col. Kirkby has acquainted you with what letters have fallen into my cousin Dodding's hands relating to him, which show him to, be too guilty of this conspiracy.

Postscript.—Since writing hereof, I hear my cousin Dodding got not to Wigan.

[S.P. Dom., Car. II. 407, No. 147.]

Calendar of State Papers (Treasury) Vol V Pt1

16th November 1677

p784. Instruction from Treasurer Danby to Customs Commissioners in reply to their representation of the 12th inst. You are to accept the proposed surety of Thomas Kirkby as Collector of Wisbech (viz Roger Thornton & Robert Minors in 500l)

[Out Letter (Customs) III]

19 Jan 1678/9

p584. Edward Leigh to Williamson. I was to wait on you Saturday last, when your servant told me you were shooting behind Clarendon HOUSE and would be at your office at 5, where I punctually was, but you were gone to the Council, I have received fresh commands from Col. Xirkby to acquaint you the go at has hitherto detained him in the country but he suddenly intends for London.

[S.P. Dom., Car. II. 400, No. 102.]

WK and others to Earl of Derby
DDKE 9/130/24

29 January 1678

Right Honourble

29 January 1678

We are but [-----] now that your Lordship is tomorrow [-----] & had before with the letter of which [-----] inclosed is a copy. Wee very much hope your Lordship will take it in good part having no other aim or wishes hereby but by this expedient to keep the county in quiet to the better [-----] & a good order [-----] [-----] [-----] & to be truly swayed by your Lordship's good arbitration in this great roundabout. If yr Lordship shall think fit to honour this meeting with your presence (?) or otherwise so communicating your Lordship's inclinations, yr Lordship better judgement will very much [-----]

*Your Lordship's most obedient &
Most faithful servants*

DIGEST OF KIRKBY REFERENCES

Alex Digby (a cousin)
Myles Dodding (brother in law)
William Kirkby
Tho Coln (?)

Calendar of State Papers (Treasury) Vol V Pt2

9 April 1678

p959. Warrant from Treasurer Danby to the Customs Commissioners *to pay £37-5s-5d to William Kirkby being what he is out of purse on his bill of charges in prosecuting the seizure of several parcels of Scotch Linen Cloth valued at £83-5s6d which there being no claims were condemned to the Exchequer. 4 pretended proprietors having appeared after the King's moiety was paid & prosecuted said Kirkby with 4 actions in the Common Pleas with intent to vex him with charges whereby he was put to charges of £78- 18s-2d and upon a recovery obtained verdict against each of ~~them~~ said 4 prosecutors for no more than £9-10s-0d each which amounts to £38. "and all the persons lying at Glasgow in Scotland he can obtain no benefit from these judgements.*

[Out Letters (Customs) IV p40]

22 June 1678

p1032. Warrant from Treasurer Danby to Customs Commissioners to employ John Hunt as a tidesman London port loco Benjamin Kirby.

[Out Letter (Customs) IV p75]

Calendar of State Papers (Domestic) Charles II 1678 March – December & Addenda 1674-1679.

June 1678

p262. Memorial of the case of George Antrobus, in relation to his certificate. In 23 February 1669 Antrobus married Mary, Sister of Sir John Bols, and was to receive with her a portion of £1500 but not only was the money withheld but Sir J issued an execution upon him for £150 borrowed from him and then stayed beyond seas for 5 years to the great loss of Antrobus who was obliged to become a servant to Col. Kirkby. Antrobus is willing to submit to arbitration etc.

p 608. Richard Kirkby to Secretary Williamson. Requesting that any, favour intended for himself or family may be disposed of to his son-in-law, Edward Leigh, of Bloomsbury. [*Ibid.* No. 186.]

6 Dec 1678

p622. Oates papers shown to Mr Kirkby

Calendar of State Papers (Treasury) Vol V Pt2

7 March 1678-9

p1257. a list of the names of seventy persons called Quakers that are persecuted as Popish Recusants but in reality are true Protestants.

Amongst others in County Lancaster, John Kirby of Kirkby (But which Kirkby?)

[Warrants not Relating to Money VII p290-2]

6th April 1678

p1451. Mr Kirkby 37l;5s:5d for prosecuting seizures

[Entry Book of Signed Warrants p76]

Calendar of State Papers (Treasury) Vol VI

18 June 1679

p99. Treasury Warrant to Kings Remembrancer to issue a Commission to enquire of frauds concealment and other indirect practices which have been committed in the port of Carlisle and its members: the commissioners to be William Kirkby, William Christian Esquires, Mathew Miller and John Robinson gent to be returnable within three weeks of Michaelmas next.

[Out Letters (Customs) p56]

DIGEST OF KIRKBY REFERENCES

20th June 1679

p102. Treasury reference to Customs Commissioners of Anthony Kirkby's petition for a searchers place, London port loco Ralph Williamson. (A second like reference dated June 25)
[Out Letters (Customs) p57]

27th June 1679

p369. 11l:1s:0d to Anthony Kirby of Wokingham, Cpounty Berkshire, due from two soldiers in Capt Lewis Thomas's Company for 221 days quarters.
[Warrants Early XXIX p137]

1st July 1679

p370. 517l:4s:11d to Capt Samuel Williams, due for the officers and soldiers in Capt Kirkby's Company for several days quarters.
[Warrants Early XXIX p138]

14th July 1679

p338. 18l to William Gross for the like as Ensign to Capt Roger Kirkby
[Warrants Early XXIX p70]

60l:8s:0d to Capt Roger Kirkby for the like as Captain of Foot
[Warrants Early XXIX p71]

p339. 30l:4s:0d to Thomas Rowse for the like as Lieutenant of Foot to Capt Roger Kirkby
[Warrants Early XXIX p71]

15 Oct 1679

p221. Treasury Warrant to the customs commissioners to employ Tho. Willson as waiter at Lytham a creek in Poulton port for the prevention of frauds at the sallary of £2 p.a. it having been advised by William Kirkby Assistant to the General Surveyor for the North West Coast from Whitehaven to Chester that an officer be settled in that creek.
[Out Letters (Customs) p112]

22 Nov 1679

Henry Grey to the Attorney General. The following list contains the names of such officers of the customs in the out ports as the customs Commissions conceive fit to be joined in commission for the administering of Oaths of allegiance and Supremacy to His Majestie's subjects arriving from foreign ports. You are to insert their names in the said commission pursuant to the order of King in Council:
Appending said list as reported to the Treasury Lords from Customs Commissioners

Lancaster: William Kirkby Surveyor
Frances Metcalfe Collector
Chester: Sir Peter Pinder Bart Collector
William Kirkby Surveyor

[Out Letters (General) p231-6]

9th February 1679-80

p427. Treasury Warrant to the Barons of the Exchequer to swear Andrew Kirby into office as deputy to said Colonel Bradshaw as Comptroller of Bristol Port.
[Warrants not Relating to Money p152]

Calendar of State Papers (Domestic) Charles II

17 Sept 1680

p23. Secretary Jenkins to Sidney Godolphin. I enclose the Order of Council on the debate of the Brandenburg reprisals in the port of Ostend as a better account than I am able to give you of my own head.

There was a question that did, as it were throw itself into the debate, which might have been, as I humbly conceive, very well spared. It was whether, in case the Prince of Parma should be taken by the Brandenburgers, his Majesty's men-of-war, in case they met with them, should rescue him. It was carried in the negative, the Lord President collecting the votes. I could have wished that the lords would have ordered the Lords of the Admiralty to send to all ports that the Spanish ship taken might have been

DIGEST OF KIRKBY REFERENCES

stopped wherever it was found. We might have justified it, if not on account of the Spaniards, yet on that of our fellow subjects, who will be found very deeply interested in the cargo of this ship.

Col. Kirby, our old Parliament man, was with me just now to make out that there was a foul riot and & rescue of some Papists in Lancashire. His evidences are :—1. The averment of the judge of assize, Justice Dolben, that there was such a riot and the sheriff's bailiff wounded. 2. A letter from the colonel's brother, not the Danzig chymist, but another. 3. A letter from Serjeant Rigby, a Parliament man of that county. 4. The information that the Earl of Macclesfield and Lord Brandon will give in Parliament in this affair. Last night arrived in London 14 Irish priests and others, not priests, of that nation, whose business it is to prove a Popish plot in Ireland. I am told two are among them that were sent back hence into Ireland. They came over, they say, or rather stole away, being in fear of their lives, without passport from the Lord Lieutenant. They say my lord refused them their *viaticum*. As soon as they arrived, Oates sent to compliment and treat them last night. Having got new shoes, which they wanted very much, they were conducted by Oates to Lord Shaftesbury to-day. I cannot hear that any of them is of any credit, some being abettors of Tories and receivers of them, others horse-stealers, but none, that I hear of, of any good note.

