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UC:P15 The Living of Melsonby, Yorkshire, 1572-1935

Melsonby is a village in North Yorkshire. Although the place itself is small, it is well situated, being very near the Great North Road (now the A1) and the market town of Richmond. Its living was purchased by the College in 1692. The reason for its purchase is almost certainly thanks to the initiative of one of its senior Fellows, William Smith, who was born in the neighbouring village of Easby, and who would become the College's first nominee to the living in 1704.

Melsonby was the third living acquired by the College after Arncliffe and Flamstead, but it differs from them in two important particulars. Not only did the College purchase this living, whereas the other two had been donations to the College, but whereas the College chose to appropriate the livings of Arncliffe and Flamstead, so that they could receive an income from their tithes, the living of Melsonby remains unappropriated, so that all profits from it went directly to the incumbent. This would set a precedent for all later livings acquired by the College.

The purchase of the living was not wholly straightforward. As explained in **UC:E15/D1/19** below, it had been owned by the Stapylton and Digby families, with the right to make alternate presentations. Both families were attained after the rebellion of the 1570, and the whole was forfeit to the Crown. As will become clear from the deeds in **UC:E15/D1** below, attempts were made to unite the two moieties of the advowson in the seventeenth century by Nathaniel Hawkesworth, who was Rector there from 1633–71, but at the end of Hawkesworth's life he was still unsure whether he had secured a full title to the whole living. Nevertheless he bequeathed it to his granddaughter Elizabeth Spooner, who in turn sold it to University College. In spite of some concerns about the title at the time of the sale, and an unsuccessful attempt to prevent the College making its first nomination in 1704, the College's right to the title has in fact never been properly questioned.

These are the incumbents of Melsonby from Nicholas Hawkesworth until 1960, with details given for those who were former members of University College:

1633–71	Nathaniel Hawkesworth
1671–1704	Loftus Squire
1704–35	William Smith (matr. Univ. 1668; Fellow 1675–1705)
1736–87	Thomas Kaye (matr. Univ. 1722; Fellow 1729–37; Rector of Arncliffe 1733–6)
1787–1816	Samuel Swire (matr. Univ. 1757; Fellow 1766–88)
1816–52	James Barmby (matr Univ. 1791; Fellow 1799–1817)
1852–1906	Henry Ellison (matr. Univ. 1838; Fellow 1843–53]
1907–9	Cecil Manley Hawker (matr. Univ. 1879)
1909–41	John Vincent Bullard (matr. Univ. 1888; Vicar of Flamstead, 1897–1909)
1942–9	Richard Knyvet Wimbush
1949–55	Justice Frank Southam
1955–60	Martin J. Ellingson

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1960– Jonathan Brown

The papers in this collection were all found during the stocktaking of 1993. However, in addition to this material, William Smith's transcripts relating to Melsonby (in UC:AR2/MS1/6 pp. 17–129) include several miscellaneous notes on the living which he acquired from other sources, and an account of the money he spent on repairs to the rectory of Melsonby.

Apart from deeds relating to the acquisition of the living, the most important documents in this collection are the various items of correspondence between the College and various incumbents of the parish.

Catalogued in December 2011.

UC:E15/D1 - DEEDS AND RELATED PAPERS ABOUT THE EARLY HISTORY OF THE ADVOWSON AND ITS PURCHASE BY UNIVERSITY COLLEGE

UC:E15/D1/1**13 May 14 Eliz I (1572)**

Copy (16th cent.?) of Bargain and Sale

Parties:

1. Ambrose, Earl of Warwick.
2. William Knipe of Cawpnall, Lancs., Clothier.

Property: The advowson of the rectory of Melsonby, Yorks.

Consideration: An unspecified sum.

Comments: 1 grants the above property to 2. It had been granted to 2 by the Queen on 23 Feb 13 Eliz I (1570/1).

Language: Latin.

[Original reference Pyx k fasc. 1 no. 1a]

UC:E15/D1/2**30 Sep 24 Eliz I (1582)**

Bond

Parties:

1. Richard Chrofton of Egelston, Durham, Yeoman.
2. Roger Cholmley of Roxbie, Yorks., esq.

Comments: 1 is bound to 2 for £50. On 31 May 1566, Sir Richard Stapleton had granted to John Corre, clerk, Clement Monke, clerk, Goerge Elseye of Horncastle, Mercer, and John Langton, gent., the advowson of Melsonby, and on 1 Jan 1581/2 Monk and Elseye granted the advowson to 1. 1 has now sold the advowson to 2, and is bound to 2 to defend him against any claims made on the property.

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[Original reference Pyx k fasc. 1 no. 1b]

UC:E15/D1/3**31 Aug 28 Eliz I (1586)**

Bargain and Sale

Parties:

1. Roger Cholmeleye of Kyrkbymoresyde, Yorks., Esq.
2. Antony Foster and George Maddocke of Kyrkbymoreside, Yorks., gents.

Property: The Advowson of Melsonby.

Comments: On 31 May 1566, Sir Richard Stapleton had granted to John Corre, Clerk, Clement Monke, Clerk, George Elseye of Horncastle, mercer, and John Langton of Carletone, gent., the next two presentations to Melsonby. Then on 1 Jan 1581/2 Clement Monke and George Elseye presented their rights to the advowson to Richard Crofton, who on 30 Sep 1582 sold it to 1. 1 now passes on his rights to the advowson to 2.

Language: Latin

[Original reference Pyx k fasc. 1 no. 2a]

UC:E15/D1/4**10 Nov 1608**

Note of an agreement that Samuel Knipe and his brothers shall make a sufficient assurance of the moiety of the advowson of Melsonby to Richard Theakston that they will take turns in presenting rectors to the living.

