

ART. XV.—*The Forsters of Stonegarthside Hall*. By  
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IN CW2 xi the late Mr T. H. B. Graham wrote at page 56: "The English side of the Liddel, from Kershope foot to Penton, was occupied by the Forsters. The chief of the clan was Forster of Stonegarthside, who is stated (CW2 vi 206) to have held the office of hereditary forester of the barony [of Liddel] . . . There were Forsters of Kershopefoot, Kershope Leys, the Roan and Rotterford, all dwelling 'just against the Armstrongs and dear neighbours' to them."

Chancellor Ferguson once firmly declared that he was not going to attempt to unravel the tangled skein of the Gramams of the Debateable Land and I am equally unwilling to attempt to disentangle the history of all the various families of Forster who swarmed on the Borders.

All I can do is to put on record what I have been able to discover about that branch of the Forster family who lived at Stonegarthside Hall.

The *Border Papers* i 122 contain a reference to Hobbe Armstrong (son of John of Whetaugh) who was living in 1583, and by then married to "Jeme Fosters daughter of the Stangerth syde". In Stapleton churchyard is the tombstone of Robert Forrester of Stonegarthside, who died in 1598.

A Robert Forster, who must have been born between 1570 and 1575, heads the pedigree entered at Dugdale's Visitation of Cumberland in 1665. Robert's wife was daughter of Symon Armstrong, from just over the Border, and their son, Arthur Forster, was living in 1665 aged 65. His wife, Katherine, was a daughter of the Rev. Cuthbert Curwen — one of the Camerton family —

who held the living of Arthuret. Cuthbert Curwen's will, dated 28 June 1639, was printed in CW1 v at pp. 321-322, and mentions his grandchildren as follows:

"Item I give unto Nicholas Forster my daughter Katherine's eldest sonne tenne lambes Item I give unto Cuthbert Forster her second sonne tenne lambes Item I give unto Henrie her youngest sonne tenn lambes Itm I give unto Katherine Grame my grandchild one whie . . . and tenne lambes Item I give unto Marie Forster my grandchild one whie . . . and tenne lambes."

The testator also left a stone of woole to his daughter Katherine's nurse, and in a codicil, dated 7 February 1639/40, he revoked the bequest of his books to his nephew Peter Curwen, and gave them instead "to that sonne of Arthure Forster's my sonne-in-law that shall proove a scholler and if he have none that prove schollers then I doe give them unto such a sonne of my sonne-in-law Arthur Grahame's as shall prove a scholler."

Arthur Forster of Stonegarthside may have been the man of these names, a Cumberland magistrate described in the tract *A Cry of Bloud of An Innocent Abel Against Two Bloudy Cains* (1654) as "a Delinquent and in armes both in the first and second War against the Parliament, arraigned for murther, and sued out his pardon by means of Sir Richard Graham to whose family he is a retainer." If the head of the Stonegarthside family was this man, then he must have changed sides later on.

CW2 xiv 160, quoting *Cal. S.P. Domestic*, mentions him as a Cumberland justice, and one of the persecutors of the Quakers in 1659. He was perhaps the Arthur Forster mentioned in the *Calendar for Compounding*, pt. i 817, under date 8 November 1650, as lieutenant to Capt. Crackanthorp, in which capacity he had done four months' service on the borders against the moss troopers.

In 1653 (*Surtees Society* cxi 368) the capital messuage or mansion house and lands called Carrow, with the appurtenances in Northumberland, was said to be in the occupation of Arthur Foster, and in 1663 the property

was owned by Capt. Forster and rated at £50 per annum.

Arthur Forster died in 1670, and his wife survived him more than a dozen years. Their eldest son, Nicholas, said to be 26 years old in 1665,<sup>1</sup> when he travelled to Carlisle to register the Forster pedigree on behalf of his father, died without children eight years later, surviving his father only three years. Nicholas was in London when struck down by sudden illness, as his nuncupative will shows.<sup>2</sup> At Stonegarthside he was succeeded by his brother Henry, to the exclusion of their nephew, John Forster, son of Cuthbert Forster, second son of Arthur. Henry's succession led to long and protracted litigation. From the proceedings in various courts<sup>3</sup> it is possible to piece together the tangled skein of family history.

Arthur Forster, at the time of his death, was possessed of freehold, copyhold and customary lands in Cumberland<sup>4</sup> and Northumberland, of the yearly value of £350, and over the Border, in Liddisdale, he had lands worth £150 a year. At his death in 1670 he was succeeded by

<sup>1</sup> Dugdale's Visitation. He must, however, have been more than 26 in 1665, for his two younger brothers were born before 1639 (will of their mother's father).

<sup>2</sup> See Appendix. Field, *Armorial for Cumberland* 144, says of the Stonegarthside Forsters: "The last known of this family was Nicholas Forster, living in 1665," but, as the following pages show, the Forsters are traceable for more than a century after that date.

<sup>3</sup> HMC 12th Rept. Appx. vi (House of Lords MSS. 1689/90) 39-40.

<sup>4</sup> William Gilpin's note in his copy of Denton's *Accompt.* says that Arthur Forster acquired the manor of Caldcotes, Carlisle, from Henry Dacre of Lanercost and he traces the descent of the manor from Arthur to Nicholas Forster, and from him to "John Forster cousin and heir of Nic. recovered it by law from Henry Forster second son of Arthur now enjoys the same." (*Accompt.* 101 n.) Among the Howard of Naworth MSS., in The Prior's Kitchen, Durham, is an extract from the court rolls of the manor of Dalston, which shows that on 7 September 1669 Henry Dacre, Esq. and Mary his wife granted to Nicholas Forster, Esq. of Stonegarthside a messuage or tenement called Cowdall Hall, situate at Newtown or Harrington Houses, within the manor of Dalston, of the annual rent of 15s. 8d. There is a note that this writing was shown to Henry Pattinson at the time of his examination and deposited unto before Christopher Richmond, William Feilding, Thomas Dalston and William Atkinson on 1 October 1674. (Box 170, no. 15.) This property was, with others, mortgaged to Lord Carlisle, and he, on 6 July 1689, empowered Thomas Jackson of Nunnington, Yorks., Lancelott Simpson of Penrith and James Maxwell, of Irthington, gentlemen, to take a surrender of Cowdall Hall from Mr John Forster (*Ibid.*, Box 170, no. 3). Gilpin says (*Accompt.* 153 n.) that Sir Edward Musgrave sold Houghton to Arthur Forster. Gilpin was a near relative of Henry Forster's second wife.

Nicholas, his son and heir, who proceeded to buy other lands and hereditaments. When he died in 1673 his successor in the normal course of events would have been his nephew John Forster, the four-year-old son of his brother Cuthbert Forster, who died soon after 1670. Henry Forster, the youngest son of Arthur Forster, however, entered upon the lands in England and Scotland, and remained in possession of them for several years. At a later date it was suggested that Henry had taken advantage of the fact that his nephew was only a child, and that his mother was in a "low condition", having "only £10 a year or some such small matter wherewith to maintain herself and four small children."

Henry had another version. He said that Arthur Forster, his father, entailed his estates on his eldest son Nicholas and his heirs, with remainder to Henry his (Arthur's) third son. Arthur disinherited his second son Cuthbert, described as a lunatic, who had married Janet Latimer without his father's consent. Of this settlement, according to Henry, Sir Richard Graham and others were trustees. Henry said that after their father's death Nicholas agreed with Sir Gideon Scott on his cousin german, Christian Scott, marrying Henry, to confirm the settlement made by Arthur, and also to settle his other property on Henry and his heirs. The marriage took place, but the settlement was deferred, Sir Gideon and Henry relying on Nicholas's promise. He, however, died before this could be effected, although he repeated his wishes on his death bed.

Henry thereupon started proceedings in Chancery against his nephew John Forster and others, to get the settlement confirmed and the marriage agreement executed. On 25 November 1674 Lord Keeper Nottingham and Mr Justice Wyndham decreed accordingly, and ordered that when John Forster came of age he was to convey the estate to Henry, who thereupon spent more than £1,600 on building. There was, however, a re-



hearing before Judge Jeffreys, who declined to accept that Arthur had made a settlement, nor would he "regard the marriage agreement", and he dismissed Henry's bill.

