

ART. XI.—*The building of the Courts, Carlisle, 1807-1822.* By J. HUGHES.

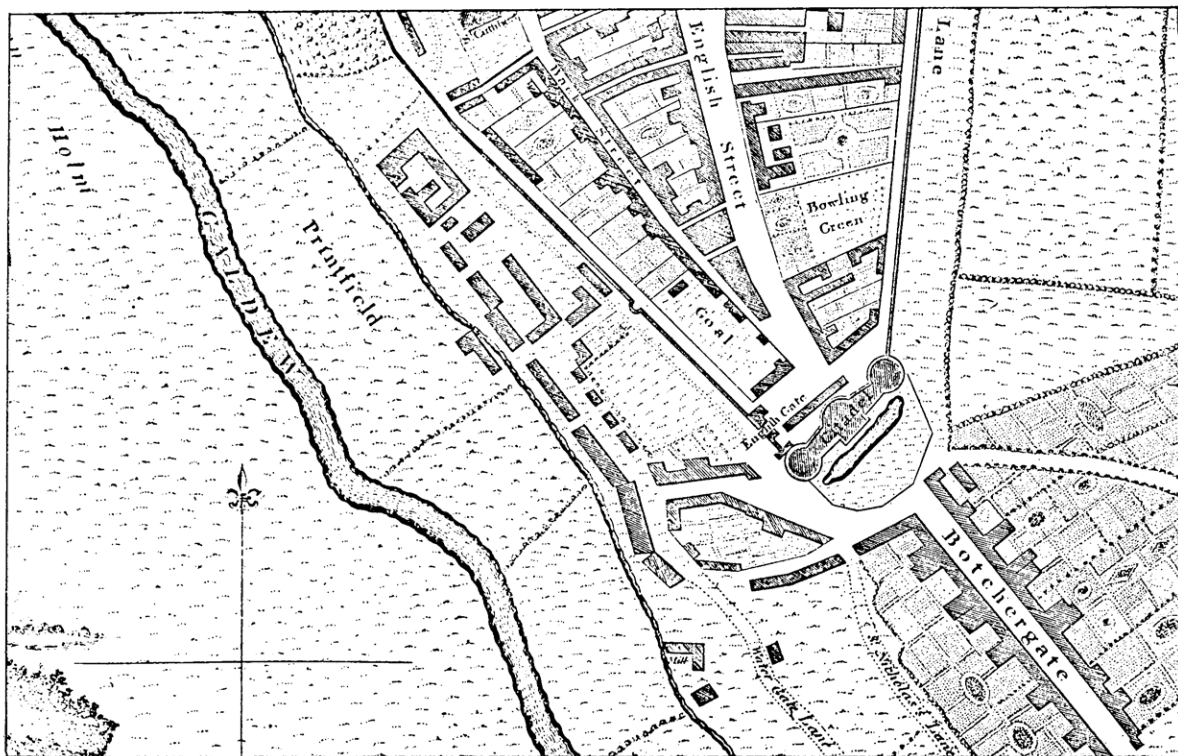
Read at Kendal, April 4th, 1970.

ROBERT BOWMAN, yeoman, of Irthington, who died in 1823, is reputed to have said that a frightened young boy found himself trapped within the City of Carlisle during the bombardment of 1745. Eventually he escaped through a large hole in the encircling wall — created by the attentions of the artillery without — and the tearful youth ran non-stop home to the comparative safety of Irthington. It is highly probable that little or nothing was done to repair such breaches in later years.

Several writers have shown that the Citadel and City Walls were in a decayed and ruinous state towards the end of the 18th century.¹ By this time there was a growing body of opinion, conscious of the needs of an expanding and, to a limited extent, newly industrialised City, to clear away what was in fact something of an anachronism. At the same time civic consciences were being stirred into action to provide public buildings and development for the good of the community. Thus we note the editorial comment in the *Carlisle Journal* of 8 October 1803 . . . "On the elevated ground adjoining the Swifts, streets, squares and a crescent, might be erected, all comfortable to a plan which might be easily procured from an architect of eminence. To these we might wish to see added, a new hall for our courts of justice, elections etc. a prison, theatre etc."

