

AN INUNDATION IN SURREY IN 1323

BY

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WHEN Mr. Flower published his two volumes for the Selden Society on *Public Works in Medieval Law*, he fully realised the difficulties of a history of the commissions *de walliis et fossatis* based on this material. Thus his introductions were no more than sketches, and later ¹ Mr. H. G. Richardson made some comments on errors resulting from the limited and special character of the documents used. This encourages me to draw attention to some documents in the Public Record Office ² which have not been printed or used until now, namely four writs, three letters, and five lists of names, originally forming three files but later joined as one. They deal with an inundation in Surrey and Kent, mainly at that point of the Thames where the counties meet at the modern Deptford, which was also called West Greenwich during the Middle Ages.

Surrey was not one of those counties, like Lincoln, York, Kent, or Sussex, which frequently needed a commission *de walliis et fossatis*. But there are Letters Patent of the years 1295, 1303, 1306, 1309, 1311, 1316 and 1320 which appoint such commissions to meet some special need, the Prior of Bermondsey being always particularly interested. The Letter Patent concerning this inundation is dated April 19, 1323, and is calendared ³ as follows: 'Commission *de walliis et fossatis* to Robert de Asshele and Robert de Swaleclyve for the banks of the Thames at Grenewych and the adjacent parts, and elsewhere in the counties of Surrey and Kent, also for the coast of the same river and the coast of the sea in the parts of Estkent and the adjacent parts in the county of Kent.'

The first of the new documents to which I shall call attention is (m. 2) the King's writ to the sheriff of Surrey, bearing the same date as the Letter Patent to the commission. The king mentions the appointment of the commission *per costeram Thamisie apud*

¹ See *English Historical Review*, XXXIV, pp. 385 seq.

² Exchequer, K.R., Miscellanea, 4/12.

³ *Calendar of Patent Rolls*, Edward II, 1321-24, p. 313.

Grenwyche et parcium adiacencium et alibi in Comitatu predicto (i.e. Surrey) on account of the damage done by *refluxus ac inundaciones aquarum dulcium per diuersa loca in eisdem partibus ad aquam predictam* (i.e. the Thames) *descendencium*. The commission would inquire for the negligent and guilty persons, allot the tasks necessary for repair *vna cum balliuis libertatum et aliorum de partibus predictis* and carry out the whole work, during which nobody should be spared. The sheriff has only to wait for the order of the commission to call together the well-known *probos et legales homines* for the inquisition.

On the same day the king sends another writ (m. 4 of our record), almost word for word the same, to the sheriff of Kent. On the 5th of May the commission write their first letter (m. 5) to the sheriff of Kent fixing the inquisition for June 1 at Deptford. There is no reason given for this long interval. Perhaps the commission had to travel before the proceedings to East Kent. The sheriff's return to this takes the form of two panels of jurors (mm. 6 and 7). Shortly after this inquisition, on June 3, the commissioners write (m. 1) to the sheriff of Surrey and fix an inquisition for June 8 at Southwark. The sheriff remarks at the bottom that he received the letter on the 5th, but his annexed return (a panel of Southwark jurors) and two other panels of Surrey jurors (mm. 3, 8 and 12) mention appointments of unexpectedly late dates. Our three remaining documents (mm. 9, 10 and 11), which date from December 6 and 23, throw some light on the problem as to why, in spite of the urgent need, so much time elapsed. The first of these is a writ addressed to the commission; the king refers again to his letters of last April and continues:

iam datum sit nobis intelligi, quod plures homines Comitatum predictorum vobis in hiis, que officium vestrum in hac parte contingunt, non obedientes, set vos et dicta mandata nostra vobis inde directa pocius contempnentes, ea que per vos pretextu eorundem mandatorum nostrorum eis iniuncta fuerint, in premissis facienda et per eos fieri debent, seu vobis in aliquo premissorum parere et intendere penitus recusarunt et adhuc recusant, per quod in eodem negocio nichil per vos actum existit in effectu, vnde plurimum conturbamur, Nos igitur dampnis et periculis, que in negocio illo de facili euenire poterunt, nisi eis celerius occurratur, precauere et inde remedium apponere volentes, prout decet, vobis mandamus, quod omnes illos de eisdem Comitatibus, quos vobis in negocio illo inobedientes seu contrarios aut rebelles inueneritis, grauiter amercietis et amerciamenta illa de eisdem per vicecomites nostros eorundem Comitatum ad opus nostrum leuari faciatis et aliter vos habentes in hac parte, ne expedicio eiusdem negotii per vestrum tepiditatem vel remissionem aliquialiter retardetur, per quod ad vos ex hac causa grauiter capere debeamus, mandauimus enim prefatis vicecomitibus, quod vobis in premissis pareant et intendant et vltius facere, quod eis ex parte nostra per vos circa expeditionem negotii predicti plenius iniungetur. Teste me ipso apud Rauenedale vj die Decembris anno regni nostri decimo septimo.

