

***The Gloucestershire Court of Sewers 1583–1642.* Rose Hewlett (Ed.), B.G.A.S. Gloucestershire Record Series, volume 35, 2020. lxxxii+365 pp., 8 maps, 12 other illus. Hardback £30.00. [ISBN 978-1-913735-00-1].**

Inhabitants of Gloucestershire parishes bordering the Severn estuary came to accept (though they probably never gave up complaining about) the erratic behaviour of their common neighbour. With strong tides, complex currents, and shifting channels, the river was a threat to life and livelihood. It might sweep away your salmon-putcher weir, silt up the local pill (small tidal inlet) from which at the spring tides market sloops carried away your butter, cheese, and fruit for sale at Bristol, and it might periodically invade your farmland, sometimes even robbing you of your dwelling: in the early 18th century erosion of land adjoining the unstable river reach known as the Noose removed several small farmhouses in the hamlet of Woodend, on the south side of Awre Point. There were, of course, compensations in the form of the fertile soil of the riverside levels, where in many parishes the principal open fields and common pastures and meadows were sited, the productive salmon and elver fisheries, and the facility to trade in timber, bark, iron ore, stone, cider, and other goods. Also, when not trying to reduce the acreage of your parish, the Severn might choose to award it a swathe of new land. Containing the river's vagaries and preserving the benefits it brought was a regular preoccupation within each riverside manor and parish; revealed in this volume is the collective action that was attempted through the courts of commissioners of sewers. The volume's editor Rose Hewlett hints in her introduction that the study might appear too specialized for some — off-putting, even, to those who may not immediately realise that its title refers to drainage channels rather than the disposal of human waste; but for those who have studied the rich history of the Severn and the adjoining landscape it provides welcome new insights.

Commissions of sewers, as the editor's introduction explains, derived from medieval commissions *de walliis et fossatis*, though the earliest detailed records to survive for Gloucestershire are those edited in this volume, dating from the late 16th and early 17th centuries. They cover parts of the parishes and hamlets on the south-east bank of the estuary, grouped under two divisions, the 'Upper Level' from Slimbridge down to Littleton, and the 'Lower Level' on down to Shirehampton, by the mouth of the Bristol Avon; the town of Thornbury, central to the area, its parish including one of the largest and most problematical tracts of riverside level, was the usual meeting place of the court. Not within the scope of the records edited were parishes on the opposite bank of the Severn, a disappointment for this reviewer, who once enjoyed a modest engagement with the topic while attempting to match the documentary evidence to the physical evidence for the Lydney and Awre levels (for *VCH Gloucestershire*, volume 5). Later commissions of sewers covered low-lying parts of some parishes on that bank, which perhaps could have been made clearer in the introduction, and more said there about the scope and content of the later records in general; the amount of incidental information on matters such as land ownership and topography in those published here whets the appetite.

The role of the commissioners was to levy rates on landholders responsible for the upkeep of the sea walls, drainage channels, and other flood defences, and to receive the findings of juries of local men appointed to keep watch on those defences and identify problems. The records show that the task had no easy outcomes. To get things done the commissioners were reliant on other parts of the creaking administrative system of Tudor and Stuart England: it required the county sheriff to empanel the

juries, while warrants to levy the rates and distrain on the goods of recalcitrant payers could follow a circuitous route, passing from the commissioners' own surveyors to the high constable of the relevant hundred and finally to the lesser officers (constables or tithingmen) of the tithings (minor administrative divisions within parishes which were used for the assessment and collection of the rates). The members of the commissions were far from disinterested public servants, but usually — probably unavoidably if they were to have any impact at all — local landowners; so they themselves, as owners of riverside manors, often featured in the juries' presentments. Some may have served with a desire to enhance the public good, as well as their own interests, but probably not all: Sir Thomas Throckmorton of Tortworth and Sir John Stafford of Thornbury are among those noted in the introduction as earning unsavoury reputations in their other public dealings. Also, the presentments of the juries, on which tenants and close neighbours of some commissioners served, may have been affected by a reluctance to offend or, conversely, the chance to air a personal grievance. The question of responsibility for the repairs could be a cause of dispute, as it was usually left to the established local custom, if that could be defined. Though manorial lords and other freeholders, with their various leasehold tenants, appear always to be held liable, the responsibility of copyholders was sometimes open to question.