All this clamour had the desired effect. Shortly afterwards the County magistrates sitting in the Bush Inn

¹ Geo. Dale Oliver (CW2 xvi 93).



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THE CITADEL, CARLISLE (1794).

decided to press for an Act of Parliament to grant them the use of the material from the old City Walls and Citadel to build "a proper Shire Hall and Court Houses with suitable offices and accommodation". James Graham, Esq., of Penrith, promptly advanced the money (£287. 16s. od.) required to carry the Bill through the House of Commons. It would appear that the magistrates had acted just in time for already the walls were being regarded by the local people as a free "quarry" for building materials. The Deputy Clerk of the Peace was ordered to give notice to Mr Francis Jollie, Editor of the *Carlisle Journal*, and others, that "unless they allow and give their assistance to workmen and others employed for the purpose of surveying and valuing the stones they have severally taken or received from the Walls of the City of Carlisle and that when and so soon as the value thereof shall be ascertained pay to the Deputy Clerk of the Peace, that application be made to his Magesties Attorney General for leave to file the Criminal Information in his name . . ."² Jollie had already fallen foul of the law some years earlier when he spent six weeks in custody for libel against Robert Robinson and Matthew Matison. In the matter of the wall, presumably the threat of proceedings was sufficient and proper restitution was made by the culprits.

The Act was obtained in 1807, and the magistrates, fired with enthusiasm, ordered that demolition work should immediately proceed under the superintendence of Mr Robert Nicol. No one doubted that the erection of suitable Courts of Justice was long overdue. The preamble to the Act stated: "The Assizes, from time immemorial, had been holden by permission of the Mayor, Alderman and Common Council of the City of Carlisle in the Guildhall of the said City, a building so incommodious and in such a ruinous state as to be

² Q.S. Records.

extremely inconvenient for the Administration of Justice, and even unsafe and dangerous to His Majesty's Judge of Assize and all His Majesty's liege subjects attending on such occasions." Francis Jollie's earlier plea for an "architect of eminence" seemed to have been heeded. The services of Thomas Telford, then at the height of his fame, were secured to design the new works. On the suggestion of Telford, a Court House Committee was appointed and consisted of James Clarke Satterthwaite, Esq., the Rev. Browne Grisdale, D.D., Thomas Irwin, John Thomlinson, John Losh, Esquires, and the Rev. Thomas Lowry. Mr William Hodgson was appointed Clerk to the Committee.

In December the occupiers of the houses and premises adjacent to the old Citadel were given six months' notice to quit, and the owners of such property were given a mere 20 days to agree a value to be paid as compensation. In cases of refusal a jury was to be empanelled to fix a proper value. Such ruthless efficiency augured well for a speedy completion of the new building.

A map of Carlisle, published in Hutchinson's *History of the County of Cumberland* (1794), shows a row of property running at right angles to the old English Gate and terminating adjacent to what had been the half-moon battery of the Citadel. The site of this property was required for the new project, and a careful survey has been preserved.³ It shows that it included a house, tavern, workshop (hat factory), owned by Mr Robert Nanson, and almshouses belonging to the Corporation. Other buildings and land adjacent to the Eastern Bastion were also acquired. Thomas Elliot received £47 for a stable and pigsty, whilst Robert Nanson was paid £67. 10s. 6d. for his "workshop, middenstead and necessary". The public house was valued at £383. os. od.