[Original reference Pyx k fasc. 1 no. 3]

UC:E15/D1/5**30 Apr 7 Ja 1 (1609)**

Articles of Agreement

Parties:

1. Samuell Knipe of Fairbancke, Westmoreland, gent.
2. Sir Richard Theakston of Theakston, Yorks., Kt.

Property: The advowson of Melsonby.

Comments: The parties agree that 2 is to have every second turn of making a presentation to Melsonby.

[Original reference Pyx k fasc. 1 no. 4]

UC:E15/D1/6**14 Jul 1626 & 19 Feb 1630/1**

Grant

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1. Sir William Thekeston of Flixton, Southelmham, Suffolk, Kt.
2. Richard Eden of Flixton, gent.

Comments: 1 has given 2 the right to make the next appointment to the living of Melsonby when his turn comes next.

Language: Latin

On the dorse of this deed is a memorandum (numbered separately by Smith in his catalogue), dated 19 Feb 1630/1, in which 2 surrenders the above right back to 1.

[Original reference Pyx κ fasc. 1 nos. 5 & 6]

UC:E15/D1/7**19 Feb 6 Cha I (1630/1)**

Bargain and Sale

Parties:

1. Sir William Thekestone of Flixton in Southelmhame, Suffolk., Kt.
2. George Clay of St. Martin's in the Fields, Middx., Gent.

Property: The right of alternate presentation to the living of Melsonby.

Consideration: £53.

Comments:

[Original reference Pyx κ fasc. 1 no. 7]

UC:E15/D1/8**Day after Trinity 8 Cha I (28 May 1632)**

Final Concord

Parties:

1. George Clay, Gent.
2. (a) William Theakestone, Kt.
(b) Dorothy, Wife of 2a.

Property: A moiety of the advowson of Melsonby.

Consideration: £60.

Language: Latin

[Original reference Pyx κ fasc. 1 no. 8a]

UC:E15/D1/9**Day after Trinity 8 Cha I (28 May 1632)**

Counterpart of **D1/8** above.

[Original reference Pyx κ fasc. 1 no. 8b]

UC:E15/D1/10**6 Jun 1631**

Note of a caveat entered at Richmond that no one is to be presented to the living of Melsonby unless first George Clay is summoned as the true patron of the living.

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[Original reference Pyx κ fasc. 1 no. 8c]

UC:E15/D1/11**14 May 8 Cha I (1632)**

Grant

Parties:

1. George Clay of St. Martyns in the Feilds, Middx., gent.
2. Ellyn Rymer of Northallerton, Yorks., Widow.

Property: The alternate right of presentation to the living of Melsonby.**Consideration:** £160.

[Original reference Pyx κ fasc. 1 no. 9]

UC:E15/D1/12**5 Jan 8 Cha I (1632/3)**

Grant

Parties:

1. Hellen Rymer of Northallerton, Yorks., Widow.
2. (a) Christopher Smithson of Kiplin, Yorks., Gent.
(b) John Smithson of Mouton, Yorks., Gent.

Property: The alternate right of presentation to the living of Melsonby.**Consideration:** An unspecified sum.

[Original reference Pyx κ fasc. 1 no. 10]

UC:E15/D1/13**6 Feb 1632/3**

Order from John Bridgeman, Bishop of Chester, on the living of Melsonby. After the death of John Watson, the current incumbent there, the Bishop now admits Nathaniel Hawksworth as the new Rector.

The deed bears several endorsements, showing that it was formally inspected in various visitations between 1633 and 1669.

Language: Latin.

[Original reference Pyx κ fasc. 1 no. 11]

UC:E15/D1/14**10 Nov 1634**

Articles of Agreement.

Parties:

1. (a) Samuel Knipe, Gent.
(b) William Knipe, nephew of 1a.
2. Nathaniel Hawkesworth, Clerk.

Consideration: £120.Archivist: Dr Robin Darwall-Smith E: Robin.Darwall-Smith@univ.ox.ac.uk T: +44 (0)1865 276 952

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Comments: 1 agrees to make over to 2 their share of the advowson of Melsonby.

[Original reference Pyx k fasc. 1 no. 12]

UC:E15/D1/15**10 Nov 1634**

Bond

Parties:

1. Samuel Knipe of Fayrebanke, Westmoreland, Gent.
2. Nathaniel Hawkesworth of Melsonbie, Yorks., Clerk.

Comments: 1 is bound to 2 for £200 to perform the covenants agreed in the above deed.

Language: Latin and English.

[Original reference Pyx k fasc. 1 no. 13]

UC:E15/D1/16**1 Oct 11 Cha I (1635)**

Bargain and Sale

Parties:

1. (a) William Knipe of Broughton, Lancs., son and heir of Isaac Knipe, son and heir of William Knipe, late of Cartmellfells, Lancs., decd.
(b) Samuel Knipe of Fairebanke, Westmoreland, gent, and another son of William Knipe.
2. Henry Pearson of Richmond, Yorks., Mercer.

Property: The advowson of Melsonby.

Consideration: £120.

Comments: It seems that 2 was acting as the trustee of Nathaniel Hawkesworth.

[Original reference Pyx k fasc. 1 no. 14]

UC:E15/D1/17**10 Sep 1636**

Declaration by William Knipe that Nathaniel Hawkesworth and Henry Pearson stand bound to him for £160 for the payment of £80 by 29 September next, and to confirm that the bond was taken only in trust in his name, and that the money belongs to his uncle Samuel Knipe.