Featuring prominently in the commissioners' business was the problem of Oldbury mills, a pair of tide-mills with a complex system of floodgates which if mismanaged at high tides could let in and pen up salt water, flooding as much as 2,000 a. of the wide adjoining level. The mills were leased under the large Thornbury manor of the Stafford family who with other owners were also responsible for long stretches of the adjoining sea walls. The family, including Sir John Stafford who for much of the period covered was a prominent commissioner, ignored frequent orders to make redress and engaged in a long round of litigation in an attempt to escape its responsibilities; the unfortunate miller, recalcitrant but presumably intent only on making a living, was imprisoned and suffered a flogging. Some well-documented litigation is always a boon to the local historian, producing much detail that would otherwise have gone unrecorded; in this instance, the editor suggests that it proved even more valuable, ensuring the survival of the whole of this group of records. Also making regular appearances is Berkeley pill ('Berkeley Haven') winding its way up to that small town, but the problems there, usually silting and other obstructions to trade, seem to have been more speedily rectified; as one of the busiest little ports on that part of the estuary, pressure by local tradesman and boat owners was no doubt effective in getting the necessary work carried out.

The introduction, which adds additional evidence from unpublished documentary sources such as the Berkeley castle muniments and the rich collection of Stafford family records (at Staffordshire Record Office), provides a general guide to the story of land protection in the estuary and is particularly helpful in explaining the technical complexities. It includes a useful summary of the long and litigation-generating Oldbury troubles, as well as details of the great Severn estuary inundation of January 1607, whose effects are very apparent in the commissioners' proceedings; though dramatically described by contemporaries, that event was then generally forgotten until recent research by the editor and others. Also highlighted are the better-known contemporary disputes over the Slimbridge New Grounds, where lessees under Lord Berkeley, who themselves served as commissioners of sewers, carried out extensive operations to stabilize and protect a large tract of reclaimed land, prompting vigorous opposition from local people who enjoyed common grazing there.

The matter does not actually figure much in the surviving commissioners' papers, but the editor's summary, which uses documentary evidence from other sources to supplement the account by John Smyth (who was a participant), is a useful addition to the story of the levels.

Such disputes as that over the Slimbridge New Grounds raise the intriguing question of the ownership and use of reclaimed land, made even more complex in that case when a third party in the form of Charles I's cash-strapped government weighed in, claiming that the land counted as Crown 'foreshore'. This was a period when landowners of all kinds attempted to increase their income from woodland, waste, and other marginal land, often in the process encountering challenges from those claiming customary rights, and it might be relevant to mention a parallel case, though on a smaller scale, that occurred across the river from Slimbridge, in the manor of Awre. There, in 1612, Sir Edward Winter secured in severalty land called the 'new warth' after obtaining a Chancery decree in his favour against his tenants who had exercised common grazing rights on it. This enabled him to put it in the hands of a single tenant, who carried out major works to secure it against re-encroachment by the river. The eventual outcome in that case seems to have been fairly peaceful. Witnesses were found to welcome the lessee's improvements on the grounds that the new land in its original state was of little use for any purpose; also, the improvements gave protection to a larger 'old warth' further inland, where the tenants had a long-established right to common grazing, which was left undisturbed by Winter and his successors until parliamentary inclosure in the late 18th century. That Winter appears in this volume as a commissioner for the levels on the south-east bank was presumably because of his ownership of King's Weston manor near Bristol, but no doubt the role also gave him a useful means of keeping an eye on what was happening higher up the river; physical changes on the south-east bank, whether natural or through human intervention, had consequences for his Awre and Lydney estates on the Forest side. From this period it was generally accepted that reclaimed land should belong in severalty to manorial lords and other freeholders, rather than, as seems to have been usual in the early Middle Ages, added to open fields, common meadows or common grazing land. Not that there was an end to litigation. When at the close of the 17th century the Severn added some hundreds of acres to the Lydney levels two adjoining owners, the Winters (once again) as owners of Lydney manor and the Joneses as owners of Naas manor, took to the courts. While the case was in progress another change in the current swept the land away; but several decades later it re-formed much as before, whereupon the lawyers for the parties, blowing the dust from their bundles of papers, resumed hostilities. The successors to the Winters (a branch of the Bathurst family) secured the greater share and benefited later by a useful addition to their income, in the form of 'tack' fees: the new land gained a reputation for its particular qualities as grazing, and farmers from other parts of Gloucestershire and adjoining counties sent their cattle and horses to pasture there.