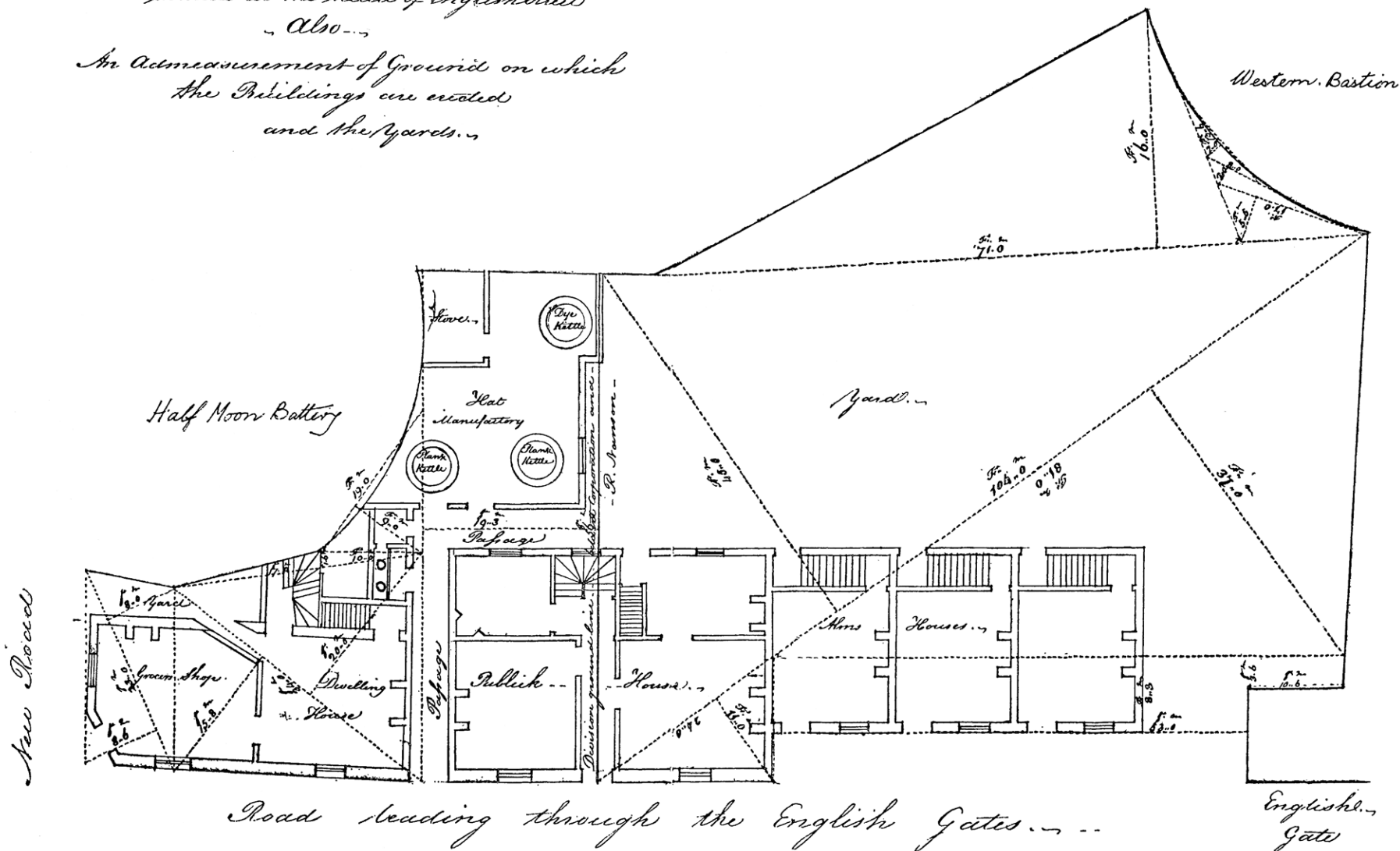
³ Record Office, Carlisle.

of the...

*R. Nansons Buildings and Yards
situate at the head of English Street*

Also -

An Admeasurement of Ground on which
the Buildings are erected
and the Yards.



Record Office, Carlisle

The original plans of the new works were prepared by Telford who acted as consulting architect and had Mr John Chisholme to act as resident architect who took charge of day-to-day site administration and of employing the workmen. No general contractor was employed though a clerk of works was appointed by the magistrates to act as supervisor of the various trades who were all working on different sections of the job with materials purchased in the main by the magistrates themselves.