Later, John Forster obtained at the Cumberland Assizes a verdict in an ejectment for his grandfather's copyhold lands, and for the lands bought by Nicholas, as well as for Kershopefoot, on the grounds that Sir George Graham, of whom the lands were bought, was only tenant for life. On 6 March 1688/9 Henry petitioned the House of Lords, asking for a reversal of Judge Jeffreys's judgment, and the confirmation of Lord Nottingham's decree.

The appeal was heard by the Lords and dismissed on 19 April 1689. John Forster claimed<sup>5</sup> that the dismissal was "not without some severe and just reflections upon the great injustice of his [*i.e.* Henry's] cause and his shameful dealings and practices toward your orator" — *i.e.* John Forster. The case, however, did not end there, for, in John's words, "Henry Forster having (by means of your orator's estate) got a wife in Scotland and made such interest there among her relations that your orator being a stranger there was likely to meet with hard usage among them in relation to his Scotch estate which was then pretended to be settled or agreed to be settled by the said pretended marriage agreement upon the said Henry Forster and his wife, your orator [— *i.e.* John Forster] was prevailed with to refer all suits and differences between him and his said uncle to the order and award of Robrt Jacson and Walter Elliot, arbitrators indifferently chosen between them." They made their award on 7 February 1690/1, decreeing that Henry Forster should have the manor or lordship of Houghton and the messuage and tenement called Trough head with five other messuages and tenements adjoining in Cumberland, and the lands and tenements called Carraw and Ridley Close in Northumberland.

<sup>5</sup> P.R.O. C5 606/21.

To John Forster was allotted the rest of the lands in England and all the lands in Scotland. John Forster was far from satisfied with the award of the arbitrators, but he accepted it and conveyed to his uncle the Cumberland and Northumberland lands, estimated to be worth £200 a year, and Henry thereupon acknowledged John's right to all the lands and tenements of which Nicholas Forster died seised, and he agreed that John should peaceably hold and enjoy Stonegarthside, Kershope and Blackleaven in England, and Greenah, Benetholme and other lands in Scotland.

The matter did not end there. Some of the English property allotted to John was of customary tenure, held of Viscount Preston and others by the payment of yearly rents, arbitrary fines and so forth, and all the lands in Scotland were held of the Duchess of Buccleuch by the payment of farm rents, feu duties, feinds males and other duties and services. John Forster alleged that his uncle, "conscious of the weakness of his title and expecting every year to be turned out of possession", permitted all rents, fines, feus and duties to get into arrears. The result, according to John, was that when at last he entered upon his Scottish estate, it was charged and encumbered with old farm rents and other charges, to the tune of over £5,000 Scotch (£420 in sterling), as accounts stated between Henry and David Scrimseer, Receiver General of the Duchess, and James Scot, her chamberlain, showed.

John declared that he was obliged to pay all the arrears before he could enter upon the estate in Scotland, while in England he met with the same trouble, finally having to pay rents and fines amounting to £100.

John Forster's application for a writ of subpoena to Henry Forster was granted, and he was duly served with it, making an answer to his nephew's charges. Before the case was decided, however, Henry died. His will, an abstract of which is printed in the appendix, is dated 14 December 1698, and it was proved at Durham on 7 February following.

John Forster did not let the matter drop when his uncle died and in 1699 he launched an attack against Henry's executors.<sup>6</sup>

Before passing on to this Chancery suit, however, it is interesting to note some details of Henry's career. He was apprenticed on 2 May 1654 to Henry Thomson, boothman, of Newcastle, and enrolled 20 July 1654. While he was serving his apprenticeship he committed fornication, confessing his sin to "Mr Governor" in 1656. This lapse was forgiven and on 19 June 1663 he was admitted to the Eastland Company of Newcastle.<sup>7</sup>

During the seventeen years that he was in possession of Stonegarthside Hall he claimed, as we have seen, to have spent £1,600 on the building, and it seems clear that he was mainly responsible for the Hall as we see it today. It certainly bears the date 1684 upon it, at which date his possession was undisputed.

From Stonegarthside on 29 May 1682 he addressed a letter to Lord Carlisle "or my Lorde of Morpeth", sealing it with a black seal showing his arms — a chevron between three bugle horns.

The letter (Sloane 2723 f. 127 in the British Museum) runs as follows:

"My Noble Lord

May it please yo<sup>r</sup> Good Lo<sup>pp</sup> I have sent you here inclosed the Informations and examination of Whinstine Arm. and Jane Inemont And of Thomas Graham this was what appeared to me and there was some other Circumstances that I observed that Robert Scott came to the fell where these goods were going and wove them to Whintine Armstrong to make Whintine make a Challenge of them which accordingly he did. He being asked could give noe accompt of lookeing for them in that particular place and no place elce for he was not knowne to enquier for them anywhere elce and besides he was most unwilling to be oblidged to prosicute Graham but would gladly been at prosicuteing the bueyer. All this seames to me that there is some collution betwixt Scott and Graham for Scott would not

<sup>6</sup> P.R.O. C5 606/22.

<sup>7</sup> *Surtees Society* ci 275.

aver that they weare stolne from when he saw that I picked upon Graham to prosicute for them. My Lord this I must beg pardon for troubling yo<sup>r</sup> Lo<sup>pp</sup> in and submit to yo<sup>r</sup> bett<sup>r</sup> Judgm<sup>t</sup> but what I did in the matter was purely in Love to Justice with the best of my Cuning and still thus takeing leave to present my humble service to Lo<sup>pp</sup> and to subscribe myself as becomes my Lorde

Yo<sup>r</sup> hon<sup>d</sup> humble serv<sup>t</sup>

Hen Forster.

I have Armstrong's and Scott's, Inemont's Recognizances to prosicute Graham."

Though Henry was a magistrate he did not conform to the Church of England and in 1684 he was in serious trouble on this account. On 6 August 1684 Judge Jeffreys and Mr Justice Holloway arrived in Carlisle, where they were received with fifteen guns, to open the Cumberland Assize. (Bishop Nicolson's diary, CW2 i 15 f.) On that very day James Appleby, gent., made a declaration before Jeffreys that Henry Forster and his wife had said to him and others that they kept a conventicle in their house and proposed to continue to do so. Appleby added that in December 1682 he had given information to Henry Forster against several dissenters, begging him to take action against them, but Forster had never prosecuted them, though repeatedly requested to.

Appleby declared that several of Henry Forster's servants had told him that he and his lady never took the sacrament or attended their parish church. Moreover they did not christen their children according to the liturgy of the Church of England, but had them baptised in their own house "by some fannaticall feild preacher in Scotland." (*Surtees Society* xl 263 n.) It is disappointing that Nicolson does not mention the information laid against Henry Forster, though he tells us that on the following day Jeffreys' charge was chiefly against so-called Trimmers and Whig Justices. In the latter class he surely included Henry Forster. It would seem that Henry Forster was bound over to appear later, for *Cal.*

*S.P. Dom.* May 1684—February 1685, 181, records, under date 23 October 1684: "Mr Forster appeared as bound", with a note that he had not received the sacrament for two and a half years.

As we have seen, Henry Forster had married Christian Scott, cousin of Sir Gideon Scott, thereby allying himself to a powerful and influential Border family. Christian, who was apparently the mother of all Henry's children, died before her husband lost Stonegarthside to his nephew John. By that time Henry had re-married, his wife's christian name being Frances. She joined with her husband on 13/14 April 1692 when he conveyed Stonegarthside and other property to his nephew.<sup>8</sup> After this Henry retired to Carraw in Northumberland, where he lived for the few remaining years of his life. An abstract of his will, made in 1698, will be found in the Appendix.

Correspondence about a Roman altar throws some unexpected light upon Henry and Frances. On 31 August 1695 Dr Jabez Cay, who had married a sister of William Gilpin, wrote to Ralph Thoresby: "A few daies since my bro. Gilpin bestow'd the figure of an altar with its inscription upon me, and I have here copy'd it and present the copy to you. The stone was taken out of the Roman Wall about Carraw, where it now is in the possession of Mr Forster" (*Thoresby Society* xxi 42).

