

LIONEL DE BRADENHAM AND COLCHESTER.

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LIONEL de Bradenham, although his name has always been familiar enough to those of us who are interested in Colchester history, attained a far wider celebrity by his appearance in the Colchester pageant three years ago. He was there represented as having "seized the fisheries" which belonged to the burgesses, by whom he was beaten and hustled out of the town. This popular version was founded on Morant's narrative in his history of Colchester and his history of Essex. Now I have often had occasion to praise Morant's work as creditable to him in the highest degree at a time when our national records were all still in manuscript and when there were countless difficulties in the historian's path. But I am bound to tell you that on this subject he wrote with great partiality, as an ardent champion of Colchester and its rights. "This Royalty of Colne Water being," says his *History of Colchester*, "so very noble and valuable a privilege, wicked attempts have been made at divers times to deprive and rob this-poor Burgh of it" : he then proceeds to denounce "the covetous and ambitious Lord de Bradenham." This, you will agree with me, does not augur well for judicial treatment of the matter. I regret to say that one must go further and show that Morant's statements are at variance with the very records cited by himself.

Lionel was lord of the manor of Langenhoe, which he held by knight-service of the great house of Fitz-Walter, and was steward of Lord Fitz-Walter's manor of Lexden. The source of the trouble lay in certain creeks which ran up from the Colne through the marshland of his own manor. Lionel, says Morant, "was a very troublesome and incroaching man, and endeavoured to appropriate to himself the Geedons, part of the Royalty of the river Colne, belonging to the Corporation of Colchester, pretending that they lay within his manor and inclosed them with piles." For this he refers us in his *History of Essex* to an entry on the Patent Rolls of 1362, which he quotes in a footnote (I., 416). This quotation I

have verified ; let us see what it tells us, as a matter of historical fact. It tells us that Lionel has claimed the waters in these creeks as being in his demesne and belonging to himself, that he has leased them to certain men, and that these men have driven in large piles, thereby obstructing the entrances to the creeks.¹ But who took action against Lionel and upon what ground was that action based ? Was that action taken by the bailiffs and burgesses of Colchester on the ground that, as Morant puts it, they "have ever had the full and sole right of fishing in the said water or river, and all the creeks and waters thereunto belonging, exclusive of all other persons whatsoever without their license and authority" ? We turn to the record quoted by himself and we find the very contrary.

In the first place action was taken on behalf, *not* of Colchester alone, as having such sole right, but on behalf of the inhabitants—*hominum communitatis villarum* is the precise phrase—of thirteen villis, of which Colchester is but one. Morant must have fully realized that this was an awkward fact, for he added a gloss as follows: "The inhabitants of the Parishes above mentioned have licenses yearly from the Corporation of Colchester for fishing and dredging in their Royalty of Colne Water." I regret to say that, on his own showing, this statement was untrue. For he names in his *History of Colchester* what he terms the "Parishes, adjoining to this Colne-water, whose inhabitants are admitted upon License . . . to fish and dredge Oysters in this water." They are only eight in number, and among these we fail to find West Mersea, Peldon, Peet, Wigborough, Salcot, Tollesbury, and Goldhanger, all of which are named, equally with Colchester, as wronged by Lionel de Bradenham. Moreover, to take the second point, what is the ground of action? Is it that Colchester enjoyed, *by charter*, a sole right to the fishery? On the contrary, it is that all these thirteen villis enjoyed, *by prescriptive right*, common of fishery in the arms of the sea called the Swin, Gedon, and the Parrok, which issue from the Colne,² and which Lionel de Bradenham and his lessees had enclosed.

But there is a third point, which is more startling still. It is not even claimed by these thirteen villis that they alone had the right to fish in the waters in question: on the contrary they

¹ Leonellus de Bradenham asserens, jam de novo, dictas aquas in dominio suo esse, et ad se pertinere debere, dictas aquas sibi usurpavit, et eas diversis hominibus ad firmam dimisit, qui quidem firmarii pilos non modicos in aquis illis posuerunt, et introitus aquarum illarum obstruxerunt.—Rot. Pat. 37 Edw. III., pars. 2, m. 45 dors.