The plan consisted of preserving the lower part of the old Eastern Bastion, providing it with a new protective masonry skin, increasing the height and fitting out the interior as a Court. To this it was proposed to extend northwards with a large hall and ancillary offices. The Western Bastion was completely raised to the ground and it was proposed to erect a new tower fitted as a Court but sited further west. A similar hall and offices were to be provided here as were to be extended from the Eastern Tower.

Building materials were purchased sometimes as a result of tender, sometimes by direct purchase without competition, and sometimes following information brought forward by a magistrate as to the whereabouts of some cheap material — the outstanding thing was that price was the ruling factor. The cheapest material was almost invariably acquired.

By April 1808, demolition of the old works and excavations for the new were sufficiently advanced for the justices to think of ordering a sufficient quantity of lime and sand for the mortar. The clerk was instructed to enquire of Mr Lawson when the lime could be furnished. The magistrates, from within the comfort of the Bush, "ORDERED that Mr Chisholme take Mr Nichol (the clerk of works) with him to Lowther and view the oak wood bought and laying there and give directions for sawing and sanding such parts as

he shall think proper.”⁴ They added that a sketch of a Judge’s Lodging should be made by Chisholme for incorporation in the scheme and that it should be submitted to Mr Telford for his opinion. In fact these lodgings were never completed. The late County Architect, Mr J. H. Haughan was of the opinion that the oriel window now seen in Citadel Row was destined to be part of the Judge’s Lodging. During the same month Telford submitted his bill, amounting to £176. 7s. 6d., for drawing the plans and was promptly paid. At the same time Chisholme presented the following account of his out-of-pocket expenses:

	£	s.	d.
1808 Coach hire, postage and expenses during my			
April 1. attendance on Mr Telford while making out			
the working drawings at the Salopian Coffee			
House.	1.	18.	0.
Coach hire from London to Manchester and			
from thence to Carlisle.	6.	16.	6.
Expenses on the Road.	2.	12.	6.
Paid for Luggage by Coach.	1.	6.	0.
ditto by Waggon.	2.	19.	0.
Mr Troughton for a level and for Drawing			
paper and stationery.	3.	8.	0.
	<hr/>		
Paid 13 May 1808.	£19.	0.	0.
	<hr/>		

A month later the Committee was still haggling over the price of the lime and sand. “We are of opinion that if our present contractors will find these articles at a fair and reasonable price it will be to the mutual benefit of both parties to agree with them.” So wrote the clerk in the minutes of the committee.

At the beginning of June the work was sufficiently forward to permit a traditional foundation stone laying ceremony. This was conducted with much solemnity and splendour equal to the occasion. Within a cavity in the stone was placed a “chymically” sealed bottle,

⁴ Committee Minutes.

containing parchment and paper manuscripts, the order of session for building gaols, county halls, etc., a copy of verses by a young lady and two newspapers published in Carlisle, together with all the current coins and medals then recently struck. Also included was a Carlisle Bank note and Telford's original manuscript plans. The local press reported that at the conclusion "the air resounded with joyful acclamations of the workmen and the immense concourse of people". Unfortunately, it was not the general practice during the early part of the 19th century to inscribe foundation stones, consequently it is now impossible to give its location.

A study of the minutes reveals the limitations of local materials and craftsmen. Having dismissed the idea of using American timber owing to it being weaker than English fir, Telford recommended that the Liverpool market was the only dependable source for the latter. Accordingly, one of the magistrates accompanied Mr Chisholme to Liverpool and at the same time called in to see the newly completed prison and court-houses at Lancaster. Back in Carlisle, the Clerk reported that tenders had been received from local slating firms but the task of roofing was too large for any of them to tackle individually. It was also hoped that all lead-work to the roof would be completed that year, but "that is a branch of mechanics which is little practised here". However, they contented themselves with the knowledge that they would have an opportunity of judging the plumber's work then being carried out at the Poor House. Price consideration ruled out the glazing of windows by a Mr Underwood, he being 25 per cent above the Company of Glaziers' prices in London. At the Midsummer Session of 1808, William Hodgson felt it prudent to give an interim report to the justices concerning the progress of the building. He stated that an examination of the sub-soil under