[Original reference Pyx k fasc. 1 no. 14b]

UC:E15/D1/18**21 Nov 1671**

Letter (address Melsonby) from Nathaniel Hawkesworth to George Smithson of Moulton, and Leonard Smithson of Jollbie,

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concerning the advowson of Melsonby. Hawkesworth is now almost 80 years old, and is anxious that there might be some controversy about the advowson of Melsonby after his death. The Smithsons have acted as Hawkesworth's trustees for the title. Hawkesworth thought that he had purchased both moieties of the advowson, but now hears that Sir Miles Stapleton plans, on his death, to revive his family's claim to the title. Hawkesworth plans to leave his rights to the advowson to his granddaughter Elizabeth Spooner, and her father will be his executor.

[Original reference Pyx κ fasc. 1 no. 15a]

UC:E15/D1/19**n.d. (1670s?)**

Note on the title of the advowson of Melsonby, in which the disputatious nature of Samuel Kripe is described in some detail.

[Original reference Pyx κ fasc. 1 no. 15b]

UC:E15/D1/20**23 Nov 1671**

Surrender of Trust

Parties:

1. (a) George Smithson of Moulton, Yorks., Esq.
(b) Leonard Smithson of Jolby, Yorks., Gent.
(c) Edward Wyvill of Richmond, Yorks., Gent., all patrons of the living of Melsonby.
2. Elizabeth Spooner of Aicliffe, Durham, Spinster.

Property: The advowson of Melsonby.

Comments: 1 pass all their rights in the advowson to 2.

Language: Latin

[Original reference Pyx κ fasc. 1 no. 16a]

UC:E15/D1/21**26 Jan 1671/2**

Probate copy of the will (dated 20 Nov 1671) of Nathaniel Hawkesworth, Clerk, rector of Melsonby. Among other bequests, he leaves the advowson of Melsonby to his granddaughter Elizabeth Spooner.

[Original reference Pyx κ fasc. 1 no. 16aa]

UC:E15/D1/22**24 Jun 1692**

Opinion of Richard Blayney that Elizabeth Spooner's title to the advowson of Melsonby is a good one.

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In his transcription of these documents pp. 53–4), William Smith gives an entertaining account of the creation of of **UC:E15/D1/22–24**. He writes: “Upon the purchase of this Advowson I went once or twice to London to speak with Mrs. Elizabeth Spooner & procure a Sight of the Deeds relating to it; which she was something nice of letting goe out of her hands; But at last was prevailed with to trust them with me to advise with Counsell about the validity of the Title: I had no time to peruse them my selfe nor were they sorted or marked in due order, so that it was not easy for the Counsell to have satisfyed them selves of the merits of it without more paines than the fees given them deserved; the first they were shewed to was Mr. Blayney some way related to the Court or business at Guildhall who as I suppose on perusing Mr. Nathaniel Hawkesworth’s state of the title n. 15b p. 48 returned this answer.” He continues: “I afterward consulted Serjeant Girdler of the Temple who gave his opinion as follows: [and transcribes **D1/23** below]” Finally, Smith writes, “not being fully satisfyed with these two opinions as thinking it a little unreasonable that one subjects right should for ever be swallowed up in the prerogative of the Crowne and that in the hand of a Subject by [illegible] Conveyances, I gott Mr. Brooks to draw up another Breviate of the title or at least a Copy from one drawn up to our hands by Mr. Hawkesworth or his Counsell (viz in the form next subjoynd) to procure the great Conveyance.”

[Original reference Pyx k fasc. 1 no. 16b]

UC:E15/D1/23**n.d. (Jun 1692)**

Opinion of J. Girdler, agreeing with Blayney on the title to the advowson of Melsonby.

[Original reference Pyx k fasc. 1 no. 16c]

UC:E15/D1/24**17 Aug 1692**

Summary of the history of the title of the advowson of Melsonby, with a note from another counsel, Mr. Ewer, places at the end. The conclusion seems to be that Mrs. Spooner has the right to at least a moiety of the advowson, and he recommends that she sells her rights to the College by means of a Bargain and Sale, to be enrolled.

[Original reference Pyx k fasc. 1 no. 16d]

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UC:P15 The Living of Melsonby, Yorkshire, 1572-1935**UC:E15/D1/25****10 Dec 1692**

Bargain and Sale

Parties:

1. Elizabeth Spooner of St. Christopher's, London, spinster.
2. (a) Arthur Charlett of the University of Oxford, DD.
(b) The Hon. Albemarke Bertie of the same, Esq.
(c) John Hinckley of the same, MA.
(d) Richard Farrer of the same, MA.
(e) Thomas Rowney the Elder of the same, Esq.
(f) Alexander Wright of the city of Oxford, Goldsmith.

Property: The advowson of Melsonby**Consideration:** £200.

[Original reference Pyx κ fasc. 1 no. 17a]

UC:E15/D1/26**10 Dec 1692**

A draft of **D1/25** above. Smith writes on it that this deed is "to be kept with the other writings in case there should be occasion to consult Counsel about the title and will save the charge of a new Copy when the Originall may not be safely trusted abroad."

[Original reference Pyx κ fasc. 1 no. 17b]

UC:E15/D1/27**10 Dec 1692**

Acquittance from Elizabeth Spooner that she has received £200 from Arthur Charlett and his colleagues.

