The Protection of Public Rights of Navigation

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Contents

Important Note

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Introduction

Opponents of recognition of public rights of navigation in all rivers claim that there were historic limitations on navigation. In particular, they claim that navigation was limited to the tidal sections of rivers, with the exception of a limited and defined listing of the "Great Rivers" (e.g. Thames, Severn and Trent). We suggest, however, "Great Rivers" does not have a precise meaning and effectively means any river capable of navigation; we also believe that there is no historical evidence supporting a distinction between tidal and non-tidal waters.

The evidence below shows that, while some of the statutes and Commissions do refer to "Great Rivers", they related to a diverse number of rivers of varying scale (e.g. the commission of 1415, June 10) specifically protected navigation on the River Brant in Lincolnshire under statutes that referred to "Great Rivers". Therefore, the idea that "Great Rivers" was a defined and limited group can be seen to be unsupportable. Many Commissions, indeed, use the phrase "Great Rivers" even when the rivers they deal with are plainly not one of a select few (e.g. Commission of 1440, May 14). Additionally, some of the statutes refer to "all rivers" and the 1472 Act For Wears and Fishgarthes and some of the commissions to "Great Rivers and waters" (e.g. Commission of 1439/1440 – date unclear) rather than "Great Rivers" - further suggesting that "Great Rivers" was not a well-defined and consistently-used term capable of forming any limitation to a select few rivers.

There is nothing in the statutes or the commissions that supports the notion that public rights existed in tidal waters only, but had to be acquired from the riparian owners in non-tidal waters. Public Navigation Rights in tidal waters are considered to arise from ownership of the underlying land by the crown and to have been dedicated for public use from time immemorial (notionally 1189). In 1189 all land, including the beds and banks of non-tidal rivers (including those capable of navigation only by small, shallow draught vessels) was in the ownership of the crown and would have been similarly dedicated for public use. All subsequent conveyance has been subject to such pre-existing rights, easements and covenants.

Examination of the Commissions makes it clear that the protection afforded by the statutes was applied to rivers solely on the basis of the practicality of navigation as need arose. No distinction was made on the basis of tidal or non tidal nature of the river (indeed many commissions deal with parts of rivers that included both tidal and non tidal sections) or on the basis of the size or status of the river. The Commissions of course represent only the tip of the iceberg – those situations which were elevated for the Kings attention. It's reasonable to assume that many rivers were either not subject to any dispute or the dispute was resolved within the law on a local basis.

Some argue that the statutes which undoubtedly provided protection to navigation on rivers have been repealed, and can therefore have no relevance to modern conditions. However, these statutes did not create navigation rights (which have always existed) but protected them – and we are citing

them simply as evidence that the statute's authors recognised this public right of navigation. Therefore, whilst their protection may have been repealed, the navigation rights existed prior to the legislation and are unaffected by the repeals.

The Statutes

The following statutes deal with the protection of public navigation rights in rivers. They did not create navigation rights, which had always existed.

For ease of reference, we have provided links to the published text of the statutes wherever possible.

1215 Magna Carta (see clause 33)

"All fish-weirs shall be removed from the Thames, the Medway, and throughout the whole of England, except on the sea coast."

Although the Magna Carta of 1215 is the subject of it's 800 year anniversary celebration this year, it is the 1297 reissue as the Great Charter of Liberties (see below) that is considered formally as a statute. Whist there had been some changes and revisions from the 1215 version there was no change to clause 33 (later numbered clause 23).

In a lecture to the All Party Parliamentary Group on the Constitution, 26 February 2013 (see page 2), Professor Nigel Saul, Professor of Medieval History, Royal Holloway University of London said "*Magna Carta ..... , clause 33 was to be of enormous significance in the history of navigation in this country, because it established the principle of free passage along England's rivers, so laying the foundations for transport development in the Industrial Revolution.*"

The Magna Carta Project academic commentary on Clause 33 (at the end of section (b)) confirms that this applied to all rivers - "*Londoners came to believe that this could only be achieved if they had the control of the whole of the Thames. The Charter did not make this sweeping concession, but repeated John's prohibition, without a penalty clause, and extended it to all English rivers.*"

The case of the King v Clark (1702) (12 Mod 615; 88 ER 1558) confirms "*And per Holt, Chief Justice, to hinder the course of a navigable river is against Magna Charta, c. 23, and anything that aggravates the fact, though not directly to the issue, may be given in evidence upon it; as here the taking of money to let people pass. And it is no exception to a witness here, that he contributes to carry on the suit, or that this public nusance was to his private nusance."*

There is therefore clear legal and academic precedent confirming that clause 33 was witness to public navigation rights in all rivers.

1225 9 H 3 cap 23 - In what Places Wears shall be put down (Part of the confirmation of Magna Carta)
"All Wears from henceforth shall be utterly put down by Thames and Medway, and through all England, but only (except) by the Sea coasts"

1297 25 Edward I c 23 - Great Charter of the Liberties of England
(Confirmation of Magna Carta giving it statutory effect)

"All Weirs from henceforth shall be utterly put down by Thames and Medway, and through all England, but only by the Sea-coasts."

1350 25 E 3 C 4 - New Wears shall be pulled down and not repaired

"Whereas the common Passage of Boats and Ships in the great Rivers of England be oftentimes annoyed by the inhansing of Gorces, Mills, Wears, Stanks, Stakes and Kiddles....."

While the wording of the statute refers to "*Great Rivers*" and restrictions to navigation by wears and physical obstructions to rivers, the Royal Commissions appointed under the statute make it clear that this phrase was not intended to limit the scope of the statute to a restricted and defined list of rivers but to all rivers capable of navigation that were restricted by any means including intimidation and tolls by landowners. (See Commission of 1388 May10)

1371 45 E 3 C 2 - The Penalty of him that setteth up or enhanceth Wears

"..... it was ordained That because the common Passage of Ships and Boats in the great rivers of England were often disturbed by the levying of Wears, Mills, Stanks, Stakes and Kiddles ….."

1399 1 H 4 c 12 - A Confirmation of former Statutes touching pulling down Wears

"And now at the Request of the said Commons shewing their Petition that the common Passages of Ships and Boats in the great Rivers of England ….."

1402 4 H 4 cap 11 - Commissions shall be awarded to Justices &c to inquire of Wears Kidels &c

"Because that by Wears, Stakes and Kidels being in the Water of Thames and of great Rivers through the Realm, the common Passage of Ships and Boats is disturbed ….."

1413 1 Henry V c 2 - Confirmation … touching Wears, Mills, Kidels
"ITEM, because that great complaint hath been made to our said lord the King in this present parliament, for that the statutes made in the time of his noble progenitors Kings of England, of the levying and straiting of wears, mills, stanks, stakes and kidels, be not kept according to the form and effect of the same statutes, to the great damage of the people of the realm of England; our said lord the King that now is, by the advice and assent of the lords spiritual and temporal, and at the request of the said commons, will and grant, That the said statutes and ordinances be surely holden and kept, and put in due execution"

1423 2 H VI cap 15 - No Man shall fasten Nets to any thing over Rivers

"..... and Disturbance of the common Passage of Vessels as by the Wears, Kydels …."

1427 6 H 6 cap5 - Several Commissions of Sewers shall be granted The Form of the Commission
(deals only with the appointment of Commissioners)

1429 9 H 6 C 3 - Commissioners of Sewers may execute their own Ordinance (see page 541)
(gives the commissioners the authority to discharge their commissions)

1439 18 H 6 cap10 - Commissions of Sewers shall be awarded where Need shall require during Ten Years - (deals only with the appointment of Commissioners)

1444 23 H 6 Cap 8 - The Chancellor of England may grant Commissions of Sewers during Fifteen Years - (deals only with the appointment of Commissioners)

1472 12 E 4 c7 - An Act for Wears and Fishgarthes

"*Whereas, by the laudable Statute of Magna Charta, amongst other Things it is contained, that all Kedels by Thamise and Medway, and throughout the Realm of England, shall be taken away, saving by the Sea Banks, which Statute was made for the great Wealth of all this Land in avoiding the Straitness" [obstruction] "of all Rivers so that Ships and Boats might have in them their large and free Passage ….*"

"*Wherefore it was ordained and enacted by the Assent of the said Parliament ..... that Commissions should be made in due Form to sufficient Persons to be Justices in every County of England where Need should be to survey and keep the Waters and great Rivers there and to correct and amend the Faults ...*"

This clearly demonstrates no intention to limit the provisions to a select few "*Great Rivers*" but to any "*Waters and Great Rivers*" "*Where need should be*".

1489 4 H7 cap 1 - An Act for the granting forth of Commissions of Sewer
(Confirmation of previous statutes)

1515 6 H 8 cap10 - An Act Concerning the Oath of Commissioners of Sewers
(deals only with the appointment of Commissioners)

1531 23 Henry VIII c 5 Statute of Sewers

Refers to "... *common Passages for Ships, Balengers, and Boats in the Rivers, Streams, and other Floods ….*"

1534 25 H 8 c 10 – An Act Concerning the Oath for Commissioners of Sewers
(deals only with the appointment of Commissioners)

1550 3 E 6 c 8 – An Act for the Continuance of the Statute of Sewers

1571 13 El c 9 – An Act for the Commission of Sewers
Extends all future terms for Commissioners of Sewers from 5 to 10 years.

1708 7 Anne c 10 - An Act for rendering more effectual the Laws concerning Commissions of Sewers

The Commissions

Under these Statutes, Commissioners were appointed, as need arose, to deal with specific issues and complaints. Sometimes specific rivers are named, sometimes commissioners are appointed for whole counties. Sometimes specific stretches of rivers are named but these are limitations on the responsibilities of the commissioners not on the public navigation rights. We have found nothing in any of the commissions supporting the idea that a distinction was made between tidal and non tidal waters.

The following are extracts from the Calendar Rolls detailing the appointment of such Commissions. It is not an exhaustive list. At the end of each quoted commission there is a link to the published source.