When you are at leisure you may read the enclosed private advice.

[Over 2 pages. *S.P. Dom.*, *Entry Book 62*, p. 74.]

21 Sept 1680. Whitehall

p32. Secretary Jenkins to Serjeant Rigby at his house at Preston. The Council, being extremely scandalized at a late riot in that county, wherein sonic Papists were rescued out of the hands of the High Sheriff, and finding by a letter of yours to Col. Richard Kirby that you had some knowledge of it, have thought fit that I should require you in their names to use all lawful means to bring the offenders to justice and that you give them information who they were (besides those already apprehended and under bail) that were parties to this riot. They likewise desire to be informed where the parties may be most probably met with, in case they be got out of your county, that the messengers and all other legal means may be employed for apprehending them.

[*S.P. Dom.*, *Entry Book 51*, f. 370.]

10 Oct 1680. Peele

p55. Roger Kenyon to Col. Richard Kirkby. I am just returned from the Lancaster and Preston sessions. Your letter of the 30th meets me here. Though the Justices at Lancaster sessions had ordered me to prepare estreats against a very great number of Popish Recusants, which I had accordingly prepared, yet on the motion of three young lawyers, counsel for the Recusants, the signing of the estreats was forborne and an argumentative letter writ to Lord Sunderland to know his Majesty's pleasure penned, I think, by Mr. Fleming and signed by himself and all the other Justices, and an order made only to estreat such as had never appeared, but to stay the estreating of such as at any time. appeared and took the oath of allegiance, albeit they refused that of supremacy. As to the estreating of such as never appeared, I told them that would be nobody at all, for, albeit some had never personally appeared, the court had as to such accepted an appearance by an attorney, so that the record notified an appearance, wherefore I would have omitted that clause in the order, but they told me that in their letter they had writ of such an order and. therefore it must be so that it might quadrate with the letter. At Preston the Justices made the same order, so no estreat is hitherto signed against the Papist.

Last March a letter and commission came from the Council to the Justices to prosecute certain persons named in the commission to a *premunire*, and most of them were bound over. Now the persons so to be prosecuted, having notice of the Council's appointment, absented and made default and many others by their example did the like. I thought they would surely have estreated. the recognizances of those defaulters, but these are the gentlemen chiefly, on whose behalf this arguing letter is writ.

The estreats of this county have been a long time in farm to Robert Heywood, who pays 25£.10s. *per annum* rent. They were for many years before in farm to his father, but this is so vast a sum if it fall to be estreated and to Mr. Heywood's share, as will make him a great man, and yet a third part of the Papists in this county were never bound. The value of the estreats prepared was above 60,000£.

Lord Derby was with us at Preston sessions and had before ordered the sheriff to send out his officers to apprehend the Popish riotous rescuers. Eight of them, besides the person rescued, are sent to prison, till his Majesty's pleasure be known, and a warrant is gone out against eight more. I took a great many

DIGEST OF KIRKBY REFERENCES

informations against them and the examinations of all that were taken and sent them to-day to Lord Derby, who is now at Wentworth Woodhouse, the Earl of Strafford's house in Yorkshire. He will send them to the Council. The persons taken are of very mean quality, not a man of note amongst them. They do not deny the fact, but will not confess who set them to do it. To-morrow are our sessions at Wigan.

[3 pages. S.P. Dom., Car. II. 414 No, 120.]

p697. List containing the names of Lord Howard, Lord Shaftsbury, Bethell Cornish and about 50 other leading Whigs, among them Sir John Fagg as a member in Parliament.

[Ibid No 277]

Richard Kirkby to Secretary Jenkins requesting him to present the enclosed petition to his Majesty and to move him on his behalf. Has not set forth in the sadness of his condition being ashamed to publish his distresses. Has lost his estate and ruined his family in his Majesty's service and now has neither bread nor clothes nor money nor credit to purchase them, so that, **unless his Majesty compassionates him he will be unable to appear in Parliament but must starve or perish in prison or on the street.**

[Ibid No 278] Enclosed.

Richard Kirkby to the King Petition for competent and present relief and for as soon as possible a gift of a pension or of some employment in the customs, Navy or otherwise.

[Ibid No 278i.]

Richard's affairs did not prosper. He was well connected, active in both Parliament - sitting on no less than 258 committees - and in the militia. He did not, however seem to have the knack of making money. His story is well recorded, but he is not really central to the history of Ashlack save in so far as his debts affected subsequent generations of owners. Richard recognised that London was the probable key to the recovery of his family's fortune. Court and Parliament were the centre of power and source of lucrative offices. The problem London poses for someone living off a lower north country income was the same then as it is now. George Hilton, the Westmorland Jacobite ne'er do well, records meticulously in his diary written a few years after Richard's death, the cost of his rakish life style in both Westmorland and London. Week by week, the latter was twice as expensive as the former. London is a source, but without success, it is a drain. His shortage of money became more harrowing as the decade drew to a close, and he was arrested for debt in 1676. In the same year he writes to Lord Arlington "*£1000 will pay all my debts, save what my estate is mortgaged for. His Majesty orders half my pay towards payment of my debts, having eight children and myself to maintain and but £75 per annum to live on.*" His circumstances were exacerbated by chronic gout which laid him up sometimes for weeks at a time. He married a total of four times outliving three of his wives and had a total of [8] children. His cousin Fleming, now Sir Daniel, recorded in his Accounts book: "*given in the house at Kirkby Hall - being at the funeral of Collonel Richard Kirkby who died there Sept 9 1681 about 8 of the clock at night and was buried in Kirkby Church the next day between his first and second wives, his third wife being buried at London and his fourth wife being at his funerall.*"

Calendar of State Papers (Domestic) Charles II

1 July 1681. Windsor

p339. Reference of Kirkby's petition to the Ordnance Commissioners to examine how well the petitioner is qualified for the gunner's place desired by him.

[S.P. Dom., Entry Book 55, p. 131.]

Calendar of State Papers (Treasury) Vol VII Pt 1

25 Aug 1681

p255. Treasury warrant to the King's Remembrancer for a Commission to pass the Seal of the Exchequer Court to

"the following persons to set out assign and appoint the open ~~sp~~places, quays and wharves in the ports of

DIGEST OF KIRKBY REFERENCES

*Carlisle and Whitehaven viz Sir Christopher Musgrave **Kt.**, William Kirkby, William Christian **Customer of Carlisle**, Mathew Miller **Comptroller there**, T Addison **Searcher there**, John Lamplugh, **Richard Patrickson**, **William Musgrave**, **Thomas Tickle**".*
[Out Letters (Customs) VIII p7]

Sir D Fleming Accs

10 Sept 1681

CWNS VI (CWAAS Transactions New Series Vol VI)

Given in the house at Kirkby Hall - being at the funeral of Collonel Richard Kirkby who died there Sept 9 1681 about 8 of the clock at night and was buried in Kirkby church the next day between his first and second wives, his third wife being buried at London and his fourth wife being at his funerall. 5/6d

W.K. to R Kenyon

11 November 1681

DDKE 9/53/31

Deare Sr,

Liverpoole 11 November 1681

I had fully designed to have gone up with you to London but now doubt it will be Christmas eve I can be there at first. I gave you a short memorandum of my concerne, but now I come to make up my Bro: account I find he is indebted to me a greater summe. I request you will doe me the favour to give me your advice and assistance in putting me in a way, & recommending me such friends as you deem may ayde me in this great worke. Sr I have great confidence and assurance in your friendship which with the justice of my cause gives me hopes of success, I intreat you lett me know how long you may stay in London soe that if possible I may be there before you come downe. I have severall good friends but I would have your advice upon the whole. Be pleased to direct your letters to me to be left with the postmaster of Lancaster. I am truly

Sr

*Your most affec: &
obliged servant William Kirkby*

W.K. to R Kenyon

20 Nov 1681

DDKE 9/53/37

Deare Sr,

Toseter 20 November 1681

I thank god I am thus farr well on my journey & hope to be with you next tuesday, I pray (if this comes to you in due time) speake to your landlord at the Sword and Buckler that I may have a lodging. I am

Sr

*Your humble servant
William Kirkby*

Calendar of State Papers (Domestic) Charles II

22 Nov 1681

p581. Secretary Jenkins to the Earl of Derby. Signifying his Majesty's pleasure that the militia regiment of Lancashire, lately under Col. Kirkby, deceased, be commanded by Alexander Rigby and that he give him the commission to be colonel of it with all convenient speed.

