

February 2020

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## Society News

### Historical Walks in 2020

In 2020 the Society will be re-introducing historical walks, around our 'patch', though the details are to be confirmed.

In April the fell walkers among us will be pleased that Mark Hatton has offered to lead a walk in the Newlands Valley to view its mining history, with a possible exploration of the Goldscope mine.

For those requiring a less energetic walk, Derek Denman plans to lead three walks in August to explore the medieval centres of Lorton, Loweswater and Embleton, and how they have been

developed. Would any local member who may be able to provide tea for the group in Lorton or Embleton please contact Derek – and the route will be adjusted.



Entrance to the Goldscope mine.

### Message from the Chair

#### Can you help organise an outing?

Following my call in November's Wanderer for members to help with two aspects of organisation, I am pleased to say there was a good response. The Committee is grateful to Pip Wise, of Lorton, for agreeing to take on responsibility for the distribution of the Wanderer and other printed material. In the meantime, I am talking to other people who have kindly offered to assist the committee.

There is, however, an urgent need to find someone who will help to organise a Spring outing, probably in May. We are all grateful to Tim Stanley-Clamp for having organised various Society outings during the past few years. However, apart from being the Society's ... *page 3*

## Our programme for 2020

16 Jan 20	<i>The sound of his horn: John Peel the man and the song</i>	Dr Sue Allan
12 Mar 20	<i>German Miners under the Derwent Fells</i>	Mark Hatton
25 or 26 Apr 20	Historical walk: Mining landscapes of the Newlands Valley, plus Goldscope – leader Mark Hatton. Arrangements tbc.	Organiser Mike Bacon
May 20	Spring outing, to be arranged	
14 May 20	<i>Cattle droving through Cumbria, 1600-1900</i>	Professor Peter Roebuck
11 Jun 20	AGM plus <i>From Roundhouse to Shelling: archaeological surveys of early settlement sites in the Loweswater and Buttermere valleys</i>	Peter Style
9 July 20	<i>The Border Reivers –Romance and Reality</i>	Max Loth-Hill
9,16, & 23 Aug 20	Historical walks: medieval Lorton, Loweswater & Embleton. Arrangements tbc.	Organiser Derek Denman
10 Sep 20	<i>The Pilgrimage of Grace in Cumberland and Westmorland 1536</i>	Dick O'Brien
12 Nov 20	<i>Who shot Percy Toplis – the Monocled Mutineer</i>	Dr Jim Cox

Talks are at the Yew Tree Hall at 7.30pm unless stated otherwise. Visitors £3. Please do not park to the left of the entrance (looking from outside) as the road is narrow.

### Officers and Committee 2019/20

President, Professor Angus Winchester	Financial examiner, Peter Hubbard		
Charles Lambrick <i>Chairman</i>	01900 85710	Tim Stanley-Clamp <i>Vice-chair</i>	01900 336542
Dr Derek Denman <i>Secretary</i>	01900 829097 <i>derekdenman@btinternet.com</i>	Christopher Thomas <i>Treasurer</i>	01900 822171
Lena Stanley-Clamp <i>Membership</i>	01900 336542 <i>ldflhsmembership@gmail.com</i>	Mike Bacon Fiona Lambrick Hugh Thomson	Richard Easton <i>Committee members</i>

### Diary dates

**22 February.** Lancaster University, RHC, Study day, 'The end is nigh', Mortality Crises in north-west England in the C16th & C17th

**7 March.** Lancaster University, RHC, Annual Archaeology Forum

**9 March.** The Spirit of a Lakeland Valley, by Angus Winchester, at Words by the Water, at Theatre by the Lake, Keswick, 7.45pm

The next *Wanderer* will be published on 1 May 2020. Please send items to Derek Denman, by early April.

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<http://www.derwentfells.com> <https://www.facebook.com/Lortonlocalhistorysociety>

vice-chair, he has recently taken on additional tasks which means he is unable to continue to look after arrangements for outings.

The committee has in mind a guided historical outing to the Solway coast in May, including in particular visits to Allonby and Silloth, probably by coach. We are therefore looking for someone who is willing to help make the necessary arrangements for this outing. Support is available but historical knowledge is not required, nor is joining the committee. Please step forward someone who is a good organiser and interested in this outing!

Please let me know during February if you are interested or discuss with any committee member.

*Charles Lambrick*

## Meeting Reports

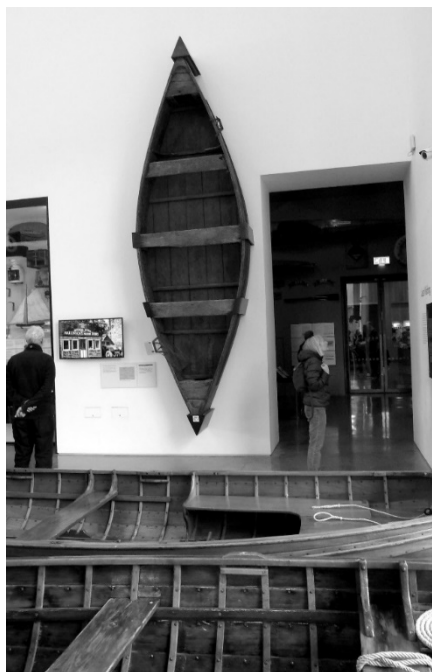
### *Outing to Windermere Jetty Museum and the Armit Museum*

*30 October 2019*

A centre for the operation, preservation and restoration of lake boats has existed on Windermere since the 1940s. After a chequered history, permission for a complete rebuild of the Jetty museum was granted in 2011 to the Lakes Arts Trust. Construction started in 2017 and was completed earlier this year. The result is an impressive building housing gallery, boat house, conservation workshop and, of course, café, situated in a fantastic location just north of Windermere-Bowness. The only other ingredient required for a successful society outing was a fine dry autumnal day, and that we had.