the foundations consisted of a mixture of rubbish and common earth, and only at a depth of ten feet was a solid bearing strata of red clay to be found. Accordingly, it had been decided to form a foundation on piles over which was to be fixed a strong platform of timber to receive the first course of masonry. Regarding materials it was reported that since the commencement of the works about 3,000 ft. of oak timber in trees of various sizes, 500 ft. of oak planks, 1,000 ft. of memel planks, 3,000 ft. of English and American fir for poles and scaffolding, 1,000 bushels of lime and proportionable quantity of sand had been bought, together with a few blocks of stone for chimneys, window-sills and lintels which could not be salvaged from the City Walls.

A mortar mill had been obtained and the old Citadel Well had been cleaned out to its full depth and fitted with a new pump for supplying the works with water. A wooden fence was erected round the site "as well to secure the materials as to prevent the buildings from being injured or the workmen interrupted by idle or disorderly people". Hodgson went on to state that the workmen generally were but indifferent artisans, but because they begun in a methodical way the work was neat and substantial; also a set of correct measuring instruments had been obtained to make for greater accuracy.

He reported that to date about 20,000 cu. ft. of new walling, exclusive of an additional 10 feet which had been added to the height of the Eastern Bastion, was now completed. Arrangements were in hand to procure additional masons from Edinburgh in an effort to expedite the works which he hoped would be completed by 1809. Alas, this was wishful thinking. A long and hard road lay ahead for the magistrates before this dream was to be realised.

Once again Francis Jollie and Authority were in

conflict. The business before the meeting of 10 September 1808 consisted of a single item, when it was ordered "Whereas a breach having been made in the North Walls of the said City opposite the buildings of Francis Jollie of the said City bookseller near the Scotch Gate of the said City by the said Francis Jollie or by his connivance or procurement, and the stones and rubbish removed and taken away therefrom by the said Francis Jollie without the consent or knowledge of this Committee IT IS THEREFORE ORDERED that unless the said Francis Jollie builds up the breach in the said Walls so made as aforesaid and replaces and lays down the stones and rubbish so removed and taken away within one week from the date hereof that the criminal information formerly transmitted by the Directions of His Majesty's Attorney General against the said Francis Jollie for similar depredations, be filed without further notice." No record has been found that proceedings were taken against Jollie, presumably he made good the breach within the time stated.

Towards the end of October 1808 an unfortunate accident occurred on the new works. A scaffold in the new hall of the Court House collapsed killing one of the labourers, Jonathan Winskill, and injuring nine others. Jollie in the *Carlisle Journal* gave full publicity to this melancholy affair and added that Mr Telford and Mr Chisholme, who were standing underneath, had a providential escape. The justices were informed by their clerk that the man who lost his life had left a widow and four children and recommended the payment of a bounty. It is not recorded if such compensation was ever paid.

Reference to the Account Books shows that more than one workman had required medical treatment for accidents occurring earlier in the year, as the following examples show:

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1808	Mr Chisholme to John Smith.	s.	d.
May 21.	Reducing a dislocation in the shoulder for John Carrick.	10.	6.
	An Embrocation.	1.	6.
	Vial.		3.
	An Embrocation John Bell.	1.	6.
	Vial.		3.
	A discutiant Lotion.	2.	6.
	Bottle.	1.	3.
	An embrocation Pettigrew.	1.	6.
		18.	3. [sic]
1808	John Chisholme to Thos. Watson, Dr.		
May 30.	For setting John Bell's fractured hip and attendance.	7.	0.
	John Carrick's Shoulder.	3.	6.
	Walter Pettigrew's Elbow.	2.	6.
		13.	0.