1265 Feb. 25
Commission to the said Gilbert, with those whom &c, to enquire touching a complaint made on behalf of the burgesses of Nottingham that whereas the waterway [iter navium*] in the water of Trent between the town of Nottingham and Thorkese [Torskey] ought to be of the breadth of one perch on each side of the middle (fill) of that water, certain persons of those parts have raised weirs in divers places in the said stream without their assent and thereby so narrowed the waterway that ships cannot get to the said town as they used to do; and to hear and correct the said trespasses and that inquisition &c. Henry III, vol. 5, p. 480
(*"*iter navium*" translates as "*route for ships*")

1277 Feb 7
Order to Adam le Botiller, sheriff of Gloucester, to enlarge and open the banks of the Severn near certain weirs and elsewhere, so that there may be everywhere twenty-six feet of width near the said banks, by the view and testimony of two lawful men of the town of Gloucester and two others of the city of Worcester, specially elected for the purpose by the aforesaid counties, the king having been informed that, owing to the narrowness of the said weirs, ships and boats cannot pass through the said river without impediment and danger; such persons as resist the said sheriff in the matter to be brought before the king in Parliament on the quinzaine of Easter to receive the penalties to be provided against their contempt. The like to Leo de Bolinton. Edward I, vol. 1, p. 195

1286 Feb 25
Commission to Geoffrey de Picheford and Walter de Agm[odesham] to enquire touching the persons in the counties of Middlesex, Surrey, Berks Buckingham and Oxford who take small fish with nets of smaller mesh than the assize of the river permits in the river Thames and other streams, and who straiten and obstruct weirs (gurgites et waras) there and place such nets on them, so that ships carrying victuals and small and other fish, by reason of the excessive straitening of the course of the said streams, cannot pass through as they were wont; and also touching the fishermen who set kidels (claiarum) excessively in the water of Ottemore, so that magnates and others having lands near the said water sustain damage through the overflowing thereof; with power to burn such nets, destroy weirs constructed against the assize, and amerce all persons using or possessing such nets, keeping such weirs, and committing such trespass in the moor of Ottemore. Edward I, vol. 2, p. 256

1286 March 14
Commission to Henry de Ribbesford and Leonius son of Leonius, together with Edmund de Mortuo Mari and others in places where the latter has not leisure to attend, to enquire touching the magnates

and others who have narrowed and increased in height their weirs on the river Severn between the towns of Gloucester and Shrewsbury, so that vessels cannot pass through as they were wont, and to pull the same down where necessary. Edward I, vol. 2, p. 257

1290 May 20
Commission to Gilbert de Thor[n]ton, John Dine and Ralph Paynel, after inquisition ad quad damnum by the sheriff of Lincoln, to clear of obstructions the water of Ancolne from Bishop's Bridge to the Humbre, at the cost of those who will benefit by such clearance, the sheriff having certified that if this is done ships and boats laden with corn and other merchandise might then go from Humbre to the parts of Lindeseye, as they were wont to do. Edward I, vol. 2, p. 400

1291 Oct 24
Association of Walter de Bello Campo and Fulk de Lucy, with Alexander de Bykenore and others of those parts whom they think fit, to enquire by jury of the counties of Gloucester, Worcester and Salop, touching the magnates and others holding lands near the water of Severn, between the town of Bristol and the king's town of Shrewsbury, who have narrowed and raised weirs (gurgites et waras) there, contrary to the statute of Westminster, so that ships cannot pass as heretofore along that water, and touching others who have taken small salmon in that water with nets and other engines contrary to the same statute. Edward I, vol. 2, p. 459

1294 July 28
Commission to Robert Malet and William de Bereford to view the gorces and weirs in the Thames in the counties of Middlesex, Surrey, Berks, Buckingham and Oxford, as it appears that divers magnates and others having tenements by the river Thames and the river of the moor of Ottemor*, between the city of London and the said moor, have erected gorces and weirs where they were not wont to be, and have straitened and raised the height of others, and that fishermen and others take small fish with narrow nets and kidels contrary to the assize in these and other rivers in the said counties; by reason whereof vessels cannot pass as they were wont. They are to remove all weirs made or raised contrary to the assize, and to burn such nets and destroy the kidels. Edward I, vol.3, p. 114 * Ottemore is an area of wetland and wet grassland in Oxfordshire located halfway between Oxford and Bicester. The River of the moor of Ottemore is therefore the Cherwell/Ray.

1299 Oct 24
The like to Peter de Leycestre and Henry de Knyveton, on complaint by the mayor and commonalty of Nottingham, that whereas by charters of the king's progenitors, and confirmation thereof by the king, they have the liberty that the water-way of the Trent should be free for persons navigating it for one perch on each side of the middle of the stream, William de Colewyk has by weirs in midstream, made by himself and his ancestors, prevented persons navigating so that they cannot come to the town and castle with goods and merchandise. Edward I, vol. 3, p. 476 Edward I, vol. 3, p.477

1300 Nov 3
Association of William do Bereford in a commission of oyer and terminer, lately directed to Peter de Leycestre and Henry de Knyvetou, on complaint by the mayor and commonalty of the town of Nottingham that William de Colewyk had stopped the water-way of the Trent, which should be free for persons navigating it for one perch on each side of the centre of the stream, by weirs raised by himself and his ancestors in the deep water, so that persons navigating cannot come to the town and castle. Edward I, vol. 3, p. 555

1301 April 18
Commission to John Buteturte and William de Mortuo Mari to survey the weirs, dykes and stakes in the water of Weye between Hereford and Monemuth, as it appears that ships and boats cannot pass as they were wont by reason of the erection thereof so that they extend into the channel, Henry de Lancastre and the sheriff of Hereford will provide a jury out of the liberty of Monemuth and the county respectively. Edward1,vol 13,p627

1302 Aug 5
Commission to William de Bereford and Roger de Hegham to enquire touching a complaint of the citizens of London and other merchants of the realm passing along the Thames with vessels between that city and the town of Oxford, that magnates and others having lands near the river in the counties of Middlesex, Surrey, Buckingham, Berks and Oxford have constructed weirs, mills, and divers enclosures without licence, and have made the weirs and enclosures narrower and higher than they used to be, so that vessels laden with victuals, and the fish living in the river cannot go through as they were wont; and that fishermen catch fish with too narrow nets, contrary to Magna Carta ; and they are to abate the same. Edward I, vol. 4, p. 88 Edward I, vol. 4, p. 89

1305 Oct 28
The like to William de Bereford, Boger le Sauvage, Roger de Bella Fago and Walter de Aylesbury, on complaint by certain citizens of London and merchants of the realm passing with their ships along the Thames between the said city and the town of Oxford, that magnates and others in the counties of Surrey, Middlesex, Buckingham, Berks and Oxford have made weirs, mills and divers enclosures in that water, without licence, or raised those already made higher than they used to be, so that, by reason of the narrowing of the course of the water, ships and fish cannot pass as they used to do. Edward I, vol. 4, p. 406

1316 Feb 20
Commission to John de Donecastre and Robert de Notyngham to enquire into the complaint of the men of the counties of Nottingham and Derby, by petition exhibited before the king and Council that, whereas the course. of the river Trente, from the mid stream of the said river, from the river Humbre, to the castle of Nottingham, ought to be of the breadth of one perch at least, and of old time, whereof the memory of man exists not, was accustomed to be, so that ships laden with goods and merchandise could freely pass by the said river Trent from the Humber to the said castle, nevertheless, William de Colwyk and his ancestors diverted its course by weirs, and piles fixed in its waters to his watermill at Overcolewyk, whereby such ships cannot pass to the castle, and that by such weirs a great part of the profit which the king ought to receive from the fishery in his weirs and mills at Nottingham have failed him, to his loss, and the loss of all dwelling in those parts. Edward II, vol. 2 p. 431

1316 May 27
Commission to William de Monte Acuto, Richard de Beere and Nicholas Rodlond to enquire into the complaint of men of the counties of Oxford and Berks that the abbot of Abindon and other men of those counties, who have weirs on the river Thames between the towns of Oxford and Wallingford, have reconstructed them of such a height that the lands on each side are flooded, and have constructed certain obstacles on the weirs, which are called ' lokes' (quedani impedimenta, que lakes nuncupantur, super gurgites predictos similiter de novo fecerunt) by which ships and boats, laden with victuals, are unable to pass to the town of Oxford and to return from thence as they have been accustomed to do, and to order such additions to be removed. Edward II, vol. 2, p. 501

1320 Dec 1
Commission to Adam de Brom and Gilbert de Ellesfeld, upon the petition of the burgesses of Oxford and commonalty of the county of Oxford, showing that the navigation of the river Thames for ships and boats passing between the city of London and town of Oxford is impeded by weirs in many places in the counties of Oxford, Berks and Buckingham, to view all such weirs, hold enquires where necessary, and to remove obstructions. Edward II, vol. 3, p. 547

1324 Dec 14
Commission to Henry le Scrop, John de Doneeastre, Hugh de Meygnill and Roger de Verdon to survey the weirs on either side of the Trent between the towns of Notingham and Gaynesburgh, in the counties of Notingham and Lincoln, and to cause all bars, chains and engines placed across the thread (tilt) of the stream to be torn up so that ships and boats may not be prevented from passing, as at present they are, and there may be a way of one perch on either side of the thread of the river as there used to be from the rivers Humbre and Use to Notingham for the munition of the king's castle there and the sustenance of the parts adjacent and the western parts. The said bars, &c. are to be at once carried to Nottingham castle and those to whom they belong are to be warned to come without delay to the king to answer herein. Edward II, vol5, page 0074, Edward II, vol5, page 0075

1327 May 8
Commission to John de Cantebrigg', Robert de Kellesey and Robert de Asshele, on petition to the king and council in Parliament by the citizens of London and others who come to the city with their merchandise over the Thames, complaining that divers men of the counties of Middlesex, Surrey, Berks and Oxford have kidels along the banks of the river between London and Oxford, have made weirs in the same river, and fixed pales and piles along its course, and tied the cords of their nets athwart the stream, to the obstruction of ships and boats, contrary to divers charters of the citizens, and more especially to Magna Carta,—to enquire by jury of those counties as to the premises, with power to remove the said kidels, etc., and to punish offenders by fine and otherwise. Edward III, vol. 1, p. 150

1332 March 28
Commission to Roger de Somervill, Thomas Deyvill and Adam de Hoperton to make inquisition in the East Riding of Yorkshire touching complaints that, whereas in time past ships and boats could pass along the river Derwent as far as Staynforthbrig [Stamford Bridge], some persons having weirs and sewers in the river have raised these to such an extent as to obstruct the passage and that such vessels cannot now pass the river. Edward III, vol. 2, p. 290

1334 March 2
Commission to Robert de Sapy, William de Bradewell and Robert Dapetot, reciting that a commission was lately directed to Henry de Pembrugg, Robert de Aston and Adam Lucas to make inquisition in the counties of Gloucester and Hereford touching a complaint by Henry, e]Earl of Lancastre, that the abbot of Tintern had raised divers weirs in the river Wye, to wit, Blikeswerc, Itheleswere, Asshewere, Waiwere, Plumpwere, Stawere, Bathingwere and Brocwere, higher than they used to be so that ships could no longer pass to his town of Monemouthe and the adjacent parts, and that the commissioners in the exercise of their powers therein have caused the weirs of Itheleswere to be thrown down and intend to do the same with the remainder, reciting further that the abbot has since presented a petition before the king and council praying that the execution of the said commission may be stayed on the ground that all these weirs, except a moiety of Blikeswere are within the liberty of Strogull in Wales belonging to the king's uncle, Thomas, earl of Norfolk, the marshal, and are without the body of the county of Gloucester and of every other English county

to make inquisition by men of the county of Gloucester, and of the said liberty and certify the king whether the weirs are in England or in Wales. Edward III, vol. 2, p. 572

1337 May 6
A commission recommended that the abbot of Crowland should construct a causeway from Croyland to Spalding (River Welland). The abbot wrote that, 'since the bank is liable to be flooded in winter, the land whereon it would be made is at such times greatly loosened as well by the passing of sailors and boatmen as by the force of the wind.' He also wrote that bridges would also have to be 'high enough for laden ships and boats to pass under them. Edward III, vol. 3, p. 449 & Edward III, vol. 3, p. 450

1338 Oct 1
Commission to Nicholas de la Beche, William Trussel, John de Pulteneye, James de Wodestok, William de Langford and William de Latton, on complaint by the commonalties of the counties of Oxford, Berks, Surrey and Middlesex, that fishermen in the river Thames, keepers of the weirs, sluices and piles fixed across the river, and millers of the mills on or near the river take and destroy the young salmon and other fish large and small, with their young, by nets with too narrow meshes and other engines, otherwise than should be done or has used to be done, contrary to the ordinance of the taking of fish, that the stream is so narrowed by these weirs, sluices and piles that the passage of ships and boats with victuals for London and other places is greatly impeded, and that the weirs and stanks in the river made for the mills are so raised and obstructed that the neighbouring meadows and feedings are very often wholly submerged, to survey where necessary all nets, sluices, weiis, piles and engines used in those counties, the obstructions of the passage of boats, and the stanks, piles, and impediments whereby the floods are caused, to find by inquisitions the names of all who have offended against the ordinance, to make proclamations and inhibitions herein in the king's name as shall be expedient, to punish delinquents by amercements and other means, and to bring all sluices and stanks to the proper level. Edward III, vol. 4, p. 149