Most members of the group opted to voyage out in the Osprey. This is a small steam launch dating from 1902, the teak woodwork gleamed in the sun (ten layers of varnish) as the reconditioned engine

quietly did its work gliding us around Belle Island. The captain was on hand to answer questions about the work of the museum and the local sites we saw on the cruise (Blackwell, Claife). Meanwhile those on shore listened to a talk about the restoration work that goes on: a current project is the fitting out of Penelope II, which should be ready to join the Osprey in visitor cruising soon.



**Beatrix Potter's rowing boat**

The Gallery occupies a huge space, as it needs to, hosting as it does a large number of whole boats (as well as many smaller items, clocks, instruments, toilets etc.) The history of speed-boat racing, together with reconstructed models, is presented with helpful multi-media tools (e.g. audio oral history). The first mechanical steamer, Dolly, was sunk in 1895, crushed by ice in the exceptionally hard winter of that year. She was rediscovered and restored in

the 1960s, there are many similar stories.

After lunch there was a short talk in the Gallery about Arthur Ransome and his links to, boating, Windermere, W G Collingwood, Ruskin and Russia.

In the afternoon some members called in at the Armit Museum in Ambleside.

Many thanks are due to Tim Stanley-Clamp who organized this outing but was unable to attend on the day.

*Richard Easton*

### **Roman Roads Through the Lakes**

*14 November 2019*

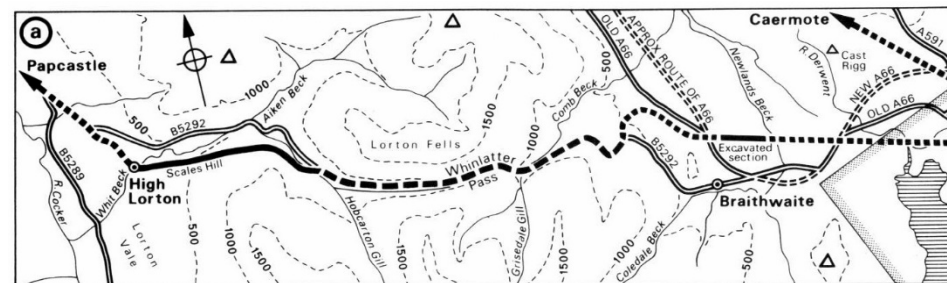
Dr Paul Hindle's Talk on Roman Roads through the Lakes, delivered in mid-November last year, attracted what was virtually a full house at the Yew Tree Hall. Apart from a good turn-out of members, a significant number of visitors were present. His enthusiasm for the subject, and in particular for maps, was very evident from his clearly delivered and well-illustrated presentation.

Dr Hindle drew to attention the fact that approximately 2,000 years ago the Lake District (and of course land to the north) was on the frontier of the Roman world, and it may be assumed that the Romans built roads in this part of the country specifically to link forts and other significant places associated with defence. He pointed out that many

Roman roads don't appear to have survived particularly well in archaeological terms, but that the landscape sometimes reveals an obvious line of a road, the occasional Roman milestone exists, and the names 'Street' and 'Gate' are indicative of Roman activity. He cautioned against assuming straight lines of existing roads or boundaries are evidence of a Roman road, given that the enclosing of common land in the 18<sup>th</sup> and 19<sup>th</sup> centuries frequently adopted straight lines in 'carving up' such land.

Turning to documentary and other types of evidence for Roman roads through the Lakes, Dr Hindle said that although quite a lot of information is available, it has to be pieced together from a variety of sources. The earliest map of value in investigating the pattern of Roman roads is Donald's 1770 map of Cumberland, and the first Ordnance Survey maps are also a useful source. In the 20<sup>th</sup> century aerial photography assisted in tracing roads that have largely disappeared from ordinary view, albeit this technique is dependent on photos being taken in either low sun conditions or after a fall of snow. Such photography has, however, to a large extent now been superseded by the relatively recent development of LiDAR.<sup>1</sup>

**Roman road over Whinlatter, from the speaker's book 'Roads and Trackways of the Lake District, 1984.**



<sup>1</sup> See article by Roger Asquith on page 14 for an explanation of LiDAR and its uses.

Dr Hindle provided a striking example of what LiDAR can reveal when he showed a map of the Lune Gorge on which the results of a survey of this type had been superimposed. This clearly showed the route chosen by the Romans on the east side of the River Lune. He also drew attention to the Roman road that struck out to the west of Kendal over Hardknott Pass, to High Street running southwest from the general area of Penrith, and to the Roman road which ran west from there towards Keswick and thence over Whinlatter Pass possibly towards forts at Papcastle or Moresby. However, Dr Hindle pointed out that in respect of each of these examples, and even with use of LiDAR, at present there are significant gaps in our knowledge of the complete routes followed by the Romans in building those roads.

In answer to a question from an audience member, Dr Hindle said Donald's map, which was privately produced and funded by landowners whose names appear on it, was as good as it could be when it was published. He added the interesting fact, from a local point of view, that Donald retired to Loweswater, where he is buried.

*Charles Lambrick*

***The Sound of his Horn: John Peel, the man and the song***  
16 January 2020

Dr Sue Allan completed her doctorate on the subject of traditional Cumbrian folk song, motivated by her search for local repertoire. She has been singing since the 1970s and the evening's talk included not just recorded clips, but live examples of the songs Sue was describing. Much of Cumbria's traditional folksong was overshadowed by the popularity of the Lakes Poets, but nevertheless, Sue uncovered around 515 local songs including border ballads, broadside ballads, dialect songs and other popular songs, hunting songs and new songs with regional distinctiveness. Of these, about thirty percent were related to hunting and

among these were 37 different versions of D'ye ken John Peel.

Nowadays, the name 'John Peel' tends to be associated with the musician and broadcaster (1939 – 2004). Here we are interested in the huntsman, John Peel who was born c.1776 at Caldbeck, settled at Ruthwaite and died in 1854. Members who enjoyed the society's outing to Caldbeck in 2018 were able to examine his grave in the churchyard there.