The bulky text of the court records in Rose Hewlett's volume, assembled out of a confused collection of material from one of the most palaeographically-demanding periods of English history, must have made transcription more than a labour of love, even for someone who is clearly an irredeemable enthusiast for her subject. The editorial apparatus in the volume is generally of a high quality; particularly sensible is the neat, repetition-saving device of italics in the text to point out words which are explained in the glossary, something that would have benefited more than one earlier GRS publication. The glossary is here an essential tool for a subject that bred its own vocabulary. *Itches*, *gouts*, *flotshards*, and *droveshards* are probably familiar to very

few, though *warths* and *pills* become well known to those studying the history of Severnside in any detail (advisory note: if doing field-work, try not to let the excitable bullocks grazing on the one put you off your quest, but on no account attempt to cross the other unless there is some kind of bridge above the glutinous Severn mud). It would be interesting if the terminology varied in any way from bank to bank; does, for example, *weather-gate* (a type of floodgate) figure on the Forest side? One or two other words, which are used in a less than their usual sense, might have been added; for example, the word ‘ploughs’ is applied in the text to teams of draught animals rather than to the implement they usually pull. The language of the juries’ presentments and commissioners’ orders is formal and repetitive, though occasionally lightened by pleasing contemporary usages, such as *othermore* (‘and other people’) and *substantialest* (to describe leading jurymen). Usefully, in view of the subject matter, the volume is well illustrated with maps and photographs. In a full bibliography suitable prominence is given to the work of (the sadly, recently departed) John Allen of Reading University, someone who would have enjoyed seeing this volume. Added perhaps might have been Peter Franklin’s articles on Thornbury in these *Transactions* (volumes 101 and 107) and his thesis (Birmingham University, 1982) on the same, which, though dealing with an earlier date, have detail relevant to the historical summary in the introduction.

The indexes are in general extensive but, in a surprising decision for a record publication, the index of persons gives only surnames: presumably this was resorted to because of the mass of people named and the problem of distinguishing those with the same forename. Including forenames in the usual way would, at least, have pointed the user more clearly to particular individuals, the principal landowners of the area and those whom readers will recognize from other contexts, the likes of George Thorpe of Wanswell, chief promoter of the Berkeley plantation in Virginia (killed there in an Indian raid in 1622), Sir William Winter of Lydney, celebrated as one of the commanders against the Armada, and Edward Littleton, distinguished lawyer and royalist politician, who makes a brief appearance acting for the Staffords in their suit over the Oldbury sea-walls. Even the Berkeleys, who on their side of the Severn loom large in their various branches, suffer the indignity of a composite family entry. A less important point: in the place-name index tithings are used to locate lesser places, which seems appropriate as they were the basic unit for the commissioners’ business, but the historical significance of parish boundaries asks that the tithings be cross-referenced to their parent parishes.

Such are on the whole minor details, of a kind reviewers raise to prove they have given a book a careful read and are themselves familiar with at least some of the historical background. The essential value of the volume lies in the impeccably-edited court proceedings. They throw light on matters that affected the history of the whole length of the Severn estuary and other coastal areas, as well as having relevance to today’s concern with climate change. In addition, those who enjoy walking the Severnside levels may now understand more fully the significance of the landscape and its features — the outlines of silted-up pills, the tumbled stones from collapsed cribs (breakwaters), and the ubiquitous sea-walls, in some places left stranded way inland.

Nicholas Herbert  
Prestbury