1341 July 8
The like to Thomas Ughtred, William Scot, William Basset, William Pleyce, and John de Shirburn, touching divers weirs, kidels and sewers raised by some persons in the river Derwent, between the towns of Langrake and Staynfordbrigge, co, York, so that ships and boats laden with merchandise cannot pass for the common good of the men of those parts, as these used to do, on account of such impediments. Edward III, vol. 5, p. 311 Edward III, vol. 5, p. 312

1342 Dec 26
By a petition of Gilbert de Umfranivyll, earl of Anegos, it is shewn Berkhamp - that there is a passage by the water called 'le Ee' of Kyme, passing through the lordship of his manor of Kyme, between Dokdyk and Brentfen, as far as the water of Wytham on both sides, very convenient for ships and boats of those parts, but in the channel thereof mud and sedge (paludes) have increased to such an- extent that ships cannot pass unless it be cleansed, and the banks are fallen in, so that when the water is swollen by rain, there is no adequate passage for it, and that he will cleanse the said water and raise and keep in, repair the banks for the common good if the king will grant to him and his heirs certain customs for their expenses herein, and the king, out of consideration for the earl, who has many times held a good place in his affairs and for the public good, after inquisition ad quod damnum, has granted to him and his heirs, lords of the said manor, for ever, certain specified customs on ships and boats laden with goods and merchandise passing by the said water through the lordship of the manor from Dokdyk to Brantfen.
By fine of 10l. Lincoln Edward III, vol. 5, p. 576

1343 May 20
Commission to Roger dc Novo Mercato, Thomas Levclaunce, John de Lundynton and John de Redcnesse to make inquisition in the counties of York and Lincoln touching petitions of the men of the parts of Merskland, co. York, and the island of Haxholmc, co. Lincoln, before the king and council in the present Parliament, shewing that Edward 11 at their suit setting forth that the river Done, which is the bound between those counties, where there used to be a course of water for the passing of ships from the town of Donecastre to the water of Trent and for making sewers for the adjacent lands, was then obstructed, by letters patent appointed John de Donecastre and others to remove the obstructions and cause the river to be brought back to its ancient course, and they caused the river to be dug at the charges of the men of the said parts from a place called ' Crullflethill' to a place called 'Donmyn' to a breadth of 16 feet and one grain of bailey and the course of the water to be brought back to the ancient course, and now the river is again obstructed by bridges, weirs and other things so that the said breadth is not kept, whereby the passing of ships is impeded and the land adjoining is flooded, and praying him to cause the obstructions to be removed. Edward III, vol. 6, p. 91

1344 June 25
The like to Roger Hillary, William de Langeford, John Syward, John de Croydon and William de Iford, on information that many men of the counties of Middlesex and Surrey at divers places in the water of Thames, under that water near weirs between the town of Westminster and the bridge of Stanes, where ships and boats have been wont to pass, have fixed piles and wattles and other engines for the taking of fish to such an extent that the same ships and boats in the time of the ebbing and drawing off of the water of the river cannot pass for the carriage of victuals and other necessaries, to the great damage of the king and people. Edward III, vol. 6, p. 385 Edward III, vol. 6, p. 386

1344 July 10
Commission to Gilbert de Uniframvyll, earl of Angus, Robert de Fennewyk, sheriff of Northumberland, and Richard de Galeweye, mayor of Newcastle-upon-Tyne, co. Northumberland, to survey weirs and kidels on either side of the water of Tyne, as a large number of these are stated to have been made there of late and of greater length than they ought to be, whereby the passage of ships and boats to the town is narrowed and they cannot now come to the town with merchandise as hitherto, and to remove all beyond the number hitherto allowed there or found to be of greater length or breadth than they should be. Edward III, vol. 6, p. 392

1356 May 6
Commission, pursuant to the statute of the Parliament at Westminster, 25 Edward III,* to Thomas Ughtred, William Basset, William Malbys, John de Langeton of York and John Moubray, to survey and enquire by the oath of good men of the county of York touching all weirs, mills, stanks, stakes and kiddles raised in the waters of Ouse, Ayre, Done, Wherf, Swale, Nidde and Derewent, from the time of the king's grandfather, and to remove any that obstruct those waters. [25 Edward III. stat. 3, cap. 4.] Edward III, vol. 10, p. 400 * This statute relates only to navigation

1357 Feb 10
Commission to Walter de Rodeneye, William Fifhide, John Tryvet and John de Roches, pursuant to 25 Edward III, [stat. 3, cap. 4] to survey all weirs, mills, stanks, stakes and kiddles in rivers in the county of Somerset and remove any that obstruct the passage of ships and boats. Edward III, vol. 10, p. 547

1358 April 6
"Grant to Robert de Hunston and Henry Bagge of pontage from this date until five years from Michaelmas on things for sale passing over or under the bridge of Rudbrigge to be applied in the repair of that bridge …..". Rudbrigge [Redbridge] is near the tidal limit of the River Test near Southampton. This demonstrates that the river was navigated beyond the tidal limit. Edward III, vol. 11, p. 29

1360 Aug 16
Commission, pursuant to 25 Edward III*, [Stat. 3, cap. iv.]t to Thomas Ughtred, John Moubray, John de Langeton of York, Illard de Usflete et Hamo de Hessay to survey all weirs, mills, stanks, stakes and kiddles, in the waters of Ouse, Ayre, Done, Wherf, Nidd and Derwent, co. York, and remove any that obstruct the passage of boats. Edward III, vol. 11, p. 422 (* This statute relates only to navigation)

1361 July 1
Commission pursuant to 25 Edward III*, stat. [3,cap. 4],to William de Skipwyth, Thomas de Ingelby, Illard de Usflete,John de Langeton, Henryde Barton,Thomas de Egmanton, Thomas de Wythornwyk and John de Feryby,to survey kiddles and weirs in the waters and rivers of Use, Ayre, Derwent, Querf, Yore, Swale, Nidd, Hull and Don and to make inquisition by the oath of good men of the counties adjacent to those rivers whether any of these obstruct the passage. Edward III, vol. 11, p. 583 (* This statute relates only to navigation. See also the next commission)

1361 July 1
Commission of oyer and terminer to William de Skypwyth,Thomas, de Ingelby, Illard de Usflete, John de Langeton, Henryde Barton, Thomas de Egmanton, Thomas Wythornwyk and John de Feryby, touching an information that lords, masters, governors and mariners of ships and boats passing along the said waters and rivers take excessive stipends, wages and other sums for carriage in their ships and boats, contrary to the form of the statutes of labourers and workmen, by covenants made in advance, and refuse to carry for a reasonable sum. Edward III, vol. 11, p. 583

1365 Feb 22
Commission of oyer and terminer to John de Clyvedon, knight, Matthew de Clyvedon and Henry de Percehaye, touching a petition, on behalf of the commonalty of the counties of Somerset and Wilts, shewn before the king and council in the present Parliament containing that the ……. Bristol is so obstructed and narrowed by weirs, piles and palings and land raised on both sides of it that the adjacent lands, meadows and pastures are flooded and the passage of crayers and boats with victuals is impeded. Edward III, vol. 13, p. 140 Edward III, vol. 13, p. 141

1366 April 23
Commission pursuant to a statute of the Parliament held in the twenty-fifth year, to Alan de Bukeshull,constable of the Tower of London, Thomas la Vache, John de Ardern, Edmund Fitz Johan and Robert de Aldebury,to survey all weirs, mills, stanks, piles and kiddles erected in the river running from the town of Ware to the town of Waltham and thence into the Thames near the Tower of London, which ought to be repaired by the constable of the said Tower, and to make inquisition in the counties adjoining the said river as to which and how many of the said weirs etc. were erected in the time of Edward I or later, and to remove such as are nuisances ; to make inquisition also touching all other defects, purpestures, shelves (shelpis), bridges and other nuisances, and cross currents existing to the prejudice of the king and his people, and touching the names of those who have taken tolls, customs or other prises, on their own authority and without title, of all ships and

boats passing the said weirs, mills, stanks, piles and kiddles, also of all owners of ships and boats, 'shoots (schutis) of all masters, governors and mariners who have taken excessive wages, against the statute of labourers, or excessive payment for carriage of goods by the said river ; and by whose default the cross current exists and common passage of ships. Edward III, vol. 13, p. 282

1366 May 6

Commission to John deBoys, Thomas de Fulnetby, Ralph de Redford, William Wascelyn, William Bray and John de Amcotes to survey the water of Ancolne and the weirs and sewers running thereto from a place called Bishopbrigges, co. Lincoln, to the water of Humbre, which are now so narrowed and obstructed that the whole country on both sides of the said water is flooded, and to find by inquisition who are bound to cleanse the said water, weirs and sewers, and to compel such, by distraints and amercements, to do so. Edward III, vol. 13, p. 283

1369 July 1

Commisson to Alan de Buckeshull, constable of the Tower of London Robert Ruthyn, Willam de Halden, Willam Tauk and Edmund Fitz Johan, pursuant to the statute of 25 Edward III. Touching the removal of weirs, mills, stanks, palings and kiddles impeding the passage of rivers, and because the king has learned that there are many defects in the water or river running from Ware to Waltham and thence to the Thames near the Tower of London, which defects ought to be repaired by the constable of the Tower of London, to survey all such weirs &c. in the said river, to make inquisitions as to the time at which these were erected and touching all other defects, purprestures and other nuisances, and to throw down all those found by the inquisitions or other lawful informations to be obstructions; also to find by the oath of the good men of the counties adjacent to the river the names of those who have taken tolls, customs or other prises or profit of ships, boats and shutes passing by the river, without title, and the names of masters, governors and mariners of the same who have taken excessive wages contrary to the statutes of labourers, or excessive sums in hand or by covenant for carriage in the shutes and boats on the river, and by whose default the passage of the said water or river has been hindered ; and to punish all found guilty in the premises, and hear and determine all trespasses. Edward III, vol. 14, p. 345 Edward III, vol. 14, p. 346

1370 Nov 26

Commission to Robert de Thorpe,' chivaler,' John de Cavendissh, John Pyel and John. Geffron, pursuant to a complaint by merchants and others of the counties of Leicester, Derby, Northampton, Bedford and Huntingdon that very many weirs, mills and stanks have been newly placed and erected in the water of Husee* between the towns of Huntingdon and St. Ives, through which ships and boats used to pass with victuals and other merchandise, so that by the erection thereof the stream is totally turned aside and obstructed, - to make inquisition in the county of Huntingdon what weirs, mills and stanks have been there erected in and after the time of the king's grandfather, to have all such removed according to the late ordinance made at Westminster, to compel and distrain all persons who are held to remove the same to do so by any means, to arrest and commit to prison all who are contrariant in the matter, to do all things necessary for the cleansing of the said water and to hear and determine the premises. Edward III, vol. 15, p. 35