Cumbrian hunting had its origins in the 18th century as a means to kill vermin; mainly foxes but including pine martins, which has proved to be particularly disastrous to the plight of our native red squirrels. Hunting was carried out by farmers, with packs of hounds, which spent their summers farmed out to local families, but were brought together as a pack in the winter. This hunting involved pursuit on foot, but John Peel was known to use a small fell pony on occasions. Since the ban on hunting with dogs, which was brought in in 2005, there remain six fell packs, which the law requires to follow scent trails. Hunting songs were very much part of the post-hunt social scene, although the drink driving limit introduced in 1967, had already signalled the death knell of late-night singing sessions

John Peel was little known outside his immediate locality before the penning of the song D'ye ken John Peel, written in the Cumbrian dialect by Wigton huntsman and sign-writer John Woodcock Graves around 1830. This occurred during an evening of post hunting carousing at Caldbeck in what was then the Rising Sun, now the Oddfellow's Arms. Graves reportedly announced 'By Jove, Peel! You'll be sung still when we are both run to earth.' How true. Graves later emigrated to Tasmania. This song, like so many in the folk tradition, has evolved into many versions, passed on through the oral tradition, written down from memory and circulated in the form of ballad sheets and broadsides. A Standard English version was published in 1866 by Carlisle



**Memorial plaque to John Woodcock Graves, Tasmania, – photo courtesy of Michael Baron**

publisher Sidney Gilpin, who contacted Graves in Tasmania to agree the wording. In 1868 William Metcalf, organist and choir master at Carlisle Cathedral rewrote the song for voice and piano, spreading it further afield by taking copies for sale when he gave a performance in London. This led to a brass band version and the adoption of the tune by the 34th Cumberland Regiment (later the Border Regiment) as their 'quick march'; still played to this day.

In 1906, Charles Villiers Stanford included the song in The National Song Book and in this way it became familiar to school children throughout the country. There were a couple of problems with this version. John Peel's birthplace was moved from Caldbeck to Troutbeck and his coat, from being 'so grey', became 'gay'. One imagines the collector was more familiar with the hunting 'pink' (scarlet) of southern hunts. In 1910 it was referred to as 'The anthem of Cumbria'. Yes, Cumbria. Recordings

followed; by Micky Mossop in 1953, later rereleased as an LP in the 1980s and a CD in 2002. In November 2004, on the 250th anniversary of Peel's death a wake was held at his graveside, with wreaths sent by every hunt in the country.

Sue Allan will be introducing her former academic supervisor, our president Professor Angus Winchester, at Words by the Water on Monday 9 March at 7.45 pm, when he will be talking about his recent publication: *The Language of Landscape: a journey into Lake District History*.

*Sandra Shaw*

**Articles**

***'The Language of the Landscape' – an appreciation***  
*by Michael Baron*

'The Language of the Landscape- A Journey into Lake District History' is published at the very modest price of £10 by Handstand Press of Sedbergh. I and my late wife, Hetty, to whom I owe my long association with the Lorton and Derwent Fells Local History Society and their researches (acknowledged in the Sources and Bibliography along with The National Archives), enjoyed until her death in 2012 the dalliance in any weather of the landscape of the valley which stretches out from Cocker mouth, -Lorton, Loweswater and Buttermere-. But I do not have the childhood experience of a boy on a bike nor the mature study of a professor of history - of the author, Professor Angus Winchester. The book as summarised on the back cover is 'a passionate and scholarly examination of the effect of place on our lives and our imagination'.

Not only fells and streams, soil and people, but language and word origins, and the changes wrought by centuries. Winchester covers a wealth of detail inspired and informed, most deftly, from

a lifetime of his heady combination of evidence and observation. Even with occasional poetry (and quotations from poets) evoked by sight and sound, it is a fascinating book (with photographs) when age prevents me, once an adopted Cumbrian, from walks which journeys of this engagement can only encourage.

An adopted Cumbrian I was proud to be. Shortly after making a home in Loweswater, I was quizzed by, dare I say, a native about whether I was really coming to live, or was I just another of the growing number who came only for the summer months. And then there were dire ecclesiastical warnings that the Barons would not last the winter, to which the only riposte was that stay we would; and enjoy the special, unique, rare, pleasures that only living in the North Western Lakes can give.

The picture on my computer is of Fangs Brow. Stone wall and rough grass in the foreground. There is a line of fence posts, and, dominating, Grasmoor with Dale Head behind. Above this irresistible scene, a blue, unclouded sky. For a moment, I am at home, back in what I know so well. Admittedly, that is not the knowledge of the working farmer, but that of the live-in off-comer, and a grandchild of immigrants from the closed-in very distant life of Eastern Europe.

From my first acquaintance as a hopeful climber in the winter of 1949, I have been in love with Lakeland valleys. If, as Winchester says in his preface, 'the history of the area is coloured by the particularities of family history', then our passions have similar roots. In many senses, I have been waiting for this distillation of excellence about my adopted home.

Once there was dry-as-dust history writing. This is different. The thirteen chapter-headings tell everything about the comprehensiveness of the author's journey. For example, Place Names, People, Dwelling Places, Common Lands, Water, Wood and Rock, and the last—The Freedom of the Fells. A reference

there to climber Lehmann Oppenheimer led me to read his 'Heart of Lakeland' (1908), and the finding, by this Manchester sculptor, of Bowfell Buttress, and thus in turn to my discovery of the wonders of the Lakes, though first, a sort of rite of passage, I had to make, roped and booted, in December 1949 a cold and wet, ascent of the buttress. I swore I would return. And I did with Hetty to Loweswater in the Spring of 1987.

