

ART. XIV.—*An inquest on the death of William Armstrong of Sorbietrees.* By W. A. J. PREVOST.

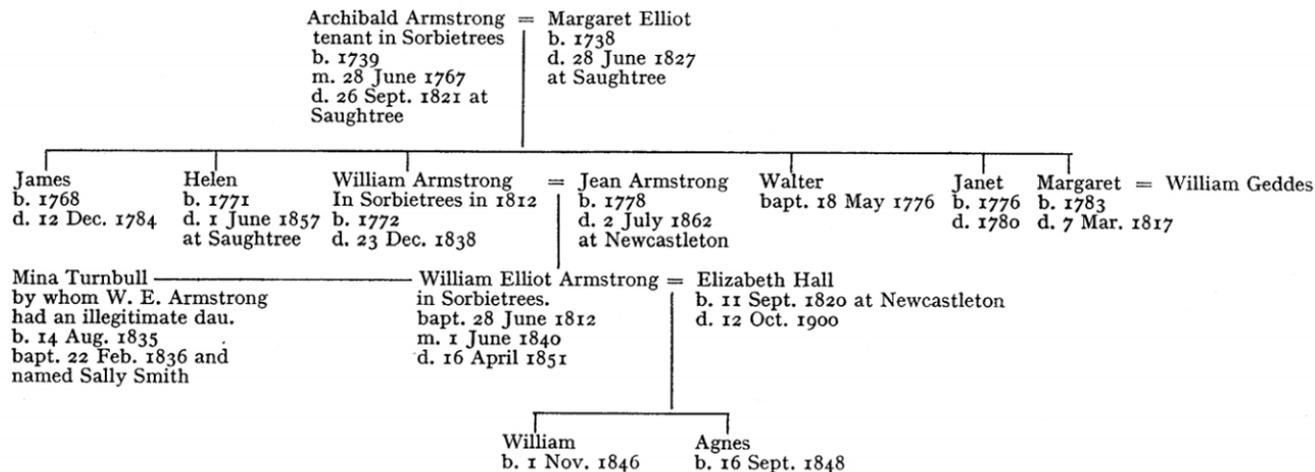
Read at St Catherine's Hall, Port Erin, July 3rd, 1969.

FROM the 15th century the Scotts of Buccleuch have been associated with Liddesdale as proprietors of many acres of land.¹ The family still owns considerable property, and the present Duke of Buccleuch has recently deposited in the Record Office in Edinburgh the Buccleuch muniments from Dalkeith. Amongst these muniments, and referred to by Sir William Fraser, is an Assedation (or tack) of the Lands of the Lordship of Liddesdale, a long list for the year 1541 in which is included *Ragarth, Sorbe et Sorbetrees, decem mercate terrarum . . .*² This is a very early reference to the lands of Sorbietrees and it is noteworthy as being one of the rare occasions on which these lands are found mentioned, though Sorbietrees is marked on Timothy Pont's survey of 1608.

The farm of Sorbietrees, now comprising 1,770 acres, was for many years let by the Buccleuch Estates to tenant farmers but it was sold in 1920 by the Estates to the then tenants, William and Archibald Kyle, and it is now owned by Miss Elizabeth Kyle and her sister, Mrs Caroline Forster.³ It lies about two miles south of Newcastleton in Liddesdale and nearer still to Manger-ton which was once the stronghold of Armstrong of that Ilk. It is possible that Armstrongs were in Sorbietrees in the 16th century when they reigned supreme in Liddesdale, but it is not until the 18th century that there is any definite information available regarding the tenantry. Liddesdale Rentals in the Buccleuch muniments show that in 1708 Henry Elliott⁴ was in Sorbietrees and the adjoining farm Flatt, that

in 1716 Thomas Armstrong was tenant of Sorbietrees⁵ which in 1720 was once again in the hands of Henry Elliot,⁶ the surname now being spelt with one 't'. It would appear that in 1729 Elliot was only farming a half of it, for both Elliot and a Walter Scott in Sorbietrees are shown separately in a list of arrears of rent due by the tenants of Liddesdale to the Duchess of Buccleuch as given up by her Chamberlain.⁷ In 1751 these two men were again in arrears,⁸ but for how long they continued as tenants of the Buccleuch Estates is not known as there are many gaps in the Buccleuch Rentals. However, there are indications from another source that Adam Elliot was living there in 1761⁹ and William Elliot in 1767.¹⁰ In June of that same year the Castleton Kirk Registers show, under "Collected Revenue", that 2s. was given in by Archibald Armstrong on the occasion of his private marriage on 28 June to Margaret Elliot, and it may have been then, and certainly not long after, that Archibald Armstrong took a lease of Sorbietrees.¹¹