*Great Ouse

1371 May12

Commission to Gilbert de Umframvill, earl of Angus, William de Eyncheden, Robert de Umframvill, 'chivaler,' Roger de Wyderyngton, Roger de Fulthorp, Clement de Skelton, the mayor of Newcastle-upon-Tyne, and Thomas de Horsele, reciting that whereas the king lately appointed the earl and others to remove all weirs, mills, stanks, piles and kiddles in the waters of Tyne between Prodhowe and Newcastle-upon-Tyne, and thence to the sea, which were put there in the

time of Edward I or afterwards, he has now learned from the complaint of men of the county of Northumberland and other counties that although the said weirs &c. were removed by the said commissioners, nevertheless divers men of those parts have raised them and others anew so as to totally obstruct the river for the passage of ships and boats; and appointing them to survey the said weirs &c, make inquisition in the county of Northumberland touching those who raised them anew after they had been removed, punish them by fines, ransoms, amercements and otherwise, cause all such weirs &c. to be removed, and arrest and commit to prison until further order all who are contrariant in the matter. Edward III, vol. 15, p. 109

1375 May18
Commission to Gilbert, earl of Angus, William de Bussy, “chivaler” Henry Asty, Thomas de Clavmond, William Pilet, Thomas de Hagh and Ellis de Middelton,- on information that the water of Wythoin and certain dykes and places through which divers waters in the counties of Nottingham and Lincoln from Cleypole to the city of Lincoln flow into the said water, are so narrowed and choked by earth, sand and the planting of trees that for that reason and by reason of certain weirs and mill-stanks situated on the said water, which hinder the course thereof, the lands, meadows and pastures of the men of those parts have been and are often inundated, and that certain bridges and causeways in those parts are so broken that in winter time there is no way of crossing them, - to survey the said obstructions, bridges and causeways, have the impediments removed, have the stream of the water enlarged to the breadth of 40 or 30 feet and to the depth of 10 feet, make inquisition touching those by whose default the damages have occurred and those who will gain by their removal, and compel them and the bailiffs of the liberties and others, by distraints and amercements, to cleanse and enlarge the dykes and places, remove the obstructions and repair the bridges and causeways. Edward III, vol. 16, p. 151 Edward III, vol. 16, p. 152

1375 June 30
Commission to Emery de Sancto Amando,Roger Elmerugge and John de Baldvngton to survey the hythe* called La Ree** of Ottemore, co. Oxford, which is said to be so choked in divers places by the planting of trees and making of sluices of timber, stone and earth therein, that the water is flowing out everywhere in the neighbourhood and meadows and lands are inundated; and to make inquisition in the said county touching those who have made such obstructions and compel by distraints, amercements and otherwise those who ought to repair the hythe to do so. (*a hythe is a landing place or small port for ships or boats. ** La Ree is the River Ray) Edward III, vol 16, p. 157

1377 Feb 22
Commission to Thomas de Ingelby, Roger de Kyrketon, Simon de Leke, William de Burgh and William de Lughtburgh, on complaint that many weirs, mills, stanks, palings and kiddles are newly placed and raised in the water of Trent between Nottingham and Kenaldeferye, so that the course of the water is so diverted, obstructed and narrowed that ships and boats cannot pass as they used, against the form of the ordinance made in the parliament lately held at Westminster, to survey all such weirs, mills, stanks, palings and kiddles, and all other defects of the said water, find by inquisition in the counties of Nottingham and Lincoln what weirs &c. were raised in the time of the king's grandfather and afterwards, and by whom and when, compel the removal of all such and of all other defects of the water by those who raised them and others who are bound to do this, do all other things necessary for the better and safer passage of ships and boats, and hear and determine the premises. Edward III, vol. 16, p. 489

1378 Nov 12
Commission of oyer and terminer to John de Grey of Codenore, knight, Henry Grey of Wylton,

knight, William de Burgh, Robert de Morton and Robert Martell, on information that divers weirs, mills, pools, pales and kiddels have been newly placed and erected in the water of Trent, co. Nottingham, to the obstruction of the course of ships and boats therein. They are to enquire which of them were so placed in the time of Edward I., and remove those subsequently erected. Richard II, vol. 1, p. 309

1379 May 20
Commission of oyer and terminer to William de Skipwith, Roger de Fulthorp, Robert de Nevyll, Henry de Barton, Thomas Graa Thomas de Nesscfeld and Thomas de Thurkhill to survey all weirs, mills, pools, pales and kiddels which have been set up in the rivers Hull and Ouse to the obstruction of ships and boats. They are to enquire which of those were so placed in the time of Edward 1., and remove those placed there since, in accordance with the statute of 25 Edward III.* (* This statute relates only to navigation) Richard II, vol. 1, p. 363

1380 March 6
Commission of oyer and terminer to Ralph, baron of Graystok, John Marmyon, knight, Ralph de Hastynges, knight, Roger de Fulthorp, knight, Henry de Barton, clerk, John de Grysburn, Thomas Gra and Thomas Thurkill, upon the complaint of the commonalty of York touching the erection in the water of Ouse of divers weirs, mills, ponds, piles, pales and kidels, to the obstruction of ships and boats, in contravention of the statutes of 25 Edward III. and 45 Edward III., with power to reform all defects therein, and compel obedience. Richard II, vol. 1, p. 471

1380 April 10
Commission of oyer and terminer to Alan de Buxhall, constable of the Tower of London, the abbot of Waltham Holy Cross, John Philipot, William de Walleworth, John de Middelton, John de Bampton, John Orgone, William Rikhill, Robert Neuton, Clement Spice and Walter Sibille, on information of divers defects in the water or river running from Ware to Waltham and thence to the Thames near the Tower which ought to be repaired by the constable of the Tower, to survey all the weirs, mills, pools, pales and kiddels therein erected, to enquire by jury of men of the adjacent counties which of them were there in the time of Edward I.,and remove those subsequently placed there, in accordance with the statute of 25 Edward III., to enquire who have taken tolls, customs or other prises or profit from ships and boats passing through the said river, &c.,with power to punish offenders. Richard II, vol. 1, p. 474

1382 April 26
Commission to Thomas Morieux, constable of the Tower of London, John Philipot. Nicholas Brembre, William Walleworth, John Norhampton, Walter Sibill, John Chircheman, Hugh Fastolf, Robert Lucas, John Holt, William Rikhill, Hugh Midelton, Robert Heth and Robert Hotot, reciting the statute of 25 Edward III., and directing them to enquire touching weirs, mills, pools, stakes and kiddles erected in the river flowing from Ware to Waltham and thence into the Thames near the Tower, and to remove all so erected since the time of Edward T.,and to enquire touching the tolls taken without authority From ships, boats, and shouts at the said weirs, etc., the names of the. owners, masters and mariners, and the wages paid, if excessive and contrary to the statute of labourers, and touching the obstruction of navigation, and to act as commissioners of oyer and terminer in respect of the premises. Richard II, vol. 2, p. 144

1382 June 28
Commission to Rodger de Fulthorp, Robert de Morion, Robert de Haldenby. William de Swynflete and Robert Gauke, at the supplication of the men of Merskland, co. York, and the isle of Haxholm, co. Lincoln, to enquire whether after, by virtue of letters patent of Edward II.,John de Donocftstro

and others cleared the river Done (the division between those counties and which serves for the passage of ships to the Trent and for sewering the lands adjacent) of obstructions between places called ' Crullflethill' and 'Demmyir to a breadth of 16 feet and a barleycorn, bridges, weirs and other obstructions have since been made in diminution of its breadth, and to cause the same to be removed at the expense of the men of those parts. Richard II, vol. 2, p. 193

1383 Nov 16
Commission to John de Greye of Codenore, William de Nevill, justice of the forest beyond Trent, Sampson de Strelleye, Thomas More, clerk, Robert de Morton, Hugh de Annesleye, Thomas de Merdeleye and William de Lughtburgh to enquire touching .the complaint of the king's mother (in respect of her town and castle of Nottingham) and of the people there that Richard Biron of Colwyk has closed his weirs, mills and pools at Colwyk on the Trent between Nottingham and the sea, to the hindrance of navigation. Richard II, vol. 2, p. 356

1383 Nov 16
A commission of ‘oyer and terminer’ was set up to inquire into ‘the construction of divers weirs, mills, pools, stakes and kiddles in the river Towe [Taw] between Brastaple and Mollond, co Devon, contrary to statute of 25 Edward III*’ * This statute relates only to navigation Richard II, vol. 2, p. 355

1384 Dec 15
Exemplification, at the request of John Chynnok, abbot of Glastonbury, of the tenor of the record and process had before Guyde Briene, knight, and the other justices de walliis, fossatis, etc. in the county of Somerset on the Monday after St. Margaret, 6 Richard II. reciting the king's commission to them dated 1 June, 5 Richard II. and letters close (in French) under his privy seal dated 10 July, 5 Richard II. inquisitions taken at Bridgewater on the said Monday and the subsequent proceedings, touching a wall called ' Southlakewal ' lying between 'la Pathe and Tutteyatetrees' in Weston, choking certain watercourses called 'runes,' which the jury say the abbot and his tenants should repair, and touching two weirs in the Peret called ' Tappyngweres ' doing the same, which the abbot of Glastonbury and the bishop of Winchester should remove, and touching a copse of osiers (virgultum) at Tutteyate in Weston appropriated by the said abbot and his tenants, producing the same effect, which they ought to remove ; touching the obstruction of the watercourse called ' Wythyrune by default of the abbot and his tenants of Wythyes on the one side, and Sir William Cogan and his tenants of Honyspull on the other; a subsequent inquisition taken at Taunton on Tuesday after St. Giles, 6 Richard II. wherein the jurors present that the said abbot maintains in Monketon trees hanging over the Tone right across it, so that boats cannot pass as they were wont, viz. between the mill of Tobrigge and Bathepole; that Bathepole mulle erected for grinding corn is raised in the middle of the Tone by stone walls six feet higher than they were ever before, to the damage of the country below the mill-house built upon them by Richard de Acton, knight, and is now held by the abbot ; that another mill has been erected for fulling in the same river close by, both by the said Richard since the great pestilence and both in the abbot's hands ; and that inundation takes place, the highway between Taunton and Balhepolcbripge is thereby undermined and the passage of boats and fish between Bridgewater and Taunton alike prevented; furthermore, that apiece of ground in Monketon is appropriated on one side by the abbot for the, fixing of willow and other trees, and on the opposite side by John Poulet, knight, to the diminution of the breadth of the river from 30 feet to 10 feet, or 12 feet at most, from Bathepole to Criche.