[*Ibid.*]

1680/1

p697. List containing the names of Lord Howard, Lord Shaftsbury, Bethell Cornish and about 50 other leading Whigs, among them Sir John Fagg as a member in Parliament.

[*Ibid* No 277]

Richard Kirkby to Secretary Jenkins requesting him to present the enclosed petition to his Majesty and to move him on his behalf. Has not set forth in the sadness of his condition being ashamed to publish his

DIGEST OF KIRKBY REFERENCES

distresses. Has lost his estate and ruined his family in his Majesty's service and now has neither bread nor clothes nor money nor credit to purchase them, so that, unless his Majesty compassionates him he will be unable to appear in Parliament but must starve or perish in prison or on the street.

[Ibid No 278] Enclosed.

Richard Kirkby to the King Petition for competent and present relief and for as soon as possible a gift of a pension or of some employment in the customs, Navy or otherwise.

[Ibid No 278i.]

W.K. to R Kenyon
DDKE 9/54/1

1682

*Deare Sr, Swan wth 2 necks in Ladd Lanc 1681/2
I am still detained heare, some of the Liverpoole officers being not yet come to towne, and till that business be fully settled I must attend. In my other concerne and indeed in all I hope for a good conclusion, though it cost me a long attendance. News heare none remarkable, but wee still labor (?) for a parliament but when that will be God knowes. The quo warranties against the citty goes on, & will be pushed to the furthest. My humble service to Deare Mr Hodgkinson Mr Patton Mr Chadock & all my friends I hope in 10 days to leave this towne, I should be glad to heare of your health, for that Jam truly*

*Sr
Your most obliged and most
Humble servant
William Kirkby*

NB (1) A writ of Quo Warrantie compelled cities/municipal boroughs to substantiate the legality of their charters. If they were unable to do this completely the charters were forfeited and regranted by the King subject to his approval of the appointment of the boroughs principal officers. In this way he ultimately controlled who they sent up to parliament.

The Quo warranties case against the City of London was the critical battle. It was begun in 1681 and did not conclude until 1683 in favour of the crown.

NB (2) Charles dissolved the Oxford parliament in 1680 and ruled without one for the rest of his reign, relying largely on customs (see Chandamon) and French subsidy for revenue.

Calendar of State Papers (Treasury) Vol VII Pt 1

10 April 1682

Treasury Warrant to the Customs Commissioners to make the following additions of salary as from 1682 Lady Day until further order. – A long list follows in which appears –

“£10 p.a. to Robert Kirkby waiter at Peel, Chester Port.”

[Out Letters (Customs) VIII p93-101]

11 April 1682

p450. Treasury Warrant to the Customs Commissioners to establish William Kirkby (riding surveyor on the coast of Cheshire, Lancs, and Cumberland at a salary of £150 p.a.) to be riding surveyor only for Lancashire at £50 p.a. the other [officer's] salary to be ~~the same~~ sunk.

[Out Letter (Customs) VIII p89-90]

31 May 1682

p487. The Treasury Lords to Myles Dodding and William Kirkby Justices of the Peace:-

“The King has lately recovered Sir Tho. Preston's estate in Furness . Least (sic) any waste should be committed in the timber, fishery, warrens or deer you are to take care to prevent *the* same till the King sends some agents to take possession. Any killers of deer you are to prosecute at the quarter sessions.”

[Out Letters (General) VI p446]

DIGEST OF KIRKBY REFERENCES

Dec 1682

p650. Treasury warrant to the customs commissioners **to carry out various actions to improve things at Poulton Port**: “*all as advised by William Kirkby upon his late survey of Poulton port & by Mr Heirdson the collector, and Mr James Strangways riding surveyor [there]*”.
[Out Letters (Customs) VIII p174-175]

Calendar of State Papers (Treasury) Vol VII Pt 2

4 Jan 1682-3

p677-678. Henry Guy to the Customs Commissioners re 6d a load (Customs Duty) demanded for coals carried from England to Scotland.

[“as to customs I spoke to Capt Kirkby (?) Surveyor general of customs at Berwick]

[Out Letters (General) VII p86-87]

Is this our Kirkby? If so will get full details next Kew visit

6 Feb 1682-3

p703. Henry Grey to Mr Samnson “send me copies of the customs Commissioners' presentments of 1682 Sept 25 for enlarging Mr Kirkby's district”.

[Out Letters (General) VII p100]

15 Feb 1683

p714. Treasury warrant to Customs commissioners:-William Kirkby 's district to be enlarged and he to survey from Lancaster to Carlisle inclusive the better to prevent the great frauds in Carlisle and Whitehaven ports with £50 p.a. additional salary £25 thereof out of the additional salary of Thomas Tickle Surveyor of Whitehaven.

[Out Letters (Customs) VIII p187-191]

6 June 1683

p811. Treasury warrant to Customs Commissioners approving detailed proposals of William Kirkby for future management of Newcastle arising out of his survey of Newcastle.

[Out Letters (Customs) VIII p208-209]

26 July 1683

p876. As above further approvals ~~re-proposals from recent~~ **as proposed by William Kirkby in his late** survey of the Northern ports (including Hull York and Burton Staithes).

[Out Letters (Customs) VIII p215-219]

Rydal MSS

Sept 1683

William Kirkby JP fines 60 parishioners at Hawkshead for non-attendance at church.

Jan 1684

W.K. issues distress warrants against Quakers at Swarthmoor and Wray.

W.K. takes a fat ox from Swarthmoor Hall as a fine and kills it for his own table.

Fieldhouse - VCHL (1914)

1684

Letter from Wm. K. to R. Kenyon regarding repression of dissenters using laws against church absenteeism and conventicles. “*Several, both Quakers and other dissenters are, upon our putting the laws into execution, become conformists to the Church; and those who are obstinate and disaffected to the government by those methods plainly pointed out. But while we thus struggle amongst our neighbours, with loyalty and all integrity to serve our gracious King and our country, here is some of our neighbouring justices who refuse to join in with us in this good service.*”

University of York

13 March 1684

Peculiar of Dean Chapter of York, Agnes Kirkby, Will

In the name of God Amen, the thirteenth day of March in ye first year of ye Reign of King James ye

DIGEST OF KIRKBY REFERENCES

second over England and in ye year of our lord one thousand six hundred eighty four I Agnes Kirkby of Kirkby late wife of Roger Kirkby Esq [-----] being sick in body but of perfect memory, due by these presents (?) ordain and make this my last will and testament in manner following. First I recommend my soul unto ye hands of god my creator hoping assuredly ye only ----- of Jesus Christ my saviour to be made partaker of life everlasting in this blessed Kingdom; and I recommend my body to ye earth whereof it was made to be buried (without trouble) in decent manner. And as to my worldly estate I dispose of it as followeth. First I doe give unto my cozen Mary Kirkby, ye daughter of my son Richard Kirkby, all those cattle and sheep which I lent to my cozen Roger Kirkby of Kirkby Esq, her brother, which said cattle and sheep, I desire he will deliver to his sister Mary aforesaid, or pay her ye value thereof in money. Then I doe given unto ye poor of Kirkby, Ulverston and Dalton ----- twenty shillings and to ye poor of Broughton, Pennington, Lowick,, Blawith, Torver and Osmotherly and Irelith each ten shillings to be given to the church wardens and overseers of each place, and by them to be given to ye poor. Lastly I doe appoint and constitute my beloved son William Kirkby of Ashlack Esq, sole executor of this my last will and testament Revoking hereby all former and other wills whatsoever. In witness whereof I have hereunto put my hand and seal and ye same have published as my last will and testament in writing ye day and year above written

Witness hereof

Margarett Dodding, James Towers

Robert Wayls, James Muncaster

Agnes Kirkby

& seal

Bond

The condition of this obligation is such that if the ----- bound William Kirkby sole executor doe well and truly execute and ----- And keep ye last will and testament of Agnes Kirkby late of Kirkby ----- And doe pay her debts and legacies so far as her goods will extend and law shall bind him if also he doe exhibit into the Dean and Chapter's court at York a true and perfect inventory of all and singular the goods rights ----- cattells and chattells of the said deceased, and doe make a true and just accompt of the same when he shall be thereunto lawfully called And moreover need require enter into further bond with more sufficient sureties for the performance of the premisses as the judge of the said court for the time being shall think requisite and needfull, and lastly doe save defined and keep the within named Henry Watkinson and ye Dean and Chapter and all other his and their officers and ministers against all persons by reason of the premises then this present obligation to be void and of more effect or else to in full force, strength and virtue.

