

ART. XI – *Appleby Gaol, Onion Flatt (Waitby) and Robert Fothergill (1693-1779).*

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This article is dedicated to the memory of my very dear wife Margaret who died on 26 March 2003 after suffering for only three months from Wegener's granulomatosis, a rare auto-immune disease. She always enthusiastically encouraged and assisted my research. Margaret's misfortune prevented her from completing her final year of the M.A. course in English Local History at Leicester University.

IN his county history, published in 1777, Richard Burn (1710-1785), the vicar of Orton since 1736 and a magistrate for Westmorland since 1747, described the county gaol at the west end of Appleby bridge as “a little, mean, incommodious building without one inch of ground out of doors, wherein the prisoners might receive fresh air”. Also he noted that, in 1771, there was “erected on the other side of the river a new gaol, with a yard, and other conveniences; which, when finished, will be a much more comfortable habitation” and that new court houses were to be built next to it.¹ Later alterations have not spoilt the character of these buildings and both are now listed.² The court houses were designed by Daniel Benn of Whitehaven, who also supervised their construction. An outline of his career has been published.³ It is appropriate therefore to study evidence for the life and work of Robert Fothergill, the designer and supervisor of the 1771 gaol (Plate 1) which was adapted in 1971 for use as Appleby's police station.

As early as 3 August 1763, the Quarter Sessions found the old gaol “in decay and . . . so Confined that the Lives and Constitutions of the Prisoners therein are . . . endangered”.⁴ Two weeks later a jury agreed to repair it before 1 August 1767, with a penalty of £500 for non-compliance, and to build a new “Court House *at the cheapest cost to the inhabitants*” (my italics). On 7 October 1765, the old gaol was found to be in such poor condition that it was “improper to confine the prisoners with safety and . . . Humanity and must be totally rebuilt together with the Court House”. The Clerk of the Peace was to raise funds by public subscription. These are important clues for, in these *Transactions* in 1962, Professor R. C. Smith of the University of Pennsylvania discussed a collection of twenty-one drawings bought by the University.⁵ Twelve drawings were for four progressively less ambitious schemes for a new gaol and court house, designed in 1766-7 by Robert Adam the famous architect, who was also drawing plans for Sir James Lowther's proposed developments at Lowther Village⁶ and Whitehaven Castle.⁷ Smith lamented that “nothing by Adam was put up [at Appleby]. For reasons now unknown, an insignificant design by a local builder was constructed instead”.

Adam's designs were probably rejected because no rich patron was financing the new gaol and the ambitious architect misjudged the scale of work which could be afforded by a sparsely-populated, rural county wanting a minimal solution to an urgent problem. Robert Adam (1728-1792) had been Architect of the King's Works and a Fellow of the Royal Society since 1761, when he also rebuilt the Shambles and Butter Market at High Wycombe. Among his 1760s triumphs in a remarkable career, were Harewood House (Yorks.), Kedleston Hall (Derbys.), Compton Verney



PLATE 1. A late 1960s photograph of the building in Howgate Foot (now The Sands) at Appleby, erected as Westmorland's County Gaol in 1771. It was designed by Robert Fothergill (see Fig. 2). He also supervised its construction. It later became a gaol for debtors, the gaol Governor's house, the police Superintendent's house and finally the police station. Later modifications included adding two, two-storey extensions which were removed in 1971 to restore the front elevation when extensive alterations were made at the rear.

(Warwicks.), Syon House and Osterley Park (Middlesex) and Ugbrook Park (Devon).⁸ Thus, however "insignificant" the successful design for Appleby gaol was, it beat formidable opposition, so that its creator deserves recognition even though most of his known designs were not executed for a variety of reasons.

As the magistrates had full control of the House of Correction site near the east end of Appleby bridge, on 7 October 1765 they ordered Robert Fothergill to measure the site and as much as "can be reasonably spared from the Highway on which a new Gaol is proposed". By 13 January 1766 he had made a plan and estimate, but the court doubted that there was enough space even if the site was enlarged by taking in an area, 6 yards wide by $17\frac{2}{3}$ yards long, from the highway in Howgate Foot (later The Sands). The scheme was doomed when Francis Harrison refused to sell a "piece of Ground at the Bridge end".⁹

On 6 August 1768, a year after the £500 penalty should have applied, the magistrates viewed ground which Sir James Lowther (1736-1802) was prepared to lease on the other side of the road "at Howgate foot being 22 yards in Front to the Highway and from thence backwards, in equal breadth North Eastwards Forty Four yards". A specification of the proposed gaol was minuted. It was to have two storeys with walls three feet thick and would measure 22 by 8 yards (externally), lying along the northeast end of the site. On the ground floor a central kitchen would lie between the male prisoners' room (19 x 18 ft) at the west end and the female prisoners' room (19 x 11 ft) at the east end. Behind the latter, the remaining space (19 x 6 ft) was "to be sunk into the Ground and fitted up as a Condemned Hole". A central staircase led

to an upper common room, separating rooms for male and female debtors. The yard in front was to be enclosed by a wall two feet thick and twelve feet high, with iron spikes or a "*Chevaux de Frieze*" on top. Beside the entrance door from the roadway a 9 x 9 x 9 ft lodge was to be built "for the Conveniency of the Gaoler".

The High Constables were to obtain an "elevation and Ground Plott of the Gaol proposed", while the Clerk of the Peace was to advertise for contractors in the Newcastle and Liverpool newspapers. Sir James Lowther agreed a 999 years lease and his estate steward, George Wheatley, made a site plan and a design to match the specification. Both drawings are at the University of Pennsylvania, but that design was not built.