[Original reference Pyx κ fasc. 1 no. 17bb]

UC:E15/D1/28**10 Dec 1692**

Bond

Parties:

1. (a) Elizabeth Spooner of St. Christopher's, London, Spinster.
(b) Nathaniel Spooner of Stanwix, Cumberland, clerk.
2. (a) Arthur Charlett of the University of Oxford, DD.
(b) The Hon. Albemarke Bertie of the same, Esq.
(c) John Hinckley of the same, MA.
(d) Richard Farrer of the same, MA.
(e) Thomas Rowney the Elder of the same, Esq.
(f) Alexander Wright of the city of Oxford, Goldsmith.

Comments: 1 is bound to 2 for £400 to perform the covenants agreed in **D1/25** above.

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[Original reference Pyx k fasc. 1 no. 18]

UC:E15/D1/29**10 Dec 1692**

Bond

Parties:

1. (a) Elizabeth Spooner of St. Christopher's, London, Spinster.
(b) Nathaniel Spooner of Stanwix, Cumberland, clerk.
2. (a) Arthur Charlett of the University of Oxford, DD.
(b) The Hon. Albemarke Bertie of the same, Esq.
(c) John Hinckley of the same, MA.
(d) Richard Farrer of the same, MA.
(e) Thomas Rowney the Elder of the same, Esq.
(f) Alexander Wright of the city of Oxford, Goldsmith.

Comments: 1 is bound to 2 for £160 that, should the heirs of Stapleton put in a claim for half the advowson of Melsonby, they will repay 2 £80 out of their purchase price of £200 for the same.

Language: Latin and English.

[Original reference Pyx k fasc. 1 no. 19]

UC:E15/D1/30**10 Dec 1692**

Grant

Parties:

1. (a) Arthur Charlett of the University of Oxford, DD.
(b) The Hon. Albemarke Bertie of the same, Esq.
(c) John Hinckley of the same, MA.
(d) Richard Farrer of the same, MA.
(e) Thomas Rowney the Elder of the same, Esq.
(f) Alexander Wright of the city of Oxford, Goldsmith.
2. The Master and Fellows of University College, Oxford.

Property: The advowson of Melsonby.

Comments: 1 had purchased the above advowson on behalf of 2, who provided the purchase price of £200. 1 now declare that they were acting as trustees for 2, and will now transfer the advowson to them.

There is a hole in the middle of the deed, but the missing text can be recovered from William Smith's transcript (UC:AR2/MS1/6 pp. 65–9).

[Original reference Pyx k fasc. 1 no. 20]

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Final Concord

Parties:

1. (a) Arthur Charlett, DD.
(b) Hon. Albemarke Bertie, Esq.
(c) John Hinckley, Esq..
(d) Richard Farrer, Esq.
(e) Thomas Rowney the Elder, Gent.
(f) Alexander Wright, Gent.
2. (a) Elizabeth Spooner, Spinster.

Property: The advowson of Melsonby.**Consideration:** £120.**Language:** Latin

[Original reference Pyx k fasc. 1 no. 21a]

UC:E15/D1/32**Octave of the Purification of St. Mary 4 William and Mary (9 Feb 1692/3)**Counterpart of **D1/31** above.

[Original reference fasc k fasc. 1 no. 21b]

UC:E15/C1 - CORRESPONDENCE CONCERNING THE ACQUISITION OF THE LIVING, 1692**UC:E15/C1/1****14 Mar 1691/2**

Letter from Nathaniel Spooner (address, Carlisle) to William Smith (address, Easby) discussing his sister's plans to sell the advowson of Melsonby, and how much she is willing to receive for it.

[Original reference fasc k fasc. 2 no. 1]

UC:E15/C1/2**24 Mar 1691/2**

Letter from Nathaniel Spooner (address, Carlisle) to William Smith (address, Easby), on agreeing a purchase price of £200, and discussing how to confirm his sister's title to the advowson.

[Original reference fasc k fasc. 2 no. 2]

UC:E15/C1/3**31 Mar 1692**

Letter from Nathaniel Spooner (address, Carlisle) to William Smith (address, Easby), discussing Melsonby, in particular the size of its

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income, the state of the rectory, and the circumstances in which his family came to own the advowson.

[Original reference fasc k fasc. 2 no. 3]

UC:E15/C1/4 **9 Apr 1692**

Letter from Nathaniel Spooner (address, Carlisle) to William Smith (address, Easby), discussing the rectory of Melsonby.

[Original reference fasc k fasc. 2 no. 4]

UC:E15/C1/5 **14 Apr 1692**

Letter from Elizabeth Spooner (address, London) to William Smith (address, Easby), agreeing to accept £200 for the advowson.

[Original reference fasc k fasc. 2 no. 5]

UC:E15/C1/6 **28 Apr 1692**

Letter from Nathaniel Spooner (address, Carlisle) to William Smith (address, Easby) on how to defend his family's title to the advowson, in particular by preparing the necessary bonds.

[Original reference fasc k fasc. 2 no. 6]

UC:E15/C1/7 **5 May 1692**

Letter from Elizabeth Spooner (address, London) to William Smith (address, Easby), on the same subject as **UC:E15/C1/6** above.

[Original reference fasc k fasc. 2 no. 7]

UC:E15/L1 - PAPERS ON WILLIAM SMITH'S PRESENTATION TO THE LIVING, 1704

UC:E15/L1/1 **17 Apr 1704**

Nomination by the Master and Fellows of University College of William Smith to the living of Melsonby.

[Original reference fasc k fasc. 1 no. 28]

UC:E15/L1/2 **18 May 1704**

A copy of the presentation of William Smith to the living of Melsonby.

[Original reference fasc k fasc. 1 no. 28b]

UC:E15/L1/3 **9 May 1704**

Certificate from Richard Farrer that he approves of Smith's appointment to Melsonby.