Calendar of State Papers (Treasury) Vol VII Pt 2

6 May 1684

p1116. Treasury warrant to Customs Commissions approvals to further proposals by W.K. regarding Workington, Whitehaven, Poulton, Lancaster.

[Out Letters (Customs) VIII p275-276]

DDKE 58/80 (WK to Kenyon?)

11 Sept 1684

Lancs PRO

Deare Sir,

Kirkby 11 Sept 1684

I am sorry I was soe unfortunate to be abroad when you was last on this side. I must now entreat your kindness to my good friend Mr Josiah Herd. You know and hath a copy of the contract betwixt Mr Walmsley & him, wherein which Mr Herd should be at either in building or otherwaies, should be allowed out of the rent and Mr Herd hath really laid out in building etc £68-8s-3d and the reason wherefore Mr Herd discount this charge in Mr Walmsley at the time, was that he still was promised and did hope to have had a lease according to the Agreement and then to have discounted the monys he had laid out but before these things could be done Mr. Walmsley died.

I doubt not that you very well understand this matter now let me intreat you to doe what you can for Mr Herd that the monys truly laid out by him, and according to Agreement may be allowed him. And your

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care and kindness heerein will particularly oblige

Sir

Yours most affectionate humble servant

William Kirkby

Calendar of State Papers (Treasury) Vol VII Pt 2

1 Dec 1684

p1454. Henry Grey to William Kirkby "*The Lords Commissioners of his Maj^{ty}s Treasury direct you ~~are~~ to attend the Auditor with the accounts of yourself and ~~your~~ late bro. Col Richard Kirkby for the Royal Aid and Additional Aid; the Poll money & Eleven Months assessment for ~~Co.~~ Lancasterhire in order to the speedy repairing the same for their Lordships.*

I am Sir yours

R.H.Guy

[Out Letters (General) VII p454] (PRO Piece Ref T27/7)

Isobel Ross on Fells p327/328

Feb 1685

"*One of our greatest prosecutors*" is how Daniel Abrahams had described William Kirkby whom he had met on the road and who had said that he would keep fining them if they persisted in holding meetings.

Hugh Owen on Flemings pl67/168

March 1685

Agnes Kirkby, William's mother dies at Ashlack aged 78.

Isobel Ross on Fells p317

1685

W.K. imprisons and fines Daniel Abraham (son in law to Margaret Fell)

Calendar of State papers (Treasury) Vol VIII Pt 1

28 April 1685

p147. Warrant by Treasurer Rochester to the Customs Commissioners to employ John Ellotson & Roger Strickland as two additional Tidesmen in Whitehaven Port at £15 p.a. as proposed by William Kirkby and William Christian, Customer of Carlisle and Collector of Whitehaven.

[Out Letters (Customs) X p22-23]

16 June 1685

p223. Warrant by Treasurer Rochester to Customs Commissioners to employ Joseph Herbert as a messenger at Ravenglass in Whitehaven port at £5 p.a. to give intelligence to the officers of Whitehaven and to Mr Kirkby of all ships that arrive at Ravenglass with tobacco, wines, etc for the better securing for the customs thereon.

[Out Letters (Customs) X p33-34]

2 August 1685

p289. Warrant by Treasurer Rochester to the Kings Remembrancer to forbear process against William Kirkby Esq Receiver General of the late Royal Aid, Eleven Months tax and Poll in county Lancs in the Hundred of Amounderness until the next term. And if any process be already made forth against him that you supercede the same and for so doing this shall be your warrant.

[Warrants not Relating to Money XI p110] (PRO Piece Ref T54/11)

Kenyon papers LRO

C1685

DDKE (?) No copy (note dated)

Address to William Earl of Derby and Lord Lieut. protesting against "*an horrid rebellion and offering to*

DIGEST OF KIRKBY REFERENCES

serve the King in this war against the rebels". Sir Robert Bradshaigh offered 100 armed soldiers and William Kirkby of Ashlack Esq offered 20 soldiers.

Calendar of State Papers (Treasury) Vol VIII Pt 2 Headed 'Not of the Nature of Treasury Minutes'

17 April 1686

p691. Warrant by Treasurer Rochester to Customs Commissioners to employ William Kellett*, and William Owen as boatmen **of the boat which is to be hereby established** in Whitehaven port as proposed by William Kirkby: **with £15 p.a. salary each: they to be employed as Tidesmen on occasion.**
[Out Letters (Customs) X p128-130]

24 Dec 1686

p1098. Referred **nce** by Treasurer Rochester to **Ben Arthur** Fillingham, Tho. Hall, William Lowndes & Philip Ryley of the petition of William Kirkby Recevier General for Co. Lancs of the Royal Aid etc petitioner shewing that on his account he became a great debtor **of to** the late king, that the late treasury Lords ordered that before he could be discharged of his said debts he should pass his accounts and set forth **on record** what moneys were in arrear and came not to his hands; that he has done this at great cost to himself; therefore prays **your Lordships to lay his sad condition before his Majesty to the end he may** be acquitted from his bonds to the enjoyment of his liberty.
[Reference Book IV p11] (PRO Piece Ref T4/4)

*William Kellett was a co-signature to the bond in respect of the administration of Agnes Kirkby's will.

Calendar of State Papers (Treasury) Vol VIII Pt 3

1 Feb 1686-7 (Sic erratum for March)

p1230. Royal warrant to the Clerk of the Signet for a privy seal for the discharge of 2,990£.2s.8½d set in super upon William Kirkby as Receiver General for Co. Lancs of the Royal Aid and Additional Supply. The said Kirkby and Richard Kirkby, esq (Since deceased) became bound to Charles II in 10,610£. for the said William Kirkby's true accompting. Upon his accounts of the said Aid and Supply said William Kirkby appears indebted to the King 951£14s.1d. He was also reciever for said county of the One Month's and Eleven Months' Assessments and with the said Richard Kirkby gave bond in 10,000£. for his true accompting as before. By his account of these last named assessments he appears indebted to the King 1,846£.1s.5½d. He was likewise Receiver for the same county for the Poll and by his account thereof is indebted 192£.7s.2d to the King thereon. The said sums making up the said total of 2,990£.2s.8½d are hereby to be remised, released and for ever quite claimed in consideration of the steadfast loyalty of said Kirkby and his relations and particularly of the many good and faithful services of said William and Richard, and also of the poverty and low estate of said William **and his utter inability to satisfy said balances and also in regard the said William** only tooke the **said receipt** under and by direction of the said Richard, although his name was inserted in the commission for the same.

This release is not to discharge the 3001. which in the said account of the One Month's and the Eleven Month's Assessments is set in super upon William Werden, gent., chief collector of said assessments for the hundred of Amounderness in said county.

[King's Warrant Book XII p34-37] (PRO Piece Ref T52/12)

Mr Kirkby Receiver of diverse Taxes in Lancaster Discharge of Supers amounting to 2990l:2s:8½d.
James R

Our Will & pleasure is that you prepare a Bill for our Royal Signature to pass our Privy Seale in these words or to this effect.