It may have been Archibald Armstrong whose to-name was mentioned by Sir Walter Scott in *Guy Mannering*,¹² for it was said that one of the family was the representative of the "Sorbietrees" in Scott's story of an old Liddesdale shepherd who was telling "that the folks hereabout are a' Armstrongs and Elliots . . . and so, for distinction's sake, the lairds and farmers have the names of their places that they live at, as for example, Tam o' Todshaw, Will o' the Flat, Hobbie o' Sorbietrees . . ." ¹³ Hobbie as a pet-name usually stands for Robert, and Bauldie or Erchie for Archibald, and it can be taken for granted that the personal names in the shepherd's story are fictitious. Sir Walter was no stranger to Liddesdale and his great interest in the Armstrong family of the 16th century, which is evident in *The Border Minstrelsy*, would cause him to take every opportunity of meeting or finding



out something about an Armstrong who was said to be the "representative of a long line of ancestors, famous in their day as chiefs and leaders in the border warfare."¹⁴

Archibald, his son William who succeeded him, and his grandson, William Elliot Armstrong, are all buried in Ettleton kirkyard. (See pedigree.) An obelisk was erected there in 1852 "by a numerous body of friends on both sides of the Border as a tribute of their respect for one whose manly, straightforward and generous disposition gained him the love and esteem of all who knew him". This commemorates the tragic death of the grandson. The memorial reads as follows:

"In this spot near which rest the ashes of his forefathers is interred William Armstrong of Sorbytrees who, to the great grief of the neighbourhood, was shot without challenge or warning by the Revd Joseph Smith, incumbent of Walton, Cumberland, on the night of Wednesday the 16th of April 1851, in the 38th year of his age."

This reference to Armstrong's character is brief compared to the eulogies in the reports of his death which appeared in the local newspapers. He is described as a man of strong health and robust physical powers, of noble appearance, of commanding stature and "the most handsome man that entered Brampton market". Besides being a tenant of the Buccleuch Estates he was a landowner in his own right and farmed in a very big way, employing 23 shepherds and farm labourers to work 4,416 acres.¹⁵ There was no comfort for Mr Smith in the memorial which is a permanent reminder to all who read of an action which was incredibly stupid and criminally irresponsible. The reverend gentleman had been found guilty of manslaughter by the Coroner's jury at the inquest on 17 April but was afterwards acquitted by the jury at

the Assize trial which took place four months later at Carlisle. It is not intended to challenge the Carlisle jury's verdict, and what follows is an attempt to draw attention to certain facts in the evidence which may have been the cause of hostile feelings towards the accused.

There are various contemporary accounts of what happened on the night of 16 April and of the inquest. The most informative are to be found in the *Carlisle Journal*, the *Carlisle Patriot*, and the *Kelso Mail*. There are doubtless other accounts, but it was obviously the *Carlisle Journal* which was a great help to James Walter Brown who, in 1927, included an article, "A Crime and a Tragedy", in *Round Carlisle Cross*.¹⁶

In his article Mr Brown makes it quite clear that, in order to understand fully the story of what one periodical had called "A Fatal Mistake",¹⁷ it was necessary to devote more than half his article to describe the crime wave which was rampant in the south and midlands of England in 1850 and 1851. "This is all the more necessary," he writes, "because the relationship of the unfortunate clergyman to the tragedy there was grossly misunderstood in the locality at the time, and I am now surprised to learn that the animus against him has survived to the present day. So warped were the feelings of sympathy with the man who lost his life on the occasion that there arose an absurd prejudice against the Assize Judge, it being suggested that his summing up of the law of the case was influenced by a bias in favour of the accused because he was a clergyman, a ridiculous assumption, which, I am astonished to be told, still survives."¹⁸ He refers to the numerous accounts of crimes recorded by Charles Dickens in the *Household Narrative* for October 1850 and he quotes some at length, though none of these had taken place in the north of England. The reader is left in no doubt whatever as to the

dreadful state of the country at that time. To a certain extent this is confirmed by an article entitled "Burglaries" in *The Annual Register* for January year 1851, which mentions that, in the issues of the previous year, notice was taken of the great prevalence of this class of crime, frequently accompanied by violence to the person, of which a prominent instance was the burglary and murder at Frimley. "The present year has been not less fertile in offences of the same nature."