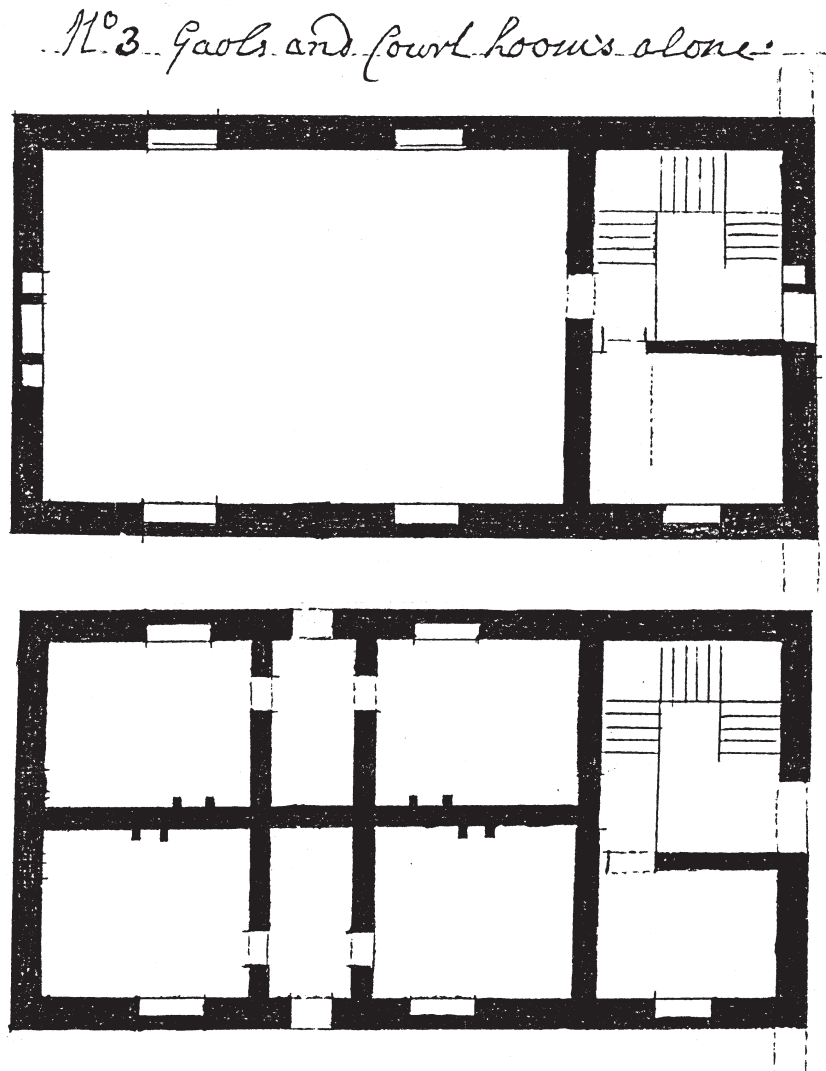


FIG. 1. Robert Fothergill's draft plan (re-arranged) for the gaol with a single court room above which, for economy, were to have been built together at Appleby in 1769.
(Original drawing preserved at the University of Pennsylvania)

After considering “several plans” the magistrates decided on 11 July 1769 that it would be “most convenient and least expensive” to build the intended gaol and court house together. They approved “the Plan which was last drawn for that purpose, leaving out some of the Ornaments”. Figure 1 shows a plan for a court with a jury room on the upper floor and a gaol underneath, but this design “No. 3” was not acted upon. On 2 October the magistrates decided that it was “Cheapest . . . to let each separate kind of work . . . to distinct Artificers and not to one General undertaker for the whole”. The High Constables were to meet “able and Experienced Workmen” at the Moothall on 1 December to arrange for work to be finished by 24 June 1771. Sealed proposals were submitted and another meeting was called at Appleby on 2 April 1770, to consider again “by what Plan the Gaol . . . is to be built”.

The meeting chose “the Plan marked No. 5”. If Kendal’s magistrates agreed, contracts were to be signed at Appleby’s Moothall on 12 May 1770. The plan, redrawn as Figure 2, is endorsed “No. 5 The Plan agreed upon”. It has the caption:

The Ground Storie of the Goal at Appleby, the second Storie the same, the Elivation to be Ornamented according to Plan and Scale anex’d by *Robert Fothergill*, the Manner of the Worke and all Meaterials Except arching the Gaol to be Governed by the former proposals.

As his plan succeeded, on 10 July 1770 the magistrates ordered “that Mr Robert Fothergill be . . . appointed Surveyor of the Rebuilding of the County Gaol”. On 1 October the High Constables were to pay the builders “subsistence money for the work done” but unfortunately the constables’ accounts have not survived to provide details.

The gaol was complete by 16 July 1771 when *Edmund Fothergill* certified that he had “Examined all the Different sorts of Work belonging to the County gaol and do allow it to be according to Contract and according to the best of my Judgment”. A few bills which were then settled have survived in the Sessions Rolls.¹⁰ For work beginning in August 1768, George Wheatley, perhaps annoyed that his plan had not been adopted, charged no less than five guineas for “staking out and measuring the Ground for the County Gaol at two different times, Drawing a Fair Plan to lay before the Judge at the Assizes, Journey to Appleby on the Business and adding a fair Plan to each Lease of the Ground and Ingrossing the Leases”. He was paid in October 1771.

Although Robert Fothergill must have derived at least some satisfaction from seeing his gaol design adopted, he suffered several setbacks as well. “Robt Fothergill’s account for Plans &c of the Court houses and Gaols” survives in the Sessions Rolls. It proves two schemes to rebuild the old Shire Hall in Boroughgate, two more to use the House of Correction site and four for the new gaol, in addition to redrawing Wheatley’s plan and work arising from Robert Adam’s plans.¹¹ The document reads as follows:

By Orders from the Justices of the Peace for drawing Plans and fixing Preliminaries and Estimates for Building [the] Gaol and Court house att Appleby as below:

1763 a Plan for Building the Ould Crown End of the Court house whear itt now stands in Appleby.¹²

1764 a Plan on another Construction for Building Court Rooms in the same Place.

1765 a Plan for Building Gaol on A line whear house of Correction Stands.

1765	a Plan D[itt]o on another Construction in form of an L and yard Wall.	
1768	a Plan for Gaol and Yard Drawne from Mr Wheatleys Plan.	
1769	three Separate Plans by the same Order as above viz.	
	wone for Gaol and Courts and Jury Room.	[No. 2]
	wone Plan for Courts and Jury Room and no Gaol.	[No. 4]
	wone Plan for wone Court and Jury Room and Gaol under them.	[No. 3]
1769	The Plans that the Gaol and Yard was Bulded by	[No. 5]
Theas	9 Plans and Estemates and all Preliminaries	£9 9s. 0d.

I was ordred to Consider Mr Adams Plan in Eight different Constructions and to Fix Preliminaries and Estemates and to Reduce Every Article to Measure which I have done, all which was given to the Clark of the Peace. All theas I have Coppeys of, as for Plans I keep no Coppeys whear we do not Execute. Most of the Plans went to London, as for theas the Gentlemen may pay me what they Pleas. [Endorsed] Easter 1772. Or[dere]d to pay £11 11s. 0d. charged £5 0. 0d.

Three of the 1769 plan descriptions match drawings numbered 2, 4 and 3 respectively in the University of Pennsylvania collection; and the handwriting on them matches that of a letter dated 13 July 1772, sent by Robert Fothergill to “Mr Bowness of Orton”¹³ about progress in fitting door locks in the new gaol.¹⁴ (Fig. 3) The importance of this will be considered shortly, but he was not one of the builders. On 7 October 1771, for example, the High Constables were to pay “John Jackson . . . £3 18s., being the Balance . . . of his Bill for Building the County Gaol” and to pay “Joshua Brunskell for slateing and pointing the Gaol . . . according to such measure as shall be given in by Mr John Gregson and Henry Bellas, Carpenter”. Also, the constables were to supply locks and keys¹⁵ and have the area in front of the gaol raised “to the Height of one Step” and walled with “Iron Pallasadoes fixed thereon” to finish the gaol, work apparently done by John Percival and Robert Sewell.¹⁶

Robert Fothergill

The above evidence suggests that Robert Fothergill performed several of the many roles of modern quantity surveyors and clerks of works. For example, using Robert Adam’s plans, he “Reduce[d] Every Article to Measure” and made “Estemates”, no doubt for quantities of materials and the price of each aspect of the work. By fixing “Preliminaries” he probably dealt with a range of preparatory administration such as organizing the site and equipment, the supply of materials and ancillary labour and so on. Also, he drew feasibility plans for the old Court House and for using the House of Correction site, and drew plans for several versions of the gaol on its final site. He supervised the work and reported progress to the High Constables, but their financial control freed him from settling the workmens’ bills. Fothergill’s appointment as the “Surveyor of the Rebuilding” was a suitable job description and reflects a title given to many men who became famous architects. Indeed, Fothergill’s sense of proportion, style and modest ornamentation suggests that he possessed some knowledge beyond vernacular architecture.