Thoresby sent a note of the inscription to his friend William Nicolson, who was first cousin once removed to William Gilpin and Mrs Cay. Acknowledging Thoresby's communication, the future Bishop of Carlisle wrote on 4 June 1696:

"You mention an odd inscription from Worcestershire, which puzzles a great many antiquaries to explain. If you will do me the favour to send it, I will venture to give you my thoughts of it, if I be able to think at all upon the matter. The inscription from Carrow is also new to me, and very well deserves my hearty thanks. Mr Forster (in whose possession you tell me it now is) married my cousin — german. I have long designed

<sup>8</sup> Stonegarthside schedule of deeds.

to take his house in my ramble along the Picts' Wall; but, wanting so good a companion as yourself, I have hitherto delayed my journey. I find, on all occasions, it is much easier to project than perform."

(Rev. Joseph Hunter, *Diary & Correspondence of Ralph Thoresby* (1832) iii 236).

Whether Nicolson ever got to Carraw to see the altar<sup>9</sup> I do not know. Between 1691 and 1701 no diaries of his exist. Had they been available we might have learnt a great deal about Henry and Frances Forster. Though Nicolson describes her as his first cousin, it is not possible to say for certain who Frances was, but it seems probable that she was one of the many children of Nicolson's uncle, William Brisco of Crofton. William Brisco's fourth daughter was named Frances (Visitation pedigree), and at the time when he made his will on 14 May 1686 she was unmarried. Henry Forster made William Gilpin one of his trustees, which strengthens my supposition that Gilpin was a nephew of Frances.

Henry Forster's will expresses his extreme displeasure with his son Arthur. I suspect that he is the Mr Forster who is occasionally mentioned in Nicolson's diaries. Thus on 16 December 1703 he records: "Mr Gilpin and Mr Forster at dinner . . . the latter for a commission in the army."<sup>10</sup> All resolv'd for the Sessions" (CW xlvi 211), and on 10 January following: "In the evening Mr Recorder Aglionby expected with Mr Forster, but Mrs Watson's hard labour excused the former . . . Mr Forster

<sup>9</sup> On the subject of the altar, Professor Birley kindly writes: "The inscription which Dr Cay reported to Thoresby, and Thoresby to the *Philosophical Transactions* no. 231 (1695) is Horsley's *Northumberland* xxxii with p. 218, where he makes the point that Cay only records it as 'taken out of the Roman Wall not far from Collerton or Chollerton' (and that, in consequence, Gibson's 1722 edition of Camden ii 1080 f. wrongly assigns it to Chesters). It is CIL VII 617, Lap. Sep. no. 153, now in the Dean and Chapter's Collection in Durham, ex Warburton's Collection — and Horsley adds that Warburton's map (1716) is the source for it having come from Carrawburgh. The earliest reference that I have found for the Forster connection is in Wallis (1769) ii 45, where he states that in 1697 the altar was in the possession of Mr Forster of Carraw."

<sup>10</sup> He did not secure one, since his name does not figure in Charles Dalton's *English Army Lists*.

came late and brought me the MS. *Leges Marchiarum*" (*Ibid.*, 213).

It is, of course, possible that the latter reference is to John Forster of Stonegarthside. It is clear that Nicolson had lent the manuscript of his book to one of the Stonegarthside family. Both John and Arthur were connected with Recorder Aglionby, whose daughter Bridget had married their cousin George Watson of Goswick, Northumberland.

A little later, on 25 January, Nicolson notes: "Mr Forster's notice of the clans in the Highlands being up contradicted" (CW2 xlvi 214 and 1 212). I should like to have traced the career of Henry Forster's son Arthur further, but the truth is that we have no certain information after this date. He may be the "Dominus" Arthur Forster of Raw, whose son George was christened at Stapleton in 1726. In that year the churchwardens of Stapleton presented "Mr Arthur Forster now Prisoner in Carlisle and Jane Taylor for Fornication." This Arthur Forster is no doubt the man who wrote to Chancellor Waugh protesting of the conduct of the Rev. James Jackson, Rector of Stapleton and others. The date is missing, but the letter runs as follows:

"The Presentment against Mr Jackson minister of Stapleton and Mr Forster of Malls Gate and William Shortriggs, Trough head, churchwardens. Mr William Osmotherley came to live at Trough head in May 1728, cohabited with Isabell Osmotherley one year. She bore a basterd child to William Osmotherley in that year and was not prosecuted by Mr Jackson nor his churchwardens. Mr Osmotherley aforsd [?] was to satisfie the church for another basterd child which, as I understand, was perform'd in the morning before service with drinking brandy att the Alter, as I am informed, and Mr Osmotherley and Mr Jackson making themselves drunk after service. Mr Osmotherley had another basterd child by Jane Taylor, which is thrown upon the parish by Mr Jackson's unfair dealings and . . ." [the rest of the letter is impossible to read.]

The registers of Stapleton contain the baptisms of

Christian and Mary, daughters of Mr Arthur Forster, on 27 November 1734, and of Henry, son of Mr Arthur Forrester of Trough . . . [the paper is torn] on 10 August 1735. The christian names lead me to suppose that this Arthur was the son of Henry and Christian Forster.

I return now to John Forster of Stonegarthside. At the time when he ousted Henry from Stonegarthside he was 21, having been baptised at Bewcastle in 1669. In 1693 he married Agnes, the eldest child of Henry Brougham of Scales and Mary (Slee) his wife (see Art. XIV in this volume). By Agnes he had a large family. As we have seen, John's troubles by no means ended with his victory over Henry and for many years afterwards he was deeply involved in litigation. The Chancery suit he instituted against Henry in 1696 he continued against Henry's executors — his son and heir Arthur Forster, his widow Frances Forster, Roger Wilson of Walwick, Northumberland, and William Charlton of Hetherington in the same county — alleging that they were detaining some of his deeds and the whole of Henry's personal estate, amounting to £800, to some of which he thought he was entitled by reason of Henry's alleged failure to pay rents and fines due on the property.

In 1704 John Forster launched a suit in Chancery<sup>11</sup> against his mother's brother, Andrew Latimer of Burnfoot, Arthuret, a lawyer who had helped him to win back his property. The fight was not won without the expenditure of a good deal of money — £3,000 and upwards, according to John. To finance the litigation, Latimer borrowed on John's behalf £1,000 from Lord Preston, £200 from Sir George Fletcher, Bart., £1,000 from Edward Earl of Carlisle, £100 from Samuel Story, a London merchant, £100 from William Nicholson, merchant of Carlisle, £50 each from Charles Smithson, gent., of Carlisle, Robert Jackson of Carlisle, and William Sandford, £30 from John How of Carlisle, £24 from

<sup>11</sup> P.R.O. C5 318/21.



John Liddell of Brough and £150 from David Baity and Robert Ferguson.

These sums having been borrowed, John Forster alleged that he,

"being young and inexperienced and having none to counsel or advise with, saving Andrew Lattimer, who, being your orator's near kinsman — to wit his uncle by the mother's side — and having done your orator good service in soliciting and managing your orator's concerns while he was under age, he had an absolute sway and power over your orator, so that your orator believed everything and was persuaded to anything which Lattimer told him or desired of him, and Lattimer, having been formerly concerned and employed by your orator's mother and guardian during his infancy in several suits at law and in equity against Henry Forster, for and on behalf of your orator and having occasion several times to take up and borrow of your orator's friends several sums of money for the maintaining and defending of the said suits he alleged to your orator when he came of full age (as perhaps the truth was) that he, Lattimer, stood bound for £450 for moneys borrowed upon your orator's account."

Lattimer therefore asked John Forster to give him collateral security to indemnify him and his bondsmen. This John Forster agreed to do, and he granted him an annual rent charge of £50, entering into a £500 penalty bond for payment. Unfortunately, in spite of the regular payment of the rent charge, Lattimer did not discharge the £450 bond and eventually John Forster had to pay it himself, and Lattimer insisted on being paid the rent charge, pretending (according to John Forster) sometimes that the rent charge was granted in consideration of £240 lent by Lattimer to John, and sometimes that it was granted to him in consideration of "his great pains and expenses in riding and travelling" about John Forster's concerns and "the loss of several advantageous posts and places" which he relinquished to serve John.