In the book, Winchester acknowledges, often with quotations, several poets - Hopkins, Nicholson, Eliot, Cummings, Kavanagh, Roberts and Farley. Inexplicably he passes over the great twentieth century poet, W H Auden. As a schoolboy he holidayed with his parents at Wescoe near Keswick, and thereafter he remained obsessed with the rugged hills, the mines of Westmorland and Yorkshire, and the neighbourhoods of Alston and Nenthead.

So for me it is in his poem written long after Auden's adolescent infatuation, 'In Praise of Limestone' where he voices so much of what our valleys are about:

*If it form the one landscape that we, the inconstant ones,*

*Are consistently homesick for, this is chiefly*

*Because it dissolves in water. ...*

*... when I try to imagine a faultless love*

*Or the life to come, what I hear is the murmur*

*Of underground streams, what I see is a limestone landscape'.*

That life to come may be ever present, but the past and the present, its ruthless partner, change, is the underground stream that runs through, and wells up unexpectedly. As when new people and their money arrive. What better example than Leeds textile magnates like John Marshall, seeking advice from Wordsworth on how to rephrase the landscape, influenced by the advent of Romanticism, he equates land ownership with status, and buys

estates from long established proprietors. Lords of the manor are no longer minor or major aristocrats. Holme Wood at Loweswater was the creation of Marshall, and once bore his name. Work ceases to be ruled by findings of manorial courts. Change will bring about disappearance and their power of environmental control. The 'green deals' they ordered or brokered, and superbly documented here come to an end.

Landscapes, Winchester reminds the reader, are no longer 'physical resources but part of a visual, sensory experience to be relished and taken away in memory'. Later still the scenic 'lure of the lakes' brings in the professional middle classes, the university professors, and the gentlemen climbers- who joined up with the older cragsmen. John Wilson Robinson of Whinfell Hall was one of these.

This is a book that everyone in the valleys should have on their shelves. Surely one wants to know the origin of field names, how boundaries have been fixed, what water does to us and what water has been, the numbers of sheep, the industries, the use of bracken. It is

here, the indispensable guide and settler of fireside arguments. How else would we know of the long memory of Annie Nelson of Gatesgarth, the rewarding calm of our churches and chapels, the smell of the ubiquitous Herdwick sheep? At the end of the last chapter, 'The Freedom of the Fells', Angus Winchester writes- the sentence is lyrical - 'who, I find myself wondering, was the very first person to set eyes on the lake which we now know as Buttermere on a May morning, and to hear the cuckoo calling across the valley, perhaps five thousand and more years ago?'

That is a question that we cannot answer, but this journey into past and present makes Winchester the best travel companion when we try to find out why.

**Watergate Farm and Barn, Loweswater, in 1931 (photo: Pat Evans Archive)**

For the more recent members of the Society, Michael Baron is a past chair of the Society. Hetty was once our treasurer and the leader of our Three Valleys Oral History Project.

The image shows, beyond the pig, Watergate Barn before conversion into



the house which later became their home.

Watergate, or earlier Water Yeat, was the gate to the common by

Loweswater, until the later C16th, when the Holme, meaning island, was enclosed.

The name served to identify the farmstead by its location. dd

**"T'moor yeat", and the repairing of Shatton Lane in 1769**

by Derek Denman

'Now let me take you with Mrs Lancaster [born 1802] as for a guide through Lorton. Since she can remember, the whole of the common from Shatton to Grayson Tarn was unenclosed. There was a gate fixed somewhere beside the little beck that crosses the road before we get to Pearson Clark's lonning [to Stanger]. This gate was called by the Lorton folk "t'moor yeat", & it was about as far as any one dare to venture at evening. A Story is told of a man who wished to impress on his hearer the sense of a great distance- It's as far, says he, as- as Lonnon Moor Yeat!'

John Bolton's lecture of 1891, given at Lorton School, described the childhood experience of his wife's grandmother, to an audience who would have thought those times were the old world, before the great technical advances and social improvement of the nineteenth century. The moor gate, shown in general pre-enclosure plan of the turnpike road on page 10, would have been there for centuries, keeping the stock on the moors and out of the enclosed lands, in the same way that there are still two on the road above Hopebeck and High Swinside.

Young Dinah Iredale would have been about thirteen when the gate was no longer needed, after the enclosure and division of Embleton Common in about 1815. Shortly before that time Cockermouth Moor had been enclosed, stretching from another old gate near Tom Rudd Beck to the township boundary with Embleton at Grayson Tarn – soon to be filled in. From about 1815 the road to Cockermouth was fenced and gateless – apart from the tollgate at Kirkgate. There is a slight problem with the tale of 'a great distance' to 'Lonnon Moor Yeat' because the Lonning to