The abbot answers that the said wall is in Othery, not in Weston, which is parcel of his manor of Sowy, that he holds a piece of ground called ' Southlakemore' in Othery containing about 40 acres of land, meadow and pasture, parcel of the said manor, between the said wall and Burwal, that the

Peret adjoins Southlakemore, and the sea ebbs and flows therein, and that Southbikewall is arid has been from time, immemorial for its safety against inundations of sea or fresh water; tint running through Southlakemore there is a highway called ' la Drene,' and that the abbot and his predecessors have always maintained the said wall for the, said purpose, without it ever having had any watercourses, “runes”, sewers, etc., and further that, he and his predecessors from time immemorial have had a weir called ' Tappyngwere ' in the river Peret, parcel of their manor of Sowy, of the same dimensions as heretofore, and that the copse complained of has been removed, and the other nuisances abated; whereupon it is decreed that the said abbot, the said Richard and their tenants should go free, except for certain fines. Richard II, vol. 2, p. 511 Richard II, vol. 2, p. 512

1388 April 19

Commission of oyer and terminer to Brian de Stapelton, William de Melton, John Sayvyll, Robert Constable of Flaynburgh, knights, the mayor of York, William Moubray, Richard Basy of Bilburgh, Robert de Howom, Thomas de Howom, Jolin Berden, Simon de Quixlay, Thomas Thurkill, Robert Sauvage, John Houden and John, de Sadyngton - upon complaint by the commonalty of the county of York that divers weirs, mills, kiddles, etc. have been newly placed in the water of Ouse, and others which were removed by searchers, in accordance with the ordinance of Parliament, have been replaced to the great obstruction of navigation - after survey thereof, to correct the said defaults, and enquire what weirs, etc. existed in the time of Edward I, and what have been subsequently set up, and to remove all obstructions in accordance with the ordinances of the Parliaments of 25 Edward III. and 45 Edward III. which are recited. Richard II, vol. 3, p. 471

1388 May10

Commission of oyer and terminer to Thomas de Holand, earl of Kent, constable of the Tower, Nicholasde Clifton, William Rykhill, Thomas de Skelton., William Gascoigne and Hugh de Midelton,, on information that divers defects 'exist in the water or river flowing from Ware to Waltham and thence as far as the Thames by the Tower, which ought to be repaired by the constable for the time being. They are to enquire, by oath of men of all the counties adjacent to the said river, what weirs, mills, kiddles, etc. were created in the time of Edward I, and what subsequently, removing the latter in accordance with the statute of 25 Edward III, and also who, without authority, have taken tolls, custom or other prises from ships, boats and shouts thereon, the names of those who have ships, boats and shouts thereon, and of the masters, governors and mariners who take excessive wages contrary to- the statutes of labourers and workmen, or excessive sums for carriage by agreement or otherwise, and by whose default the river is so traversed and the common passage obstructed, and they are to cause all to appear before them to answer touching the premises, with power to punish them in accordance with the aforesaid statute. Richard II, vol. 3, p. 472, Richard II, vol. 3, p. 473,

1390 March 9

Commission of over and terminer to John Godard, knight, John de Ask, William Gascoigne and William Hungate, on information that divers defects exist in the river Derwent between Staynfordbrigg and the Ouse, in contravention of the statute passed in the Parliament at Westminster in the year 25 Edward III* against the erection of weirs, mills, stanks, pales and kidells in rivers. The commissioners are to survey all such obstructions in the said river, enquire by jury which of them have been erected since the time of Edward 1, and cause them to he removed, and also to enquire what persons of their own authority have taken toll, custom or other eviction from ships, boats and shouts thereon, and the names of those who have such vessels and of the masters, governors and mariners who take excessive fees for carriage, contrary to the statute of labourers. (*This statute relates only to navigation) Richard II, vol. 4, p. 266 Richard II, vol. 4, p. 267

1396 April 9
Commission to Thomas Hersy, John de Grymesby, Robert de Morton the elder, John Markham, John de Gaytford, Hugh Cresssy and Robert de Morton the younger, to inquire who have placed kidels, bridges, nuisances and other obstructions in the river Edelle* on the borders of the counties of York and Nottingham flowing into the water of the Bekerdyk and thence to the Trent, thereby hindering the common passage of ships and boats to Bautre and other towns on the said river. (*Idle) Richard II, vol. 5, p. 730

1397 Feb 12
Commission of oyer and terminer to Henry de Percy, earl of Northumberland, Ralph de Nevyll, knight, Robert de Nevyll, knight. John de Pepeden, knight, John Ingelby, William Frost, mayor of York, Thomas Gray, Thomas Thurkill, and John Wylmot, after examining the weirs, mills, stanks, piles, pales and kidells placed in the river Ouse. co. York, to the hindrance of navigation contrary to the statute of the year 25 Edward III. Richard II, vol. 6, p. 101

1398 June 10
Commission to the mayor of London, Matthew Southeworth, Nicholas Carreu, Walter Pokelond', Thomas Tildesley and William Frye, with the assent of certain lords, magnates and knights of the shire coming to the last Parliament for the commons of the realm by authority of the said Parliament committed to them herein - to execute the statutes of 25 Edward III* and 45 Edward III* against the enhancing and straitening of mills, weirs, stanks, stakes and kiddles, and to survey the weirs and redress offences. in the county of Middlesex. Cf. Rolls of Parliament, III, 371.
(* These statutes relate only to navigation) Richard II, vol 6, page 369

The like to the following, in the counties named :
The mayor of London, William Rykhill, Matthew Southeworth, William Makenade, John Culpepir, John Reche – Kent. Richard II, vol 6, page 369

1398 June 20
William Thirnyng, knight. Thomas Ayleslmry, knight, Edmund Hamden, Thomas Shelley, Richard Overton, Edmund Brudnell, John Barton, Robert James – co. Buckingham

Gerard Braybroke the younger, knight, Ralph Pygot, knight, Thomas Peyver, knight, John Worchepe, John Hervy, Reginald Ragoun, William Teryngton, Robert Baa – co. Bedford.

Reginald de Everyngham of Laxston, knight, WilliamChaworth, knight, Hugh Shyrlay, knight, Edmund Perpoint, John de Leek, knight, John Markham, John de Gaytford, William de Saunby, Hugh Cressy, Thomas de Soutton – co. Nottingham

Miles de Stapelton, knight, Ralph de Shelton, knight, William Rees, John Gurney, William Snetesham, Robert Martham, Thomas Lexham – Norfolk.

Philip Spenser, knight, John Bussy, knight, Henry Ratford, knight, William Belisby, knight, Robert de Tirwhit, William Crosby, Robert Cumherworth. William Bolle, John de Mers – co. Lincoln.

Henry Grene, knight, Giles Malory, knight, Thomas Grene, John Catesby, John Mulsho, Richard Paries, Robert Haldenby, John Jeffroun – co. Northampton.

Walter Clopton, knight, Humphrey Stafford, knight, John Moygne, John Frome, John Perlee, Walter Biere, William Payn – Dorset.

Henry Grene, knight, William Thirnyng, knight, William Papworth, knight, John Knyvet, John Styuecle, Robert Baa, Richard Boteler – co. Huntingdon.

William Astele, knight, William Bagot, knight, Thomas Astele, knight, Thomas Burdet, knight, John Catesby, Robert Goushill, Guy Spyney, Thomas Purfrey, William Pole – co, Warwick.

John Depeden, knight, Richard Redeman, knight, William Gascoigne, John Ingelby, John Conyers. Richard Gascoigne – West Riding

Nicholas de Longeford, knight, Nicholas Mountgomery, knight, Robert Fraunceys, knight, Thomas Wenesley, knight, John Curson of Keteleston, Thomas Foljambe, Peter Pole, William Athurley – co. Derby.

John Herle, knight, John Colshill, John Arundell, John Tremayn the elder, Roger Trewythennek, Richard Glyvyan – Cornwall.

Thomas, earl of Gloucester, John Gassy, knight, Thomas Boteler, knight, Henryde la Ryver, knight, John Cheyne of Bekford, knight, Robert Whityngton, John Cole, Thomas Gayner, – co. Gloucester.

William Rykhill, knight, William Serene, Clement Spice, William Bateman, Robert Neuport – Essex.

Thomas Cammoys, knight, Nicholas Carreu, Thomas Blast, John Preston, Walter Hoke – Surrey.

Aluuiric de Sancto Amando, Richard 'Abborbnry the older, Gilbert Talbot, knight, John Rede, Laurence Dru, Robert Ja[me]s, William Bruns, John Arches – Berks.

Hugh do Shirlo, knight, John Eylesl'ord, knight, Robert Haryngton, knight, Robert Veer, Thomas Fv\shy, Thomas Hutton, William Palmere, Robert Langham, John Wychard – co. Leicester

Robert Turk, knight, Edward Benstede, Thomas Thorneburgh, Robert Neuport, John Ryggewyn, William Kymbirlee – co. Hertford.

Thomas, earl of Gloucester, John Gassy, knight, John Russell, knight, John Blount, Henry Bruyn, Robert Russell, Henry Hagley William Botelere – co. Worcester.

John Lovell, knight, John Roches, knight, John Lillebon, knight, John Dauntesey, knight, William Horneby, William Stourton, John Wykyng – Wilts.

Thomas Cammoys, knight, Thomas West, knight, William Percy, knight Thomas Blast, John Preston, Robert Oxenbrigge – Sussex.

Robert Hilton, knight, Peter Bukton, knight, Robert Tirwhyt, William Hungate, Nicholas Roscelyn – East Riding of York.

William Sturmy, knight, Thomas Skelton, knight, John Ovedale, William Hornby, William Ryngebourn, John Tank – co. Southampton.

John Lovell, knight, Richard Abberbury the elder, Thomas Harcourt, knight, John Rede, William

Wilcotes, John Golafre, Thomas Barentyn, Richard Overton– co. Oxford

Philip Courteney, knight, Walter Clopton, knight, Peter Courteney, knight, John Hull, William Bykhull, John Wadham, James Chideleigh, knight, William Hankeford, William Brenchesley, Robert Hull the elder, John Copieston, William Burloston – Devon.

Richard Seymour, knight, Peter Courtenay, knight, Walter Oopton, knight, John Ayadham, knight, Ivo Fitz Waryn, knight, John Manyford, Thomas Brok, knight – Somerset.

Richard II, vol. 6, p. 369, Richard II, vol. 6, p. 370, Richard II, vol. 6, p. 371, Richard II, vol. 6, p. 372, Richard II, vol. 6, p. 373

1403 Nov 8
Appointment of Peter Courtenay,' chivaler,' John Hill,'chivaler,' and William Cheyne,'chivaler,' as justices for the survey of the rivers in the county of Somerset pursuant to the statutes of 25 and 45 Edward III* and 21 Richard II concerning the erection of weirs, mills, stanks, pales and kiddles. (* These statutes relate only to navigation) Henry IV, vol. 2, page 357.

1404 Feb 28
Appointment of Peter de Courtenay, 'chivaler,' John Wadham, 'ehivaler,' William Stourton, Robert Hull the younger. John Manyngford, Thomas Bowet and John Stourton as justices for the supervision of the river of the water of Avene between the city of Bath and the town of Bristol pursuant to the statutes of 25 and 45 Edward III* and 1 Henry IV concerning the erection of weirs, mills, stanks, pales and kiddles. * These statutes relate only to navigation Henry IV, vol. 2, p. 427

1404 Oct 14
Commission of oyer and terminer to Hugh Huls, John Hill, Laurence Dru, John Golaire, Robert James, Robert Bullok and Richard Brouns in the county of Berks pursuant to the statutes of 25 and 45 Edward III* and 1 Henry IV touching the erection of weirs, mills, stanks, pales and kiddles. * These statutes relate only to navigationHenry IV, vol. 2, p. 504

1408 March 5
Commission of oyer and terminer to William de Gascoigne, Thomas Kukehy, 'chivaler,' Robert Waterton, Henry Wynian, Richard Norton, Nicholas Blakeburn, William Sawlay, Thomas Hesill and William Bowes in the county of York touching offences against the statutes in Parliament of 25 and 45 Edward 111* and 1 Henry IV concerning the erection of weirs, mills, stanks, pales and kiddles. Henry IV, vol. 3, p. 473 * These statutes relate only to navigation

1410 March 10
Appointment of Hugh de Burnell, John Cokayn, Payn Tiptot, John Colvylle, John Rochefort, Richard Norton and William Ludyngton as justices of the survey and custody of the rivers in the counties of Cambridge and Huntingdon pursuant to the statutes of 25 and 45 Edward III*. and 1 Henry IV. concerning the erection of weirs, mills, stanks, pales and kiddles. Henry IV, vol. 4, p. 181 * These statutes relate only to navigation

1415 Feb 10
Commission of oyer and terminer to Richard Wyot, Thomas Mylrede and Thomas Conyngesby in the counties of Middlesex and Buckingham touching the erection of weirs, mills, stanks, pales and kiddles contrary to the statutes of 25 and 45 Edward III* and 1 Henry IV. Henry V, vol. 1, p. 295 * These statutes relate only to navigation