The Frimley murder was "The Crime" in Mr Brown's story and six pages were required to describe it, the inquest, and the trial which followed. Briefly, Frimley Grove was then a small village due south of Camberley in Surrey, and the Rev. George Edward Hollest, perpetual curate of Frimley, was living in the parsonage on the night of 27 September 1850 when the crime was committed. It was reported that four men had broken into the house at dead of night and Mr Hollest, who was in bed with his wife, was awakened by two masked men with lights, one of whom was armed with a pistol. Mr Hollest got out of bed, scuffled with one of the men and being an active and powerful man managed to stoop down to reach the poker from the fireplace when his assailant fired and wounded him in the abdomen. The men left the room and were pursued by the rector but the burglars made their escape by the front door, and it was only on returning upstairs that Mr Hollest found that he was wounded. He died two days later, and on the same day Hiram Smith, Levi Harwood and Jones were arrested at Guildford in connection with the robbery. All three men were known as daring thieves who had been in custody several times before. Subsequently Samuel Harwood, a brother of Levi, was also taken into custody. At the magistrate's enquiry which followed on 18 October it appeared that Hiram Smith

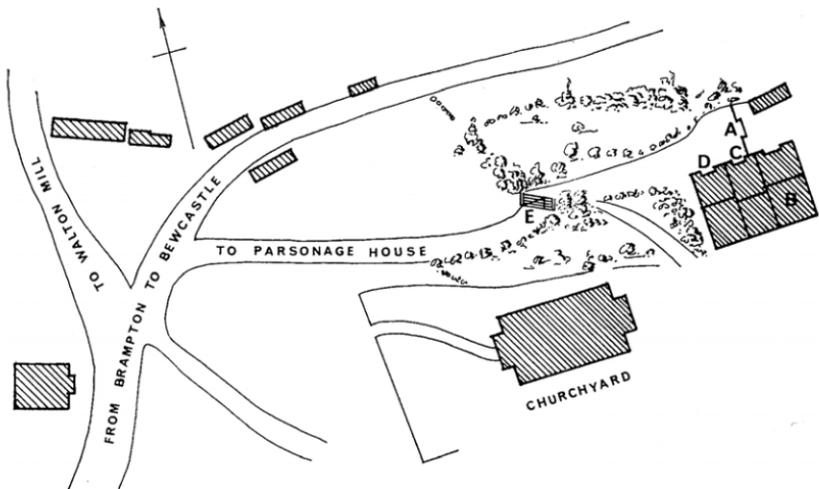
had confessed his guilt, and at the trial which began at Kingston on 31 March 1851 he was admitted as Queen's evidence. The trial resulted in a verdict of guilty against Levi Harwood and Jones and they were condemned to death. Smith was ordered to be detained in custody until Her Majesty's pleasure should be made known, and Samuel Harwood was found not guilty. It is a coincidence that the report of the execution of Harwood and Jones on 15 April appeared in the same issue of the *Carlisle Journal* as the report of the "SHOCKING AFFAIR of a man shot by a clergyman".¹⁹

The Tragedy.

On Wednesday, 16 April 1851, which was market day, Armstrong of Sorbietrees visited Brampton for the purpose of completing the purchase of some property. Meeting with a number of friends from different parts of the country he drank somewhat freely. He was offered a bed for the night by one of his companions but the offer was refused as Sorbietrees, as he was usually called, intended to hunt with the Duke of Buccleuch's hounds which met next morning at Canonbie. He left Brampton about eight or nine o'clock in the evening in the company of William Elliot of Baillie Head, and Armstrong was joined later by two other men, one of whom was Thomas Richardson of Solmain and a man called Bowman. Mr Richardson stated that Armstrong was "rather tipsy at the time" but was quite capable of riding home which he intended to do by way of Kirkcambeck Bridge and Walton. At the inn at Kirkcambeck he stopped and had more drink in company with his friends, staying there for some little time and leaving with them about 11 or 11.15 p.m. Armstrong soon cantered forward, leaving his friends behind, and was not again seen alive.

From the inn at Kirkcambeck to the parsonage at Walton is about a mile, and, from evidence given by his friends, Armstrong was probably at the parsonage entrance gate at about 11.30. He tethered his horse to the gate, about which the *Carlisle Journal* interpolated that "it may be necessary to remark that the horse was a white one".²⁰ Actually it was a light grey according to the evidence given by Thomas Richardson at the trial, and Richardson was a farmer with an expert knowledge of livestock. The distance from the gate to the front door of the house was about 45 yards, the approach having a shrubbery on each side, and though it was a bright moonlight night the shrubbery at the right side of the approach was in shadow and likewise the front door. The plan on page 316 gives a rough idea of the place.