A fate not unusual in medieval England has befallen our inquiry—the jury has failed to put in an appearance: nothing has been done in effect and the Crown professes itself very much disturbed at the damages and dangers which may result. On the same day the king writes in similar words to the sheriff of Surrey, laying stress upon his duty of obedience (m. 11). The last letter (m. 10), which is closely connected with the longest list of jurors' names (m. 3), dates from December 23: it instructs the sheriff of Surrey to summon to an inquiry a large number of persons named.¹ We give the list (the sheriff's reply to the commissioners) in an Appendix below, with the two other Surrey panels, in the hope that the names may prove useful to local historians. There is evidence in the marginal notes of a careful check (or checks) by the sheriff of the names submitted to him, and a small point of some interest is the question from what source, independently of his office, the commissioners had contrived to compile them.

Unfortunately our documents cannot give the complete story of the inundation and the commission. In particular there is no answer to the question why so much time should have elapsed without any energetic measures being taken. We have to be satisfied with supposing that negligence and recalcitrance were the main reasons of the failure. Nevertheless the documents give us an insight into the constitutional value of these commissions: they made for better co-operation between different local bodies for the same purpose. Help and repair were probably fulfilled by the local authorities in ordinary circumstances: but here a larger district is concerned than one liberty, hundred, or even county: and what distinguished these commissions, besides the task of co-operation and their power in a larger district, was their administrative authority beyond the day of inquisition, so that they were able not only to carry out the repair but even to inflict punishment where necessary.

APPENDIX

SURREY PANELS OF JURORS

From Exchequer, K.R.; Miscellanea, 4/12.

I. *Jury from Southwark* (m. 3)

Brix[ton] Suthwerk

• Robertus de Bretinghurst ²

per Willelmum Wy
Robertus ³ Stran

¹ The sheriff, in the list we have printed, follows almost exactly the order of the names in the commissioners' letter, but the spelling is much changed.

² To each of these names has been added later a note jur[atus].

³ Sic MS.

• Willelmus Roster	per Johannem Cat Willelmum Man
+ Johannes de Wyncestre	per Ricardum Mat Rogerum Stef
• • ¶ Johannes de Ritlynge ¹	
• + Henricus Wille ^{2 3}	per Thomam Kniff ⁴ Radulfum Rene
• • Thomas Coleman ¹	per Johannem Jolif Alanum More
• • Thomas atte Grene ¹	per Simonem Cin Johannem Abbot
• • Thomas Hugh ¹	per Willelmum Knat Robertum Eliot
+ Thomas Ande	per Walterum Mort ⁴ Ricardum Morcok'
+ Johannes Humbeler	per Johannem Bush Willelmum Knif
+ Thomas Lanerke	per Rogerum Kuc Willelmum Lif
+ Johannes Berkyngg'	per Stephanum Kalle Johannem Wy
• + Johannes Nichole ²	per Alanum Knigt ⁵ Willelmum Stef
+ Thomas atte Nappelton	per Thomam Mort Johannem Lof
• • Robertus Ricard ¹	per Johannem Gnat Rogerum Smart
• • Adam de Tilhurst ¹	per Johannem Scot Thomam Est
• Willelmum ate Crouch'	Johannem ate Walle
• Johannes de Helling'	Johannem de Wy
• • • Geffrei pourter ¹	Johannem de Hatton' Ricardum Holebourn

Et habent diem die dominica proxima post
festum sancti Luce Euaangeliste.

II. Jury for Walton Hundred (m. 8)

Hundredum de Waleton'

• ¶ Willelmus le knygt ^{6 7}	per Thomam Wilde per Thomam Child
• ¶ Johannes ate ffelde ⁷	per Ricardum Bokere per Eliam Child
• ¶ Nicholaus ffaukes ⁷	per Johannem Pindere per Galfridum Poynt
+ ¶ Reginaldus de Garfton	per Laurencium Colgr. . per Robertum Col . . .
+ ¶ Galfridus ate Wode	per Willelmum ate Herm per Lucam ate Stompe
+ ¶ Willelmus de Kenele	per Ricardum ate Cherche per Johannem ate Hid

¹ To each of these names has been added later a note jur[atus].

² To each of these names has been added note jur[atus] and di[media] m[arca], the last being presumably a fine for non-attendance.

³ This name underlined, perhaps for expunction.

⁴ Reading doubtful.

⁵ Apparently written with the Saxon g.

⁶ Apparently written with the Saxon g.

⁷ These entries have the note jur[atus] added later.