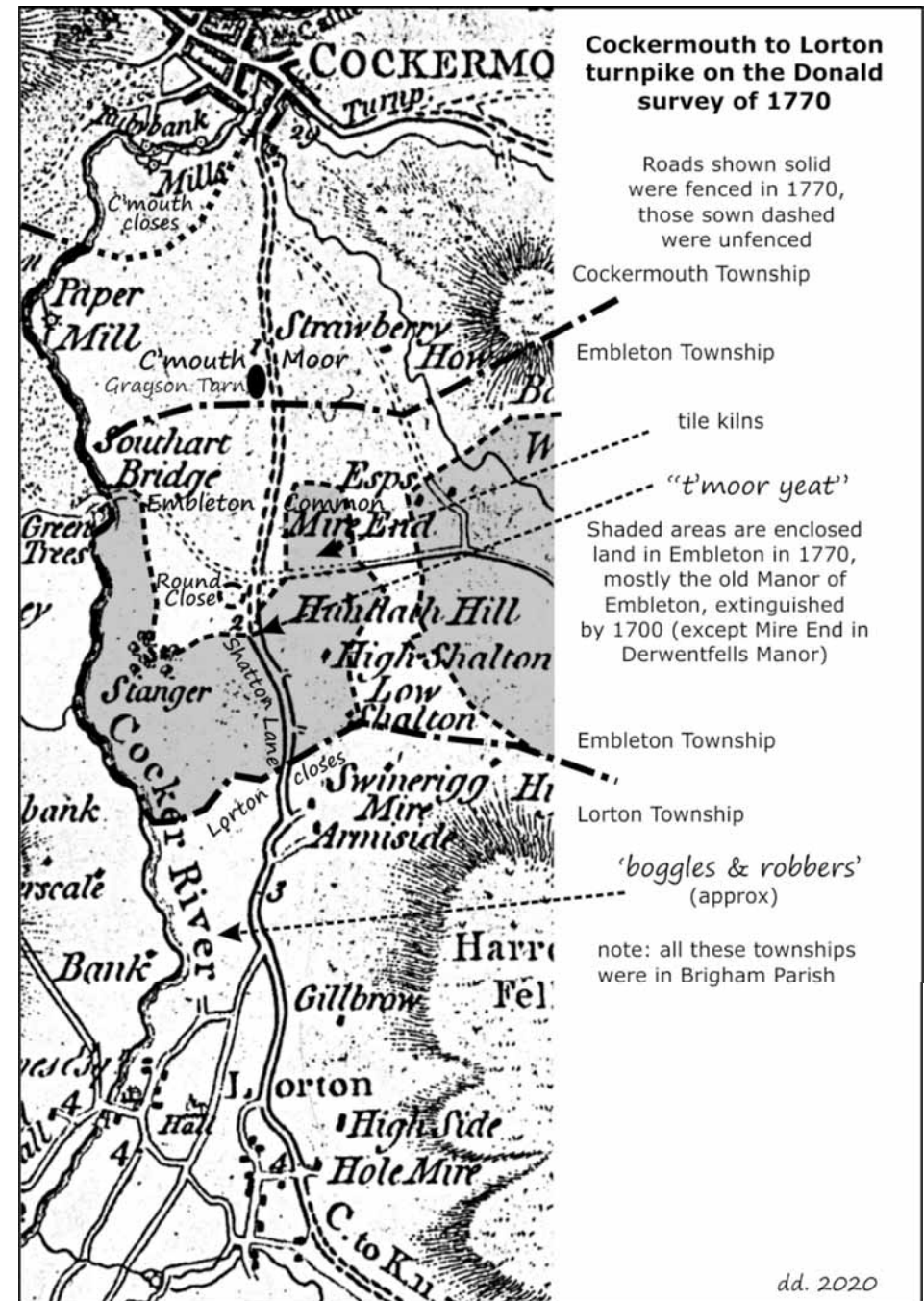
Stanger was created after the gate was removed. Before that Stanger was open to the common. There was either a gate or a lonning, not both. It sounds like a tall tale, to impress the hearers.

Coming from Cockermouth, through "t'moor yeat" and into the enclosed land, you continued along Shatton Lane, another lost road name. Mrs Lancaster recalled that 'From Shatton, however, to Lorton, the land was enclosed, but there were a lot of small fields & little dirty lonnings down to Cocker side. Where Cass How sand pit is now was as far back as 1800 the locale of boggles, & robbers.'

The other significant development of the road that she mentioned was the turnpiking of the road over Whinlatter, from Cockermouth to Keswick and the South, which was completed around 1770 and would carry rather more traffic than Mrs Lancaster would imply – having been in business for thirty years before she was born. She acknowledged that the turnpike's New Bridge on Whinlatter was built before her time, though she did not know the date, which was by 1770. Before that bridge was built, and before the turnpike bypassed High Lorton with the new Whinlatter road, the old main route through Lorton to Keswick went along High Lorton Street, over High Lorton Bridge, up through Boonbeck, Scales and over Blease Bridge to Whinlatter. Little Blease Bridge had the status of a county bridge in the 1750s. From Cockermouth to Lorton, the new turnpike replaced and widened the old road, including Shatton Lane. Mrs Lancaster never knew the poor narrow road of the 1760s, though she might have heard tall tales about it.

**Shatton Lane and the disputed repairs**  
(see the plan on page 12)

Coming across the moor from Cockermouth in the 1760s and reaching "t'moor yeat", the traveller was in Embleton Township, because Lorton and Cockermouth are separated by Embleton, which contains the Hundith



Hill Hotel (formerly a mansion boasting the fine name of Mire End), the former tile works of Walter Murray at Mire End, Stanger, and Shatton. Past the gate, old Shatton Lane went some 800 yards as far as Grey Beck, which defined the boundary with Lorton, though no gate was needed at that boundary, perhaps just some rannels over the water.

In the 1760s there was a legal dispute among the landowners of Embleton about the responsibilities for maintaining Shatton Lane, just as the road was being turnpiked. The Cockermouth, Keswick and Kendal Turnpike Trust was inaugurated by the Act of 1761, and for some years following it was known that Shatton Lane was to be widened to twenty feet and then maintained by the turnpike trust – paid for by future tolls on usage. They would also need a wider moor gate.

It seems that the Act was the signal for the Embleton landowners to stop maintaining Shatton Lane, maybe expecting that the Turnpike Trust would take over soon. Some inhabitants suggested that the Act immediately absolved them from repairing Shatton Lane. Consequently the narrow lane became 'ruinous, mire deep, broken and in such decay for want of due reparation and amendment of the same so that the liege subjects of our said lord the King thro' the same way by themselves and with their horses, coaches, carts and carriages could not during the time aforesaid nor yet can go pass ride and labour without great danger of their lives and so also of their goods ...'. So read the indictment in the King against the inhabitants of Embleton Parish, as stated in 1769 by William Jackson, the prosecutor, and scheduled for the Midsummer Assizes in 1770.