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William Smith intersperses his transcription of these documents (in UC:AR2/MS1/6 pp. 115–19) with his account of his successful attempts to get installed at Melsonby (although he did find himself engaged in a dispute with the heirs of Loftus Squire, the previous incumbent, over delapidations to the rectory).

[Original reference fasc k fasc. 1 no. 29]

UC:E15/L2 - PAPERS ON A RIVAL CLAIM TO THE LIVING, 1704

UC:E15/L2/1 **21 Apr 1704**

A list of extracts from the Register of the Bishops of Chester listing presentations made to Melsonby between 1546 and 1671.

[Original reference fasc k fasc. 1 no. 22]

UC:E15/L2/2 **27 Apr 1704**

The case of the advowson of Melsonby, as submitted to William Wright, the Recorder of Oxford, with Wright's opinion. In March 1703/4 the living fell vacant on the death of the incumbent, and one Piers has entered a caveat on the presentation.

[Original reference fasc k fasc. 1 no. 23]

UC:E15/L2/3 **Apr 1704**

Another copy of an answer to Recorder Wright's questions.

[Original reference fasc k fasc. 1 no. 23a]

UC:E15/L2/4 **1 May 1704**

A second statement of University College's title to the advowson of Melsonby, once again with Recorder Wright's opinion. Wright thinks that the College has a good case to own the whole of the advowson.

[Original reference fasc k fasc. 1 no. 24]

UC:E15/L2/5 **11 May & 7 Aug 1704**

A third statement of University College's title to the advowson of Melsonby, this time submitted to Thomas Bouchier, Professor of Civil Law, with Bouchier's opinion given. There is also a note in William Smith's hand that on 17 July 1704 he asked the Bishop of Chester to be presented to the living of Melsonby. The Bishop agreed to do this, and wrote to Mr. Piers informing him of this. On

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receiving this letter, Piers promised to withdraw his caveat, but then proceeded to make his own presentation to the living.

[Original reference fasc k fasc. 1 no. 25]

UC:E15/L2/6**May 1704**

Private instructions from Thomas Bouchier to University College on the living of Melsonby.

[Original reference fasc k fasc. 1 no. 26]

UC:E15/L2/7**7 Jul 1704**

A fourth statement of University College's title to the advowson of Melsonby, this time submitted to Thomas Woodward, barrister and Student of Christ Church.

[Original reference fasc k fasc. 1 no. 27]

UC:E15/C2 - CORRESPONDENCE WITH AND ABOUT THOMAS KAY

Thomas Kay came up to University College in February 1721/2 aged 16, and was elected to a Fellowship there in 1729. In 1733, he was instituted as Vicar of Arncliffe, but when William Smith died in 1735, he arranged to succeed him at Melsonby, and moved there in 1736. A year later, he resigned his Fellowship. Kay remained at Melsonby for a half a century until his death in January 1787.

While at Melsonby, Kay planned a significant donation to his old College, but only on certain specific conditions. Unhappy at some recent disputes over Fellowship elections, which had only been settled because of the birthplace of the winning contestant, Kay wished to extend the qualifications for candidates for William of Durham Fellowships without distinction to the diocese of Durham and the county of York. He likewise suggested that Percy Fellows can be elected indiscriminately from the counties of York and Nottingham, and the diocese of Durham and Carlisle, and that greater emphasis be placed on the rule that preference be given "ceteris paribus". He also thought that Skirlaw Fellows should no longer be obliged to take holy orders, and that at least one of the eight Northern Fellowships should be a "faculty one".

Eventually, Kay set aside £1200 to the College, to be spent on augmenting the Bennet Scholarships, and for the rebuilding of Deep Hall, which had been purchased in 1773, but, as his will made clear, this was only subject to the statutes being changed in the manner proposed above. Even in Kay's lifetime, the College concluded that this was impossible, and on his death, since the Master and Fellows were still unable or unwilling to amend the statutes, they failed to receive any money from him, although not without a struggle.

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Kay's money, however, was not wasted. Kay himself, suspecting that his old College would not be willing to receive his money on the conditions proposed, instructed his executors to give the money to Worcester College, if it could not go to University. In 1791, therefore, the bequest was given to Worcester College, where the money was used to establish an exhibition of £30 a year for a native of Yorkshire, and to purchase 7 advowsons. Papers about Kay's bequest are to be found in the archives of Worcester College.

- | | | |
|----------------------|---|---------------------|
| UC:E15/C2/1 | Letter from Thomas Kay (address, Melsonby) to Nathan Wetherell. Having congratulated Wetherell on his election as Dean of Hereford, Kay discusses a failed attempt to buy some land, and then a proposal, first discussed with Thomas Nelson (F. 1737–60) on augmenting the Bennet Scholarships. Kay would be willing to do this, so long as the College amended its statutes relating to its Northern Fellows. He recalls the appeal made by Henry Hobson in 1740 over a William of Durham Fellowship election, and the feeling expressed at the time that something should be done to prevent this happening again. | 6 Dec 1771 |
| UC:E15/C2/2–3 | Two copies of a memorandum in Thomas Kay's hand proposing an alteration in the College's statutes. | n.d. (1771?) |
| UC:E15/C2/4 | Draft letter from Nathan Wetherell to Thomas Kay. He reports that the College, on taking informal legal advice from Sir Fletcher Norton (Speaker of the House of Commons and father of a recent alumnus of the College (Fletcher Norton [mat. 1762])), is unwilling to amend its statutes. | 10 Apr 1772 |
| UC:E15/C2/5 | Letter from George Croft (address, Beverley) to Nathan Wetherell (address, Oxford). Croft discusses Kay's proposed alterations to the statutes, and is unimpressed by them. In particular he is very dismissive of Kay's placing importance on "ceteris paribus". | 11 Oct 1774 |
| UC:E15/C2/6 | Undated copy of an injunction from Archbishop Frederick Cornwallis relating to the number of Founder's Kin at All Souls College. | 21 May 1777 |