Armstrong was quite genuine and honest in calling at Walton parsonage but to do so at such a late hour was a foolish and inconsiderate act, and had he been cold stone sober he might have behaved differently. The purpose for which he did so is explained in the *Kelso Mail* of 26 April which was issued eight days after the copy of the *Carlisle Journal* which had given the first account of the inquest. The object of the deceased's calling was, *at the request of Mrs Armstrong*, to hire Ann Glendinning, a young woman of 26 who was then a servant at the parsonage and who some years before had been employed at Sorbietrees, first with Armstrong's father and later with himself. It was understood that she wished to quit the service of Mr Smith. "We are thus particular in stating this because reports have been circulated that the deceased had been on terms of improper intimacy with Ann Glendinning. And this, notwithstanding the woman's own emphatic and indignant denial that she had ever, as was insinuated, borne a child to the deceased, or had any improper intimacy with him whatever." In spite



GROUND PLAN OF WALTON PARSONAGE HOUSE

- A. Gateway into the back premises.
 B. Room in which Mr. Smith was sitting when he first heard the knocking at the Study window.
 C. Front door at which Mr. Smith stood when he fired the shots.
 D. The Study window at which the knocking was heard.
 E. Entrance gate to the Parsonage grounds on the inside of which Mr. Armstrong's body was found. On the outside the horse appeared to have been tied up. The distance from the house door (C) to the gate is 44 yards. The road "from Brampton to Bewcastle" was Mr. Armstrong's direct road home.



THE PARSONAGE HOUSE WALTON

CONTEMPORARY ILLUSTRATION - CARLISLE JOURNAL.

of this irrefutable statement it is rather strange that Mr Brown should print the concluding paragraph of his story which implies in no uncertain terms that Armstrong went there "to see his lass". However, it must be recorded that Armstrong, before his marriage, had fathered an illegitimate daughter by another woman. The child was baptized on 22 February 1836 and given the name of *Sally Smith*.²² The fact of the child having been given the surname of Smith had no connection with the Rev. Joseph Smith, though he may have heard of this later. From all accounts, Smith and Armstrong had never met, though they must have known of each other by reputation.

We shall never know the true story of what happened that night. Mr Smith was the only person who could tell the jury, for he was the only member of his household who was up and about and who had not gone to bed. His wife, his children, an eight-year-old young visitor with his nurse, Sarah Blacklock, and the servant Ann Glendinning had all retired before 11.0. Ann Glendinning, who slept over the study, was the only servant to give evidence at the inquest, which was to the effect that she was woken up by a noise, like two sharp knocks, and heard a door shut immediately after, with a noise. She heard nothing more till after seven o'clock in the morning, when she was told that a man had been found lying at the gate. At about half an hour before midnight Mr Smith was reported to have heard a knocking which *appeared* to come from the study window. He went into the study and was then satisfied that the knocking was at the window, which had no outside shutters. He did something to the window shutter for the purpose of making a noise, armed himself with a six-barrelled revolving pistol which he kept loaded in a drawer in the study, and proceeded to the front door, making a great noise in opening it. He *stepped outside*,

fired the pistol two or three times and then went back into the house, closing the door after him.

In a sworn statement made at the inquest on the same day as the discovery of the body, Mr Smith said that he was sitting alone in a room at the opposite corner of the house to where the noise was heard. It appeared to come from the study window as related. "Agitated and devoid of all self-possession or judgment I went forward alone as I was, drew a bolt loudly at the front door, shot back the lock loudly, drew back a sliding guard-chain and opened the door. I may mention this as a proof of how utterly void I was of self-possession and prudence, as I thus exposed the house and myself by thus opening the door, which may be illustrated by the moth rushing into the candle. I was speechless and could not say anything. From the noise I made at the window and door, *the person had withdrawn* from the vicinity of the window."

This statement conflicts with what was to follow for Mr Smith emphasised that his sight was very defective and that at that particular moment the moon was in the south, casting a dark shadow on the north-west angle of the house. "These circumstances, with the shade of the shrubbery and the *glare of the lantern* (as the reverend gentleman was understood to have said) combined to prevent him seeing anyone." The study window was only *a couple of paces* from the front door.

"I at once discharged the pistol two or three times without aiming at any object, more in the hope of alarming than anything else . . . The reason I provided myself with this [pistol] was the painful anxiety of mind occasioned by the Frimley murder . . . I felt it my duty to have some fire-arms to use in case of danger. I had one before [a pistol] similar to the one I used. [We understand the Rev. gentleman here explained, that not being able after several trials to

hit anything with that pistol, he had exchanged it for the one now in his possession.]”

After a short time Mr Smith pondered over what he had done. He wondered if he had wounded any person out of doors. He also realised that it was a most foolish action to have opened the door to any possible intruders. In spite of the risk of opening the door again “it struck me I should go out again, at all hazards, to see if there was anyone there, or any trace of anyone having sustained any injury. I held the lantern in my hand and looked all round to see if I could see anyone having sustained any injury, but saw nothing”.

Mr Smith did not inform the jury if he had taken the precaution of reloading his pistol before going out the second time. Had he then the Frimley murder on his mind surely he would have ventured forth fully armed. How was he to know that there were not four dangerous armed criminals outside instead of only one harmless farmer? Did he search as far as his front gate where the grey horse was still standing and where the body of Armstrong was found the following morning, quite dead?