Just who was Robert Fothergill; and was Edmund Fothergill related? A few letters in the same handwriting as Robert’s letter about the gaol locks are in the correspondence of William Armitage,¹⁷ the senior land agent for the Lowther estate

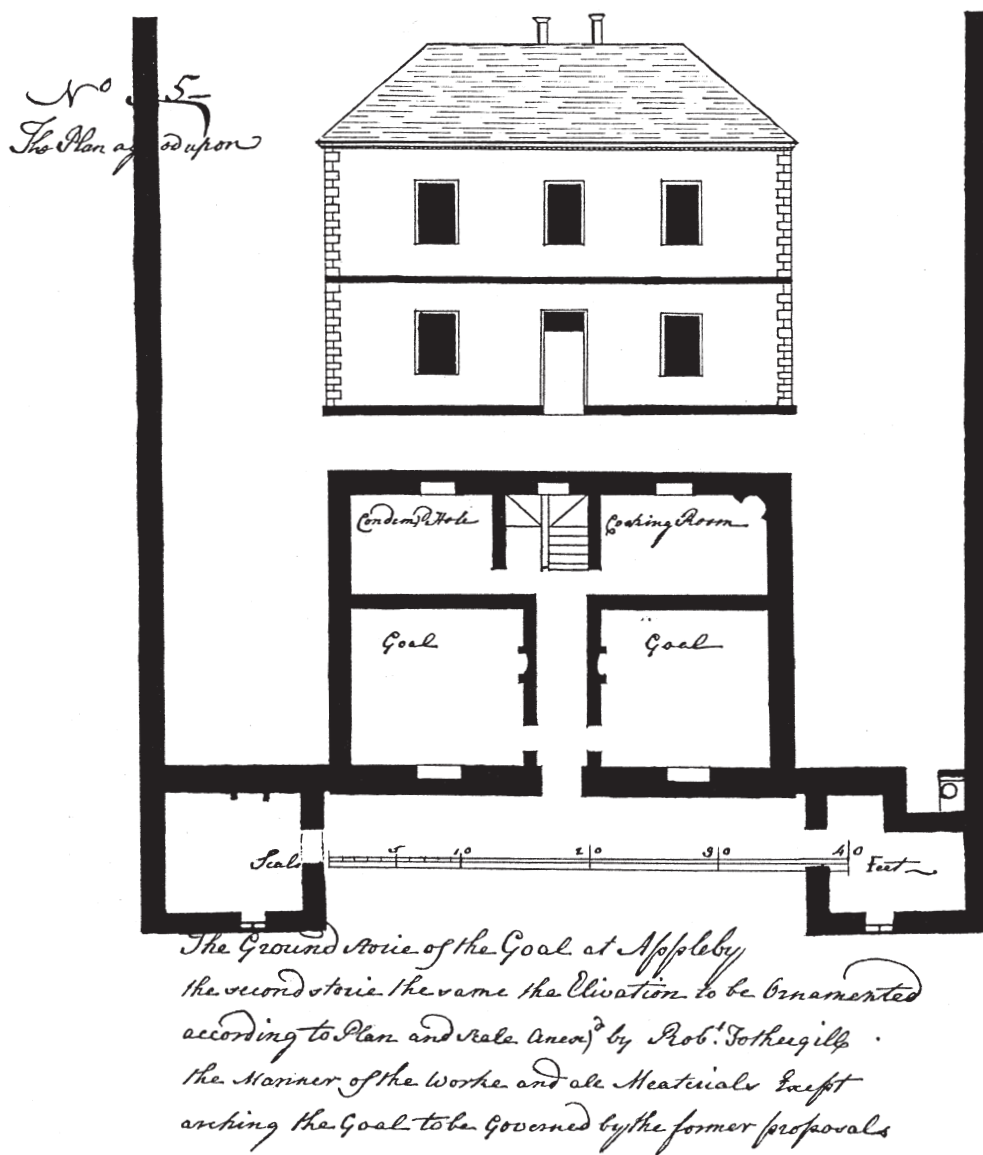


FIG. 2. Robert Fothergill's successful design for the new gaol built at Appleby in 1771. Despite alterations on several occasions, especially in 1873 and 1971, the building retains much of its original character. (Reworked from the original drawing at the University of Pennsylvania).

Yr^r Appleby July 13th 1772

We went down to Rubers this morning to Enquire for the Gaol Locks, the 4 stock Locks and Key was there and wone pad lock and no key which in all Probability was Intended to hinder us from getting them fixed

The door Hesp was too narrow which made them difficult to manage but some time before I had taken the size of the Lock stays, and also the size of the Hesp, and made patterns which Busha had executed before

The fore and Back doors 2 Fellon Gaol and 2 small hole 2 Fellon Gaol Doors is all finished and a small Gaol Door all South End fitted up so that those 8 New Locks^{& Doors} are made fit for the Locks from S^r your humble Ser^t &c

Rob^t Fothergill

FIG. 3. A sample of Robert Fothergill's handwriting taken from his letter, dated 13 July 1772, informing John Bowness (the High Constable of East Ward) about progress in fixing locks to the gaol doors. (Source CRO(K), WQ/SR, 366 / 31) The writing and vernacular style match his letters to William Armitage, the senior agent of the Lowther estate. (CRO(K), D/Lons/L / 3 / 37)

until 1766. George Wheatley took over from 1767 until 1794. Other letters written for Robert in a more stylish hand are in the same source. Most concern Union Flatt farm (NY 754 094) less than a mile north of Waitby, near Kirkby Stephen. Of more immediate importance is a letter in Robert's writing, grown shaky through age. Addressed from Wharton Hall on 18 February 1778 to George Wheatley, it reminded him "I told you some years since of the bad Condition that Sr James wonce Fine Estate att Wharton Hall was Reduced too". A new tenant had improved it by walling, grubbing up hawthorns and leading several hundred loads of manure.

Old farm buildings had been repaired and “well filed with Catel so that Wharton Hall now begins to look like itt selfe”, which Fothergill recalled had had the best farm buildings in Westmorland. In a postscript he wrote:

Youl pleas to Excuse several Blunders in writing. I am now in the 85 year but am a Respector of Wharton Demain where I was Boarn and lived in itt or ajoining to it Eversince. I was Born att Lamerside Hall.¹⁸

Kirkby Stephen’s parish registers record the burial of Robert Fothergill of Wharton, yeoman aged 86, on 18 July 1779, and also the baptism of Robert, son of Edmund Fothergill of Wharton, on 9 January 1693/4. Edmund had married Margaret Turner on 20 June 1686 and, before Robert, they had daughters Isabel and Elizabeth, baptised on 22 May 1687 and 30 September 1688 respectively. Edmund Fothergill of Wharton was buried on 3 January 1727/8 aged 73, so would have been born in 1654. His will, made on 23 December 1727 when he was ill, gave Edmund’s address as Wharton Dykes (NY 764 055), two miles south-west of Kirkby Stephen. He left £2 to each daughter and 1s. each to named grandchildren with residue to his wife Margaret and to Robert, his joint executors. Margaret was buried on 8 January 1736/7. Isabel married Joseph Bulmer of Nateby on 18 June 1718 and had a daughter Jane baptised on 5 August 1719. Elizabeth married Richard Turner on 26 April 1716 and was living at Wharton Dykes when a son Robert was baptised on 2 May 1717, followed by two daughters Margaret (baptism not found) and Elizabeth baptised on 1 March 1726/7.¹⁹

As Robert Fothergill left no will the reconstruction of his family is less straightforward. His marriage has not been found. It was probably about 1730-33 when he would have been aged about 36-39. As a search of the Mormon Microfiche (I.G.I.) suggests that both Robert and Edmund were rare forenames for Cumbrian Fothergills, the baptism at Kirkby Stephen of Edmund, son of Robert Fothergill of Wharton on 29 August 1740, suggests that he was probably named after his grandfather noted above. Support comes from the earlier baptisms of three daughters of Robert Fothergill there; Mary (24 April 1734), Isabel (22 April 1736) and Elizabeth (3 November 1738) so that the last two would have been named after aunts. Marriages of the first two girls will be referred to later. On 5 April 1769, Margaret, wife of Robert Fothergill of Wharton, was buried at Kirkby Stephen ten years before him. Wider searches failed to undermine this family structure.