² "Cum ipsi habeant et habere debeant, ipsi et eorum antecessores, in dictis Villis manentes, a tempore quo non extat memoria, habere consueverunt Communiam Piscarie in brachiis maris vocatis le Swyn, Gedon, et le Parrok de aqua de Colne exeuntibus."

expressly state that anyone in the kingdom has the right to do so. I will ask you to observe the exact Latin words:—"in quibus aquis liceat *cuilibet de regno* piscari et pisces capere absque impediments quorumcunque." In this statement, remember, Colchester herself joins; and yet, with this statement before him, printed in his own note, Morant did not scruple to assert, in the text above it, that the Record showed "the Geedons" to be "part of the Royalty of the river Colne belonging to the Corporation of Colchester." After this, one is not surprised to find him, on the very same page, writing, under Fingringhoe, that the Corporation "*thought*" the charter of Richard I. "included all the creeks . . . but Marmaduke Rawdon, Esq., recovered from them the Fishery in the creeks called north and south Gedon, as belonging to his manor of Fingringhoe." This was in the eighteenth century. Of that case I know nothing: I merely quote Morant's words as a remarkable admission on his part.

I have not here been arguing any contention of my own; I have merely given you the inexorable witness of an extant public record, a record of which an abstract has now been published by Government as being public property. All that I am here concerned with is the cause of historical truth. If there should happen to be those present to whom that truth may prove unpalatable, to whom the contents of this record may prove an unpleasant surprise, I will ask them, at least, to lay the blame on the record and not on myself. And I would specially ask them to bear in mind the Latin words I quoted above "*cuilibet de regno*." This, I think, they will find, an awkward fence to get over.

It also affords a grim comment on the lines sung by the chorus at the Pageant:—

Colcestrian folk are ill to fight
And whoso robs them of their right,
Or fired by folly or despite,
 Will pay the price and over
By aching back and bruised bone.
The lord of Langenhoe made known
That pearls and oyster beds of Colne
Are for Colcestrian lads alone
And not for random rover.

But although Morant, as I have shown, misstated the evidence with almost incredible partisanship, there is one point at least that he did not attempt to question. Writing at a time when the lord of Langenhoe was Earl Waldegrave he made this explicit statement, which an ancient map, in the British Museum, I may add, confirms:—"There is a sort of island southward of Parrock,

between Mersea creek and Parrock, of about forty or fifty acres, belonging to Earl Waldegrave, called Pewet Island and let with the hall." That is a plain statement of fact as to the ownership of Pewet island at the time.

I turn to Leo de Bradenham and his amazing siege of Colchester. Here again Morant is altogether at fault. After telling us, in his *History of Colchester*, of Lionel's enormities in the Colne creeks and the admiral's decision against him, he continues:—"Enraged at this, the covetous and ambitious Lionel de Bradenham came and besieged Colchester for a quarter of a year." Now we have for this the independent record of the Coram Rege Roll (Mich., 38 Edw. III., no. 48) and of the Patent Roll (Mich. 38 Edw. III.) and they both state that his siege took place in the third quarter of 1350, that is to say full ten years *before* his doings in the river creeks! From the Patent Roll we learn by an entry of December 6, 1364, that

Lionel de Bradenham is indicted of having on Sunday after the feast of St. Peter's chains in the 24th year [8th August, 1350] come with 200 armed men and archers to Colcestre, laid siege on the east side to burn the town and kill the men thereof, entered the suburb of the town, broken the doors and windows of the houses of Nicholas le Hirde, John Elys, and many others dwelling there, and carried away the doors and windows, as well as bread, ale, flesh, cheese, and other victuals of theirs for the sustenance of the said armed men, and made shields and other defences against the men of the town out of the said doors and windows; of having broken the barn of the abbot of St. John's, Colcestre, at Greensted in the liberty of Colcestre and carried away the abbot's hay, oats, and crops for feeding his horses, whereby all the dwellers in the suburb gave up their houses, their goods and their sole chattels and fled into the town for fear of death; of having continued the siege all that day, and, because it seemed that his posse then there could not prevail for the fortitude and power of the town, charged his armed men and archers to retire and beat and kill all men of the town whom they could find at any fairs or markets in the country or elsewhere; of having sent letters to John de Braham, knight,¹ William Tendryng, knight, John Gernon, knight,² Thomas Bretoun³ and other magnates and men of the country of his friendship and affinity to inflict all the evils they could on the men of the town wherever they chanced to find them, sparing none, and so continued the siege for a quarter of a year by ambushes far and near around the town, so that no man of the town, for that quarter, dared to go to market or fair in the country or elsewhere with his wares to make his profit unless he had from him letters or signs of conduct to his ambushed torturers, whereby the men of the town, perceiving themselves in such peril of death if they went forth from the town, and ambushes made everywhere in their country, sent to him, on Wednesday before All Saints [27th October] at Leyrwode [that is, between Layer Marney and Messing], the prior of St. Botolph's and William Haddelgh,⁴