1415 June 10
Commission of oyer and terminer to Gilbert Umfravill, 'chivaler,' William Babyngton, John Slory, Thomas Claymound, John Hampsturley and Robert Blyton on the water of Wythum in the counties of Lincoln and Nottingham from the town of Claypole to Lincoln and the water of Brant in the county of Lincoln touching offences against the statutes in Parliament of 25 and 45 Edward III* and 1 HenryIV concerning the erection of weirs, mills, stanks, poles and kiddles. Henry V, vol. 1, p. 347
* These statutes relate only to navigation

1416 Feb 20
The like to Richard de Veer, earl of Oxford, Walter Grendon, prior of the Hospital of St. John of Jerusalem in England, John Preston, John Barton the elder, Robert Chichele, Henry Barton, John Corf, Walter Grene, John Fraye, John Rokesburgh, Reginald Malyns and Richard Foxe on the water called la Ley between the counties of Essex and Middlesex leading from the town of Ware to the Thames. Henry V, vol. 1, p. 347

1416 July 5
Commission to Richard de Veer, earl of Oxford, Walter Grendon, prior of the Hospital of St. John of Jerusalem in England, John Preston, John Barton the elder, Robert Chichele, Henry Barton, John Corf, Walter Grene, John Fraye, William Rokesburgh, Reginald Matins and John Walden to be justices of the survey and custody of the water called 'la Ley' in the counties of Hertford, Essex, and Middlesex from the bridge of the town of Ware to the Thames pursuant to the statutes of 25 and 45 Edward III* and 1 HenryIV concerning the erection of weirs, mills, stanks, pales and kiddles Henry V, vol. 2, p. 78 * These statutes relate only to navigation

1418 Nov 24
Commission of oyer and terminer to James Strangways, Richard Fairfax, John de Ask, Guy Fairfax and William Fencotes on the waters of Wherf and Swale in the county of York touching offences against the statutes of 25 and 45 Edward III* and 1 Henry IV concerning the erection of weirs, mills, stanks, pales and kiddles. Henry V, vol. 2, p. 206 * These statutes relate only to navigation

1423 July 12
Commission to John Martyn, Thomas Lane, William Haute, Roger Rye and the sheriff of Kent, to hold inquisition as to weirs, stakes and kidells, alleged to have been erected at various points in the rivers of Thames and Medeweie, from a plaice called Reculver to Yendale ,and thence to the bridge of Maydeston, to the impediment of navigation, contrary to the statutes of 25 Edward III [St. iii. -c, 4], and 45 Edward III [c. 2]. Henry VI, vol. 1, p. 123

1427 Dec 6
Commission to John Hals, Thomas Rolf, William Burley, Hugh Burgh, Roger Corbet and John Wynnesbury, and to any two or more of them, including either Hals or Rolf, pursuant to Statutes 25 Edward III [c. 4]*, 45 Edward III [c.2]*, 1 Henry IV [c. 12], to be justices to survey and keep the waters and great rivers in the county of Salop, to remove all weirs, mills, stanks, stake and kidels erected since the reign of Henry III, to the impediment of navigation, and any additions to such ancient structures as are too high or too strait. Henry VI, vol. 1, p. 467 * These statutes relate only to navigation

1428 May 6
Commission, de kidellis, pursuant to statutes 25 Edward III* [Statute l, c. 4]*, 45 Edward III* [c. 2], and 1 Henry IV [1 Henry IV, c. 12], to W. bishop of London, Walter Hungerford, knight,

treasurer of England, Lewis Robersart, knight, John Fray, Thomas Rolf, John Leventhorp, the elder, Henry Barton, John Symond and Walter Grene, and to any two or more of them, including either Fray, Rolf, or Symonld, for the water called ‘ le Leye’ [Lee/Lea] in the counties of Hentford, Essex, and Middlesex, which runs from the bridge of Ware to the water of Thames. Henry VI, vol 4, p 494
* These statutes relate only to navigation

1428 Aug 7
Commission to Richard Nevill, knight, William FitzHugh, knight, Edmund Hastynges. knight, John Clarevaux, knight, and James Strangways, and to Robert Conyers, Christopher Conyers. and Christopher Boynton, and to any two or more of them including either Strangways or Conyers or Boynton. pursuant to the Statutes of Westminster the second, and of 13 Richard II [Statute 1, c. 19], on complaint by the people of the county of York that many men of the said county have been destroying salmon, samlets, and other young fish and ‘le frie and brood’ of salmon, lampreys, and other fish, within the southern half of the water of These [Tees?], by nets and engines and divers structures newly erected across the said half of the said water. Henry VI, vol 4, p 494
(Note : this commission relating to the protection of fish due to wears and fishgarthes was under totally separate legislation)

1431 Feb 26
Commission de kidellis, pursuant to the statute of 1 Henry V [0. 2] and previous statutes, to William Godrede, William Yelverton, Thomas Worstede, John Wesenham, John Parmanter, Philip Frank, John Thoresby, Thomas Salesbury, Thomas Burgh, and John Brekerop, and to any two or more of them including either Goodrede or Yelverton, for the river in the county of Norfolk by the town of Bishops’ Lenn, [Great Ouse] extending from the bridge of Wygenhale [Wiggenhall] called ‘Maudeleyn brygge' to the high sea. Henry VI, vol 2, p 132

1433 August 12
Commission de kidellis, pursuant to the statutes of 25 Edward III [Stat 3, c. 4]* and of 1 Henry IV [c. 12] to Henry Somer, Thomas Frowyk, John Hampden, William Whappelode, Andrew Sperlyng, Robert FitzRobert, William Selman, Edmund Brudenell, Richard Maydeston and John Shordych, and to two or more of them, including either Whappelode, Sperlyng, FitzRobert or Selman, for the water and great river called ‘ Colneystreme’ [Colne] between the towns of Woxebrigge [Uxbridge] and Stanes, in the counties of Buckingham and Middlesex. Henry VI, vol 2, p 303 * This statute relates only to navigation

1433 Dec 8
Commission de kidellis, pursuant to statute 25 Edward III [stat. 3, c. 4]* and subsequent statutes, for the Water called ‘ le Leye ’ in the counties of Essex, Hertford and Middlesex, from the bridge of Ware to the water of Thames, to John Tyrell, knight, Henry Barton, John Gydney, William Estfeld, John Fray, Thomas Rolf, Thomas Gloucestre, Thomas Stokdale, Walter Grene, Alexander Aune, William Rokesburgh, William Kirkeby, and Richard Alred, and to two or more of them, including either Fray, Rolf, Aune or Kirkeby. Henry VI, vol 2, p 350 * This statute relates only to navigation

1438 May 12
Commission de kidellis, pursuant to the statutes of 25 Edward III* and 1 Henry V, to William, earl of Suffolk, William Lovell, knight, Thomas Wykeham, knight, John Cottesmore, Robert Shotesbrok, knight, John Shotesbroke, Richard Restwold, Andrew Sperlyng, William Perkyns, William Marrnyon, Thomas Drewe, Thomas Rothewell, John Rokes and the sheriffs of Oxford, Berks and Buckingham, for the said counties. Henry VI, vol 3, p 199 * This statute relates only to navigation

1438 July 8
The like to Henry Somer, John Assh, William Flete, John Purie, Edmund Brudenelle, John Cheyne of Isnamstede and Richard Hay, for the river called Colneystreme [Colne], and its tributaries between the towns of St. Albans and Woxebrigge [Uxbridge] in the counties of Hertford, Middlesex and Buckingham. Henry VI, vol 3, p 199 * This statute relates only to navigation

1438 Dec 8
Commission pursuant to the Statute of 25 Edward III* [stat. 3, cap. 4] and subsequent statutes, to John Feryby, Richard Restwold, Thomas Drewe, Thomas Rothewell and William Baron, to make inquisition de kidellis for the waters and rivers of Berkshire. Henry VI, vol 3, p 371 * This statute relates only to navigation

1439/1440 (date unclear)
Commission de kidellis to Thomas Chaworth, knight, Gel-vase Clyfton, knight, William Meryng, knight, Thomas Darcy, esquire, John Bowes, Peter Ardern, Richard Wentworth, Richard Bynghamand William Nevill for the waters and great rivers of Southidill [South Idle], Northidill [North Idle], Don and Bekyrsdike, in the counties of York, Nottingham and Lincoln. Henry VI, vol 3, p 448

1440 May14
The like to Ralph Crumwell, knight, John Fray, Robert Rolleston, clerk, Nicholas Dixon, clerk, Thomas Cokayn, Thomas Gloucestre, John Carpenter, Walter Grene and Richard Riche, for the water called ‘la Ley' in the counties of Essex, Hertford and Middlesex, from Ware to the Thames, the said water being a great river, by which boats used to go down from Ware to the Thames, and would still do so but for faulty weirs, mills, stanks, stakes and kidels therein. Henry VI, vol 3, p 371

1452 April 16
Commission de kidellis to the abbot of Abyndon, the abbot of Dorchestre, William Lovell, knight, lord of Lovell, Robert Harecourt, knight, William Say, clerk, John Norys, John Penycok, Robert Manfeld, Edward Landford, Edmund Rede, esquire, Drew Barantyne and Edmund Bretenhill, in the river Thames from Abyndon, co. Berks, to New Windesore, co. Berks, in the counties of Berks, Oxford and Buckingham. Henry VI, vol 5, p 578

1452 Feb 1
The like to John Lisle, knight, John Noreys, esquire, John Pury. esquire, Thomas Delamare, esquire, John Stokes, Robert Dynneley, Richard Fauconer and John Raunston, between Hungerford and Redyng in the waters called Kenett, Aldeburne and Lambornestrem in the counties of Berks and Southampton. Henry VI, vol 5, p 578

1454 July 14
The like to John, viscount of Beaumont, Ralph Cromwell, knight, Richard Bynghamm, Thomas Chaworth, knight, Thomas Rempston, knight, Robert Strelley, esquire, William Babyngton, esquire, Richard Willughby, John Stanhop, esquire, Robert Clifton, esquire, Thomas Babyngton and William Nevyll, in the river Trent from Notyngham to Stokwith, co. Nottingham. Henry VI, vol 6, p 177

1454 July 15
Commission de kidellis to Robert Danby, John Carlell, mayor of Newcastle upon Tyne, Roger Thornton, Robert Rodes, William Hardyng, Robert Heworth, John Chambre, Robert Baxter, Thomas Wardley, Thomas Bee, John Richardson, Robert Folbery and Richard Weltden, in the water of Tyne from ‘Hydwyn stremes’ to ‘ les Sperhauk.’. Henry VI, vol 6, p 177

1459 Dec 5

Commission de kidellis to William Lakyn, Thomas Tresham, William Jenney, William Copley, John Asplon the younger, Thomas Mallery, Thomas Decon and William Walssteff, in the Ouse and the waters descending thereto from Huntyngdon to Halywell, co. Huntingdon. Henry VI, vol 6, p 556

1460 June 16

Commission de kidellis to Humphrey, duke of Buckingham, James, earl of Wiltshire, John, Viscount of Beaumont, John de Beauchamp, knight, Richard Tunstall, knight, William Laken, Thomas Tresham, William Grymesby, Robert Tanfeld, William Jenney, Thomas Moigne, John Jenney, John Catesby, Thomas Mallery, William Walsheff, and William Copley, in the Great Ouse and other waters descending thereto, from Huntyngdon to Haliwell, co. Huntingdon. Henry VI, vol 6, p 612

Rivers Mentioned in the Commissions

(those in bold refer specifically to navigation)

Links have been provided to individual sources indicating use for navigation. (1) indicates the commission was appointed under a statute that dealt only with navigation, (2) links to a specific commission that refers clearly to use for navigation.) E.g. The commission of Dec 8th 1438 appointed commissioners for "*the waters and rivers of Berkshire*" under he statute "1350 25 E 3 C 4 - New Wears shall be pulled down and not repaired" This statute relates only to navigation and therefore, by clear and necessary implication, these rivers were considered to be navigable.