In view of these identities, it is important to note that, on 8 February 1775, an Edmund Fothergill wrote from Carlisle to George Wheatley at Lowther. Edmund had received a complaint from John Mullinder of Clifton (near Penrith) that he had not been paid “for Remouving the Earth at the Village when I superintended there”. Fothergill went on “I can’t see what use I can be – as I never had any hand in the payment of the Workmen nor Agreeing to see them paid”.²⁰

In August 1773, William Hutchinson saw Lowther Village being built when he:

. . . visited the present works of Sir James Lowther, to which he is pleased to give the name of The Village; the buildings of which are of stone, handsomely sashed and covered with blue slate. Our approach was at the eastern end where the work there proceeding formed a crescent behind which other buildings are thrown in squares. The design on which the proprietor is building this beautiful place is to entertain a number of linen manufacturers . . . with proper apartments for the directors and governors of such work . . . it seems capable of receiving a thousand artists.²¹

The remains of this unfinished village are at NY 536 236, half-a-mile north-west of Hackthorpe (see note 6).

Despite the exaggeration of both the scheme's capacity and expected success, the date of this report suggests why Mullinder became frustrated by non-payment for his labour. Edmund Fothergill's words about just supervising the workmen, but not being responsible for paying them, reflects Robert Fothergill's position at Appleby Gaol in 1771. When Edmund inspected the gaol and issued the completion certificate he was aged about thirty and had probably learned his skills from long experience with his father. Two years earlier, on 28 May 1769, Edmund Fothergill "of Kirkby Stephen" had married Mary Steel at St. Cuthbert's church, Carlisle and appears to have settled there. No evidence has been found to suggest that they had children.

Edmund's employment at Lowther Village in 1773 was probably helped by his father's earlier work for the Lowther estate, the nature of which is shown in William Armitage's estate accounts for 1764.²² On 31 December, the agent "Paid Robert Fothergill what was agreed to be allowed to him for a year's salary at Martinmas last as Bailiff and Collector of the Tenant's Rents in the manors of Nateby, Wharton and Kirkby Stephen & for collecting Fines &c". At the Dissolution these manors became part of the estates of the Whartons of Wharton Hall. After the last Duke of Wharton was found guilty of treason in 1729, the manors were bought by Robert Lowther (1681-1745) of Maulds Meaburn in 1730 and passed to his son Sir James Lowther (1736-1802).²³ Armitage also "Paid Robert Fothergill what he paid for Two Gates and Four Gate Posts & setting [up] Posts; for hinges, nails and Hanging the Gates at Onion Flatt and Assisting Mr Wheatley when surveying that estate £1 0s. 8d.". He also paid 10s. 6d. to "Mr George Wheatley his Expences when surveying Onion Flatt".

As the bailiff and collector of rents and entry fines from customary tenants, Robert Fothergill performed a function like that of his contemporary Jeremiah Blackett, who was bailiff for the Lowther manors of Murton and Hilton near Appleby. Blackett was tenant of Hilton Hall farm on the Lowther estate while renting out his own small farm in Murton.²⁴ He drew estate plans, attended to building repairs and collected the rents and fines. Fothergill certainly saw to estate maintenance at Onion Flatt (and probably elsewhere) and undertook land surveys. When younger, he was clearly associated with Wharton Hall and later expressed pleasure over seeing it repaired. Armitage's accounts give a glimpse of that work in a payment of £1 7s. 6d. "for casting lead and repairing places where lead was stolen at Wharton Hall [and] dressing lead gutters".

Onion Flatt farm (NY 754 094)

This study must now examine other aspects of Fothergill's role as bailiff in more detail using records relating to Onion Flatt, where his 1760s involvement is well documented. Among William Armitage's accounts is a summary of the financial interests of "the late Mrs Barbara Lowther and her sisters". He had received £47 10s. for five years rent for the property, at £9 10s. per year from Martinmas 1758 to 1763. Land tax accounted for £6 14s. leaving £40 16s. to be shared. From this Sir James Lowther was entitled to £15 16s. 3³/₄d. "in right of Mrs [Mistress] Frances Lowther his Aunt". Frances (1694-1753) and her sister Barbara (1691-

1762) had both died unmarried.²⁵ The account states that in 1764 the rent was paid by Edward Barnett.

Robert Fothergill's letters to Armitage regarding Onion Flatt run from 3 December 1762. As his standard of literacy was vernacular, he often used somebody else to write for him, probably his son Edmund. He warned Armitage that Oliver Whitehead the tenant was in financial difficulty and had "let the Houses [i.e. farm buildings] and Fences go into very bad Repair". The wheat crop would cover a year's rent, but as "there is no probability of his Continuing Farmer", Fothergill recommended a freeholder "one of Sr James Friends [a political supporter] who would take it for a Term of Years . . . a man of Good Circumstance and a Relation of mine. . .". The probable identity of this relation will become clearer as Fothergill carefully continued to seek advantage for him.

On 9 September 1763 Robert Fothergill himself wrote that he had made "a slight survey" of the farm. He had "met with John Birtel an Ould Man who had it in Occupation above 20 years, if it had not bene for him I sho'd not have bene able to have made it out as it lay's so scatred up and downe so premiscasly and Obqsuar", an observation which could have been relevant to many Cumbrian farms that still had unconsolidated medieval strips of land. Fothergill thought it might be "best to have it Meared out and to know how it bounded or Butted, or to have [it] plannd. I took an Eye draught of it and Dementions, but as it wo'd not be Intelligable to you . . . I have sent you the Names of Every parchal and the quantity as below:

	Acar
Unyon flat: whear the Houses stands which is in bad Repayr are three Narrow Cloases [of] good land Meadow & Corn	6
Springs: pastor Ground with several parcal of other peoples laying in it and little of them Meard out	above 5
Under Bowber: a corn Cloas	2
Myer Cloas: pastor Ground wants Drayning	6
Thorn Covel: is Feeldland, Meadow not Meard out	1 1/2
New Cloas: Meadow and Corn, Good Land with a Parcal of Land laying in it but not Meard out	4
Gouther Slack: good land Meadow, a long Stripe	1/2
Paddock how and Hempton Hill and lick bush and law tofts: are all Parchals of Feeld land all Meadow and not Meard out, theas parchals I could not be Exact in and also Tofts Land laying in pastor Ground, all 5 will not be above 4 acar	4
Wateby Flats Cloas: is now pastor ground	3
In all 32 acars"	

Colons have been inserted into this report to divide field names from the descriptions. Fothergill continued "I sho'd be Glad to see you before you Dispose of it, I think you may advance the Rent and not lett it to any [person] that wo'd parchal it out again for a profit, or to such as wo'd Racke it out to Improve their own Estates by it, a practice too Common among us which I see Every Day done which I think is very unfair . . . What land is not advanced [in rent] within the last 20 Years must have had bad yousage and both land lord and Neighbours all suffers by it. It is the Breeders that Improves our part of the Countrey, the Greysers to the Contrary". The letter gives a good impression of Fothergill's literacy and attitude towards his employer as well as a down-to-earth critical assessment of some contemporary farming ideas and practices in a relatively isolated part of Westmorland.