There were two bullet wounds. *The first and fatal one* had entered the right breast, about four inches below the nipple, and finally lodged in the stomach. The second ball had entered at the *back part* of the right shoulder and made its exit in front of the shoulder. As in the case of Mr Hollest, death was not instantaneous and it seems most unlikely that Armstrong made a soundless getaway after being shot. “The bullets, which were about the size of a small bean, had passed through a top-coat, a dress-coat, a thick waistcoat, a linen shirt, and two flannel shirts; at what distance the shots must have been fired to perform such fatal work it must be for others better acquainted than ourselves with the force of gunpowder

when exploded through revolving barrels of four inches in length to decide."²³

It is suggested that Armstrong's movements may have been as follows. He first of all followed the normal procedure and knocked loudly on the front door with the stick which he was carrying at the time. He may then have seen a glimmer of light in the study when he moved across to the study window which, according to Ann Glendinning, when moved about made a great rattle. The noise made at the window, as Mr Smith told the jury, was acknowledged, and when Armstrong "heard the door unlocked and unbolted, he most likely stepped up to it and would thus receive the balls which caused his death, at a distance of only three or four feet from the muzzle of the weapon".²⁴ At that range the reverend gentleman could hardly fail to hit the target.

As previously related, the Coroner's jury found Mr Smith guilty of manslaughter. The *Kelso Mail* contains a report of the Coroner's summing up at the adjourned inquest when he said, "Did Mr Smith exercise that precaution which a prudent man would do before he resorted to the desperate act of *firing at him* [the deceased]." He pointed out that some allowance ought to be made for a man whose fears were aroused "yet I cannot subscribe to the doctrine (a very dangerous doctrine indeed) that a man should seek to be excused, much less justified, for the taking of another's life, not because there were any real-founded reasons for believing an attack was to be made upon him, but merely acting as he would do, and, as appears by Mr Smith's own statement, he did, under a nervously timid state of mind, having lost all self-possession, having become void of all ordinary prudence, judgment and discretion (as I think his words were). It would be a most dangerous rule . . ."

Under the circumstances it is not surprising that, in



Photo: J. Hughes

Sorbietrees, William Armstrong's home.

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Walton : The Vicarage.

Photo: J. Hughes

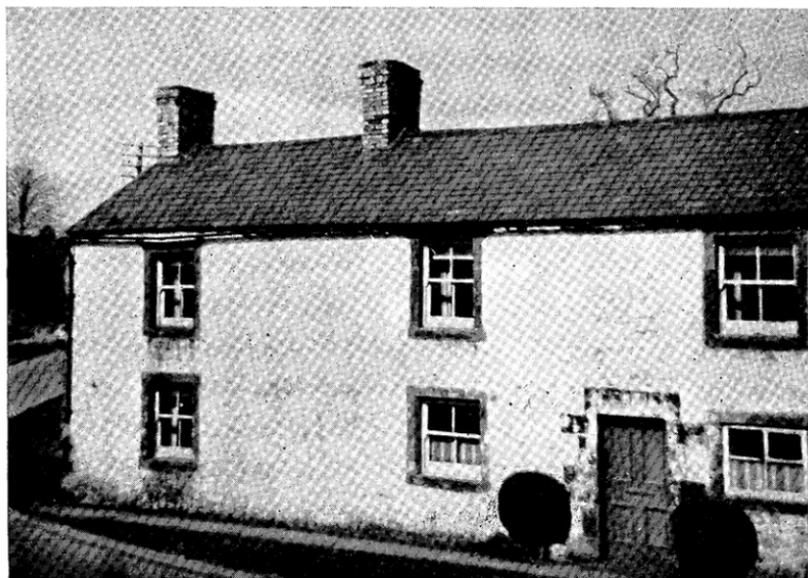


Photo: C. Roy Hudleston

The house at Kirkcambeck, formerly an inn, from which
William Armstrong rode to his death.

spite of Mr Smith's extenuations, the neighbourhood persisted in misunderstanding the parson's actions. A well-known Dumfriesshire lady to whom this story was told, said in effect that she had had a similar experience, "only I fired my pistol out of an upstairs window, and I used *blank ammunition*".

Smith was allowed bail and surrendered himself in the course of the afternoon on the day of the trial at Carlisle.

The Trial.