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- UC:E15/C2/7** **n.d. (c. 1777?)**
Undated extract from the statutes of All Souls College relating to the rules on electing Founder's Kin as Fellows.
- UC:E15/C2/8** **28 Nov 1777**
Draft letter from Nathan Wetherell to Thomas Kay. Wetherell discusses accommodation in the College. At present Deep Hall (also known as "The Principality") is being used as an annexe for about 20 undergraduates. The College has now bought this property, and would like to rebuild it. They have drawn up plans for a new building, which would cost about £800, and so Wetherell hints that the College would name the new building after Kay [sic] for a gift of £400.
- UC:E15/C2/9** **5 Dec 1777**
Letter from Thomas Kay (address, Melsonby) to Nathan Wetherell (address, Oxford). Kay would like to leave £800 to the College to augment the Bennet Scholarships, and suggests £1000 more for the new building, and £600 for further building work - so long as the College amends its statutes as he has proposed. He discusses a meeting with Sir Fletcher Norton, in which Norton seemed to think that the amendments should be straightforward enough. He also looks forward to John Browne's benefaction coming to fruition, and praises his memory, and declares that he does not want any building named after him.
- UC:E15/C2/10–11** **11 Dec 1777**
Two versions of a draft letter from Nathan Wetherell to Thomas Kay. Wetherell declares that he will try to investigate how feasible it might be to amend the College's statutes as Kay suggests, and wants to make sure he knows exactly what Kay wants.
- UC:E15/C2/12** **19 Dec 1777**
Letter from Thomas Kay (address, Melsonby) to Nathan Wetherell (address, Oxford). Kay confirms his proposed changes to the statutes.
- UC:E15/C2/13–14** **14 Jan 1778**
Two draft lists of proposed alterations to the wording of the College's statutes in accordance with Thomas Kay's suggestions.

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- UC:E15/C2/15** **17 Jan 1778**
 Copy of an opinion by William Jones on the proposed alteration of the College's statutes. Jones fears that the desired alterations would not be legally possible, on the grounds that the courts would be unwilling to defeat the wishes of the benefactors who endowed the Fellowships. He also notes the disputes of 1735 and 1740 as an important precedent.
- UC:E15/C2/16** **29 Jan 1778**
 Letter from Thomas Kay (address, Melsonby) to Nathan Wetherell (address, Oxford). Kay protests that his proposed changes to the statutes can be effected very easily. In particular, he is unimpressed by the disputes of 1735 and 1740, noting that Master Cockman was not a man of business, and hated trouble.
- UC:E15/C2/17** **1 May 1778**
 Draft letter from Nathan Wetherell to Thomas Kay. He describes a meeting between himself, William Scott, and Sir Fletcher Norton, and says that a majority of the Fellows are opposed to his applying to the Visitor for a change in the statutes. He expresses his regret that it appears that Kay's benefactions can not now come to pass.
- UC:E15/C2/18** **23 Jan 1787**
 Letter from D. Watson (address Middleton Tyas) to the Master and Fellows of University College. Watson reports that Thomas Kay has just died, and describes the condition in which Kay has left his affairs.
- UC:E15/C2/19** **31 Jan 1787**
 Letter from Thomas Zouch and Abel Collin Launder, the executors of Thomas Kay, to the Master and Fellows of University College. They report that Kay has just died. He leaves the College a freehold house in Melsonby and his rights in a second house, and also a close in Melsonby contiguous to part of the glebe. He also leaves £1200 to the College to augment the Bennet Scholarships and to rebuild Deep Hall, but only on condition that the College amends its statutes along the lines he has proposed. If they do not, then the money is to go to Worcester College.

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- UC:E15/C2/20** **23 Feb 1787**
 Letter from Thomas Zouch and Abel Collin Launder, the executors of Thomas Kay, to the Master and Fellows of University College. They report that Kay's will has now been proved, and now send the list of Kay's proposed alterations to the statutes.
- UC:E15/C2/21** **2 Mar 1787**
 Probate copy of Thomas Kay's Will, dated 20 Jul 1782, with codicils added on 29 Sep 1785 and 4 Jan 1787.
- UC:E15/C2/22** **15 Mar 1787**
 Letter from Thomas Zouch (address, Wycliffe, near Greta Bridge) to Francis Simpson (address, Oxford). Zouch offers to send the College copies of Kay's papers relating to his proposed benefaction to the College. He is also going to inform Worcester College of the will.
- UC:E15/C2/23** **29 Mar 1787**
 Letter from Thomas Zouch (address, Wycliffe) to Francis Simpson (address, Oxford). Zouch writes that, in spite of Kay's claims to the contrary, he can find no evidence that Sir Fletcher Norton (now Lord Grantley) explicitly thought that the proposed alterations to the statutes were feasible.
- UC:E15/C2/24** **20 Jun 1787**
 Petition from Thomas Kay's executors to the Lord Chancellor. University College is unable to accept Kay's benefaction under the conditions attached to them, but still claim the money, whereas the Provost and Fellows of Worcester College now claim it, under the terms of Kay's will.
- UC:E15/C2/25** **16 Nov 1787**
 Letter from Thomas Lane (address, Goldsmiths Hall) to Francis Simpson (address, Oxford). Lane advises the College in how to proceed against Kay's executors.
- UC:E15/C2/26** **26 Nov 1787**
 Extract copied by Nathan Wetherell from a letter of "Mr. Scott" (unclear if this is John or William) on Thomas Kay's will.