John, however, declared that he had lost any posts he had long before he began to act for him, at which time "he was reduced to great straits and necessities

out of which he could never have rescued or relieved himself" but by John's "particular bounty and kindness to him". Despite the bounty and kindness, Lattimer joined forces with Lancelot Simpson, attorney at law, "to ruin and undo your orator at a time when he is so charged and oppressed with his true and real debts they cause the said bond for performance of covenants to be put in suit against your orator and to be brought to trial at the last assizes holden at Carlisle for the county of Cumberland, where they recovered £500 . . . the penalty of the said bond." John Forster alleged that Lattimer and Simpson having got a verdict and entered judgment thereupon for £500, besides costs, they pretended that they would not take out execution of the said judgment if John Forster would pay the arrears of the rent charge with reasonable costs.

A meeting was arranged at an inn at Hesketh in the Forest on 27 December 1703 and John Forster arrived there (according to his own story), with the money, which he had raised with difficulty, in bags. When, however, he tried to hand the money over, the offer was declined, Lancelot Simpson having got an assignment of the judgment (to secure fees due from Lattimer) and having taken out a *capias ad satisfaciendum* upon it. Simpson and Lattimer demanded the penalty of the bond, plus £12 costs, and they were only ready to talk until the arrival of the sheriff's officer to arrest Forster. After the arrest they offered considerable sums of money to the bailiffs to hurry Forster off to gaol, whence he only obtained his liberty after "extraordinary trouble and charges".

Lattimer's story of the affair was that Forster declined to pay any part of the annuity or the costs. After the arrest, if it had proved expensive to get out of prison, the sheriff was wrong in accepting any reward for releasing him.

John stated that even after his release from prison Lattimer and Simpson still insisted on the penalty of the

bond and threatened to take out a new execution on the judgment and to arrest him again and keep him in prison until the debt and damages were paid. They had also taken his goods and his tenants' goods and threatened they would make "distresses infinite" till the rent charge and arrears were paid, and until he had charged other unencumbered lands with the rent charge, though Lattimer knew this was impossible, for in addition to John's great debts charged on his real estate he had

"since married a young lady with a considerable fortune, by whom he has seven or eight children now living and . . . in consideration of the marriage and of a marriage portion of £1,000 and upwards all his lands and tenements were so settled and assured upon his wife and children that your orator cannot make or grant any certain or sure estate . . . of . . . the same, nor indeed ought Andrew Lattimer to insist upon his former securities much less to desire any further security, for he very well knows and is satisfied in his conscience that he never spent sixpence of his own money in your orator's concerns, that during the said law suits he was generously maintained . . . at your orator's expenses, that all the . . . debts for which he was bound for your orator are long since paid or secured."

The reply of Andrew Lattimer is of immense length, and parts of it now impossible to read. He explains that John Forster was about five years old when his uncle died, and his widowed mother had a tiny income, and was unable to put forward her son's claims. Lattimer, her brother, was therefore asked to take on the management of the lawsuits which were necessary to establish John Forster's rights. Although, according to his own account, Lattimer had considerable employment, he was persuaded to leave it, and, forsaking all other business, go to London. From time to time he was obliged to raise funds to carry on the litigation, and he and his father sold and mortgaged all that they possessed.

When, after protracted litigation, John Forster came into his own again, shortly before his 21st birthday, he and Lattimer in May 1689 began to settle their accounts.

It appeared that all that John Forster owed his uncle was £450, and John thereupon, on 1 May 1689, leased<sup>12</sup> to his uncle a moiety of the manor of Cargo with fishings and royalties belonging, or within, the parish of Stanwix, a large piece of meadow or pasture ground called Kershope and Kershopefoot, with the water corn mill belonging, a piece of ground called Blacklyne in the tenure of John Robinson and Archibald Armstrong alias Algold and — Armstrong and meadow grounds called Gremald Meadow alias Crambald Meadow within the manor of Dalston, formerly in the tenure of Henry Forster, and then of John Forster or his undertenants.

Later John Forster found it necessary to mortgage all these lands to Edward Earl of Carlisle, to pay off some of his debts. He therefore asked his uncle to surrender the lease, and they agreed that when he had done so, he should remit the debt of £450, and then accept a conveyance of the lands, subject to the mortgage to Lord Carlisle as security for an annuity of £50, which he promised to give him.

Accordingly, on 28 June 1689, John Forster granted the lands to Lattimer for a term of 99 years, at the rent of a peppercorn. By indenture of the following day Lattimer re-conveyed the lands to John Forster for a term of 98 years, he paying to Lattimer £50 a year "at or within the church porch of the city of Carlisle".

<sup>12</sup> The original lease is among the Howard of Naworth MSS. in The Prior's Kitchen, Durham (Box 170, no. 1). The properties leased were a moiety of Cargo manor, with appurtenances in the parish of Stanwix and several meadows called Grombold Meadows alias Orombold Meadows, and several messuages cottages or tenements called Harrington houses alias Averington houses in the parish of St. Mary's, Carlisle, and within the manor of Dalston. The lease is endorsed with Lattimer's surrender to John Forster in consideration of an annuity of £50. Lattimer (he signs his name with one "t" only) uses a seal which bears upon it: on a chevron between 3 birds' heads three cinquefoils. (I suspect this is the seal of Thomas Jackson, who witnessed Lattimer's signature.)

Box 170/2 is "a note of my Lord Carlile's writings which relate to Mr Foster's mortgage." Apart from "Kirsopp, Kirsoppfoote, Blackleven", half the manor of Cargo and Cowdall Hall, Lord Carlisle had the further security of several customary lands and tenements of John Forster's, within the manors of Nichol Forest and Bewcastle, held under Lord Preston. The sum advanced was £1,600.

Lattimer went on to state that in 1693 John Forster got married and "he lived high and extravagantly and wholly refused and omitted to pay the annuity". Worse, in March 1695, he exhibited a bill in Chancery seeking to call Lattimer to an account for moneys alleged to have been received by him for John Forster's use, with the intention of getting the annuity set aside on the ground that it was gained "by surprise and undue means". Lattimer filed his answer, but after some further proceedings, Lord Preston and other friends of John Forster successfully intervened to make peace between them. Lattimer agreed to forgive his nephew's arrears of the annuity — nearly five years were unpaid — and in return Forster agreed to enter into a bond of £500 for the future payment of the annuity. On 1 August 1695 he released to his uncle "all actions causes suits . . . bonds bills reckonings accounts judgments executions extents trespasses claims and demands either in law or equity" which he might have against him "from the beginning of the world to the day of the date thereof", and on 21 August he entered into a bond to his uncle in the penal sum of £500, conditioned that he should pay him the £50 annuity.

Lattimer states that on 9 February 1693/4 his nephew let to him a messuage and tenement in Bewcastle parish called Crookburne and Dodlingstead on a 21 years' lease at the annual rent of £14, Forster agreeing to allow him timber and wood sufficient for the building of any house or houses as should be necessary for the management of the premises. This £14 a year was, Lattimer admits, deducted from the £50 annuity — when the annuity was paid. When it was not, he was advised to distrain and accordingly he distrained some sheep upon the premises charged with the annuity.

John Forster, however, had had notice of the proposed distraint, and ordered several servants "with great numbers of people both Scotch and English to come

with swords pitchforks guns pistols and other offensive weapons" to go and rescue the sheep. In the course of this fracas Lattimer and his agents were glad to escape with their lives, and they retreated very badly bruised.

Lattimer complained at the next Quarter Sessions, but John Forster gave out that neither the sheriff nor any of his officers should take them, and if they attempted to do they should not come back alive. The threat was effective.

Lattimer's next step was to sue his nephew on the £500 bond, and his story agrees with John Forster's at this point, though as has been said, their accounts differ as to what passed at the inn at Hesket.

The Chancery suit had compelled Lattimer, though "very old and infirm", to travel from Cumberland to London "with great difficulty and danger of his life". He protests that all he wanted was the annuity and the arrears — the chief support he had for the maintenance of himself, his wife and family.