James the Second to the Commissioner of Our Treasury, Chancellor, Under Treasurer, Barons and all other Officers & Ministers of Our Exchequer now being, and to the Treasurer or Commissioner of the Treasury, Chancellor, Under Treasurer, Barons and all other Officers & Ministers of us Our heires & --- of or belonging to the Exchequer for the time being and to all others whom these presents shall or may concern Greetings Whereas Our Trusty & welbeloved Subject William Kirkby Esqr was appointed

DIGEST OF KIRKBY REFERENCES

Receiver General of all the moneys arising in the County of Lancaster of the Tax or Assessment for 24 Months beginning the 25th day of December 1665 and ended the 25th day of December 1667 granted to Our dearest Brother King Charles the Second of blessed memory, by an Act of Parliament for a Royal Ayde which was to be raised in the Space of three years: and alsoe of all the moneys arising in the County aforesaid of another Tax or Assessment for Twenty four Months beginning the said 25th day of December 1665 and ended the said 25th day of December 1667 granted to Our said Dearest Brother by an Act of Parliament for a further Supply. And he the said William Kirkby together with Richard Kirkby Esqr (who is since deceased) by their Obligation bearing date the 3rd day of April 1666, became bound to Our said dearest Brother in the personall sume of ten thousand Six hundred & ten pounds with Condiçion that he the said Wm Kirkby should well & truly answer & pay into the Receipt of the Exchequer the moneys which he or any other person by his appointment should receive by vertue of his Receivership & account for the same and further to doe or performe as in the Condiçion of the said Obligation is expressed, And upon an Account rendred by the said Wm Kirkby in Our Court of Exchequer of the said -- -- of the Royal Ayde and for the said addiçionall Supply whereof he was made Receiver as aforesaid in the said County of Lancaster he the said William Kirkby doth remayne indebted to Us for the Same, the Sume of 951l:14s:1d And whereas the said William Kirkby was also appointed Receiver Generall of all the moneys arising in the said County of Lancaster which were granted to our said Royal Brother by an Act of Parliament Entituled An Act for granting One Monthly assessment to his Ma^{ty}. And alsoe of all the moneys arising in the County aforesaid of another Tax or Assessment granted to Our said Royal Brother by an Act of Parliament for Eleaven Monthly which began on the 26th day of January 1667. And to the said Wm Kirkby together with the said Richard Kirkby by their Obligaçon Bearing date the 18th day of January 1667 became bound to Our said Royal Brother in the personall sume of 10000l with Condiçion that he the said Wm Kirkby should well & truly answer & pay into the Receipt of the Exchequer the moneys which he or any person by his appointment should receive of the said One & Eleaven Months Assessments as alsoe of all other moneys whatsoever granted to Our said dearest Brother by any Act or Acts of the then present Parliament and should account for the same, and further to doe & performe as in and by the Condiçion of the last recited obligaçon is prescribed & mençoned, And by an account rendered by the said Wm Kirkby in Our Court of the Exchequer of the said One & eleaven months Assessment whereof he was Receiver in the County of Lancaster as after he the said Wm Kirkby doth remayne Indebted to Us for the Same the Sume of 1846l:1s:5½d And whereas the said Wm Kirkby was likewise appointed Receiver Generall of all the moneys Taxed & Assessed in the said County of Lancaster for the poll & otherwise by vertue of an Act in the Parliament which was ----- & ----- --- Westminster the 8th day of May in the 13 yeare of the Reigne of Our Royal Brother and by diverse prorogaçons continued to the 18th day of September in the 18 yeare of his Reigne ----- An Act for raying money by a Poll & otherwise towards the Maintenance of the present Warre. And by an Account rendered by the said Wm Kirkby in Our Court of Exchequer of the moneys arising by the said Poll & otherwise by Vertue of the last mençoned Act of Parliament in the County aforesaid he the said Wm Kirkby doth remayne Indebted to Us for the Same the Sume of 192l:7s:2d. Which said all Sumes Soe remaining due to Us from the said Wm Kirkby upon the three Accounts rendered by him as aforesaid doe amount to the Sume of 2990l:2s:8½d besides the Interest or Damages due for the same. NOW KNOW YE that Wee in Consideraçon of the Stedfast Loyalty manifested by the said Wm Kirkby and by his Relaçons and particularly in respect of the many good & faithful Services performed to the Crowne by his Brother the said Richard Kirkby done in the quality of a Collonell & otherwise during th eUnnatural Rebellion against Our Royal ffather & Brother of blessed memory and afterwards, and alsoe in Cosideraçon of the Poverty and low Estate of the said Wm Kirkby whereby (as We are informed) he is utterly unable to satisfy to Us the moneys by him owing as aforesaid. And in regard the said William Kirkby (as We are given to Understand) did take ---- him and act in the ----- of the Taxes & assessments abovementioned by the Direçon of the said Richard Kirkby and only under him although th ename of the said Wm Kirkby was inserted in the Comissions for the same, and was at great charge in the Carryage of a great parte of the moneys of the said Taxes and ----- a Considerable Losse in returning some ---- thereof, and for other good causes & Consideraçons Us hereunto moving have remised Released and for ever quit claymed and doe by these presents for Us Our heires & ----- ~~freely & absolutely~~ of Our especial grace certaine knowledge & ----- ----- freely clearly and absolutely remise release & for ever quite clayme

DIGEST OF KIRKBY REFERENCES

unto the said Wm Kirkby his heires Executors Administrators & assigns the said ----- debts or Sumes of 951l:14s:1d – 1846:1:5½ and 192:7:2 Amounting in the whole to 2990l:2s:8½d So remaining and to Us from the said Wm Kirkby as aforesaid and all Interest & Damages that shall may or might be demanded or recovered for the same or any parte thereof and all & only Sume & Sumes of money whatsoever due or owing unto Us from him the said Wm Kirkby for the last 24 months Assessment of the Royal Ayde or for the said further Supply, One Month Assessment, Eleaven Month Assessment or upon the said Poll Act whereof he was Receiver as aforesaid in the said County of Lancaster. And We doe hereby acquit release & discharge him the said William Kirkby his heires Executors & Administrators & the heires Executors & Administrators of the said Richard Kirkby ----- and their ----- & respective Lands goods & Chattells of and from the said resiled obligations and all other Obligations & Securitys whatsoever wherein they the said Wm Kirkby and Richard Kirkby joyntly or individually doe or did stand bound to Our said dearest Brother or Our Selfe for the said Assessments or Taxes whereof the said Wm Kirkby was the Receiver as aforesaid And of & from all ----- Seizures, -----, Process, troubles & demands whatsoever for or concerning the same or any parte thereof. And We doe hereby for Us, Our heires & ----- direct authorize & require You & every of You in Your respective ----- & ----- at the lawfull & reasonable request & requests of ye said Wm Kirkby his heires Executors & Assignes to doe & performe from time to time such further Acts ----- or things as shall or may be requisite for or in Order to the full & effectual discharging of him & them and of their Obligacons & Securitys before menconed & any of them according to Our true intent & meaning in these presents by delivering up & cancelling of the said Obligacons or Securitys or by such other lawful ----- & ----- as shall be reasonably desired in ---- -----.

And to take care that no further process be issued or madeforthunto the said Obligacons or Accounts or any of them for any the ----- in the said Obligacons ----- or for any the same or Sumes of money hereby released or ----- to be released in any manner of wise. PROVIDED alwise and Our Pleasure is that these presents or any thing herein contained shall not be taken or ----- to Release or discharge the Sume of 300l or any parte thereof which in & by the said Account of the One month & 11 months Assessments was Sett in Super upon One William Werden Gent Chief Collector of the said Eleaven Months Assessment for the hundred of Amounderness in the County aforesaid Any thing herein before --- ----- to the contrary Notwithstanding. And these Our ----- of Privy Seale or the Entry or ----- thereof shall be to you and any of you a Sufficient Warrant & discharge in this behalfe Given Us And for soe doing this shall be Your Warrant

Given at Our Court at Whitehall the first day of February 1686. In the Second Yeare of Our Reigne
To the Clerke of the Signet attending By his Maj^y Command
Godolphin, Dover, etc.

Westmorland and Cumberland Nicolson & Burn Vol 1 p167

1687

William and his nephew Roger Kirkby as justices of the peace attended an interrogatory held by the Lord Lieutenant, Lord Mollineux and answered affirmatively these three questions:-

- (1) Do you think the penal laws and test should be taken off?
- (2) Will you assist in this?
- (3) Support the King's declaration of liberty of conscience.

(This answer would have pleased the King, James IInd who as a practising catholic was trying to make things easier for his co-religionists, whose debarment from public office would have been removed by the repeal of the Penal Laws. Only in Lancashire where catholicism was still prevalent was there any support for the repeal; the unpopularity of the proposal persuaded James not to pursue it.).