+ C. Rogerus ate Halle	per Galfridum Broune Galfridum ate Stile
+ C. Willelmus ate Cherche	per Ricardum Le hore Galfridum le Shepherd
+ C. Willelmus de Gatesdene	per Symonem Hamond Alanum ate Hegge
+ C. Symon Boltham	per Willelmum ate Putte Alanum Welhe
+ C. Johannes Purden	per Eliam Kyng Ricardum Crane
+ C. Willelmus Eylnoch	per J. Dogge Petrum Bernard
dies datus est apud Suthwerk' die dominica proxima post festum translacionis sancte ¹ Thome Martiris.	
[On the dorse] Dies datus est apud Suthwerk' die dominica proxima post octalas sancti Michaelis.	

III. Jury from Brixton Hundred (m. 12)

[Note.—The marginal M. retained for convenience in this transcript, stands for Manuceptores. Thus the first line might be rendered "Securities for the Prior of Bermondsey—John Vyel and William le Clerk."]

Brix[ton]

• M. Prioris de Bermundeseye	Johannes Vyel Willelmus le Clerk'
+ M. Rogeri de Bauent	Willelmus Brun Thomas Lanerk'
+ C. Heredes Edwardi Burnel nichil habent in balliua per quod distringi possunt quia terra iacet sub aqua.	
+ C. Henricus de Cobeham nichil habet in balliua mea per quod eum dis- tringere possum. Dominus Rex est ² terrarum et tenementorum domini Bartholomei de Badelesmere.	
• M Ricardi Horn	Simon Hakon Robertus atte style
• C. Magister Hospitalis sancti Thome Martiris de Suthwerk' nichil habet in balliua.	
+ C. Heredes Johannis de Haueringg' non sunt in balliua mea, nec aliquid habent quod scio.	
+ C. Tenentes terre Henrici de Gloucestre nescio qui sunt.	
• C. Heredes Henrici de Durham sunt in Comitatu Kancie.	
• M. Custodis pontis London'	Elyas le Callere Ricardus Brid Willelmus Iuory Johannes Iuory
• M. Thome atte Grene	
+ C. Vicarius de Westgrenewych est in Comitatu Kancie.	
• C. Heredes Edmundi Horn nescio qui sunt.	
• M. Heredes ³ Roberti Mauncel	Willelmus atte Bregg' Robertus in the lane
+ C. Tenentes terre Ricardi de Brencheslee nescio qui sunt.	
+ C. Willelmus Clippe est in Kancia.	
• M. Rogeri Hosebounde	Johannes Sampson Johannes Simund
+ C. Mabilla Saleman nescio que est.	
+ C. Mabilla le Carpenter nescio que est.	

¹ Sic MS.

² Sic MS. There is apparently a word omitted after est.

³ Sic MS.

M. Thome Lanerk'	Thomas Swyft'
• ¶ Tenentes Pasture, que vocatur le Brok' nescio qui sunt.	Johannes Roger
+ ¶ Henricus le May est in Kancia.	
• M. Roberti de Bretinghurst	Johannes le Bele
	Henricus Broun
+ ¶ Hamo Caluel est in Kancia.	
+ ¶ Robertus Islger non est in balliua mea.	
• ¶ Prior beate Marie de Suthwerk' non est in balliua mea.	
+ M. Thome Hugh'	Johannes Swyft
	Rogerus Arnold
• ¶ Thomas Coleman non est in balliua mea set in burgo de Suthwerk'.	
• ¶ Heredes Stephani Erminer nescio qui sunt.	
• M. Johannis Humbeley	Alanus Kete
	Willelmus Clippe
+ ¶ Johannes le Whyte non est in balliua mea nec aliquid habet quod scio.	
+ M. Thome atte Nappelton'	Johannes Sone
	Stephanus Ode
+ ¶ Stephanus Alured nescio qui est.	
+ M. Thome atte Nouene	Johannes Aleyn
	Alanus faber
• M. Roberti Richard	Adam Caue
	Willelmus Clippe
• M. heredum et tenencium terrarum	Robertus Swetinge
Johannis de Markyngfield	Johannes le Carttere
+ M. Roberti le Helte	Thomas Springe
	Willelmus Wymund
+ ¶ Willelmus Gilberd nescio qui est.	
+ ¶ Heredes Alani ffabri nescio qui sunt.	
+ M. Heredum et tenencium terrarum	Robertus Gurtham
Ricardi Whiting'	Johannes Wymund
+ M. Roberti fraunceys	Johannes steyl
	Willelmus Walter
• ¶ Walterus Molendinarius est in burgo de Suthwerk'.	
• M. Priorisse de Haliwell'	Willelmus le Coupere
	Johannes le Coupere
+ ¶ Radulfus atte Hacche nescio qui est.	
+ M. Ricardi Ermyner	Thomas Wylot
	Johannes Hughet
+ M. Willelmi atte Bregg'	Robertus le Heldere
	Walterus le Carttere
• ¶ Heredes Willelmi Horpedeman nescio qui sunt.	
+ ¶ Willelmus le ffullere nescio qui est.	
+ M. Johannis Estmer	Robertus Estmer
	Willelmus Estmer
+ M. Ricardi Richer	Johannes Athelard
	Andreas Athelard
+ M. Roberti in the lane	Robertus Ankyn
	Rogerus Godefrey
+ ¶ Galfridus atte Lowe nescio qui est.	
+ ¶ Heredes Willelmi Tracy nescio qui sunt.	
+ M. Willelmi Ode	Stephanus Ode
	Johannes Ode
+ M. Roberti le Hayward	Johannes le Hayward
	Thomas le Hayward
+ M. Petri le Coupere	Johannes le Coupere
	Willelmus le Coupere
+ ¶ Heredes Johannis de Northwode nichil habent in balliua mea.	