The death of Mr Chisholme in November 1808 resulted in a general slowing down of building work until a successor could be appointed. On the recommendation of Telford, Peter Nicholson, who was later to achieve national fame as a mathematician, was appointed resident architect, and the *Cumberland Pacquet* of 28 March 1809 was able to report that the court-houses had proceeded with much rapidity of late and that the eastern wing was ready for the roof.

This burst of activity was short-lived for soon afterwards the magistrates found themselves in serious financial difficulties, and at the Michaelmas Sessions of 1809 ordered their Committee to suspend all building operations forthwith until they could apply to Parliament for an Act for the purpose of making a fair and equal rate and so spreading the burden over the County.

In May 1810 it was ordered that Mr Smirk (later Sir Robert Smirk, R.A.) be appointed Architect. What

really happened in the intervening period is not recorded, but in that month Quarter Sessions ordered "that the plans made by Mr Telford be delivered to Mr Smirk who is hereby authorised and empowered to proceed with the completion of the Court Houses in such a way and manner as he shall think most advantageous to the County". We can only guess at the reason for the departure of Thomas Telford from the scene. Was it that his plans were not working out as economically as seemed desirable to the Committee? Or was it that Telford, tired of the vacillations and changes of ideas of the magistrates gave up the commission of preparing drawings and advising and retired to his fast growing practice in London?

In the letter of appointment of Robert Smirk, the Clerk of the Peace draws attention to the fact that, "At present the works have been rendered odiously by the public's knowledge of so much having already pulled down and if the Entrance Hall and Tower adjoining the Eastern Bastion could be left standing (without impeding the works) until the clamour rather passed over — my individual opinion is that it would be very desirable — but I am not aware whether the finishing the Eastern Bastion and building upon the Western would be sufficient to employ such a number of men for such a period as you may have had in contemplation. You know upon such occasions the common people bluster at first but it soon passes over." The public, influenced no doubt by the local press, were taking a very jaundiced view of things appertaining to the Courts. Hodgson continues . . . "There must be an immense quantity of materials collected and is still collecting such as stone, lime, etc., and as we are hard run for money that not more should be got in at present than would be really necessary for carrying on the building according to your own plan of working." And on this dismal note he concludes, "I am

really afraid from these last discoveries of imperfections in the foundations, all hopes of any completion by next August must vanish."

The suspension of building operations was lifted after twelve months, during which time some £2,500 had been collected together by the authorities, and placed at the disposal of the Building Committee. New plans for completion of the work were submitted by Smirk to the magistrates at their Michaelmas Sessions of 1810. These were readily approved and at the same time it was decided to advertise for a public loan of £5,000 in sums not less than £100.

With their financial difficulties somewhat eased the justices ordered a re-start to be made and on 1 December advertised in the local press for masons, wallers and quarrymen, giving the inducement that a winter's employment was available. Slow but steady progress was made throughout 1811 and the *Carlisle Journal* reported that in the early part of the year the Irish Gates had finally been taken down, and that the removal of the Scotch Gate was imminent.

In August 1812, after much effort by all concerned, the High Sheriff, Mr Thomas Hartley, was able to escort the Justices of Assize to sit for the first time in the new Court House. It should be pointed out that only the court within the Eastern Tower was finished and the remainder of the works was far from completed. To add to the discomfort of the magistrates, the *Carlisle Journal* was highly critical of the completed portion, telling its readers that the court was not as commodious as it might have been and "A very general complaint has arisen that it is with extreme difficulty the proceedings can be heard, owing to the great height of the roof, by which the voice is almost lost. This is an insuperable objection."

In succeeding years Jollie continued to wield his vitriolic pen and seldom missed an opportunity of

attacking the project. In August 1812 he wrote . . . "We are sorry that we should have occasion to apologise for not having given that full report of the criminal causes, which we had fondly anticipated. We say — fondly anticipated; for, from the enormous sums already expended in the erection of the Court Houses, we certainly had a right to expect, that the most ample accommodation would have been provided for the public; or at least such convenience, as would prevent interruption of those whose duty it is to lay before them a Statement of that in which all are more or less interested."