Despite, or perhaps in spite, of giving the answer the King wanted William was put out (ie. Sacked from the commission of the Peace in the same year (Rydal MSS).

**Calendar of State Papers (Treasury) Vol VIII Pt IV
Headed "Not of the Nature of Treasury Minutes"**

22 Nov 1687

P1616. Treasury reference to the Customs Commissioners of the petition of Mary Kirkby to the King shewing that Father Gifford [sic? For petitioner] in the time of the pretended Popish Plot sheltered one Father Gifford for 2 years. Whereof petitioner and her husband were prosecuted, and her husband was kept prisoner for 18 months and tried for his life but escaped execution, but soon after died. Leaving petitioner kelpless with seven children. Further that her husband's father served Charles I and lost £800 p.a. and had 3 children killed in the King's service: Therefore petitioner prays a Land Waiters place in London for her son Thomas Kirkby.

Is this one of ours?

CWNS 72 (CWAAS Transactions New Series Vol 38) p.302

William Kirkby Esq commits £2 to the erection of a chapel at Whitehaven where he is listed as resident.

Calendar of State Papers (Treasury) Vol VIII Pt IV

p1792. Treasury warrant to Customs Commissioners to employ Roger Kirkby (William's son) as surveyor, waiter and searcher in Bridgewater port loco Bazill Hill lately dismissed for fraud.

{Out Letters (Customs) XI p117-124}

Calendar of State Papers (Treasury) Vol VIII Pt IV

[There are a number of interesting references to Thomas Preston, Lord Carington and Richard Walmsley to do with the ownership and transfer of the Preston and Furness Abbey estates, including Hart Mill (Gleaston), Sea Mill in Muckland and parts of Kirkby in Furness.]

[There is also mention of a widow, Joanne Kirkby, with tenure in a house and garden in land called Paradise in Bermondsey and Rotherhithe.]

15 Jan 1689

p2152. Treasury reference to the Customs Commissioners of the petition of William Kirkby Esq, for the office of Customer of Chester port lately given by the King to William Molineaux eldest son to Lord Molineaux who being a papist is unqualified to hold the same; petitioner having served as a Surveyor General of the Customs in both England and Ireland.

[Reference Book V p328]

(Reference to Ireland may explain occupation in late sixteen fifties).

**Calendar of State Papers (Treasury) Vol IX Pt I
Headed 'Not of the Nature of Treasury Minutes'**

20 April 1689

p87. Treasury reference to the Customs Commissioners of the following petitions, viz. Of Customs officers for the renewal of their patents [which being only during pleasure expired with the accession of William III] or of applicants for places in the Customs, viz: - there follows a long list in which is included – "Edward Kirkby for a Land Waiters place, Stockton."

[Reference Book VI p2-5]

23 April 1689

p90. Treasury reference to the Customs Commissioners of the following petitions concerning Customs places, viz: - there follows a long list in which is included – "William Kirkby for a Surveyor General's place, London."

[Reference Book VI p6-12, 15, 28]

14 Nov 1689

p302. Treasury reference to the Customs Commissioners of the petition of Francis Kirby for the office of Surveyor of Lynn Regis port, which is likely to be vacant.

[Reference Book VI p104]

**Calendar of State Papers (Treasury) Vol IX Pt II
Headed 'Not of the Nature of Treasury Minutes'**

6 Feb 1689-90

p490. Treasury Warrant to the Customs Commissioners to appoint Edward Kirkby as Riding Officers for the guard of the coasts and the several roads from thence to London; as a trial for some time; to be paid by incidents at the rate of 50£ p.a. [each] and to be established if found to be of service.
[Out Letters (Customs) XII p112-113]

11 March 1689-90

p534. Treasury Warrant to the Customs Commissioners to employ Francis Kirkby as Surveyor of Lynn port loco Lancelot Whitehall lately dismissed.
[Out Letters (Customs) XII p132, 135-136]

p553. Treasury Warrant to the Customs Commissioners to employ Hugh Hunter as waiter and Searcher at the Pile of Fowdray in Lancaster port loco Robert Kirkby, dismissed.
[Out Letters (Customs) XII p138]

**Calendar of State Papers (Treasury) Vol IX Pt V
Headed 'Not of the Nature of Treasury Minutes'**

23 Nov 1689

p2013. Entry of a Treasury caveat for Viscount Brandon as to any award of the said office of Auditor of Wales, for which Roger Kirby has the King's promise. Notice to be given to "him" at Gerrard House.
[Caveat Book p9]

Daniel Fleming Acc. Book p.51

6 Oct 1690

"spent at Hawks head with my cousin Will Kirkby and ye rest of ye poll commissioners 00-01-00"

**Calendar of State Papers (Treasury) Vol IX Pt III
Headed 'Not of the Nature of Treasury Minutes'**

16 Dec 1690

p930. Treasury warrant to Custom commissioners to issue deputations to the officers named in the following schedule to continue in their respective places, according to the said Commissioners memorial of the 5th instant, in which they presented the said officers as follows as fit to have their deputations renewed and so to continue in their employment at the established and additional salaries as therein - Inter alia:-William Kirkby riding surveyor for the coast of Lancaster £50 p.a., and £50 more, his district being enlarged.
[Out Letters (Customs) VII p246-263]

D Fleming Acc Book p.95

2 May 1692

Spent at Hawkshead with my cousin Will Kirkby and ye rest of ye poll commissioners 00-01-00

**W.K. to Lancaster prison
Fieldhouse/BRO**

11 Nov 1692

Com: Lane

I send you herewithal the body of Henry Ellelson Hammerman for that he is vehemently suspected for stealing severall ends or bars of iron out of the forge in Ulpha belonging to Joseph Huddleston of Millom Castle in the county of Cumberland Esq., behaviour towards their majesties and all their liege people and to appear at the next assize to be held for this County of Lancaster straightly charging and commanding you in their Majesties names to receive him the said Henry Ellelson in safe custody and him safely to keep

DIGEST OF KIRKBY REFERENCES

until he shall find sufficient sureties as aforesaid or otherwise be discharged by due course of law, given under my hand and seal at Ashsack (sic) this eleventh of November Ann: R.R Gulio and Maria Regis et Regine Angl. Le. Quarto Anno Dom 1692

*William Kirkby
To the Honourable Keeper
Of their Maj^{ties} Gaol
at Lancaster and to
The Constables of Kirby
Ireleth there*

Calendar of State Papers (Treasury) Vol X Pt 1 Headed 'Not of the Nature of Treasury Minutes'

27 Feb 1692-3

p69. Henry Guy to Mr Blathwaite, enclosing the petition of Col. Kirkby, Governor of Chester, praying th establishment for him of the like allowances as Sir John Morgan, the late Governor there, had. Please prepare a Royal Warrant to be signed by the King for this.

Appendix: Note only of said petition

[Out Letters (General) XIV p10]

3 April 1693

p142-143. Treasury reference to the Customs Commissioners of the petition of Francis Metcalfe for the place of surveyor of Lynn port loco Francis Kirkby, dismissed.

[Reference Book VI p461]

William Gilpin to Sir John Lowther of Whitehaven Letter 15 correspondence of Sir JL above

17 May 1693

Whitehaven 17 May 1693

"Sir, This week Mr [William] Kirkby has been in town and proposed that the custom house offices might form the blockmaker's shop at the peer and for a watch house and that you would build them a new custom house at the peer....."

See saga of the Custom's house. Valuable because with W.K. is the executive decision, and he gets his way.

N.B. Sir John Lowther was the son of Sir Christopher Lowther and William K's first cousin.

Calendar of State Papers (Treasury) Vol X Pt 1 Headed 'Not of the Nature of Treasury Minutes'

19 May 1693

p208. Treasury Warrant to the Customs Commissioners to permit Jacob Bury as surveyor of Lynn Regis port loco Francis Kirkby.

[Out Letters (Customs) XIII p48-49]

Richard Senhouse to William Gilpin Correspondence of Sir J.L letter 84

9 January 1694

William Kirkby and his officers at Customs in Whitehaven support protestant faction in location of school.

Calendar of Treasury Papers 1557-1696 Vol XXVI 1694 Jan – 6 March p341 Ref 19

26 Jan 1694

DIGEST OF KIRKBY REFERENCES

Report of the Commissioners of Customs to the Lords of the Treasury on seizure of French goods recently made by Mr Kirkby at Rottingdean in Sussex and on their value as exhibited in the Court of Exchequer at £3322-16s-9½d.