Though Oliver Whitehead was an unsatisfactory tenant, he fought hard against removal. On 10 February 1764 Edward Barnett, the prospective tenant, informed Armitage that Whitehead's son Thomas²⁶ had taken over the farm and was threatening to remove two gates. On 28 February the agent wrote to Fothergill "I do not understand what pretence . . . Oliver Whitehead's son hath to Onion Flatt. He never . . . once made any proposal to me to take it", and advised that a suitable magistrate might sort out the problem. After Barnett's next complaint and receiving a letter from Mr Nicholson, an Appleby lawyer, that accused him of "forcible possession", Thomas Whitehead wrote to Armitage from "Riddleshaw" (NY 760 098), about half-a-mile north-east of Onion Flatt, complaining bitterly and at length of Barnett's attitude and behaviour "for he is always scraffeling with some body". Thomas stated that his father had leased Onion Flatt from Mr Watson²⁷ when nobody else wanted it. The lease was renewable every three years and, as his father had been the tenant for seventeen years, he intended to stay for one more year, as he had already sown a crop of wheat and wished to harvest it.

At a meeting at Kirkby Stephen, on 23 April 1764, Nicholson eventually got Thomas Whitehead to yield possession of Onion Flatt to Barnett, but Thomas had removed a gate and posts. As there was "a high Road through the estate", Barnett proposed "setting up four Stone Posts for the Gates to hang on" but was advised to await directions. He was not a tenant for long, for he was buried on 13 December 1765.²⁸ Hence conditions for letting "Onion Flatt & Waitby Lands lately farmed by Edward Barnett dec[eas]ed" were prepared for letting in Spring 1766. Since July 1764 several individuals had made enquiries or offers for the tenancy including:

- July 1764 Robert Hunter, an heir of John Ernest of Crosby Garrett.
- Dec. 1765 William Barnett.
- Dec. 1765 John Cunningham, butcher of Kirkby Stephen.
- Jan. 1766 Richard Fothergill of Lockholme (near Ravenstonedale) through his son-in-law Matthew Bell, on behalf of Thomas Whitehead.
- Jan. 1766 Christopher Harker. (see below).
- Jan. 1766 Thomas Whitehead (directly).
- Jan. 1766 Leo Barnett (who rejected an offer of Onion Flatt).
- Feb. 1766 John Cleasby (see below).

Some of these give clear impressions of the condition of Onion Flatt and the plans to improve it. For example, Christopher Harker wrote on 19 January 1766 that Robert Fothergill would give him a reference. He wrote again on 28th having seen Fothergill the previous Monday and was told to send his proposal directly to Armitage. He stated:

The Houses [i.e. farm buildings] must Either be Repaired or the Corne Carried off[the farm], the Hay may be stackt But Cannot be Eaten on the Land for want of a Cowhouse . . . neither Barn nor Cowhouse has any thatch on for yards together and the walls [are] In such Ruinous Condition that no Cattle Cou'd Lie therein . . . The vestures has not Been Eaten on the Land this 4 year to my Knowledge and yet no person cou'd Blame the Farmers for it By Reason That the Corne Cou'd not be thrasht In ye Barn. If Sr Jas please to Repaire the Houses at a modest Expençe I will pay him Interest . . . the Late farmers has Boath of them pastured so much of it that the Hedges is almost quite Lost.

He promised to plough no more than four acres per year and would pay £11 a year rent as it stood, or £12 if the buildings were repaired. While the landlord was

responsible for the repair of buildings, the difference in the rent offered would not be an incentive to do so. This suggests that Harker was content to take the farm in its decayed state, probably for accommodation land only.

Next day Fothergill wrote from Appleby supporting Harker's proposal stating that "he has a good Estate of his owne and [it] dos not Ly near Onion Flat . . . but . . . at *Murton*". Hence he could afford to pay the rent and would not remove the vestures to benefit his own land. Also Fothergill referred to the previous poor farming practices and noted that Barnett had "Cutt downe a very good hedg and Neither Scoured nor Lade itt and itt is quite Dead". He did not state that, on 1 May 1760, Christopher Harker had married Isabel Fothergill at Kirkby Stephen and, as Fothergill's son-in-law, could have been the relative recommended on 3 December 1762 as a suitable tenant.

There is, however, a better candidate. John Cleasby, also of Murton, wrote to Armitage on 10 February 1766. He was prepared to rent the farm for any term of years. "I have seen it latly and all is in bad condition, there is not a door nor Cheeks to Eather Barn or Byer but if Sr James will put up doors & Cheeks &c and mend a pece of side wall that is come downe I would take it to farme and provide a house [for] myself to live in and eat all the crop in the Spot. If Sr James will Build a dwelling house and other Sutable Conveniences I will pay Intrest of all money lade out and pay twelve pounds per year and all taxes except Lords Rent". He would plough no more than four or five acres and "I will thatch those two Bad houses that is on it, but if thay fall Sr James to Build them".

This was not John Cleasby's first interest in becoming tenant for, on 1 October 1764, Fothergill wrote to Armitage: "having the Opertunity of the Berar I have Incloased . . . the Plan & Estemate of a Farm House for Onion flat and also the [lease] proposals which I mentioned . . . John Cleasby is willing to give £14 p[er] year for itt for 9 years according to theas proposals. He is a man sutable for A Farmer . . .". Fothergill noted in a postscript "I am Just going with the man you sent to Survey Union flat". Neither letter mentioned that John Cleasby was also Fothergill's son-in-law, having married Mary the eldest daughter at Kirkby Stephen on 1 May 1757.

Fothergill's interest in providing acceptable accommodation for this son-in-law in 1764 appears to have been the motivation for preparing two plans and estimates for new buildings for Onion Flatt. They need to be studied before progressing to later matters. A proposal for a new house and the terms for leasing the farm, dated just 1764, exist in Fothergill's handwriting and signed by John Cleasby. It reads:

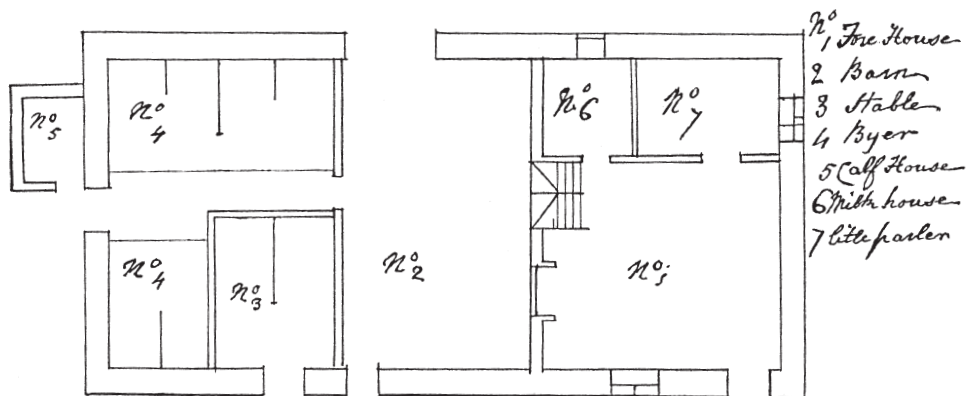
1764. Proposal for Union flatt to be let to farm for Nine years to Enter Nex Year att the Youseual time. Sr James to Build a convenient House according to this plan to be 42 foot long, 20 foot wide and 13¹/₂ foot high within worke to be finished for Dwelling House that [is] a fore House and little parlor and Milk House and Stayrs up to Chambers . . . [which are] to be made in two. A Byer to hould Six Cows, a sable to hould two Horses, theas two to be Backsed over,²⁹ and a Barn to Thresh in and hould Corn. The Farmer to pay all assessments Except Lords Rent, to Yeat [= eat] all Crop on the Ground and not to plow more than Three Acars or Four Acars Yearly for Corn and to pay Fifteen pound a Year – at two Equal payments at the Youseual times for payment and to keep the Glass in the windows in good Repair and to deliver up the said farm at the time apoynted to Sr James Lowther. Note, who ever is Farmer shall sufficantly Drayn the Myers having wood given for the Cloas dranes;³⁰ according to theas proposals having it for NineYears, I agree.