The following year Jollie, with obvious delight, was able to report (1 May 1813): "The Quarter Sessions for the County commenced on Tuesday, J. C. Satterthwaite, Esq., in the chair. It was the intention of the magistrates to have conducted the business in the new Court House but Gen. Cold compelled them to retreat from their sumptuous but uncomfortable quarters to the less splendid mansion of the Town Hall."

Work continued during the next four years at the now familiar slow pace, which was probably geared to the amount of revenue available. This averaged approximately £6,000 per annum. At the Michaelmas Sessions of 1817 Smirk was requested to complete the job as soon as possible and to lay out the surrounding areas with proper avenues, having first obtained permission of the Earl of Lonsdale to make use of such parts of his ground adjoining the court.

In the following year the Committee appointed to superintend the building of the Court Houses was disbanded, no doubt much to the relief of those who served on it. Even now it could not be said that the object of their labours was complete.

The saga continued in its own familiar way. As money became available a little more work was done. 1819 saw the completion of the Grand Jury Room with

a plain black marble chimney-piece and grate. In 1820, shrubs were planted around the outside of the courts and in the same year £500 was paid on account to the Corporation of Carlisle for houses purchased from them at the beginning of the scheme. In 1821 the buildings were "nearly completed" when it was ordered that the windows in the entrance hall of the Crown Court be put in and completed. Having endured the cold for so many years, the magistrates in 1822 at last ordered that the Crown Court be warmed with hot air and that proper apparatus should be procured and fixed under the superintendence of the Clerk of the Peace. Presumably by now the clerk of works had been dispensed with and was no longer available for such duties. Some minor fittings continued to be purchased over the next year or two. The magistrates, cost-conscious to the end, at their Christmas Sessions of 1824, "Ordered that the Clerk of the Peace examine Messrs Dixons' account for Painters' work at the Courts; and *after deducting the interest* charged, remit the balance of any due."

Within a comparatively short time of the eventual completion of the court-houses, local guide-books were giving the credit of designing them to Robert Smirk. Later writers have perpetuated this assumption which is patently not true. At this distance in time and with the almost total absence of contemporary drawings it is most difficult to assess accurately how much was done by Telford and how much was the work of Smirk. Clearly the evidence indicates that Telford was responsible for the original design of forming courts within the two towers. Considerable work was also done to the Eastern Hall and offices before he retired from the job. It may well be true to say that most of the elevational work was by the hand of Smirk. In this he introduced for the first time in Carlisle the neo-Gothic style of architecture. Reference to Lysons'

Magna Britannia (1816) shows that at one stage he planned a linking corridor between the two towers with a splendid Gothic arch, spanning the road between. It may be assumed that most of the internal arrangement and fittings can be attributed to him. It is interesting to note that both men achieved national fame and both had local connections. Thomas Telford was born near Langholm, whilst Sir Robert Smirk's father was born at Wigton.

Concerning the excessive length of time it took to finish the work a large amount of blame must be placed with the county magistrates. Their complete lack of business ability was appalling, but to be fair to them they had little experience to draw upon. In all probability no other civic building had been built within the city or county for a century.⁵ They had their difficulties, no large contractors, a labour force of limited skills, and the ever present shortage of money. All credit should be given them for the wisdom they displayed in engaging the very best architects of the day, but one wonders how much of their own dilettante methods was preferred to that of their professional advisers.

The City Walls were lost, and, at a reputed cost of some £100,000,⁶ had been exchanged for a public building, but at least the erstwhile Jollie was able to realise his dream of "the City of Carlisle . . . exceedingly benefited by a free circulation of air, an improvement in its general appearance and an extension of building ground".

Acknowledgements.

I am most grateful to Mr G. N. C. Swift, Clerk of the Peace, for permission to use material from the Quarter Sessions Records. I also wish to thank Mr

⁵ Old Town Hall, Carlisle, c. 1700.

⁶ Geo. Dale Oliver (CW2 xvi 93).

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