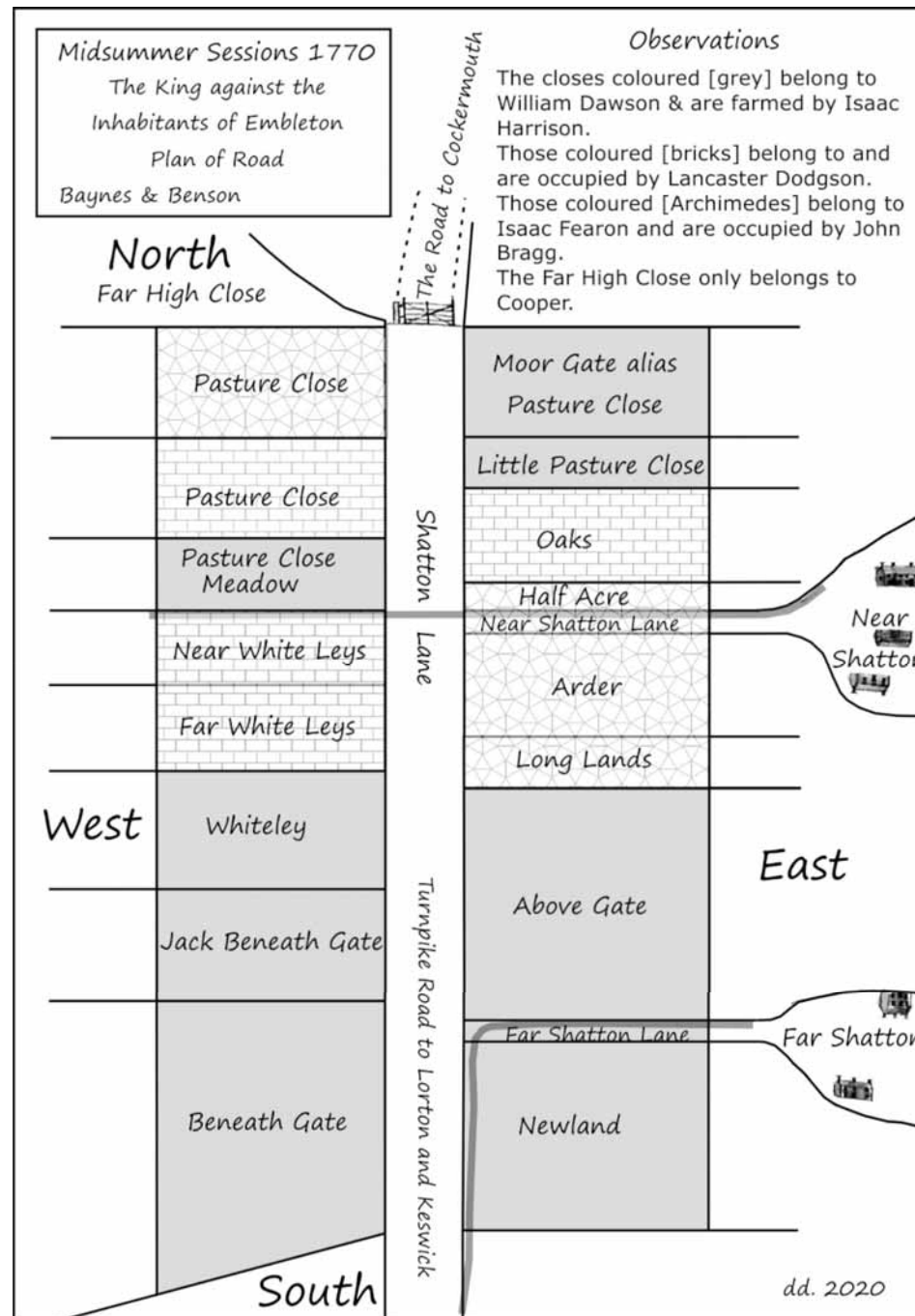
The inhabitants of Embleton Township, in Brigham Parish, could not deny their legal responsibility for repairing the roads; it was rather a matter of which inhabitants were responsible. There was also the more general question that some inhabitants

wished to be tested at law. Should all the landowners in Embleton Township contribute to the cost of Highways, via a rate levied by the vestry meeting? Or were the landowners whose property adjoined to the road responsible for repairing their part?

The latter arrangement had been the custom of the old manor of Embleton, in which lay Shatton Lane. 'We find' said the Embleton manor court jury in 1686, 'that it is our Custom that the Highways is to be repaired by every one thereto adjoining according as their Ground lyes and the Water to be taken away by them whose Ground lyes on the lower side of the Way as usually it has Descended. And this is to be done yearly as there shall be occasion upon Pain of 6s:8 upon everyone refusing or neglecting to do'. However, the manor of Embleton had been extinguished in about 1698, through the enfranchisement of the freeholds to all the landowners. The customs would have been extinguished with the manor and its court. There was no undertaking to repair the highway in the enfranchisement agreements.

Embleton Manor was smaller than Embleton Township, in that it did not include Embleton Common, which was part of Derwentfells Manor. Nor did it include those enclosed lands in Embleton, such as Mire End, which had been enclosed from the common after the medieval grants of the manor lands had been made. So that the roads on the common, including that from the moor gate to the boundary with Cockermouth Township, were maintained directly by Embleton Township, through a rate for the highways made by the vestry.

From around 1700, the township could no longer rely on manorial customs of a defunct manor to fulfil the township's obligations to maintain the King's highway. However, up to the 1760s, Shatton Lane, in common with other highways, continued to be maintained by the adjoining landowners, despite being the busiest road in the



township and being worn out mostly by outsiders, from Lorton and beyond.

In 1769 the highways were the responsibility of Embleton vestry meeting of Brigham Parish. The rateable landowners of the township were roughly the same set of people as the ex-manorial tenants. The vestry meeting would not fund the repair of highways through the rates, but went to law to leave the cost with the Shatton landowners, who were presumably outvoted in this divisive process.

To prepare the case for its defence at the 1770 midsummer assizes, Embleton vestry engaged, and enriched, Baynes and Benson, solicitors of Cockermouth. They had plans drawn of the road, its closes and ownerships, which is redrawn on page 12, preserving the original representation of the gate and the buildings. Formal depositions taken from eight witnesses, who confirmed their experience of observing the continued maintenance of these 800 yards of highway by the Shatton landowners. This was to be evidence of their continued responsibility.