[signed] John Cleasby

Fothergill's plan for this house has been redrawn as Figure 4 and the estimate gives a good impression of how he broke down and priced the necessary work. Many estimates for ordinary buildings were far less detailed. It reads as follows:

An Estimate of a Farm House for Union Flatt according to a plan annexed	£	s	d
To pull down ould House and make Ground worke Ready to Build on	1	0	0
To Quaring and Leading Stons from Crawl Rigg, ³¹ 450 load at 6d. per	11	5	0
To Walling 270 Yards of Wall at 6d.	6	15	0
partin Wall ³² 30 Yards at 4d. and setting on Chimney Top 5s., Stons Do. 20s.	1	15	0
To Blew Slat Near 3½ Rood ³³ with laths and Nayls & lime & poynting	17	10	0
To freeston Rigging 15 yds	0	15	0
To point Outside of all walls and playster Inside of Fire House to provide Lime and Sand and hair &c	5	10	0
To Corbel Chimney pece for fore house	0	15	0
To flaging fore house & parlor and Milk House	1	15	0
To 4 two Light windows 3½ foot high & 3 foot wide and 1 loupe light all Glaysed and window Soals	2	2	0
To 5 Oute doors and Cheeks with hinges and one Lock	1	15	0
5 inner doors made plain and hinges and latches and door Cheeks and parting with plain Boords well Backed &c or Raddling ³⁴	2	10	0
Cutting wood and sawing and Binding Roof and Sparing &c	2	15	0
Cutting and sawing Boords and Joysts and Beams for Chamber floor and laying, to find Nayls and Stayrs making	2	10	0
The Ould timber to Boaks Stable and Byer with Radling and Turf and make 6 Cow Stals and Setles & Groop and 2 Horse Stals and a Rack and pave Stable ³⁵	2	10	0
	61	2	0

Sr James to find all Wood Exept Slat laths and windows
all Carriage to be Included in the above prices
If to be Covred with Grey Slat it wo'd take of[f] £3 10s.



*Flat form of a Farme House for Union flatt, by a Scale of 8 foot to 1 Inch.
Or 42 foot long 20 foot Wide and 18½ foot high, within worke*

FIG. 4. Robert Fothergill's plan for a proposed farm house, stable and byre, arranged as a *laithe-house* under one roof, for Union Flatt Farm in 1764. He hoped that it would be occupied by his son-in-law, but the work was not executed. (Drawing at two-thirds of the original scale)

Fothergill also prepared a second, less ambitious, estimate and plan for just a farm building (Figure 5).³⁶ It reads:

1764 A discription of this Plan of Onion³⁷ Flat house to be Built and the Expence of Building it. No. 1 is the Barn and No. 2 the Byer; the Barn to be 22½ foot Long and 16 foot wide and 13 foot high within Work, the Byer to be 16 foot by 9 within worke to be in form of an Outset.³⁸

	£	s
To wall the whole 200 [square] Yards and make the Ground worke ready and gitt		
40 Cart load of throughs from Crawl Rigg	6	10
Gray Slat 2½ Rood lade on and Laths and Nayls and Riging to find lime and Hair and pointing slat ³⁹	9	00
Binding Roof and Sparing Ash Wood from Wharton Park as it is Valued for what is Wanted for Roof and doors and 7 foot Threshing floor	6	10
Poynting outside of all <i>walls</i> [inserted by R.F.] and Ininside of Byer with lime and sand D[itt]o	1	15
To Making Beast stals &c	0	10
To Locks and Hinges to doors	0	5
	24	10

Despite Fothergill's backing, neither of his sons-in-law became tenant of Onion Flatt since, on 28 February 1766, a notice for letting it from the Spring of 1766 records

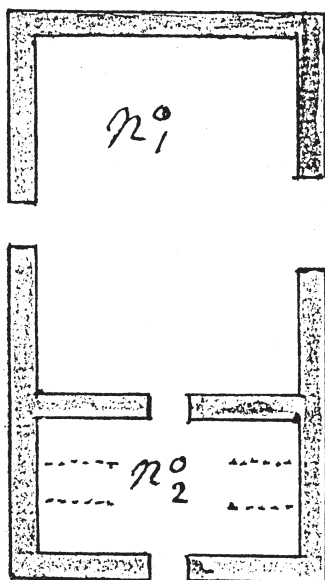


FIG. 5. Robert Fothergill's 1764 plan for a proposed barn (No. 1) and byre (No. 2) for Onion Flatt farm. This was not built. (Drawing same scale as original)

that "Matt[e]w Bell of Soulby and Thomas Whitehead of Soulby Yeo[man] agree to take the above mentioned farm" and it was signed by both men and by William Armitage. Confirmation of this is available in a lease, dated 13 February 1770, between George Wheatley, the Lowther agent, and Thomas Whitehead of Riddlesay, Onion Flatt's neighbour. From 15 April 1770 the tenancy was to be transferred to Whitehead alone for £18 per year. He was to plough not more than three acres, of which one was to be fallow, but "whereas there is no Conveniences for thrashing the Corn upon the said Premises he is allowed to carry it off and in lieu thereof to buy and lay upon the said Fallow not less than Twenty Five Carlisle Bushels of well burnt Lime or Sixty Cart Loads of good Manure".⁴⁰ He was to maintain the hedges, ditches, gates and fences and to cut no trees. If he ploughed more than three acres, he was to pay £2 per acre extra. Thomas Moss and John Pearson were witnesses. Whether the terms produced better farm management than in Oliver Whitehead's time is not known but, by 19 January 1771, an endorsement shows that Thomas Moss became jointly responsible with Thomas Whitehead for the rent.