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Letter to the Bursar of University College from Thomas Lane (address, Goldsmith's Hall), on the will of Thomas Kaye, Rector of Melsonby.

UC:E15/C2/28 **1791**

Bill from Thomas Lane for University College in their dispute with the executors of Thomas Kay.

UC:E15/C2/29 **2 Aug 1791**

Letter from Thomas Lane to the Bursar of University College, thanking them for settling his bill.

UC:E15/C3 - CORRESPONDENCE FROM AND ABOUT SAMUEL SWIRE

Samuel Swire came up to University College in 1757, and was elected a Freeston minor Exhibitioner in later that year and a Freeston major Exhibitioner in 1758. He was elected a Fellow in 1766. He succeeded Thomas Kay as Rector of Melsonby in 1787, and resigned his Fellowship in the following year. He died at Melsonby in February 1816.

According to an inscription in the church at Melsonby, in 1811 Swire paid for a vestry to be added to the building, after a design by James Griffith, Master of University College in 1808–21.

Of these papers, **UC:E15/C3/7–11 & 13–14** were found titled together with a strip of paper inscribed by George Rowley "Papers relating to Melsonby".

UC:E15/C3/1 **22 Jul 1787**

Letter from Samuel Swire (address, Cononley) to an unnamed addressee reporting on his installation at Melsonby.

UC:E15/C3/2 **13 Jul 1788**

Letter from Samuel Swire (address, Cononley) to Francis Simpson (address, Oxford). Swire reminds Simpson that he needs authority from the College to claim the rents from pieces of land purchased by Thomas Kay, and also the rent from the Mayor of Richmond. Swire also expresses his regret at having to resign his Fellowship, and have his name removed from the College's books.

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- UC:E15/C3/3** **3 Mar 1789**
 Letter from Samuel Swire (address Cononley) to the Master and Fellows of University College concerning the annual value of the rectory, which he estimates to be slightly under £250 a year.
- UC:E15/C3/4** **21 Nov 1801**
 Letter from Samuel Swire (address, Melsonby) to James Griffith (address, Oxford). Swire tells the College of proposals to enclose land in the neighbouring hamlet of East Layton. The rector of Melsonby had tithe rights there, and Swire wants to make sure that the College are happy with the proposals to compensate him with the grant of land rather than tithes.
- UC:E15/C3/5** **25 Nov 1801**
 Letter from Samuel Swire (address, Melsonby) to James Griffith (address, Oxford). Swire passes on more details about the proposed enclosure of East Layton.
- UC:E15/C3/6** **10 Dec 1801**
 Letter from Samuel Swire (address, Melsonby) to William Hooper (address, Oxford). Swire discusses an amendment to the enclosure agreement for East Layton suggested by the College.
- UC:E15/C3/7** **after Aug 1803**
 Copy of an affidavit dated 31 Aug 1801, from an unnamed beneficiary of Thomas Kay's will (who is identified from **C3/8** below as Collin Launder). Kay had instructed that Launder receive the rents and profits of a close in Melsonby called Old Close or Sunby Close until Melsonby was enclosed, after which the land should be surrendered to the Rector of Melsonby, as part of an exchange for some land near the Rectory house. Launder, fearing that he may die before the enclosure takes place, now bequeaths the land to the Master and Fellows of University College, and until the enclosure takes place, he asks that the profits from the land be given to the poor of the parish.
- UC:E15/C3/8** **14 Dec 1805**
 Letter from Samuel Swire (address, Melsonby) to George Shepherd (address, Oxford). Swire discusses a proposed enclosure of Gatherley Moor, and asks Shepherd to alert friends

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of the College to make sure that a close adjoining the rectory of Melsonby is assigned to the Rector. He also discusses the close left by Thomas Kay to Collin Launder, and the problems attached to the bequest.

- UC:E15/C3/9** **n.d. (c. 1805/6?)**
 Draft letter from an unnamed Fellow of University College to an unnamed recipient. The recipient is asked to assist the College (and, by extension, Samuel Swire) in the enclosure of Gatherley Moor along the lines that Swire suggests.
- UC:E15/C3/10** **7 Sep 1806**
 Notice that an application is to be made to Parliament for the enclosure of various lands in Melsonby.
- UC:E15/C3/11** **5 Mar 1808**
 Letter from Thomas Lane (address, Goldsmiths Hall) to James Griffith (address, Oxford). He discusses Launder's will, and a suit arising from it.
- UC:E15/C3/12** **24 May 1815**
 Letter from Samuel Swire (address, Melsonby) to George Rowley (address, Oxford). Swire is aware of plans to enclose land at Melsonby, and he encourages the College to try to exchange some land with the Duke of Northumberland.
- UC:E15/C3/13** **1 Sep 1815**
 Letter from the Duke of Northumberland (address, Syon), to James Griffith. The Duke discusses a proposed exchange of land at Melsonby between himself and the College.
- UC:E15/C3/14** **15 Sep 1815**
 Letter from the Duke of Northumberland (address, Syon), to James Griffith. The Duke regrets that he is unable to agree to this exchange of land.