1 Of Braham Hall in Little Bromley.

2 Of Birch.

3 Of Layer-de-la-Hay.

4 William 'Haddelgh' had been bailiff, I find, for the five previous years.

asking him to admit a ransom for them to have their life and pass securely into the country with their wares and merchandise, so that on Sunday after All Saints (7th November) he came to Colcestre with a great multitude to the priory of St. Botolph and, at the asking of the said prior and William, admitted the men of the town to his grace and took 20*l.* by name of a ransom for granting them their life and permitting them to be in peace, as an enemy does to his enemy in a land at war, contrary to his allegiance due to the king, afterwards sending letters to the knights and others to whom he had previously sent letters of molesting, not to molest the men of the town.

A further count of the indictment charges him with releasing two criminals from Colchester castle, of which he was then constable, and yet another charged that when he had surrendered himself to the King at Colchester, Wednesday after the quinzaine of Michaelmas, while committed to the marshal in the marshalsea prison, he broke out and escaped to the church of the Friars Minor of the same town." When interrogated by the coroner he said that he had fled there for protection because "he was a felon."

He was also charged with having narrowed some waters called 'Le Geden' and 'Le Parrok,' issuing from the port of Colchester to the sea, by which narrowing John Spog of Colchester and three other men, unknown, were drowned by his default about the feast of the Invention of the Holy Cross, in the 36th year [*circ* 3 May, 1362]. After reciting all these charges the Patent ends :—

The king of special grace has pardoned him the king's suit touching the said seditions, felonies, and acknowledgment and consequent outlawries.

So the robber baron, after all, seems to have gone scot free.

There is one more point that I should like to make clear. Morant, in his *History of Colchester*, represents the issue tried before the Admiral, Robert de Herle, to have been Colchester's exclusive right to the fishery. It was nothing of the kind. I do not ask you to take my own word for this. That very learned and legal body, the Selden Society, in its *Select Pleas of the Court of Admiralty*, deals with it as a case of 'obstruction' (p. xlv.), that is to say, narrowing the channel. I have personally examined the document appended to the Coram Rege Roll, which is a *supersedeas* issued in November, 1369, and I find that the King refers to the Admiral's decision and states that Lionel's action had been taken in "nostrum contemptu et exheredacionem ac populi nostri partium illarum"—an indefinite phrase, you will observe—"dampnum non modicum." As a matter of fact trading ships could no longer pass freely up and down the river and at least one Colchester man had been drowned through Lionel's obstruction of the passage. Free access to the sea was for

¹ *i.e.* the Grey friars.

Colchester a vital necessity, as it was for Exeter, and Exeter had exactly the same trouble in its long struggle with the earls of Devon, who obstructed the river below the town.

In conclusion let me refer you to that valuable and instructive *History of Brightlingsea*, which a member of our society, Dr. Dickin, has lately published. He, also, had seen this Patent Roll which I have brought to your notice and had observed that its entry is incompatible with any exclusive right to the Colne fishery at the time.¹ All the men (*omnes homines*) of East Mersea, West Mersea, Langenhoe, Peldon, Fingringhoe, East Donyland, Brightlingsea, Alresford and Thorington—say the jurors on the Coram Rege Roll—all have from time immemorial enjoyed free fishery (*liberam piscariam*) in waters of which Morant asserts that Colchester alone could fish there.

[*This Paper was read at the General Meeting on April 29th, 1913.*]

¹ *Op. cit.* p. 131.