(Rivers of) Berkshire (* The statutes referenced relate only to navigation) **(1) (2) (2) (1) (1) (2) (2) (2) (2)**
(Rivers of) co. Bedford (* The statutes referenced relate only to navigation) **(1) (1) (2)**
(Rivers of) Buckinghamshire (* The statutes referenced relate only to navigation) **(2) (1) (1) (2) (2) (2)**
(Rivers of) co. Derby (* The statutes referenced relate only to navigation) **(1) (1) (1) (2)**
(Rivers of) co. Gloucester (* The statutes referenced relate only to navigation) **(1) (1) (1) (2)**
(Rivers of) co. Hertford (* The statutes referenced relate only to navigation) **(1)(1) (1) (2)**
(Rivers of) co. Huntingdon (* The statutes referenced relate only to navigation) **(1) (1) (1) (2) (2)**
(Rivers of) co. Leicester (* The statutes referenced relate only to navigation) **(1) (1) (1) (2)**
(Rivers of) co. Lincoln (* The statutes referenced relate only to navigation) **(1) (1) (1) (2) (2)**
(Rivers of) co. Northampton (* The statutes referenced relate only to navigation) **(1) (1) (1) (2)**
(Rivers of) co. Nottingham (* The statutes referenced relate only to navigation) **(1) (1) (1) (2)**
(Rivers of) co. Oxford (* The statutes referenced relate only to navigation) **(1) (2)(1) (1) (2) (2)**
(Rivers of) co. Southampton (* The statutes referenced relate only to navigation) **(1) (1) (1) (2)**
(Rivers of) co. Warwick (* The statutes referenced relate only to navigation) **(1) (1) (1) (2)**
(Rivers of) co. Worcester (* The statutes referenced relate only to navigation) **(1) (1) (1) (2)**
(Rivers of) co. Buckingham (* The statutes referenced relate only to navigation) **(1) (1) (1) (2)**
(Rivers of) Cornwall (* The statutes referenced relate only to navigation) **(1) (1) (1) (2)**
(Rivers of) Devon (* The statutes referenced relate only to navigation) **(1) (1) (1) (2)**
(Rivers of) Dorset (* The statutes referenced relate only to navigation) **(1) (1) (1) (2)**
(Rivers of) East Riding of York (* The statutes referenced relate only to navigation) **(1) (1) (1) (2) (2)**
(Rivers of) Essex(* The statutes referenced relate only to navigation) **(1) (1) (1) (2)**
(Rivers of) Kent (* The statutes referenced relate only to navigation) **(1) (2) (1) (1) (2)**
(Rivers of) Middlesex (* The statutes referenced relate only to navigation) **(1) (1) (2) (2)**
(Rivers of) Norfolk(* The statutes referenced relate only to navigation) **(1) (1) (1) (2)**
(Rivers of) Somerset (* The statutes referenced relate only to navigation **(1))(1) (1) (2) (2)**
(Rivers of) Surrey (* The statutes referenced relate only to navigation) **(1) (2) (1) (1) (2)**
(Rivers of) Sussex (* The statutes referenced relate only to navigation) **(1) (1) (1) (2)**
(Rivers of) West Riding (* The statutes referenced relate only to navigation) **(1) (1) (1) (2) (2)**
(Rivers of) Wilts (* The statutes referenced relate only to navigation) **(1) (1) (1) (2)**
Aldeburne (2)
Ancholm (2) (2)
Avon (Bristol in Somerset and Wilts) **(2) (2)**
Ayre (1)(2) (2) (2) (2)
Bekyrsdyke (tributary of the Trent now known as the Idle) (2)
Brant (Lincolnshire) (* The statutes referenced relate only to navigation) **(1) (2)**
counties of Cambridge and Huntingdon (* The statutes referenced relate only to navigation) **(1)**

(2)
Cherwell (2)
Colneystreme, and its tributaries (Colne) (* The statutes referenced relate only to navigation) **(1) (1) (2) (2)**
Derwent (Yorkshire) **(*** The statutes referenced relate only to navigation) **(2) (2) (1) (2) (2) (2) (2)** (2)
Don (Done) (2) (1) (2) (2) (2) (2) (2) (2)
Great Ouse (2) (2) (2) (2)
Tributaries of the Great Ouse (Great Ouse and other waters descending thereto) (2) (2)
Hull (2) (2) (2) (1)
Idel (North and South) (Yorkshire & Nottingham) (Idle) (2) (2)
Kenett (2)
Kyme Eau (River Slea) – a tributary of the River Witham (2)
Lamborne (2)
Lee(Lea) (2) (2) (2) (1) (2) (2) (2) (2) (1) (2) (2) (2)
Medway (Medeweie) (2) (1) (1)
Nidde (Nidd) (1) (2) (2) (2) (2)
Ouse (Yorkshire) (1) (2) (2) (2) (2) (2) (1) (2) (1) (1) (2) (2)
Paret (Peret) (2)
Ree (River Ray)(Ottmoor) (2)
Severn (2) (2) (2)
Swale (1) (2) (2) (2) (2) (2) (1)
Taw (* The statute referenced relates only to navigation) **(1) (2)**
Test (2)
Thames and other streams (in the counties of Middlesex, Surrey, Berks Buckingham and Oxford) **(2) (2) (2) (2) (2) (2) (2) (2) (2) (1) (1)** (2)
the waters and great rivers in the county of Salop (1) (1) (2)
Tone (2)
Trent (2) (2) (2) (2) (2) (2) (2) (2) (2)
Tyne (2) (2) (2)
Ure (Yore) (2) (2)
Weland (2)
Wharfe (Wherf / Querf) (1) (2) (2) (2) (2) (2) (1)
Witham (Wythoin) (* The statutes referenced relate only to navigation) **(1)** (2) **(2) (1)**
Wye (2) (2)

Other Rivers mentioned in other sources

River Avon (Salisbury) – Order of the Commissioners of Sewers in Hampshire Archives ref 24M82/PZ3. - An order for the regulation of the River Avon made at the Salisbury Quarter Sessions states that the free passage of boats have been let [obstructed] and stopped and provides for the river to be kept open. The order confirmed the ancient custom to leave free a passage of fifteen feet wide

River Fleet - "*The Fleet ditch ought of right be ten feet wide and to run in such volume towards the east and back towards the west that boats laden with a tun of wine can float theron*." - Coram Rege Roll, Hil., 30 Edward III. Rex 24. Cited in Public Works in Mediaeval Law, Volume II.Editor C.T.Flower. Selden Society Vol. 40 (1923), 32-36. (a tun was a large cask for liquids, especially wine, equivalent to approximately 252 gallons (954 liters).

River Taw - There is an interesting reference to King Henry VIII ordering the removal of the weir at Umberleigh as an obstruction to navigation in The Lisle Letters (see letter 115, page 140). There are those, desperate to use any argument to support their preferred view, that suggest the removal of this weir was unrelated to navigation but page vii of the Foreword by Hugh Trevor Roper, the prominent historian, makes quite clear that in his view this weir was removed as an obstruction to navigation.

Rivers Weland and Glene. The commissioners of sewers were required by a writ of ad quod dampnum, to ensure that in the draining of some fens the work should not be prejudicial 'either to the navigation [of the rivers Weland and Glene], or to the common-wealth, &c. requiring them to take care thereof.' - William Dugdale, The History of Imbanking and Draining of divers fens and marshes. 2nd Edition, Revised and corrected by Charles Nalson Cole. London: Richard Guest. 1772, 205.

Rother (East Sussex) 1331. Commissioners were appointed to investigate the blockage of the river by the throwing out of ballast [at Bodiam] and were ordered to appoint places where ballast was to be discharged. - Rotuli Parliamentorum, 12 May, 1 Henry IV. Quoted in Mark Anthony Lower, 'Bodiam and its Lords.(*)' Sussex Archaeological Collection. Vol. 9. (1857), 275-302, 296.
(* see page 23)

River Fowey (Cornwall) - An act (6 George IV. Cap. 163, Royal Assent 22nd June, 1825) for executing the Liskeard and Looe Canal was obtained in 1825, under the title of "*An Act for making and maintaining a navigable Canal from Tarras Pill, in the parish of Duloe, in the county of Cornwall, to or near Moorswater, in the parish of Liskeard, in the said county, and for making several Roads to communicate therewith.*"

> *By this act the proprietors are incorporated as "The Liskeard and Looe Union Canal Company," and have power to cut the canal, roads and other works connected therewith, to take water from the River Looe and Crylla Rivulet, and to use part of the latter as a feeder, under certain restrictions; and that no injury may be done to the navigation of the Fowey, of which river the Crylla is a tributary stream, …..* See report from Historical Account of the Navigable Rivers, Canals, and Railways, of Great Britain By Joseph Priestley.

River Brent (tributary of the Thames) A provision in the Act of 1793,33George III cap80 dealing with the construction of the Grand Junction Canal (later the Grand Union Canal) requires that '*Navigation of the (River) Brent not to be impeded.*' (see penultimate page)

River Axe (Somerset) An act of 42 George III Cap 58 states
"WHEREAS there are feveral Low Lands and Grounds in the feveral Parifhes, Chapeiries, Villages, or Hamlets of *Wookey, Wesbury, Rodwy-Stoke, Wdmore, Mear, Weare, Nyland, Badgworth, Biddifham, East Brent, South Brent,. Cheddar, Axbridge, Compton Bishop, Loxton, Bleadon, Brean, Berrow* and L*hympsham* all in the County of S*omerfet,* lying on or near, and draining into the River Axe; which, from their low and flat Situation, and by reafon of there not being any Dam, Sluice, Lock, or Stophatches,,in, upon, or acrofs the faid River *Axe* in order to prevent the Water from the *Brifiol* Channel at High Tides from running up the faid River, and by the circuitous Courfe of the faid River *Axe* and by the Narrownefs of the fame, and by divers other Obftructions, Impediments, and Annoyances, in Bridges and other wife, in, over, upon, and near to the faid River *Axe,* are very liable to be flooded and the faid Low Lands and Grounds are thereby rendered in a confiderable Degree unprofitable to the Owners and Proprietors thereof; but if proper and fufficient Cuts, Rhines, Drains, Outlets, Floodgates, Locks, Dams, or Sluices, and other Works and Conveyances., were made for draining and preferving from future Floods the said Low Lands and Grounds, great Benefit would accrue to the Owners and Proprietors thereof, and to the Publick, and the Navigation of the said River *Axe* would be improved;"

This clearly indicates there was already a right of navigation.

Acts of Parliament & Other Statutory Instruments Stating or Implying Pre-existing Navigation Rights

River Axe (Somerset) - 42 George III c 58. (1802)

"XII And be it further enacted, That all Persons whomsoever shall have free Liberty to navigate upon the said River, with such Boats and Vessels as they have usually employed or may hereafter employ, without any Interruption from the said Commissioners or any other Person or Persons whomsoever, and without paying any Sum or Sums of Money for passing or repassing any Lock or Locks that may be intended by virtue hereof, to be erected thereon, or to any Charge whatsoever."