Lancelot Simpson, in his reply sworn on 24 February 1703/4, denies that Lattimer has assigned the annuity, or the judgment, or the £500 bond to him. He merely acted as Lattimer's attorney and all that he did was upon his instructions.

Of John Forster's subsequent history I fear I have little to relate. Although he was a magistrate he was never called upon to serve as sheriff of Cumberland. He died in 1727.

When Stonegarthside was sold in 1872 the purchaser accepted a covenant that the deeds of the property would be produced whenever requested. It is unfortunate that all that is now available is a schedule of deeds (see Appendix). All that one can safely deduce from this is that John Forster was succeeded by his son Arthur Forster, who was the owner of the estates, in June 1729, and it would seem that in 1733<sup>14</sup> he sold them to Matthew

<sup>13</sup> Stonegarthside schedule of deeds.

<sup>14</sup> This is the last reference to Arthur Forster which I can find.

Robson, who, in the following year, married his sister Agnes.<sup>15</sup>

It is to be presumed that in 1742 Matthew Robson the elder and Matthew Robson the younger mortgaged the estate to John Stephenson, and he in 1744 conveyed to Edward ("Governor") Stephenson. In 1761 Governor Stephenson sold it to Thomas Holme, and next year John Forster's descendants conveyed whatever rights they had in the property to Holme. They were Charles Carr yeoman and Margaret his wife, Agnes Robson, Elizabeth Robson and Jane Robson, spinsters, the four ladies being the daughters and co-heiresses of Matthew Robson the younger and Agnes his wife, and, by a separate deed, on 7 May 1762, Henry Forster otherwise Forrester (John Forster's son) made a similar conveyance to Thomas Holme. Even then it would seem that Holme's solicitors were not fully satisfied with his title, for the schedule of deeds records a conveyance by Philip Howard and William Hasell, obviously trustees, to Holme in 1763.

The property remained in the Holme family until 1804, when Thomas Holme's nephew George Holme Sumner conveyed it to Sir John Lawson, Bart., and he, in 1806, transferred it to James Fenwick and William Thomas Salvin, who were, I suspect, trustees of the marriage settlement of William Charlton of Hesleyside and Margaret Fenwick his wife. When Margaret Charlton's son, William John Charlton, married in 1809, Stonegarthside was settled upon him. His son, Mr William Henry Charlton, sold the property in 1872.

It will be recalled that in 1762 Henry Forster or Forrester released his rights in Stonegarthside to Thomas Holme. So far as I know Henry, who was the second son of John Forster and Agnes Brougham, was the last of the family. Thanks to Mr Rupert C. Jarvis, F.S.A., F.R.Hist.S., Librarian of H.M. Customs and Excise,

<sup>15</sup> There were two Matthew Robsons, senior and junior. It may be that it was the elder who acquired Stonegarthside in 1733 and the younger who married Agnes Forster in 1734.

Henry's career has been traced from 1727 until his death in 1775. It is clear that the influence of John Brougham, his uncle, secured him a place as a clerk in the Excise Office. In 1727 he was assistant accomptant for the duties on soap, paper, callicoes, wire and starch at £60 a year, and step by step he rose until in 1760 he became Excise General Accomptant, a post he held until his death, the salary being £260 a year. He died in Great Kirby Street, Hatton Garden, on 13 November 1775 and was buried at St. Andrew's, Holborn, on 20 November.

An abstract of his will, dated 1 September 1767, will be found in the Appendix. At that date he appears to have been a childless widower, his closest relative being his sister Catherine, who was the wife of Joseph Smith, a Bristol watchmaker. The schedule of the Stonegarthside deeds makes it clear that Catherine was in June 1729 the wife of Thomas Stevens,<sup>16</sup> and in September 1738 the wife of Joseph Smith. As Mrs Katherine Stevens she married in Bristol Cathedral on 17 February 1735/6 Mr Joseph Smith. Smith's career was briefly described by Miss H. E. Nott (now Mrs Morton) and myself in *Trans. Bristol and Gloucestershire Archaeological Society* lvii 189. My researches into the history of the Forsters of Stonegarthside have brought to light some new information about Joseph Smith, which was not known to my collaborator and myself when we were writing in 1935. Smith made his will on 23 October 1776, by which time Catherine was presumably dead, leaving one daughter Elizabeth, who was goddaughter of her great-uncle the Rev. Bernard Brougham (see his will at pp. 164-7). When Henry Forrester, her uncle, made his will in 1767 she was the wife of Thomas Constable of Bristol. In her father's will she is called Elizabeth Vigors, late wife of Thomas Constable deceased. Joseph Smith died in 1778, and his will was proved in P.C.C. on 23 November 1778.

<sup>16</sup> It is possible that Catherine was married three times, for there is a Carlisle marriage bond of 28 September 1723 for Thomas French of Kirkandrew's upon Esk yeoman, and Catherine Forster of the same parish, spinster.



## ACKNOWLEDGEMENTS.

In addition to those friends whose help I have acknowledged in the text, I am deeply grateful to a number of others. The late Mrs Gatheral of Kershope House, Penton, was the owner of Stonegarthside Hall, when our Society visited the house in 1960, and she kindly allowed me to look at the title deeds of the property. Mr R. W. Bell, of Longtown, Mrs Gatheral's solicitor, was good enough to allow me to consult the deeds in his office, and to answer several questions. Mr and Mrs John Telfer, Mrs Gatheral's tenants, welcomed us to the Hall. Mr Kenneth Smith, F.L.A., and Miss Snaith of Tullie House, Mr A. R. Jabez-Smith and the Rev. Dr J. S. Purvis, of the Borthwick Institute, York, have all helped me; and last, but not least, Mr T. Gray has been, as always, a tower of strength and help.

## APPENDIX I.

**Will of Arthur Forster 1670. York.**

In the name of God Amen I Arthur Forster knowing my selfe to be mortall and dayelie waiting for my appointed time which is in the hands of the Lord my God And when it shall pleas him to accomplish it in my blessed Saviour the Lord Christ, by whome I hope for Salvation I ordain by this my last Will and Testament that all things be done as underwritten for the settleing of my famely; I at this present being sick of body But in perfect memory prased bee God

Imprimis I leave to my wiffe one hundred pounds a year during her liffe naturall to be payd her outt of my reall estate in maner and forme following (provided she quite her thirds of the personall estate) for the advancinge the children's portions viz the one moaty or halfe to be payde her at Whitsunday & the other moiaty or halfe to be payde her the next Martinmas after: the payment of the first moyaty or halfe to begin the next imeadyate tearme after my deseas; as Also I leave her tenn kyne with their calves, and as many mor as will make those sheepe up a hundred that are in the possession of Walter Graham in Bruntsheels

I leave my sonn Henry for his portion six hundred pounds

I leave to my daughter Bridget a bond due to her from Walter Elliott and as much more as will make that bond foure hundred pounds for her portion

I leave to my daughter Rebecca three hundred pounds for her portion

I leave to my daughter Hannah three hundred pounds

I leave to my daughter Mary in Legasy twenty pounds And to her sonn Samwell therty pounds and to each one of her children tenn pounds a pece

I leave to the Lairde of Whithaugh for a legasye tenn pounds

I leave to my daughter Katherin for a legasy tenn pounds and to each one of her children five pounds a pece

I leave to Samwell the basterd for his portion fifty pounds to binde him to a trade

I leave to my sonn Cuthbert tenn pounds a year during his liffe naturall out of my estate and to his sonn Nicholas after his deseas the Pike and the Upper Kingfeild or else tenn pounds a yeare out of my estate in lew of it for his education, As Also to each of the children twenty pounds a peace they being foure in number

I leave to William Graham in legasy five pounds becaus he was bred in my hous

I ordain these portions to the children and other the legasyes above mentioned to be payd out of my personell estate which are to be prysed and sould with the best conveniently att or before the next Whitsuntyde And if any of my daughters shall match with men of considerable estate I doe hereby order my executors to advance their porcions out of the said personall estate

I doe hereby nominate and appoynt for my executors my sonnns Nicholas and Henry conjunctly I doe humbly desyer My Lord Morpeth Sr Richard Graham of Nethurby and Mr Luke Ogle of Bousden to oversee this my will executed that my children may receiv noe wrongne

In witness whereof I have herunto set my hand and seall this fifteenth day of Decembr. one thousand six hundred sixty and nine

Ar: Forster

Witnesses: John Armstrong George Wright

Proved at York by Nicholas Forster his son, an executor 9 July 1670

## APPENDIX II.

**Will, nuncupative, of Nicholas Forster 1673.  
P.C.C. Pye 144 and York.**

Memo that Nich. Foster late of the parish of Kirke Andrewes co. Cumberland bachelor but died in the parish of St. Mary Alderman Bury, London . . . did on or about 21 October 1673 declare: All my lands to my brother Henry Foster

As to personal estate I bequeath equally to my sisters Mary Ogle als Foster wife of Mr Luke Ogle Kath. Elliott wife of Walter Elliott Bridget Watson wife of George Watson, Rebecca Charlton wife of Willm Charlton and Hannah Foster spinster my mother Kath. Foster to be paid her £200, they know what it is for.