On 6 August 1851 at the Cumberland Assizes the Rev. Joseph Smith was charged with the manslaughter of William Armstrong. The report of the trial in the *Carlisle Journal*²⁵ covers three times as much space as the report of the inquest held earlier in the year. More witnesses were called, the case as stated for the prosecution and the address to the jury by the defence were both lengthy, and the Judge's summing up filled half a column. The evidence called closely followed the facts as submitted at the Coroner's inquisition. Minor differences in the statements repeated by certain of the witnesses need not be considered, but the statement made by Mr Smith and signed by him at the inquest was not admissible, nor was he allowed to enter the witness box. He had already said that he had "been the death of" Armstrong and the case for the prosecution as outlined in prosecuting council's²⁷ address to the jury was simply this. Did they believe that it was Mr Smith who fired the shots and if so did Mr Smith exercise a reasonable amount of caution in what he did; or were they satisfied that he did not use that amount of care and caution before he took the fatal step; if so, then he was to be found guilty of the crime with which he was charged. Then followed the reports of the evidence as given by the various witnesses and certain facts emerge which must be noted.

Two of Armstrong's companions, who had ridden with him from Brampton, both confirmed that it was a very fine light night and that the moon was about the full. "She was giving a very strong light." When they went into the inn at Kirkcambeck "Armstrong was rather tipsy at that time", but when they all left the inn Armstrong was quite capable of riding his horse and he soon cantered off and left his friends behind him. A new witness, Mrs Jane Taylor, stated that she lived only 85 yards from the parsonage. At about a quarter to twelve o'clock, when she was sitting up with her little girl, she heard the report of three pistols (*sic*) and *heard a man's voice*. The voice was not Mr Smith's.

Sarah Blacklock, the nurse who was looking after one of the children in the parsonage, stated that she "heard Mr Smith go to the front door and unbolt it. The next thing I heard was three reports of a pistol. Before I heard these reports I had heard no noise at the outside of the house. I am quite sure I was awake up to the time of the reports which were immediately after each other. I heard the door closed violently, and bolted, and immediately after I heard Mr Smith come upstairs". About five minutes afterwards she heard Mr Smith go downstairs and she heard nothing more. Mr James, when addressing the jury for the accused, made exaggerated use of Sarah Blacklock's evidence in describing what he, Mr James, imagined took place. "No man can suppose he (the accused) saw any person when he fired. What takes place? The very instant the shots are fired the door is slammed to and Mr Smith rushes in terror upstairs. The girl Blacklock has told us that it was quick as thought that the whole thing took place. She heard the door open, she heard three shots fired in succession, so quickly as to be almost as thought. Why did he fire these shots? Thinking to terrify *the men* who were

then, as he believed, intending to break into his house, he opened the door and fired. Could he see? That is a question for your reason, gentlemen. I will not insult you by *appealing to your sympathies . . .*"

The address to the jury was lengthy but there was little Mr James could say on the accused's behalf beyond appealing to the compassion of its members. This he did, cleverly enough, in a flood of rather sickly oratory. What follows is an example.

"You have to deal with one who has now to appear before you on a very solemn charge, who has a wife dear to him, and children dependent upon him, and whose prospects in life, whatever they may be, will be very much affected by the decision you may come to today. Remember, gentlemen, that Mr Smith is a minister of the Gospel . . . Ask yourselves, each one of you, who are fathers or husbands, what you would have done if living in a solitary district, as Mr Smith did, when the wife of your bosom had retired to rest, and your children, the greatest treasure of your existence, dependent on you for protection and support, you believed your home was about to be attacked by robbers . . ."

Five witnesses as to character were then called, before the jury had retired to consider their verdict, a procedure which in most courts today is not allowable. It stands to reason that a jury could be prejudiced against a prisoner with previous convictions in spite of the fact that he might well be innocent of the crime with which he has been charged. The reverse applies, and because Mr Smith was a clergyman does not mean that he was incapable of committing manslaughter.

The Judge (Baron Platt)²⁸ in his summing up repeated much of what had been already said. It must be noted, however, that he emphasised the fact that the accused was a man of exemplary character, and that when he fired the shot he firmly believed his house was about to be invaded by robbers. He was

“a man not likely to be rash”. Rash means “wanting in caution” and “over-hasty” and over-hasty seems an understatement when one recalls Mr James in his address for the defence describing Mr Smith’s actions as being quick as thought. It would have been more in keeping with Mr Smith’s own statement had he implied that he was incapable of any thought at all. The expression “to break into a house” is also rather misleading since professional burglars make little or no noise which was the case when the four men broke into the parsonage at Frimley. Regarding Mr Armstrong he said that “one cannot shut one’s eyes to this, that Mr Armstrong had no business there. The mischief he sustained was the consequence of his own act If a man so conduct himself by making noises at untimely hours as to cause the inmates of a house to believe that it is going to be broken into it is precisely the same as if a burglary was committed” This judicial reasoning was too abstruse for those members of the public who were present in the Court. As previously related they may have felt that Baron Platt was prejudiced in favour of the accused because he was a clergyman. Did Mr Smith exercise sufficient caution in firing his pistol as stated in the charge? At any rate, when the jury returned after an absence of 40 minutes with a verdict of Not Guilty, this was “received with faint manifestations of applause, mingled with hissing”. The trial ended at 11 p.m.