Calendar of State Papers (Treasury) Vol X Pt 1 Headed 'Not of the Nature of Treasury Minutes'

17 Jan 1693-4

p456. Henry Guy to the Customs Commissioners. Send my Lords a state of the seizure of French goods lately made by Mr Kirkby at Rotterdam (Rottingdean) in Sussex and of their value.
[Out Letters (General) XIV p185]

Calendar of State Papers (Treasury) Vol X Pt II Headed 'Not of the Nature of Treasury Minutes'

4 April 1694

p566. Royal sign manual for 1300£ to Henry Pelham as reward for his constant care and endeavours to prevent all commerce and correspondence with France from the coast of Sussex and particularly in securing a late great seizure of French goods (made by --- Kirby a custom official) from being embezzled: The present sum to be recovered out of the King's share of 'the said seizures' (Money Warrant dated April 5 hereon) (Money Order Dated April 6 hereon).
[King's Warrant Book XVII p399, Money Book XII p204, Order Book IV p79]

22 April 1694

p746. Entry of Treasury caveat in behalf of William Powell and Edmond Kirby against any pardon to (amongst divers other[s] Frenchmen) John Thorpe of Canterbury, Peter Barilleau, merchant, John & William Garland, John Burton and Thomas Greenfield; informations being entered against them all by the said Powell and Kirby and trials had last term against Barilleau and Thorpe and they found guilty. Notice to be given to Mr Edward North at his house in Coleman Street by the Church.
[Caveat Book p38-39]

19 July 1694

p709. Henry Guy to the Auditor of the Receipt to issue as follows out of [any] disposable moneys in the Exchequer, viz:
to Thomas Kerby for taking a thief £10 – and four other items not related.

27 July 1694

p722. Money Warrant for £10 to Thomas Kerby, Nicholas Salter, Abraham Brydar, without account; in reward (under the Royal Proclamation of 1690 Oct 30) for apprehending and convicting John Barber for felony and burglary committed by him together with John Pitford, William Jones and John Andrews in the house of said Salter at Stoke Poges in Bucks. (Money Order dated July 30 hereon).

23 Jan 1694-5

p889. Treasury reference to the Customs Commissioners of the petition of John Penfold shewing that he discovered [? Uncustomed goods etc, or wool] to Edward Kirkby, then the riding surveyor of Lewes in Sussex, who seized the same "and were sold for near 4000£" and the said Penfold (sic for Kirby) promised him half of what should come to him and to conceal his name; instead whereof he has left the employment and discovered petitioner in the country, whereby he is ruined and never paid him but 25£: Therefore praying consideration of his petition.
[Reference Book VII p76]

Calendar of Treasury Papers 1557-1696 Vol XXXII 1695 Jan – April p429 Ref 41

1 March 1695

Report of the Commissioners of Customs to the Lords of the Treasury on William Kirkby's petition stating that they see no reason why he should not be restored to his former salary of £150 pa and daily travelling expenses of 15/-.
Minuted - Agreed

William Gilpin to Sir John Lowther

1 June 1695

207, correspondence of Sir JL

Whitehaven

“..... you once directed me to inform you of impending customs vacancies. Robert Eden a landwaiter has been suspended for chronic drunkenness and (William) Kirkby has sought, or will seek his removal.”

Calendar of State Papers (Treasury) Vol 10 Pt 2

23 Jan 1695

p889. Treasury reference to custom commissioners of the petition of William Kirkby shewing that in 1672 he was appointed superintendent of customs in the Northern Coasts [of England] and borders of Scotland at £150 p.a. with 15s per day riding *charges*, that in James II's reign he was without cause reduced to £100 p.a. and 13/4d per day *riding charges*. Therefore praying to be restored to his former allowance. [Reference Book VII p76]

15 March 1695

p951-952. Treasury warrant to Customs Commissioners to insert in the Establishment the former allowance *of £150 p.a.* for William Kirkby and also to allow him 15s per day for such days as he shall be actually travelling and 13/4d per day for such days as he is resident in a port that he shall be sent to visit: he being an officer of long standing and good experience and having served in the nature of a general surveyor is visiting the coast of Lancashire Westmorland and Cumberland: his salary having been reduced to £100 owing to *the* several alterations in the management of the Customs which have sometimes reduced and sometimes enlarged his station and charge, but he being now charged with his first whole district as above.

[Out Letters (Customs) XIII p154-155]

**John Gale to Sir John Lowther of Whitehaven
Letter 321 correspondence of Sir JL**

25 August 1695

"... there is great fewed amongst the Custome officers at Liverpool, whereof the Commissiones have this post sent Mr Kerby an account and ordered him to repair to that place and send them upp an exact state of the matter."

**Calendar of State Papers (Treasury) Vol X Pt 3
Headed "Not of the Nature of Treasury Minutes"**

19 Sept 1695

P1208-1209. Treasury Warrant to Principle Commissioner for Prizes to employ Christopher Kerby as Joint Agent for Prizes with Martin Westcombe Esq in the Port of Cadiz 'but without any increase of charges to His Majesty'

[Out Letters (Customs) XIII p208. Warrants not Relating to Money XV p32]

One of ours?

**Gilpin to Sir John Lowther
Letter 360 Correspondence of Sir J.L.**

11 November 1695

"..... Mr [William] Kirkby was gone to Liverpool when your letter to him came to my hand. I sent it after him at the first opportunity."

**Gilpin to Sr. J Lowther
Letter 326. Correspondence.**

23 Dec 1696

Whitehaven

"Sir, The post has been so unpunctual this winter that we have seldom been able to reply by the next. (William) Kirkby intends to complain to the commissioners of the letter office and seeks your support. I

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formerly urge you to obtain three posts a week for us etc”

See complete letter for detail on how the postal service worked.

Ct Book Broughton-in-Furness

W.K. excused attendance at Manorial Court.

Gilpin to Sir John Lowther
Letter 331 correspondence of Sr JL

6 Jan 1697

Whitehaven 6 Jan 1696/7

“..... and they (the present traders) hope that the pains you have taken in this matter (fees of the port) formerly will smoothe the way in the applications they are now resolved to make. They intend the next post to make their requests to you themselves and you will this post receive from Mr Kirkby a copy of some of the articles they have exhibited to the commissioners.

Gilpin to Lowther
Letter 338

3 Feb 1696/7

Whitehaven, 3 Feb 1696/7

"....I hinted to (William) Kirkby that Bransty might be more suitable for his nephew's (salt) project at the piel, but he will not propose it, having a poor opinion of the colonel's management".
[Col Roger Kirkby M.P. was William's nephew].

Sir John Lowther to Lord Lonsdale
381 Correspondence of Sir J.L.

17 July 1697

London

I did not answer yours of the 3rd hoping before your return from Workington you would have seen Whitehaven as Cousen W.K. informed me you designed, and would have been a great countenance to my affairs there.

(NB Lord Lonsdale was the son of W.K.'s first cousin).

Gilpin to Sir John Lowther
Letter 402

12 Sept 1697

Whitehaven

“At this time I have nothing to acquaint you with but the death of Mr (William) Kirkby (our Surveyor General) which happened at this town on Friday last of a short illness. He had contracted it at Newcastle but it did not hinder business, nor his going abroad, nor did he apprehend any hazard until Thursday. And then he thought of settling his affairs but his distemper increesed upon him so fast that nothing got done. They bury him here tomorrow.”

(Goes on to ask for Sir J's patronage to get WK's job.)

Sir Daniel Flemings Accs p.332

14 Sept 1697

"My cousin Will Kirkby (son of my uncle Roger Kirkby) dyed at Whitehaven of a short sickness Sept 10 and was buried there Sept 13 leaving a widow and many children".

Lowther to Gilpin

18 Sept 1697

Letter 403

"...The death of my cousin W.K. is a great trouble to me. He was an approved good officer and one who wisht wel to al my concerns. His post no doubt, if it be continued, wil be supplied by some known officer and if it make a vacancy in any patent office I shal not be wanting in what I can doe".