Witnesses: John Bedell Kath. Pennington mark

11 November 1673 Henry Foster, principal legatee, appointed executor of the goods of the said deceased

23 March 1699 Admon. to John Foster, nephew on the brother's side and next of kin of said deceased, of goods unadministered, Henry Foster being now dead.

Proved at York by Henry Forster his brother 5 December 1673

## APPENDIX III.

**Will, nuncupative, of Katherine Forster, 1684. York.**

Memorandum that upon the 28<sup>th</sup> of March 1682 Katherine Foster of Trough-head in the county of Cumberland widdow then sick of body but of sound and perfect memory did nuncupatively or by word of mouth make and declare her last will and Testament in manner following or in wordes to the same effect — (videlicet) I give and bequeath to Catherine Forster my on [?] grandchild twenty kine and their followers and all my sheepe att Trough-head, to Mary Forster my sister ten kine and their followers, the cow which is at Smiwhat to be one of the ten, to my daughter Catherine Elliott two kine and their followers, to my grandson John Forster one cow and her follower, to Richard Kenaly one cow and her follower, And I will devise and order that the insight of the house be equally devided amongst my five daughters & my grandchild Katherine Forster, except the silver spoones silver caster and beaker of silver [which beaker I give and bequeath to my said grandchild Katherine

Forster\*] and the said spoones and cupp to my said [*sic*] sonne Henry Forster and I doe appoint my said sonne Henry Forster my sole executor, And desire him to see mee honourably buried And what els I have to leave I give to my said executor and the said Katherine Forster my grandchild.

Proved at York 15 April 1684 by Henry Forster

## APPENDIX IV.

### Will of Henry Forster, 1699. Durham.

I Henry Forster of Carraw co Northumberland esqr., sick of body All my personal estate to be sold and my debts paid and £20 disposed on to my loving wife my stock of quick cattle be depastured and kept upon the grounds where they now are till the proper season of the year come wherein they may be sold to the best advantage. I give to John Bacon of Staward co Northumberland esq and William Gilpin of Whitehaven co Cumberland esq all my messuages lands tenements and hereditaments with the appurtenances called Carraw in the parish of Warden in the county of Northumberland and the reversion reversions remainder and remainders thereof and of every part thereof one close called Ridleys Close only excepted to such uses intents and purposes as is hereafter mentioned — that is to say that they shall forthwith sell or mortgage the same or any part thereof they please for the best profit benefit and advantage that may be gotten for the same and that the money thereby raised shall be employed for the payment of the incumbrances on my lands and all my just debts due by specialty or simple contract and the legacies and portions hereafter mentioned payable upon my said lands of Carraw and for paying the interest of my daughters' portions hereafter mentioned for their maintenance until payment of the same To my loving wife Frances and her assigns during her life her jointure lands of Houghton and Troughhead and five tenements in Troughhead in the county of Cumberland and all that close called Ridleys Close in the said county of Northumberland and the plate and linen her boxes and trunks and household stuff she brought with her to me and the furniture of the Middle Room of Carraw as it is now furnished and £20 out of my personal estate to be paid by my executors

\* The words in square brackets have been deleted, but "stet" is written against them.

To the said John Bacon and William Gilpin and their heirs for ever after the decease of my said loving wife my manor lands and tenements of Houghton and the lands of Troughhead and five tenements of Troughhead and Riddleys Close in trust for such uses intents and purposes as is hereafter mentioned — that is to say if my personal estate and lands and tenements in Cumberland being sold will not amount to such money as will pay my just debts and incumbrances and my legacies and portions hereafter mentioned, the said John Bacon and William Gilpin to charge mortgage or lease the same for the remainder of the debts incumbrances and legacies and portions that are unpaid or absolutely sell all or so much thereof as will pay the same And my will and pleasure is that tho' my only son and heir apparent has been a disobedient son to me and the nineteenth year of his age married a widow without my consent by whom he has no issue of his body and tho I have formerly given him near £200 yet when and as soon as there shall remain no debts and is upon my estate nor legacies nor portions unpaid that then John Bacon and William Gilpin shall stand seised of Riddleys Close in Northumberland and the lands of Troughhead, Houghton and five tenements in Troughhead after the decease of my wife to the use of my son and heir Arthur Forster for and during his natural life and after his decease to the use of the first second and all other sons of the body of the said Arthur to be begotten successively as they shall be in order of birth and the several heirs of their respective bodies to be begotten and for want of such issue to all the daughters of the said Arthur to be begotten as parceners and the heirs of the respective bodies of such daughters to be begotten and for want of such issue of my son Arthur that then John Bacon and William Gilpin shall stand and be seised of the same till they can raise out of the issues and profits of the same £300 to be paid in such manner and form as the said Arthur Forster by his last will and testament or by any other writing under his hand and seal shall testify and declare and after the decease of the said Arthur without issue of his body and the death of the issue of his body without issue of their bodies and the raising the said £200 out of the issues and profits of the said lands and tenements then to the use of my four daughters Margaret Isabell Ellinor and Christian and their heirs for ever as parceners I give unto my daughter Margaret £130 for her portion to my daughter Isabell £130 for her portion to my daughter Ellinor £120 for her portion to my daughter Christian £120 for her portion amounting in all to £500 I do hereby declare to be in full for their portions and

in full for the £400 their mother Christian left in her trunk when she died and in one Bridkirke's hands I desire my loving wife Frances Forster to be a mother and guardian to my daughters and that she will take care their portions be put forth for them to the best profit and advantage To my said daughters all the plate now in my possession and which was mine before the intermarriage between me and my loving wife All the residue of my personal estate goods and chattels I give for the uses of this my will to my well beloved friends Roger Wilson of Wallick Esq. and William Charleton of Hetherington gent whom I make joint executors

14 December 10 King William III 1698

I give the general fines of Houghton due upon my death to my said son Arthur and to my four daughters one trunk of linen to be equally distributed among them by the discretion of my said loving wife

Witnesses: William Carr Thomas Mayer George Lamb William Carr jun. On 2 February 1698 Roger Wilson renounced his executorship. The original will was delivered to John Bacon of Staward esq. who enters into a bond 7 February 1698.

There is also among the probate papers a letter dated Hexham 1 February 1698, written by William Carr to Mr John Rowell at Durham, as follows:

To Mr John Rowell at Durham these present

S<sup>r</sup>

The bearer comes to you to prove the will of Mr Forster of Carraw lately deceased, and by that will Mr Forster devised part of his lands and tenements to Mr Bacon and Mr Gilpin to be sold for the payment of debts and other uses. There is a necessity that the originall will shall be kept and not left with the Court, for without sight of it nobody will buy. Mr Bacon therefore desires you be pleased to take a true copy of the will and give the originall will to Geo: Lamb the bearer, and Mr Bacon desired me to lett you know that he will give Bond to any you will please to authorize to take the same or to your-selfe so soon as a convenience will offerr to give it to you, that he will on lawfull warning or notice given bring and deliver the said originall will into your Consistory Court of Durham whole undefaced unaltered and uncanceled as the same is delivered to him and will also save and keep harmlesse your Bishopp and his officers ministers and successors by reason of the premisses, this being a thing very reasonable to be done in

such cases. I desire you gett done in this matter wherein you will add to your many obligations done for

Sir

Your well friend and  
most humble servant  
William Carr

At the foot of the letter is written:

Sir

The contents of this above was writ by my order and if you delivered the originall will as above I will duely perform what's mentioned to be done on my part and remaines your most humble servant

John Bacon

The will was proved on 7 February 1698 by William Charleton gent., of Hetherington, Arthur Forster gent. of Carraw being bondsman.