It goes without saying that the clever address by Mr James swayed the jury, who did not apply a calm dispassionate consideration to the evidence, “the only evidence,” he said, “against the accused being the evidence of his own lips, independent of which there is not the slightest evidence to convict him” With modern methods of detection, with the help of forensic and firearms experts and with present-day legal practice,²⁶ it is difficult to see how the reverend gentleman could have escaped scot-free. There were

extenuating circumstances; he was not a cold-blooded murderer. Nevertheless, an intensive study of all the newspaper reports available leaves one with the impression that Mr Smith was aware of a man standing almost on his doorstep when he fired off his pistol haphazardly, at what was literally point-blank range.

In so far as Armstrong was concerned it is difficult to believe that he would have disturbed the house as he did for an ulterior motive and at the same time advertise his presence at the parsonage by tethering his easily recognisable horse at the front gate. His poor widow had the heaviest burden to bear. When she had recovered from the shock of hearing of the circumstances of her husband's death, she said to those around her in a tone of the deepest pathos, "Oh, had he" (Mr Smith) "but askit him what he wanted there, William wad hae gi'en him a civil answer."

Mr Smith, on hearing the verdict, knelt down in an attitude of prayer for a few seconds and then left the dock. He was an Irishman²⁹ by birth and breeding and was born in Dublin in 1807.³⁰ Educated at Trinity College, Dublin, he graduated B.A. in 1827.³¹ He is shown in *Crockford's Clerical Directory* as being a deacon in 1829 and as being ordained priest in 1831.³² The Rev. John Fawcett, Vicar of St Cuthbert's, Carlisle, was one of the five men who testified to Smith's character at the trial. He told the Court that Mr Smith had been his curate for upwards of three years before he went to Walton and that he had obtained that living as the result of his recommendation.

Mr Smith returned to his parish after the trial, and, in spite of the fact that he had been cleared of the charge of manslaughter, the neighbourhood made his life so unpleasant that he was parish priest only in name and *non persona grata*. He did not perform baptisms or marriages in the church after the "fateful day" and was excused from the 1851 and 1852 visita-

tions. In March 1852 he appointed a curate to carry out his duties but did not resign from Walton until August 1853.³³ The following year the Rev. Isaac Bowman was appointed Perpetual Curate to fill the vacancy³⁴ and Smith went south to Birmingham where he was appointed senior curate of St Thomas's.³⁵ In May 1863 he was given the living of Middlezoy near Bridgwater in Somerset where he remained as vicar until his death or retirement in 1889.³⁶

The distance by road from Middlezoy to Walton is about 320 miles and the Vicar of Middlezoy was ensconced in a country living where his parishioners had no concern with what had happened in the north of England twelve years before his induction. There is good reason to suppose that Mr Smith led a comfortable and uneventful life, unmindful of Armstrong's distressed widow who remained on at Sorbietrees as a tenant of the Duke of Buccleuch.

Armstrong's death in 1851 left his widow with two small children to care for and the management of Sorbietrees which he had greatly improved at his own expense and which was probably Mrs Armstrong's only means of support. She continued to farm the place until Whitsun 1894, when William and James Kyle are shown in the Valuation Roll for Castleton as being the new tenants. She had had great difficulty in making the farm show a profit, and a slim protest pamphlet of 13 pages,³⁷ entitled "The Case of Mrs Armstrong", laid the blame for her misfortune on the Duke's factor for charging her an excessive and unfair rent. As each successive lease was renewed the rent was in every case increased. In 1868, at the commencement of a 15-year lease, the rent was raised from £460 to £580 and, according to the pamphlet, this was done through a mistake made by the factor who was in office at that time. Mrs Armstrong for some time declined to sign the lease, but at last she did under protest. At the expiration of this lease in 1883 she

received notice to quit, but "the poor persecuted woman" was allowed to remain on the farm as a yearly tenant.

In 1892, owing to the low price of farm stock, she found it impossible to go on paying such a high rent, and a case was made out and sent to the factor and afterwards to the Duke himself with a request to make some reduction. Briefly, without going into the details as to how the figure was arrived at, a sum of £4,898 "at the most modest calculation was claimed by Mrs Armstrong at the hands of the Duke of Buccleuch as restitution of that which has been improperly and unjustly obtained from her". It goes without saying that she had no legal grounds for taking the case to Court nor would she ever have been advised to do so. The fact that her successor at Sorbietrees, Mr Kyle, paid about £100 less in rent per annum than Mrs Armstrong had paid for the last five years of her tenancy and more than £200 per annum less than what she had paid for 20 years justifiably provoked the following comment in the pamphlet. "It would be difficult to imagine a case more harsh and cruel than that practised by the Duke of Buccleuch on this simple, unoffending woman, extending over the long period of a quarter of a century." She had lived in Sorbietrees for 54 years.