This concludes the evidence for Robert Fothergill's involvement with Onion Flatt. It remained part of the Lowther estate until 1883 when, with Asby Grange lands, it was sold at 3 p.m. on 27 June at the King's Arms, Kirkby Stephen.⁴¹ Lots 1, 2 and 3 were sold for £7,500 to Thomas Ewbancke of Duckingtree, Kirkby

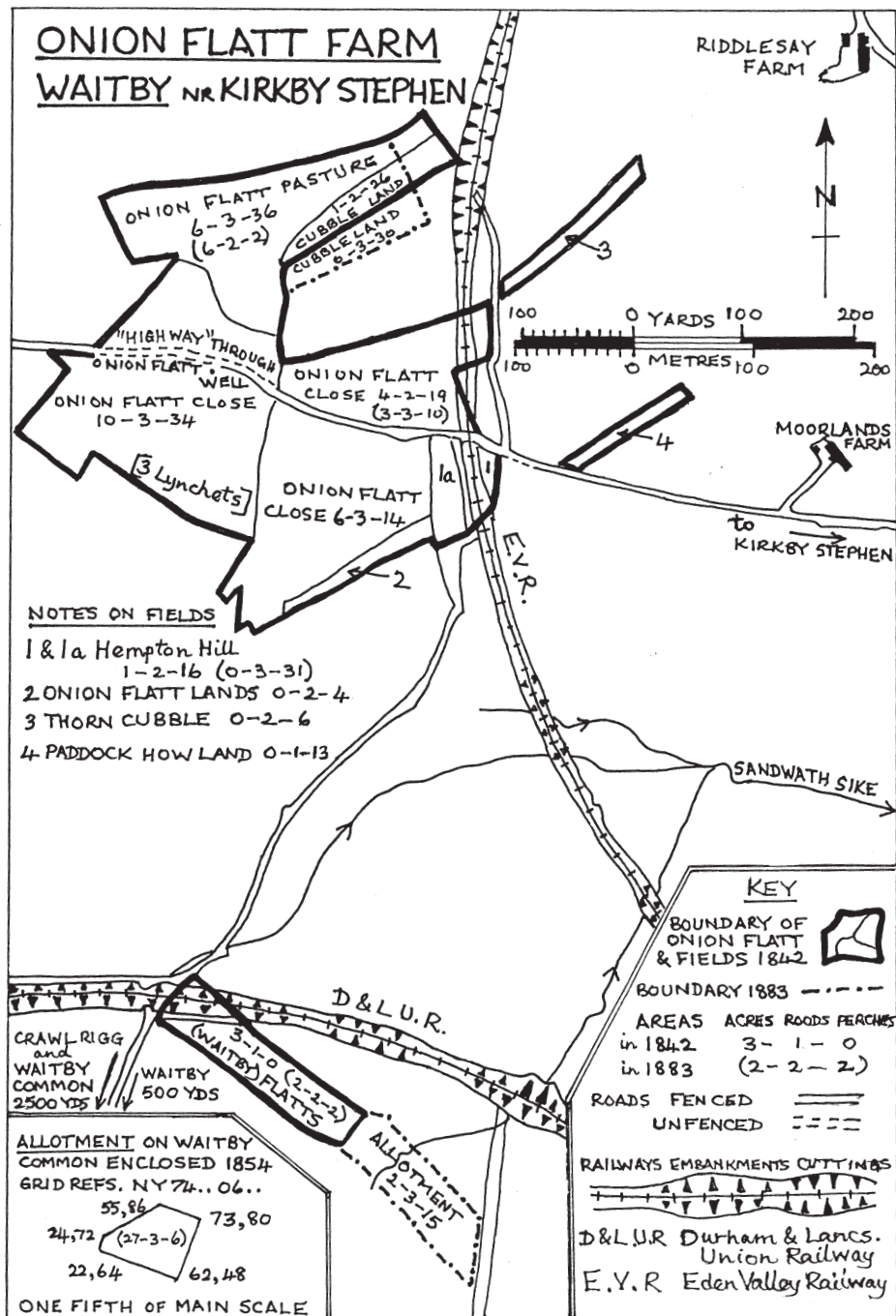


FIG. 6. Plan of Onion Flatt farm showing field names and acreages on the Tithe Map of 1842 and changes made by 1883 when the farm was sold. The $27\frac{3}{4}$ acre allotment on Waitby Common, gained through the 1854 Inclosure Award, has had to be shown in an inset at one-fifth of the scale.

Grid references of its corners are for location purposes.

(Sources: CRO(K), WDRC/ 8/88; WQR/ I / 91; WD/ Kilv / 32; O. S. 1:2,500 plan).

Stephen. Onion Flatt farm comprised lots 4, 5, 6 and 7 and the field descriptions and acreages compare well with the Waitby Tithe Map of 1842.⁴² The main differences resulted from constructing railways. The South Durham & Lancashire Union line, via Stainmore Summit and Kirkby Stephen to Tebay, cut off the north corner of the detached Waitby Flatts field, reducing its area by $\frac{1}{2}$ acre to $2\frac{1}{2}$ acres. Diverging northwards from that line at Kirkby Stephen, the Eden Valley Railway was opened on 7 June 1862⁴³ and resulted in some considerable changes along the eastern margin of Onion Flatt. Immediately south of Waitby level crossing, Hempton Hill field ($1\frac{1}{2}$ acres) was bisected, leaving a corner of waste ground east of the railway. Further north the end of Onion Flatt Close and the tip of Cubble Land were cut off, while a detached half-acre medieval strip field known as Thorn Cubble became isolated from the farm and was apparently disposed of before 1883. In contrast, Onion Flatt benefited from the inclosure of Waitby Common, when over $27\frac{3}{4}$ acres (plot 20) were awarded in its own right and over $2\frac{1}{2}$ acres (plot 57) were added to the Waitby Flatt Lands part of the property.⁴⁴ (Fig. 6).

Conclusions

While this study has focussed on a small number of documents that outline the life and work of Robert Fothergill, it has also revealed details of what would have been typical problems encountered by many bailiffs dealing with the day-to-day running of scattered parts of Cumbria's great estates. It seems likely that the practical skills, commonsense and insight needed for, and developed by, his experience helped him to design a gaol at Appleby that satisfied the needs of the local magistrates seeking value for their meagre funds. In doing so, Robert Fothergill was more successful than Robert Adam, who appears to have been more concerned with establishing his reputation as a great architect. In the light of this and the fact that Fothergill's gaol is now a listed building, it has been worth exposing other aspects of his humble career in as much detail as possible, so that other researchers may be able to develop the findings. The fact that Fothergill's son Edmund set out on a similar career may stimulate more research. Their activities were typical of many men whose various skills, fostered by the aristocracy and landed gentry, gave rise to careers near the "grass roots" level of society, as estate stewards, bailiffs, surveyors, builders and so on, without whose efforts the successful development and management of great estates would not have been possible. Such people deserve much more study by local history researchers.

Acknowledgements

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Notes and References

¹ J. Nicolson & R. Burn, *History & Antiquities of . . . Westmorland & Cumberland* (1777), i, 319.