The curious circumstance was that in 1769 the repair of the Shatton Lane by the turnpike trust was imminent. 'Mr Radcliffe the surveyor of the Turnpike Road ... acquainted the Court that he would get the road repaired immediately.' However, it seems clear that Shatton Lane was regarded by other roadside landowners in Embleton as a test case. Some other landowners wanted the case it to proceed at the Assizes, even though Shatton Lane would soon be mended. They did not want the Turnpike Trust to step in and shoot their fox:

'William Jackson, the prosecutor of this indictment does not choose to proceed in it but one Joseph Rothery and two or three people who have a great quantity of land adjoining the highways and who under the false hopes that the trial and event of this dispute if it terminates against the parish will be a ground work for them to evade the

repairs of the roads adjoining their own lands, have spirited up thereof the persons charged by the plea to contest this matter ...'

One of those landowners 'spirited up' was Isaac Fearon, the Quaker man-of-business of Shatton:

'Isaac Fearon, one of the owners of the adjoining lands gladly would have the parish to appear to the indictment and submit to a fine by which means they would always have been charged and the owners of the adjoining lands acquitted, but however the parish were advised to the contrary and determined to contest it on which Fearon would have had the surveyors to charge the commissioners of the turnpike with the repairs.'

#### Disputes among Neighbours

This case is unlikely to have come to court before the Turnpike Trust took over and made up the road, but at some point Embleton township took on the responsibility for other highways through the rates. What is of more interest here is the way in which disputes among small landowners/yeomen could grow to become expensive legal cases, with little hope of resolution by agreement. The *Wanderer* Nov. 2019 showed how the next generation fought a hopeless case from 1816, to exclude two lords from benefitting from feudal rights to the commons. That could be an example of the character which John Housman described in his *Topology*, of 1800, p.105, 'Oppression is little known among them; but whenever it rears its head, no people in the world are more impatient under its control.'

However, this present case shows that their fathers fought one-another to optimise their positions. While this is anecdotal, and while solicitors' records are over-represented in the archives, the vast number of petty disputes between neighbours is well recorded. Was it in the character or the environment?

Sir Thomas Bernard, touring in 1780, and a trained barrister, noted

(*Pleasure and Pain, 1780-1818*, p.17): 'In Cumberland there is a species of Human Beings (in the Language of the County called "Statesmen") who live upon & cultivate their own little Estates of 15 or 20£ a year: ...This minute Division of Property creates & nourishes an Abundance of Law-suits, which do infinite Honor to the County:- We breakfasted at Cockermouth, a neat built Town; ...'

The idea, that an unyielding disputatious nature was correlated with the form of land tenure, chimes with another piece by Housman, in Hutchinson's *History of Cumberland* of 1796, (vol2, p.255), on the character of leaseholders in the Grahams' estate at Kirkandrews-on-Esk:

'MANNERS OF THE INHABITANTS Under this head we find something peculiar; their uniform dependence on the same person ... produces a similarity of manners, very opposite to the unbending spirit so remarkable in those parishes, where almost every little farm is occupied by its owner, in whose family it hath continued for, perhaps, several centuries. ... [Here] they seem to live in peace and harmony: no wrangling, or law-suits about their land-marks; no disputes about rights of passing over another's ground; all belongs to the same person, and he may settle these matters as he pleases.'

The qualities of the yeomen or Statesmen, already reducing in number, were extensively valorised by Wordsworth and the Lake Poets, and other writers, particularly during the years of the wars with France. Agricultural improvers took a different view. There is much scope for research.

#### Main Source

The working papers of the Commissioner for the Enclosure of Embleton and Setmurthy commons, Thomas Benson. DBen., Box277

1. <https://www.nationalgeographic.com/culture/2019/03/lasers-reveal-maya-war-ruins/>

## Shedding light on LiDAR

by Roger Asquith

The Society's November 2019 talk, by Dr Paul Hindle, touched on the use of LiDAR in Roman road studies. Knowledge of ancient Mayan civilisation has been greatly extended by an 800 square mile LiDAR survey of dense jungle in Guatemala.<sup>1</sup> The acronym crops up regularly in *Current Archaeology* – a Historic Environment Scotland LiDAR survey of the Isle of Arran discovered 'hundreds of sites of archaeological interest'.<sup>2</sup> So what is LiDAR?

Light Detection And Ranging uses laser light to scan the ground and build up an accurate ground surface model, including the humps and depressions left by the activities of past generations. Where no evidence remains on the surface Lidar offers no help; archaeological surveys must rely on other methods, including geophysics which detects and maps changes in key properties below the surface. From the late 1990s the Environment Agency used aircraft-mounted LiDAR equipment (also known as Airborne Laser Scanning or ALS) to map much of the country for flood defence work. Having realised its potential, archaeologists have made use of the data, now made freely available, and developed the technology further to increase the benefits.

The laser itself produces a narrow beam of coherent light. When used to measure distance, a detector next to the light source registers the time lag between a pulse of light being sent out and the reflected light coming back. Mounted on an aircraft the laser source/sensor is scanned from side to side, over a broad swathe of terrain as the aircraft flies forwards. Each elevation measurement requires its location on the earth's surface, necessitating accurate aircraft position and orientation data. As an indication such equipment might

<sup>2</sup>. 'LiDAR Survey on the Isle of Arran', *Current Archaeology*, Issue 358 January 2020

produce one or more data points per square metre, at a rate of 100,000 per second with errors less than 150mm.