River Cham or Grant (Cambridge) Act – 1 Ann Statute 2, Cap 11 (1702)

"An Act for making the River *Cham*, alias *Grant*, in the County of *Cambridge*, more navigable, from *Clayhithe Ferry* to the Q*ueen's Mill* , in the University and Town of *Cambridge*."

River Itchen, River Test, River Mole, River Ravensbourne, River Wandle (Surrey), Great Ouse - 16 and 17 Car II c. 12 (1665)

"Provided always, that all such Boats of such Burthen in such manner and for such uses as have been used or accustomed to pass in or upon any of the said Rivers or any of them, before the Making, new Cleansing or Scouring the said River, or Enlarging the Passages thereof and other the aforesaid Premises, and the making this Act, shall and may continue freely to go and pass in or upon the said Rivers and other the Premises, so far and in such a manner as was or is accustomed before the Deepening, Enlarging or Making thereof this Act, or anything herein Contained to the contrary in anywise notwithstanding."

The Timber Act -1 Eliz 1 c15 – (1559)

Confirms navigability (via floating of logs) on "any Part of the Rivers of *Thames, Severn, Wye, Humber, Dee, Tine, Teese, Trent* or any other River, Creek or Stream, by the which Carriage is commonly used by Boat or other Vessel to any Part of the Sea."

As evidence that rivers continued to be used for the floating of logs, see Observations on the Western Parts of England by William Gilpin (page 32) which makes reference to the floating of timber rafts upstream of the Statutory Limit of Navigation on the River Wey, which, at the time, was Guildford (written about 1760).

The Bristol Roads and Avon and Frome Navigation Act - 11 Will. 3 Cap 23 (1698)

"An Act for the better preserving the Navigation of the Rivers Avon and Froome..." The title illustrates that this was already navigable.

The Act for the Grand Junction Canal, 33 George III, cap 80. (1793

Requires that nothing in the making of the canal is to impede the navigation of the River Brent

(1662) Act for Wye and Lugg

"Provided also that it shall and may bee lawfull to and for any person or persons to use, occupy or imploy any boate, barge, Leighter or other vessel upon the said River of Wye for the carrying, transporting or conveying of any passengers, goods or any other things whatsoever, as freely to all intents and purposes as is or hath beene used or accustomed." (implies previous public use)

(1671) 22 & 23 Charles II c 25

An Act for the River Witham makes clear that the Act was for "improving" navigation. Prior navigation is amply confirmed by the Royal Commission of 1415, June 10, referring to preservation of navigation on the Witham from Claypole to Lincoln.

(1781) 21 George III c 22 – An Act for the Bourn Eau

Preamble to the Act, *'An Act for improving the Navigation of the River called Bourn Eau.' makes clear that there was prior navigation.*

(1785) 25 George III c 100 – An Act for the Arun

"*An Act for amending and improving the navigation of the River Arun, from Houghton Bridge, in the Parish of Houghton in the County of Sussex, to Pallenham Wharf, in the Parish of Wisborough Green ..., and for continuing and extending the navigation of the said River Arun, from the said Wharf ... to a certain Bridge, called New Bridge, situate in the Parishes of Pulborough and Wisborough Green, in the said County of Sussex*". Pallenham was already a wharf, demonstrating that the river was already navigated by vessels of a suitable size.

(1715) 2 George I s 2 c 24 – An Act for the River Kennet

"with Boats Barges Lighters and other vessels and have and enjoy all necessary and convenient Libertys for Navigating the same without any obstruction whatsoever paying such Rates and Dutys as have been usually paid to the Owners or Occupyers of any Locks Turnpikes or other Engines …." (implies previous use)

(1720) 6 George I c 30 – River Idel Act

In the River Idle Act there is provision for Thomas Lister, who had received a toll by 'Right and Ancient Custom' to continue to receive a toll both from those boats which loaded at Bawtry and from those boats passing by. No reason has been found for the establishment of this toll."(from Caffyn 'The Right of Navigation on Non-tidal Rivers and the Common Law'. 2004") - This demonstrates that there was navigation by custom prior to the navigation Act of 1720.

(1700) 11 & 12 William III c 22 – An Act for the River Larke alias Burn

In the Act it is stated that William Gage and others have '*heretofore when there was Occasion carried and conveyed the Hay and other Product of the their said Grounds out of the same by Boat upon the said river.*' demonstrating earlier rights of navigation.

(1767) 7 George III c 96 – An Act for the River Swale

"*Provided also, and it is hereby enacted and declared, That nothing in this Act contained shall prejudice or impede the Navigation up any River or Brook running into the River Swale, between its Junction with the River Ure and Morton Bridge, (the section made navigable) so as the same be no Obstruction to the Navigation of the said River Swale.*" This demonstrates prior navigation on the tributaries which were minor, fast flowing rivers.

23 George II c 12 – Act for the River Lune

An Act for improving the Navigation of the River Loyne, otherwise called the Lune, implying previous use.

River Stour (Kent) - Calendar of Patent Rolls, 1258-66, 342

"Licence for the Friars Minors of Canterbury to build a bridge over the water of Stoure, between the site of their house and their place called Brokmede and hold it to them and their successors for ever, so that little ships (namcule) may pass under it without impediment: on testimony by the bailiffs and citizens of the said city this will not be a nuisance to the city." This demonstrates public rights of navigation.

22 Charles II c 16 – Act for the River Waveney

The Act required the commissioners to ascertain the damage done previously by the haling of vessels on the rivers which demonstrates earlier navigation.

1630 - The Lynn Laws

"*The navigation passage and highways, in, upon and about all and every the navigable rivers within the limits of this commission, as namely, the river of Ouze, Grant, Nean, Welland and Glean, shall be likewise preserved…*" - Confirms prior navigation.

The Free Passage, Severn Act, 1430

"ITEM, because the river of Severn is common to all the King's liege people to carry and recarry within the stream of the said river to Bristol Gloucester and Worcester and other places to the said river, all manner of merchandises and other goods and chattels as well in trowes and boats as in flotes commonly called Drags, in every part joining to the river …." (Confirms public Navigation Rights already exist)

Tolls as an indication of rights

There are rights to charge for the use of privately owned property – tolls. But such rights have never naturally applied to the use of rivers which demonstrates the existence of a superior public rights. Examination of the relatively few court cases, Royal Commissions and charters and Acts "granting" specific rights to override the underlying public rights in return for identified public benefits illustrates this.

Equally, legal cases and royal commissions challenging the levying of tolls that had not been specifically granted by due legal process demonstrates that such rights did not merely arise as a consequence of ownership.

The River Lee/Lea

There are records of the appointment of four Royal Commissions with the remit to investigate the levying of unauthorised tolls (Edward III, vol. 13, p. 282, Edward III, vol. 14, p. 345 Edward III, vol. 14, p. 346. Richard II, vol. 1, p. 474, Richard II, vol. 2, p. 144, Richard II, vol. 3, p. 473, Richard II, vol. 3, p. 472)

Eau of Kyme

There were complaints regarding the levying of tolls on this river. The Lord of the Manor countered this by a petition to the king Edward III, vol. 5, p. 576

This petition was granted but on the basis of the petitioners undertaking to maintain the river to the benefit of the public navigation rather than on the basis of any riparian rights arising from ownership.

Nottingham's Charter

The City of Nottingham had been granted (via a Royal Charter of 1155) the right to levy tolls on the River Trent. The case of The Mayor and Burgesses of the Town of Nottingham against Richard Lambert established that the levying of such tolls was dependant on the public receiving a benefit or consideration (such as the preservation of the navigation) which no longer applied and therefore the tolls were no longer valid.

The King v Clark

This case of 1702 ruled that " *to hinder the course of a navigable river is against Magna Charta, c. 23, ...as here the taking of money to let people pass.". This general position can only be overruled by due process of law such as a statute specifically granting such a right.*

Navigation Acts

Some believe that other than a select few "Great Rivers", it was the Navigation Acts for specific rivers that created public navigation rights. As can be seen from the evidence assembled here there is no validity to the claim that navigation rights were confined to a select few rivers. Many

Navigation Acts make no reference to public navigation rights, others make express declarations and other confirm navigation prior to the Navigation Act. The true purpose of the Navigation Acts was to authorise the levying of tolls contrary to the general prohibition implied by Magna Carta Clause 33 and upheld by the case of the King v Clark 1702.

Observations

1. There are those that suggest that the provisions to protect navigation contained in the statutes refer only to a small number of “great rivers” whilst the provisions to protect fish and prevent flooding apply to all rivers. There is nothing in the text of the statutes to support this and the inclusion of rivers such as the Salisbury Avon, the Taw at Umberleigh, the Fleet, the Parett and Tone with specific reference to navigation clearly demonstrate that this is not so.

2. While the statutes refer to the removal of physical obstructions only, the brief to the commissioners for the river Lee make it clear that restrictions in the form of tolls and other charges were also regarded as obstructions to navigation.

3. There is nothing in any of the statutes, the appointments of Commissioners or the orders of Commissioners that limits the sections of rivers which are considered navigable other than the physical constraints of the river and the size of the boats using them.

4. The statutes 25 Edward III and 45 Edward III relate ONLY to obstructions to navigation, therefore any Commission referencing these statutes can only relate to navigation.

5. **Glason's Patent**

   Within the reports of Simpson v A-G [1904] concerning the River Ouse there is a section concerning Glason's Patent. Lord Macnaghton says:-
   "By Glason's patent the patentee (who represented that he had invented a method of making locks, sluices, bridges, cuts, cranes, and mill-dams for grinding corn, raising water, and making rivers navigable and passable) was authorized to practise and use his invention in any rivers within the realm for the period of twenty-one years, and to take for his own use without let of the King whatever contribution, composition, advantage, and commodity might be agreed or consented to be paid in respect thereof. There was a provision enabling the King to revoke the patent if, upon examination had before six or seven of the Privy Council, they should declare in writing that the patent was inconvenient to the realm."

   This indicates that there was a right of navigation in all rivers subject only to the practicality of navigation. The patent gave the right to use his invention in any river which would be a nonsense if there was no right of navigation. The patent didn't create any PRN so it must have already been there.

Conclusion

The above represents the overwhelming weight of evidence that public rights of navigation existed in all rivers with no constraint other than the practicality of navigation by vessels of a given size. There is, quite simply, no evidence from Statute, Royal Commission or court case that challenges this.

Public navigation rights can only be modified or extinguished by Parliament, either directly or through delegated powers. There has been no such “due legal process” to change the law (if there had been, lawyers or historians could say what it was) so the same public navigation rights must still exist today.

Yet in the year that celebrates the 800th Anniversary of Magna Carta as a bastion of all aspects of the law against the abuse of arbitrary power, the law and the evidence, including that of Magna Carta itself, are not defended. Landowners, including the National Trust, local councils and sectional interests intent on making our rivers their own private preserve, are complicit in attempts to override the public's navigation rights, recognised and defended by Magna Carta and subsequent statutes, while Defra in England and Welsh Government in Wales simply look the other way.

In Scotland, which never benefited from Magna Carta itself, public navigation rights are enshrined in modern legislation (*Land Reform (Scotland) Act, 2003*). It's time that the same certainty is restored to England and Wales as originally intended by Magna Carta, Clause 33 (Clause 23 in subsequent versions).

In 1215, Magna Carta was a sham. King John had no intention of observing the agreement and within weeks he had petitioned the Pope to have it annulled. When we celebrate the 800th anniversary in June, will we be honouring the spirit of what Magna Carta became over the centuries that followed 1215 or paying lip service in the style of King John?

Remember Clause 33 …..

or forget Magna Carta!