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- UC:E15/C4/1** **19 Apr 1818**
 Letter from Christopher Clarkson (address, Richmond) to the Bursar of University College. Clarkson is writing a history of Richmond, and has encountered a reference to a sum of £7 13s 4d paid by the Corporation there to the College, as a bequest from Thomas Kay. Clarkson wondered whether the College has any more information about this. Someone has written at the bottom of the letter in pencil "Enquire at Worcester".
- UC:E15/C4/2** **27 Apr 1818**
 Letter from Christopher Clarkson (address, Richmond) to William Crabtree (address, Oxford). Clarkson expresses surprise that the College seems to know nothing of this rent.
- UC:E15/C4/3** **20 Feb 1839**
 Letter from James Barmby (address, Melsonby) to Frederick Plumtre (address, Oxford). Barmby reports on a proposal to exchange the field in front of the rectory with Lord Prudhoe in return for tithes.
- UC:E15/C4/4** **17 Nov 1839**
 Letter from Lord Prudhoe (address, Stanwick) to Frederick Plumtre (address, Oxford). Prudhoe had given up plans of an exchange of land at Melsonby because there seemed to be too many difficulties attached.
- UC:E15/C4/5** **25 Nov 1839**
 Letter from James Barmby (address, Melsonby) to Frederick Pumptre (address, Oxford). Barmby presents his side of the story over the proposed exchange.
- UC:E15/C4/6** **29 May 1843**
 Letter from William Pybus (address, Middletyon Tyas, Richmond) to Frederick Plumtre (address, Oxford). Pybus encloses the draft of a conveyance to sell land to the College to secure a water supply to the rectory of Melsonby.

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- UC:E15/C4/7** **16 Sep 1843**
 Letter from William Pybus (address, Middletyon Tyas, Richmond) to Travers Twiss. Pybus once again discusses the conveyance of land at Melsonby to the College.
- UC:E15/C4/8** **4 Jan 1891–1 Jun 1892**
 Envelope containing correspondence and papers about the sale of glebe land at East Layton when Henry Ellison was Rector [4 items].
- UC:E15/C4/9** **20 May–7 Dec 1895**
 Envelope containing correspondence between the representative of Earl Percy and University College concerning a proposal to exchange the living of Melsonby with that of Kirkby Wiske. The plan came to nothing. Correspondents include Henry Ellison and James Franck Bright [8 items].
- UC:E15/C4/10** **5 Oct 1906–30 Sep 1909**
 Envelope containing correspondence on the field bought by the College in 1843 to add to the glebe land of Melsonby. There is also an account of John Bullard's moving into the living on the death of his predecessor. Correspondents include Cecil Hawker and John Bullard [5 items].
- UC:E15/C4/11** **May 1910–6 Jun 1911**
 Bundle of correspondence (all but one of which has been tied together) on proposals to sell the rectory house at Melsonby. The papers include a detailed report on the house, and a map of it.
- UC:E15/C4/12** **20 May 1915–16 Aug 1916**
 Bundle of letters from John Bullard to the Master of University College on Melsonby affairs. The main topic is a possible redrawing of the parish boundaries, to take account of a new church built at East Layton, but Bullard also discusses the future of his son, who is at school at Sedburgh and may be enlisting shortly [13 items].
- UC:E15/C4/13** **20–26 Mar 1923**
 Envelope of letters from John Bullard to A. B. Poynton, mainly concerning payment of rent on College Field, but also discussing

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a possible new vicar for Flamstead, where Bullard had been incumbent before moving to Melsonby [4 items].

UC:E15/C4/14**3 Oct 1934–21 Mar 1935**

Bundle of correspondence between John Bullard and A. B. Poynton. Bullard discusses building work carried out on the rectory and asks whether the College would be willing to give him a loan of £80 to help over the costs. The College obliges [4 items].

UC:E15/D2 - VARIOUS TITLE DEEDS RELATING TO LAND AT MELSONBY**UC:E15/D2/1–2****6–7 Dec 1751**

Lease for a Year and Release

Parties:

1. Robert Cockin of Sand-beck, Yorks., Yeoman.
2. The Master and Fellows of University College, Oxford.

Property: A parcel of ground comprising half an acre lying on the north-east corner of an enclosed field called Parsons (a part of the glebe land of Melsonby), abutting to the north on an enclosure called the Orchards, to the east on an enclosure called the Mussey (both of them part of the estate belonging to the heirs of the late William Wharton).

Consideration: £7.

UC:E15/D2/3**1 Nov 1838**

Copy of articles of agreement for the commutation of tithes at Melsonby.

UC:E15/D2/4**6 Apr 1843**

Conveyance

Parties:

1. (a) Robert Lancelot Allgood of Nunwick, Northumberland, Esq.
(b) Thomas Charge of Barton, Yorks., Esq.
(c) John Brooke of York, Esq. (All are devisees in trust of the will of George Hartley of Middleton Lodge, Yorks., Esq., decd.).
2. The Master and Fellows of University College, Oxford.

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Property: A parcel of land measuring 2 acres and 28 perches forming the west part of a close previously called South West Close, situated in Melsonby.

Consideration: £150.

Comments: A schedule of deeds relating to the property is given at the bottom of this deed.

UC:E15/F1 - FINANCIAL PAPERS**UC:E15/F1/1****13 Nov 1843**

Receipt for a payment of £15 from the Master and Fellows of University College by payment of James Barmby, Rector of Melsonby, for the conveyance of some land purchased by the devisees in trust of George Hartley (see **UC:E15/D2/4** above).

UC:E15/M1 - MAPS**UC:E15/M1/1****after 1893**

Copy of Sheet XXV.10 of the 1893 edition of the Ordnance Survey map of Yorkshire (1:2500 scale) showing Melsonby. Various pieces of land have been coloured, to represent the site of the old rectory (which is up for sale), the glebe farm, a field rented out from University College, and the proposed site of a new rectory.