**Lowther to Lonsdale
Letter 405****21 Sept 1697***London**To Lord Lonsdale*

I hear Mr G[ilpin] has been lately to wait upon you at L[owther] where I doubt not but you would enquire of him how matters went at W[hitehaven] and, if anything was material, acquaint me. I know not whether any discourse might fal from him of the nature of the inclosed, the occasion might then be wanting, but upon Cou[sin] Kirkby's death I have received this which shews som uneasyness either from the trouble his business gives him or from not having his expectation answered, which I was once in hopes to have done, Lord G. having promised me the reversion of the customer's place but prevented by Lord S's interposition for Mr Crofts, my Lord Essex's his steward. I hope it is only to quicken me, which needs not where I have power, Carleton, Addison, Brabant, W. K[irkby's] son. I confes I doe not think he has very much ground of complaint for the peace affords advantages even in the way of his profession equal with what any other part of the country has. His brother [Matthew] Partis at Cockermonth and his own brother bred to trade and now settled there, affords him opportunities of partnerships which Mr Add[ison] has often repented his quitting and gives the instance of his servant Blaylock who has made greater improvement there than he has done here. (sent)

**John Gale to Lowther
Letter 407**

Sir, I have your commands of the 21th instant. As for the 16 inch seam wee mett with in Flatt Field, it is a new thing, alltogether untouched, or a large extent, and lyeth very true. Wee have pricked it twice, and are confident it will be a good direction, and assistant, to finde whatever is better in that field, but the 2 foot seam is intyrelly wrought out. It lyeth 8 fath. above the other, and had isshue into Bransty gill, but lay very true, as wee doubt not but the other seam will doe the like; and consequently, whatever wee may hereafter find, on the north side of the north dyke. Madam Kir[k]by has writt to Mr Roger Kir[k]by (as I remember) at Kingsayle, acquainting him of the death of his father, but whether to any other purpose, I know not. Col. Kir[k]by was here at the interment, and told me he had writt to severall great persons in Mr Roger's behalfe. I have other reasons that shew the desire of all his relations that he succeed his father. He is a young gentleman very becoming the son of such a father, very ingenious, discreet and sober, and without doubt well acquainted with Custom-house affaires. His first education was in this office for a year or two and about eight yeares agoe he went for Ireland and surveyor at Drogheda, next at Waterford and now as I hear, at Kingsayle, where he behaves himselfe soe as to meritt the esteem of all persons. But I forgett to tell you, that between the time of his being here and his going to Ireland, he was some yeares at Bridgewater, where he served the King in the same capacitty. If the Commissioners think fitt to appoynt a successor to your Cousin Kir[k]by, they canot elect a propperer person. The son best knows the father's business, and, I am confident will better take upp what his father left unperfected. Some informations and accounts there were, which whether the old gentleman lived to make report off I cannot tell, but sure I am, he shewed me an amazing paper on the Munday before he dyed, expressing great grief that he could not make soe full a discovery into the fraud of some persons as he desired, and when Madam Kir[k]by went hence, I gave her a caution to be very carefull of that paper least the Commissioners might make inquiry for it, for some report Mr Kir[k]by might have made them thereof and if soe, Mr Roger will be the fittest person to expound it. For indeed, sir, it contained abundance of informations of very great frauds, and intollerable practices. Besides Mr Roger is well acquainted with all this coast, as it behooves the person to be, that inspects the traffique of the northern ports. My last

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acquainted you of the safe arrivall of my son John who would gladly accept of any propper office in the King's service either in this kingdome or in Ireland. His qualifications and principles are such as render him very fitt to serve the King, if the Commissioners were well informed of him John Gale
[PS] *If the Commissioners doe not think fitt to remove Mr Roger Kirkby hether all people here think Mr Matthias Miller best acquainted with Mr Kir[k]by's bussiness, though I know not whether he has any thoughts of that matter.*

Calendar of State Papers (Treasury) Vol XII

22 Sept 1697

Treasury warrant to Custom Commissioners to employ James Strangways (riding surveyor at Liverpool and for the coast of Lancashire) as riding surveyor of the **counties of Lancaster**, Westmorland and Cumberland loco William Kirkby deceased.

[Out Letters (Customs) XIII p374]

Broughton-in-Furness Court book Barrow PRO

15 October 1697

"whereupon [we find] that William Kirkby Esq is dead and Roger Kirkby his eldest son and heir to four tenements and parcels of ground at Ashlack and Knittleton whereof the said William died customary tenant

Rent £2-5-2d"

Gale to Lowther Letter 420 Correspondence of Sir JL

14 November 1697

"...My last related to my son John, humbly praying your recommendation of him to the commissioners of the customes for Mr Bantye's post at Workington where an honest diligent officer is absolutely necessary especially that he be acquainted thence to the coast of Carlisle. When Mr [William] Kirkby was alive, he was pleased to write to Mr Sansun the younger to solícite in my son's behalf upon promiss of gratuity. Mr Strangways has lately don the like to the same person, who I understand wants noe opportunity of doeing business with the commissioners

John Gale

Rental Booke p.83 (Broughton) Barrow PRO

3 Feb 1698

Ashlack & Knittleton

William Kirkby gent holdeth [several] tenements and parcels of land that by deed from his brother Roger Kirkby gent of the yearly rent of
- in all - 02-05-02 £45-03s-04d
[-----] by [-----] from the Lord hereof (?) [-----]my
[-----] dated Feb 3 (98)

This represents the finable rent being 20 times the ancient customary rent payable to the lord of the manor on the transfer of the customary tenancy.

Court book Broughton Barrow PRO

10 June 1698

"we find a deed good from Roger Kirkby gent to William Kirkby his brother of the tenements at Ashlack the tenements at Knittleton with several other [parcels of land] in deed mentioned rent two pounds five shillings and two pence or thereabouts."

Calendar of Treasury Books 1698-1699 Vol XIV

p362

23 May 1699

Treasury reference to Warden of the Mint of Roger Kirkby's petition shewing that by order of the Lord Justices of England he erected the mint in Chester Castle and was put to a great deal of trouble and prays favour.

Calendar of Treasury Papers 1697-1701/2 Vol LXII 1699 June – July

Ref 58

22 July 1699

Report of the Chief Officers of the Mint to the Lords of the Treasury on the memorial of Col Roger Kirkby, Governor of Chester Castle. All that he had said in it was true. The King paid £50 pa for similar work at York mint and by their Lordship's direction 200 Guineas was given to the 'Four general importers' at Bristol, Exeter, Norwich and York. Recommend the said Governor for proportionable recompense. Also a memorial and copy letter from the Lord Justices to the said Colonel re setting up the mint dated 21/07/1696.

A warrant for £200 for his service there and the damage he sustained 22/7/1699.

Calendar of Treasury Papers Vol XV 1699-1700

p165

22 Sept 1699

Treasury warrant to Thomas Neale, Master and Worker of the Mint, to pay £200 to Colonel Roger Kirkby, Governor of Chester Castle for his service in recoining the clipped money in the mint in the Castle and in recompense for all the rooms set aside for the Mint.

p102

25 June 1700

Petition of Colonel Roger Kirkby of Chester Castle asking for his reduced salary to be increased and his garrison to be put on the same footing as others.

Answer: The establishment is settled

Calendar of Treasury Papers Vol XVI 1700–1701

p324

23 July 1701

Letter for £54 – 13s – 9d to the paymaster of the Works for Colonel Roger Kirkby of Chester Castle for repairs there.

(Disposition Book Vol XV p298)

Calendar of Treasury Papers Vol XVII Pt 2 1702

p1184

Army debt at the death of William III

To Colonel Roger Kirkby late Governor of Chester Castle on his extraordinary allowance of 13/4d a day granted by the late Queen Mary's warrant 24/04/1693 from 09/02/1693 to 01/04/1694 as certified by the Earl of Ranelagh £277 – 6 – 8d

Calendar of Treasury Papers Vol XIX Jan 1704–Mar 1705

p209

27 April 1704

Treasury reference to the Navy Commissioners of the petition of Elizabeth Kirkby sister of Captain Richard Kirkby "who unfortunately suffered by a warrant of execution at Plymouth 1703 April 16" praying payment of £185 – 12 – 6d due to him for bounty money

(Reference Book VIII p99)

p245

24 May 1704

William Lowndes to the Navy Commissioners to assign payment of £151 – 2 – 6d to the executors of Captain Richard Kirkby (Executed at Plymouth) remaining to him on account of half pay 24/08/1698 – 30/09/1699. The stop on the said half pay on his execution being now removed.

(Disposition Book XVII p94)

DIGEST OF KIRKBY REFERENCES