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|---|---|
| + M. Johannis Richer | Willelmus Gibbe |
| | Robertus Ligtfot ¹ |
| + M. Thome ate Loke | Thomas le Daye |
| | Johannes le Carpenter |
| • M. Johannis Sarmoner ² | Thomas le B er ⁴ |
| | Willelmus le Mouner |
| + C . Ricardus de Horton nescio qui est. | |
| | Henricus atte Walle mortuus est. |
| + C . Alicia Grymild nescio que est. | |
| + M. Galfridi in the lane. | Thomas Slayland |
| | Willelmus Whythed ⁴ |
| + M. Henrici le Coupere | Johannes Whytehede ⁴ |
| | Thomas Gubbing ⁴ |
| • C . Willelmus Gilberd nescio qui est. ⁵ | |
| • C . Henricus Malemeyns nescio qui est. | |
| • C . Richardus Abel nichil habet in balliua mea per quod potest attachiari. | |
| • C . Johannes de Maleuill' nescio qui est. | |
| • M. Isabelle de Douedale | Willelmus A rk ⁶ |
| | Adam Manla |
| • M. stephani de Bekwell' | Robertus E . . . |
| | Robertus de L |
| • C . Vicarius de Camerwell' nichil habet per quod distringi potest. | |
| • C . Abbas de Keynesham nichil habet in balliua mea per quod distringi potest. | |
| • M. Prioris Christi Cantuarie | Adam Seme |
| | Johannes le |
| • C . Heredes Alicie la Clerkes sunt in burgo de Suthwerke. | |
| • M. Johannis le Daye | Willelmus |
| | Alanus le porter |
| • C . Henricus de monte forti nichil habet in balliua mea per quod distringi potest. | |
| • M. Thome ffryg ⁷ | Ricardus Normer |
| | Willelmus Whyser |
| • C . Robertus de Clidelowe nescio qui est. | |
| • C . Thomas le Barber in Suthwerke est. | |
| • C . Johannes de Weston' nichil habet in balliua mea per quod distringi potest. | |
| + C . Thomas de Wandelesworth' nichil habet in balliua mea. | |
| + C . Johannes Beseuile nichil habet in balliua mea per quod distringi potest. | |
| • M. Elye Ivori | Johannes |
| | |
| + C . Prior hospitalis sancti Johannis de Clerkenwell' nichil habet in balliua mea. | |
| [On the dorse] | |
| • Ricardus le Clerk' | |
| • Thomas Treygos | |
| + Johannes de Alton' | } Istud breue retornatum fuit balliuo, libertatis de Suthwerk' que ⁸ nichil respondit. |
| + Willelmus petit | |
| + Johannes Gisors | |
| + Abbas de Hyda | |

¹ The reading is not clear, but this name seems to be written with a Saxon g.

² The names which figure at each side of this in the commissioners' letter are Robert le Helte and Robert fraunceis, which will be found above.

³ In left margin is written obiit.

⁴ Reading doubtful.

⁵ This entry has already appeared.

⁶ From this point to the end the right-hand side of the document is more or less illegible.

⁷ Ryg on m. 10.

⁸ Sic MS.

[On the dorse]	+ Thomas le Tauerner + Thomas de Vpton' • Henricus de Hatton • Willelmus le Rede taillour • Robertus de Hoo • Prior de Merton' • Johannes de Lyncoln' senior • Johannes de Lyncoln' junior • Adam de Brykyndon' • Ricardus de Brenchesle • Willelmus de Waleworth' • Galfridus pourte	Istud breue retornatum fuit ballino, libertatis de Suth- werk' que ¹ nichil re- spondit.
[Lower down]	Dies datus est apud Suthwerke die Jouis in Crastino ² sancti Petri.	
[And at foot]	de Walliis flossatis.	

¹ Sic MS.² Word illegible in MS.