A true and perfect Inventory of all the goods chattels and personal estate that Henry Forster Esqr late of Carraw in the parish of Wardin and county of Northumberland died seized & possessed of duely valued & apprized the 21<sup>st</sup> of Janry 1698/9 by William Laidler of Teppermoor William Graham of Kennall Henry Hirdman of Sewing Shiels and Thomas Dawson of Setling-stones all of the said county yeomen.

	£	s.	d.
Imprimis his horse purse & apparrell	30	0	0
Eight cowes and Eight calves	20	0	0
Fourteen young beasts and one bull	17	10	0
Eight young beasts	28	0	0
Eight oxen	30	0	0
Thirteen steers	24	0	0
Three cowes	7	10	0
Eleaven young beasts	11	0	0
Twelve calves	6	0	0
Sixty four sheep	16	0	0
four swine	1	10	0
six young mares	12	0	0
Two old mares & foals	2	0	0
Two geldings	7	0	0
five work horses and mares	7	10	0
Two pair of bound wain wheels, 2 long waines & 2 short waines, 2 ploughs, 4 somes, 5 yokes, 2 bolts & shekells, 2 pair of horse geer, 2 wheel ploughs, 2 horse harrows & one ox harrow	8	0	0

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3 pair of cart wheels	0	10	0
22 firdales	0	18	0
2 spades, 4 stone hammers, one mell and one gave- lock	0	12	0
Three kettels, a masking tub, a tun and a small kask	2	10	0
Two churns, 12 piece of milk vessell	0	15	0
A dryer and a weigh baulk	0	6	0
Nineteen pair of blankets, nine happings and two ruggs	6	10	0
Two potts, 2 pans, a dripping pan, a pair of cranks, a frying pan, one spitt, one fire shovell, a girdle & racks & other iron things belonging to the kitchen	1	15	0
Kitchen pewther	6	3	0
Two locks & a chain bit	0	5	0
One lime kiln	4	0	0
Twenty eight books	5	0	0
A clock	1	10	0
Household goods in the east room and west room of Carraw & kitchin chamber	2	10	0
	<hr/>		
	29	1	04 0

Willm Laidler  
William Graham +  
Henry Herdman  
Thomas Dawson +

## APPENDIX V.

### Will of Henry Forrester 1775. P.C.C. Alexander 416.

I Henry Forrester of the parish of Saint Andrew Holborn in the County of Middlesex Gentleman being in perfect Health and Memory praised be God for the same but considering the uncertainty of this Life and not knowing how soon it may please the Almighty to call me hence for which event I pray him of his infinite mercy and goodness to fit and prepare me do make publish and declare this to be my last will and testament . . . In the first place I give and bequeath to my niece Mary Kemp widow an annuity of £56 a year during her natural life to be paid half yearly to her out of the dividend that shall arise from the £4 per cent Consolidated Annuities 1762 which I now stand possessed of, being £1,900 capital in consideration of her care and trouble in keeping my house for many years past and of my having been the means of taking her out of such Business as by which she might have acquired a Lively-



hood in this I consider the High Price of all sorts of provisions and that she may possibly live so long as to see the said £4 per cent Consolidated Annuities 1762 reduced to £3 per cent and I also give her £20 to buy mourning Item I give to my dear Sister Catherine Smith wife of Joseph Smith watchmaker at Bristol the half yearly dividends or annual produce of £500 of my said Consolidated Bank Annuities 1762 in trust and to be by her applied to the uses of the maintenance and education of Henry Forrester Constable her grandson and my grand nephew during her natural life and after her decease I give the said £500 capital to the said Henry Forrester Constable but in case of the unhappy event of the decease of my said grand nephew before the decease of his grandmother the said Catherine Smith I then give and devise the said £500 capital Bank Consolidated Annuities 1762 to her sole use and benefit and to be by her disposed of as she shall think fit and in case of any increase of my Consolidated Annuities 1762 aforesaid at my decease it is my will and desire that there shall remain unsold thereof the sums of £1,400 and £500 to answer and satisfy the bequests above made I am also possessed of three bonds from the late Jonathan Cope Esquire amounting to the sum of £1,150 all which I hope will be paid in due time Wherefore I give and devise to each of my six nieces namely to Jane Bell wife of Richard Bell of Greatnay Green in Scotland to Elizabeth Constable wife of Thomas Constable of Bristol to Margaret Carr wife of Charles Carr who lives in the County of Essex to Jane Robson wife of Robert Robson sadler at Newcastle upon Tyne to Agnes Robson spinster who lives at or near Newcastle upon Tyne and to Elizabeth Robson spinster who lives in Throgmorton Street London respectively the sum of £100 I give to Joseph Smith my brother in law watchmaker at Bristol the sum of £20 to buy mourning for himself and his wife I give to Joseph Constable grandson to the said Joseph Smith and my grand nephew the sum of £80 I give to Elizabeth Black sister of my late dear and loving wife and the wife of George Black £50 and I give to my servant who shall be living with me at the time of my decease the sum of £10 to buy mourning It is my will and desire that after the decease of my niece Mary Kemp widow herein beforesaid the said £1,400 of my Consolidated Bank Annuities 1762 which I have settled as a security for the due payment of her annuity aforesaid or of the dividends arising therefrom shall be sold and the produce thereof shall be distributed share and share alike to the nearest of my kindred respectively according to the Act or Statute of Distribution and in case of any improvement of my personal estate or surplus

after my legacies are all paid I desire the said Act may be punctually observed in the distribution thereof Lastly I give to my dear nephew John Irving attorney at law of the Temple as a reward for his many services rendered me the sum of £340 and to George Black of the Excise Office London gentleman the sum of £50, both whom I constitute and appoint joint executors . . .

1 September 1767

Hen: Forrester

Witnesses: John Sayer, Henry Munton.

Proved at London 15 November 1775 by John Irving Esquire the nephew of the deceased and George Black the executors.

## APPENDIX VI.

### Schedule of deeds relating to Stonegarthside.

1. 13 Oct. 1657 Sir Geo Graham B<sup>t</sup> to Arthur Forster gent.
2. 10 March 1670 (1) Sir Richard Graham B<sup>t</sup> (2) Nicholas Forster Esq. (3) Thomas Jackson and Francis Graham gent.
3. Easter Term, 23 Charles II [1671] Common recovery Nicholas Forster ten., Thos. Jackson & Frs. Graham demandants Sir Richard Graham vouchee
4. 13/14 April 1692 Lease and release Henry Forster gent. & Frances his wife to John Forster esq
5. 17 June 5 Wm & Mary 1693. (1) John Forster (2) Agnes Brougham (3) Andrew Hudleston Esq., Henry Brougham Esq. Edward Hasell Esq & Thomas Brougham (4) Viscount Preston, the Hon. Richard Graham & Thos. Dalton Esq.
6. 3/4 May 1725 Lease and release (1) John Forster Esq & Arthur Forster (2) John Oliver gent
7. 4 May 1725 (1) John Oliver (2) John Forster & Arthur Forster (3) Wm Oliver, son of said John Oliver and Wm Oliver grandson of said John Oliver
8. 26/27 June 1729 Lease and release. (1) Arthur Forster (2) Thos Stevens & Catherine his wife (3) Bernard and John Brougham.
9. 24/25 Oct. 1729 Lease and release (1) Wm Oliver gent. (2) Arthur Forster (3) John Brougham (4) Matthew Robson.
10. 7/8 Oct. 1730 Lease and release (1) Arthur Forster Esq (2) Matthew Robson gent.
11. 9/10 Oct. 1730 Said Matthew Robson to John Brougham.
12. 24 Nov. 1733 Arthur Forster to Matthew Robson.
13. 23/24 Nov. 1733 (1) Arthur Forster & Elizabeth his wife (2) Matthew Robson.