Surface modelling software converts all these data points into a recognisable map, a process which can be extensively refined and tuned to suit the objectives of the study. More data points per square metre increases the resolution of the map, hence more detail can be made visible. 'Hill-shading' can be used to highlight key features - the same effect as low winter sun showing up 'ridge and furrow'. A useful aspect of LiDAR when surveying woodland is the facility to, in effect, remove the trees and show the ground surface beneath. Unless the tree canopy gives very dense coverage some light pulses get through to the woodland floor, giving a range of height measurements. By selecting only 'last return' data (i.e. from the ground) the resulting model can show features obscured by trees, or other vegetation, as with the Mayan ruins in dense jungle mentioned above.

The Environment Agency (EA) gives free access to its LiDAR data, to be processed and presented by the end-user to suit specific needs. Those without the necessary expertise and computer software can still access usable surface modelling output via the EA website, however [www.lidarfinder.com](http://www.lidarfinder.com) is very much more user friendly, presenting EA LiDAR output alongside a Google map for ease of navigation. Significant parts of the Derwent Fells area, such as Mosser and much of Loweswater, have still to be surveyed though this should be addressed by the planned 2019/2020 winter survey - the EA aims to deliver a full national 1m LiDAR height data-set by mid-2021. The '1m' means one laser strike per square metre, which coincidentally is considered the basic minimum for archaeological survey purposes. The settings in 'lidarfinder' enable the user to select DSM (digital

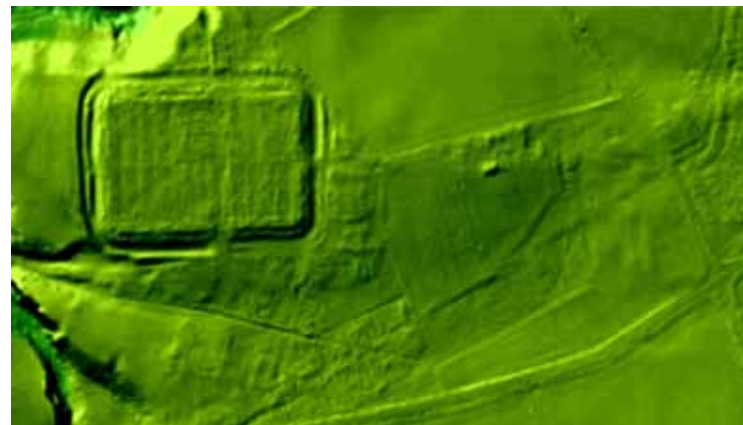
surface model) or DTM (digital terrain model) i.e. with or without trees, buildings etc. The options to select 0.25m or 0.5m are of little use to most users currently, there being so little survey data at these resolutions. It may be noticed that it is the water surface of a lake rather than lake bed which is defined on 'lidarfinder'. The additional challenges of sea/lake bed scanning are addressed by bathymetric (as opposed to topographic) LiDAR, with increased laser power and water-penetrating shorter wavelength green light.

By way of example and comparison, fig. 1 shows Old Carlisle Roman fort, near Wigton as it appears on [www.lidarfinder.com](http://www.lidarfinder.com), the typical 'playing card' shaped earthworks being clearly visible. Other detail is much less distinct. The same site shown on the Roman Roads Research Association (RRRA) website appears in fig.2.<sup>3</sup> The improved detail including the fort grid pattern, vicus and 'mansio', is remarkable. The present A595 Carlisle road is clear above the fields in the lower right corner. The image in fig. 2 is based on EA data processed using bespoke software specifically to help locate lost stretches of Roman road. The excellent RRRR website illustrates the current state of knowledge regarding Roman roads in our area and the major advances due to LiDAR.

The potential for LiDAR to reveal sites of historic interest within the Derwent Fells area is at present restricted. Firstly, the survey data is incomplete, though that should be addressed (at 1m resolution) in 2020 under the Environment Agency's current plans. The second issue is that the readily accessed basic surface maps, on 'lidarfinder' or the EA website, are barely adequate with regard to the clarity of detail. Substantial improvement could be realised by processing the available 1m data using alternative software. For

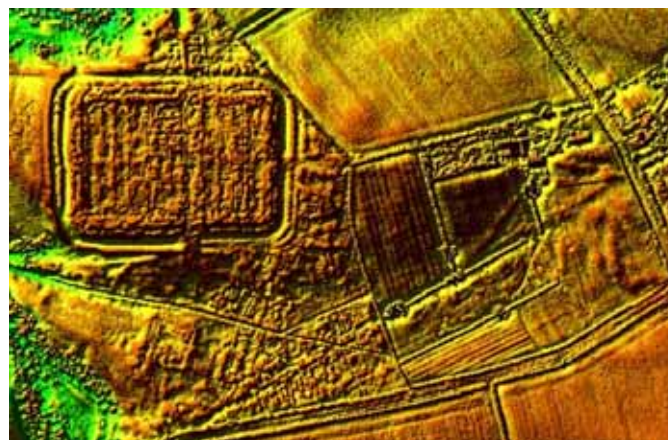
<sup>3</sup> Roman Roads Research Association, Roman Roads in Cumbria.

<http://www.romanroads.org/gazetteer/cumbria/cumbriapages.html>



**Figure 1. Example of a large archaeological feature as found on 'lidarfinder'. (Old Carlisle, Roman fort alongside the A595, between Red Dial and Wigton.)**

**Figure 2. Old Carlisle Roman fort from the Roman Roads Research website, Cumbria pages, showing the level of detail that can be achieved with the Environment Agency's LiDAR data.**



<sup>4</sup> Canmore National Record of the Historic Environment, 'Arran Archaeological Survey',

small features and finer detail a resolution of 0.5m (2 laser strikes per square metre) is preferred. The Arran LiDAR survey, with similar terrain and archaeological features to Derwent Fells, used 3 - 4 laser strikes per square metre.<sup>4</sup>

Despite the wider usage and technical advances being made in LiDAR it may be a little while yet before we can discover lost farmsteads, medieval halls and Iron Age enclosures by searching on our tablets and smart phones!

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9 Oct 2019. <https://canmore.org.uk/project/1036806>