This story of the Armstrongs of Sorbietrees begins in Etleton kirkyard and ends there in the family burial ground where we may read this short but meaningful memorial:

*"Elizabeth Armstrong née Hall, wife of
William Armstrong of Sorbie trees
Born 11th September 1820 at Newcastleton.
Died 21st October 1900 aged 80.
A widow for nearly 50 years."
"Better is a little with righteousness
than great revenue without justice.*

Proverbs xvi. 8."

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References.

- 1 William Fraser, *The Scotts of Buccleuch*, i LIX.
- 2 *Ibid.*, ii 177.
- 3 Valuation Roll, County of Roxburgh, Castleton parish.
- 4 Henry Elliot, then a widower, yeoman, married at Stapleton, 8 December 1737, Margaret Routledge of Cumcrook (marr. bond, Carlisle, 26 November 1737). See J. V. Harrison, *The Routledges of Cumcrook*, CW2 lxx, ped. facing 369.
- 5 Scottish Record Office, Buccleuch Muniments, Liddesdale Rentals 1708-1721, GD 224, Box 277/5.
- 6 *Ibid.*, Box 277/4 and 277/1.
- 7 *Ibid.*, Box 234. John Boston, Chamberlain.
- 8 *Ibid.*, Box 238. Arrears for the year 1751 at Whitsun 1752. A Thomas Armstrong in Sorbie was £4 in arrears for 1744 and £25 in 1745.
- 9 General Register Office, Edinburgh. Castleton parish Register of Baptisms, 28 January 1761. Adam Elliot and Elisabeth Elliot, a daughter, Christian.
- 10 *Ibid.*, 14 May 1767. William Elliot, the mother not named, a son, Gideon.
- 11 *Ibid.*, Collected Revenue, 12 June 1767, when Armstrong gave in 1s. at his proclamation.
- 12 *Kelso Mail*, Saturday evening, 26 April 1851.
- 13 Sir Walter Scott, *Guy Mannering* (1829) i 265.
- 14 *Scotsman*, Saturday, 26 April 1851.
- 15 General Register Office, Enumeration Book, Castleton parish, 8 April 1851.
- 16 James Walter Brown, *Round Carlisle Cross*, 7th ser. (1927), 129-148.
- 17 *Annual Register*, Chronicles, 1851, 50.
- 18 James Walter Brown, *op. cit.*, 135.
- 19 *Carlisle Journal*, 18 April 1851.
- 20 *Ibid.*
- 21 James Walter Brown, *op. cit.*, 148.
- 22 Castleton Register of Baptisms.
- 23 From the *Carlisle Patriot*, reprinted in the *Kelso Mail*, 24 April 1851.
- 24 *Kelso Mail*, 24 April 1851.
- 25 *Carlisle Journal*, 8 August 1851.
- 26 A man who fired a shot over a fleeing thief's head from a shotgun, then fired a second shot which hit him in the back, legs and arms, was sentenced to six months' imprisonment, suspended for two years, at Leeds Assizes for unlawful wounding. *Daily Telegraph*, 11 December 1968.
- 27 Mr Temple and Mr Otter were for the Crown and Mr Edward James and Mr Thompson for the defence. Edward James (1807-1867) became the leader of the Northern Circuit.

- ²⁸ Sir Thomas Joshua Platt, born about 1790, B.A., Cambridge in 1810, M.A. in 1814, and had in the meantime been admitted to the Inner Temple and in 1816 was called to the Bar. In January 1835 he received a silk gown and in January 1845 was raised to the bench of the Exchequer. He was knighted on 23 April 1845, retired in November 1856, and died 10 February 1862. D.N.B., Edward Foss, *Biographia Juridica*, and W. A. Shaw, *The Knights of England*.
- ²⁹ Land Registry, London. Walton parish, census return 1851.
- ³⁰ Burtchaell and Sadler, *Alumni Dublinenses*.
- ³¹ *Graduates in the University of Dublin 1591-1868* (1869).
- ³² *Crockford's Clerical Directory*, 1860.
- ³³ Letter dated 20 March 1968 from Miss Maureen Patch, formerly of the Record Office, Carlisle, and now County Archivist of Pembrokeshire.
- ³⁴ *Crockford's*, 1860, 67.
- ³⁵ *Ibid.*
- ³⁶ *Crockford's*, 1889. The year in which Joseph Smith's name appears in the directory for the last time. See also Joseph Foster, *Alumni Oxonienses, 1715-1886*, vol. iv, 1317.
- ³⁷ Tullie House, Carlisle. Jackson Collection, 317 M.