14. 22/23 Sept. 1738 (1) Matthew Robson (2) Bernard & John Brougham (3) Joseph Smith & Catherine his wife (4) John Brougham gent.
15. 23 Sept. 1738 Indre between same parties.
16. 11 Oct. 1742 Matthew Robson the elder & Matthew Robson the younger to John Stephenson esq.
17. 1/2 Nov. 1743 Matthew Robson the elder to Matthew Robson the younger.
18. 17/18 Aug. 1744 (1) John Brougham gent. (2) Henry Richmond Brougham esq. (3) William Gale merchant.
19. 20 Aug. 1744 William Gale to Henry Richmond Brougham.
20. 24/25 Sept. 1744 (1) John Stephenson esq (2) Edward Stephenson esq (3) Matthew Robson the elder and Matthew Robson the younger
21. 25 September 1744 Same parties
22. Sept. 1744 do. do.
23. 29/30 April 1755 (1) John Gale (2) Wm Gale (3) John Brougham (4) Edward Stephenson
24. 30/31 January 1761 Edward Stephenson to Thos. Holme Esq.
25. Same day. Thomas Holme to Edward Stephenson
26. 23/24 April 1762 Charles Carr yeoman & Margaret his wife Agnes Robson spr Elizabeth Robson spr & Jane Robson spr the four daughters and co heiresses of Matthew Robson the younger and Agnes his wife to Thos Holme Esq.
27. 7 May 1762 Henry Forster otherwise Forrester Esq to Thos Holme
28. 28 April 1763 (1) Philip Howard Esq & Wms Hasell (2) James Booth Esq & Geo Peacock gent (3) Robert Graham clerk (4) Thos Holme
29. 9/10 Oct. 1804 (1) George Holme Sumner (2) Sir John Lawson (3) Jas. Fenwick & Wm Thos Salvin
30. 21 May 1806 Sir John Lawson to said J. Fenwick & W. T. Salvin
31. 17/18 July 1809 Lease and release (1) J. Fenwick & W. T. Salvin (2) Margaret Charlton (3) W. J. Charlton
32. 23 April 1810 W. J. Charlton to Nathl Clayton

## APPENDIX VII.

### Kirkandrew's upon Esk.

Extracts from the Bishops' Transcripts.

- 1694 Jane d. of John & Agnes Forster of Stonegarthside bap.  
5 May

- 1695 Arthur s. of Jo. Forster Esq bapt. 26 Dec.  
 1697 Mary d. of John Forster Esq bap. 15 July  
 1698 Henry s. of John Forster Esq bap. 13 Sept.  
 1699 Kathrine d. of John Forster Esq bap. 27 Oct.  
 1700/1 Agnes d. of Jo. Forster Esq bap. 10 January  
 1702 John s. of John Forster Esq bap. 26 August  
 1704 Thos s. of Jn Forster Esq bap. 12 Oct.  
 1706 Dorothy d. of Mr Forster bap. 21 August  
 1717 Mr Wm Irwing & Mrs Jane Forster married 29 April  
 1725 James bastard s. of Mr Thomas Forrester bap. 12 June  
 1734 Mr Matthew Robson & Mrs Agnes Forrester marr. 15  
 July. [The marriage bond at Carlisle is dated 6 July,  
 he of Stonegarthside, p. of Kirkandrew's upon Esk gen.,  
 she of Kirkandrew's upon Esk, spinster.]  
 1736 Agnes d. of Mr Mat Robson of Stonegarthside bap. 7<sup>ber</sup>  
 29  
 1737 Eliz. d. of Mr Robson of Stonegarthside bap. 14 August  
 1738 Mary d. of Mr Robson of Stonegarthside bap. 13 July  
 1739 John s. Mr Matthew Robson of Stonegarthside bap. 3  
 March  
 1740 Jane d. of Mr Matthew Robson of Stonegarthside bap.  
 8 February

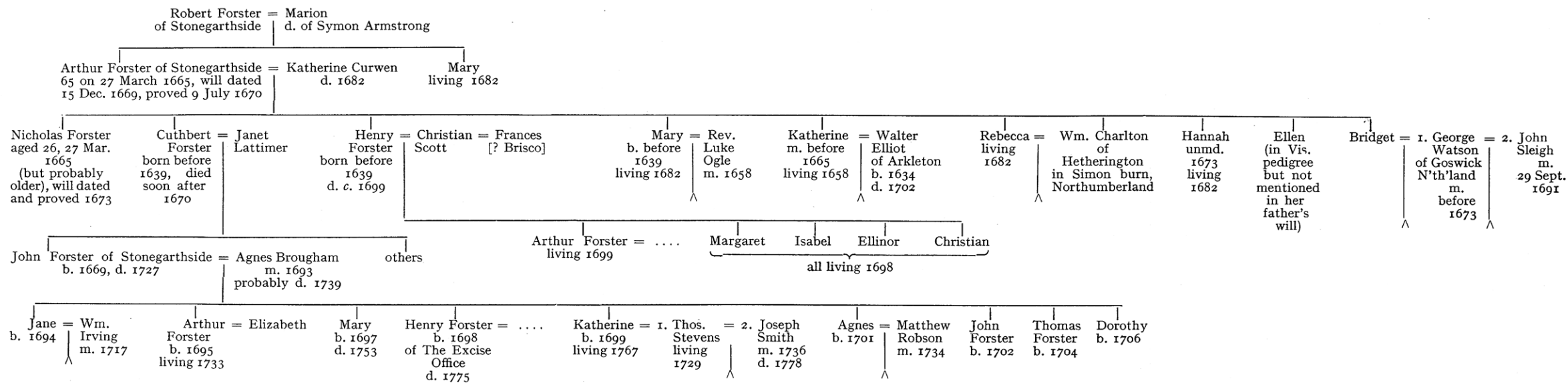
## APPENDIX VIII.

**Stapleton.**

Extracts from the Bishops' Transcripts.

(Cf.: Hutchinson ii 560-561, sub Stapleton Church: The chancel is large in proportion to the church, and seems to have been designed as a burying-place for the Forresters of Stonegarthside; this appears, not only from tradition, but from a monumental stone in the floor, inscribed with the name of Robert Forrester of Stonegarthside, dated 1598).

- 1682 Mrs Katherine Foster buried 31 March  
 1726 Georgius f. Dni Arthur Forster de Raw bap. 17 May  
 1727 Catherine wife of Arthur Forster of Bewcastle buried  
 29 April  
 1727 Johannes Forrester armiger de Stonegarthside buried  
 28 June  
 1734 Christian and Mary daughters of Mr Ar. Forster bap.  
 27 November  
 1735 Henry son of Mr Arthur Forrester of Trough . . .  
 [torn] 10 August



- 1738/9 Mrs Forrester widow of Bewcastle parish buried 30 January  
 1739/40 John the son of Mr Robson of Kirkandws parish buried 10 March  
 1740 Mary daughter of Mr Robson of Stonegarthside buried 30 June  
 1753 Mrs Mary Forester of Stonegarthside spr buried 6 March

### Postscript.

When these pages were in type I discovered in Hist. MSS. Commission, 15th report, Appendix pt. iv, the Manuscripts of His Grace the Duke of Portland, vol. iv, copies of three letters written to Robert Harley by John Forster. All three letters were written from Stonegarthside, and are dated respectively 26 April 1706, 30 June 1707 and 18 September 1707. They are all much concerned with the doings of the Jacobites, and in the letter of 30 June 1707 Forster asks that his name shall not be revealed, "for I live among those that generally are inclined to the Prince of Wales" — *i.e.* the Old Pretender.

In one or two places "Stonegarthside" is, due to misreading of the original, reproduced as "Newgarthside". The letters are now in the British Museum, the references being B.M. Loan 29/193, f. 109v., B.M. Loan 29/194, ff. 142, 220 (Ex. inf. Mr M. A. F. Borrie, Assistant Keeper, Department of MSS.).