- ² B. Tyson, "An Architectural History of the Gaols and Court-houses at Appleby, Cumbria", *Transactions of the Ancient Monuments Society* (hereafter *TAMS*) 32 (1988), 101-139.
- ³ B. Tyson, "Some Cumbrian Builders, 1670-1780", *CW2*, xcvi, 176-180.
- ⁴ CRO(K), WQ/O/8, order book, 1760-1770.
- ⁵ R. C. Smith, "Robert Adam's drawings for Appleby", *CW2*, lxii, 304-322. The drawings are in the University of Pennsylvania, School of Fine Arts Library and were bought from Messrs. Weinreb of Great Russell St., London, in the early 1980s. (Information from the Library's curator, Mr G. Holmes Perkins).
- ⁶ For this partially completed scheme see R. W. Brunskill, "Lowther Village and Robert Adam", *TAMS* 14 (1966-67), 57-73.
- ⁷ A large part of Adam's scheme was completed at Whitehaven. B. Tyson, "The Work of William Thackeray and James Swingle at Flatt Hall (Whitehaven Castle) . . .", *TAMS* 28 (1984), 61-3.
- ⁸ H. M. Colvin, *Biographical Dictionary of British Architects, 1600-1840* (1978), 46-55.
- ⁹ On 21 February 1721, Francis Harrison's father had conveyed to him "All that . . . Burgage Garth called . . . Entry Garth next adjoining to the House of Correction on the North and [to] the Close late John Mitchell's on the South Side". Thus it was plot 220 on the Lowther map of Appleby burgages. CRO(C) D/Lons/L, 1754 Election, box 1, "Brief of Titles". It was sold to Thomas Heelis, the Earl of Thanet's agent, on 10 September 1767. CRO(K), WD/Hoth, box 6, "A list of the Earl of Thanet's Burgages . . .", 1789.
- ¹⁰ For example CRO(K), WQ/SR; 360/10, 360/11, 364/24, 371/3, 373/26.
- ¹¹ Photocopies of several of these plans are at CRO(K), WDX/930.
- ¹² This statement is ambiguous for it is not clear whether the plan was to rebuild the old Crown Court end of a decaying Court house (hence the Sessions' and Judges' use of the town's Moothall), or to rebuild the end next to the *Old Crown* Inn. The latter is noted in Parson & White's 1829 *Directory* in Boroughgate, possibly on the site of the Crown & Punchbowl Inn, first noted in Mannix's *Directory* in 1851. The Crown & Cushion, Crown & Thistle, and Crown & Mitre are all in both directories. By comparing the Crown & Punchbowl site on the Ordnance Survey 1:500 (1860) plan with the 1754 Election Map, the old Shire Hall probably occupied burgage 81, midway between the High Wiend and the Moothall.
- ¹³ In 1777, John Bowness "the younger of Raisbeck", Orton, was "One of his Majesty's Coroners" and, until Easter 1779, was the High Constable of Westmorland's East Ward. Henry Holme of Barnskew was his West Ward counterpart.
- ¹⁴ Robert Fothergill's letter is at CRO(K), WQ/SR, 366/31.
- ¹⁵ Locks were supplied on 8 April 1772 by Messrs Everton, Ruffy & Hayes of Birmingham to Thomas Yare, an Appleby ironmonger. They comprised:
- | | | |
|--|--------|------|
| 2 large double bolted pad Locks hard shackles strong warded | No. 1 | 11s. |
| 2 larger ditto | No. 2 | 15s. |
| 2 11 Inches fine Stock Locks screwed & barred large keys full warded | | 18s. |
| 2 14 inches ditto | | 36s. |
| | a Case | 1s. |
- ¹⁶ CRO(K), WQ/SR; 371/3, 373/16, 369/14; WQ/O, Epiphany 1772.
- ¹⁷ CRO(C), D/Lons/L1/3/37, letters dated 9 September 1763, 11 April 1764, 1 October 1764, 9 January 1766.
- ¹⁸ CRO(C) D/Lons/ L1/3/40, letter 18 February 1778.
- ¹⁹ CRO(C) Carlisle wills, 1728, Edmund Fothergill of Wharton Dykes; and Kirkby Stephen parish registers (CRO(K), WPR/77).
- ²⁰ CRO(C) D/Lons/L1/3/40.
- ²¹ Wm. Hutchinson, *An Excursion to the Lakes* (London, 1774), 57.
- ²² CRO(C) D/Lons/ L3/40. Accounts for the whole of 1764.
- ²³ N. & B., i, 533 & 558; H. Owen, *The Lowther Family* (1990), 275.
- ²⁴ B. Tyson, "Murton Great Field . . .", *CW2*, xcii, 161-182, esp. p. 164-171.
- ²⁵ H. Owen, *The Lowther Family* (1990), 271.
- ²⁶ Thomas, the eldest son of Oliver Whitehead of Riddlesey, was baptised at Kirkby Stephen on 3 August 1742. Oliver's other children were baptised Mary (1 February 1740/1), Oliver (2 May 1744), John (9 December 1745), Christopher (1 October 1747; bur. 3 November 1747) and Agnes (13 September 1748).

- ²⁷ James Watson was the steward of the Maulds Meaburn estate during Sir James Lowther's minority, between at least 1738, when he kept accounts for building work there, and 1753 when he arranged to buy the White House in Appleby for Sir James's mother Katherine (née Pennington). Watson was baptised on 6 April 1702 at Brough-under-Stainmore as the second son of James Watson who was curate there (and later became vicar of Crosby Ravensworth 1708-1747). The agent married Elizabeth Bowness on 3 July 1728 and, by 1740, had sons James (aged 12) and John (aged 6). He was buried on 24 January 1755. B. Tyson, "Building accounts for enlarging a farm building at Maulds Meaburn, Cumbria", *Vernacular Architecture*, 18 (1987), 17-24, esp. pp. 17 and 24.
- ²⁸ CRO(K), WPR/77/4.
- ²⁹ Backset: to set upon in the rear (1573) – *OED*. The plan makes the relationship even more clear. Fore House (or Fire House): a heated living room. A parlour was often used for sleeping, or to store cheese, grain, wool etc.
- ³⁰ Maintenance of glass was a normal lease condition. Before field drain trenches were filled in, branches and hedge trimmings were commonly placed in the trench bottom to create space to assist water flow.
- ³¹ Crawl Rigg is on Waitby Common at NY 747 063, two miles south-south-west of Onion Flatt.
- ³² Fothergill's plan shows this wall partitioning the house from the barn. Putting the fireplace and chimney in that wall so close to straw in the barn could have introduced a real risk of fire.
- ³³ In Cumbria, a customary rood of slate was most commonly 7 x 7 yards. B. Tyson, "The Rood as a Measure of Builders' work in Cumbria", *Vernacular Architecture*, 10 (1979), 10-14. As this building was to be 42 x 20 feet, allowing for some overhang at the gables and eaves would make the roof about 104 sq. yds. This suggests that the rood used here was the square of the statute rod (5.5 x 5.5 = 30.25 sq. yds).
- ³⁴ These words were inserted by Robert Fothergill. Raddle: a thin rod, wattle or lath fastened to or twisted between upright posts to form a partition (1577) – *OED*.
- ³⁵ Groop = Greap: the manure channel separated by the settle stones from the cow standings (bouses) in a cow house (byre). Pave: to lay with cobble-stones, sometimes to a pattern.
- ³⁶ The plans and letters are all at CRO(C) D/Lons/ L1/3/37.
- ³⁷ The initial "O" was overwritten as "U" in Robert Fothergill's handwriting.
- ³⁸ Outset; would be set outside the main structure probably as a lean-to otherwise called an outshut. Throughs: larger stones set across the wall in layers at vertical intervals of two or three feet to bind the two wall faces together. Binding the roof: making and fixing main roof timbers. Sparrs = rafters.
- ³⁹ The slating would therefore cost £3 12s. per rood.
- ⁴⁰ The Carlisle bushel was generally 24 gallons but, for oats, bigg, barley and rye, the Dean and Chapter's bushel of 18 gallons was used. B. C. Jones, *CW2*, lxxxiii, 178.
- ⁴¹ CRO(K), WD/Kilv /32. Lease in documents deposited by solicitors Fell, Kilvington & Co.
- ⁴² CRO(K), WDRC/8/88.
- ⁴³ In 1862 both lines became part of the North Eastern Railway. David Joy, *Regional History of the Railways of Great Britain*, 14, "The Lake Counties", 32-33.
- ⁴⁴ CRO(K), WQR/1/91. Act 1852. Award 1854.