

On Her Majesty's Service

WASC 309

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4-10-1904

FITCH. E.A. — LETTER FROM
MALDON TO TREASURY —
SOLICITOR ON SUBJECT OF
MAPS AND THE RIVER LEA
(6 SHEETS)

WASC 309

Re WALTHAM FISHERIES

LEE

E.A. Fitch
LETTER from Mr. JOHN and
enclosures.

TREASURY SOLICITOR,
Law Courts Branch,
ROYAL COURTS OF JUSTICE,
STRAND, W.C.

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MALDON,

E S S E X,

4th October 1904.

Dear Sir,

River Lea, Waltham.

I did not answer your letter of the 30th ult. until I had seen Mr. Herbert H. Gibson today thinking he would know exactly what you wanted.

I have a number of maps dating from Saxtons and Norden's (1594), Speeds (1610) etc. A lovely one coloured in Holland about that date that shews the boundary in dispute very clearly. But these old maps are not reliable as to scale or as to boundaries and I fear would only go as collateral evidence.

I have been well acquainted with this Waltham boundary question for many years owing to the artificial cuts made in the shifting Lea but think the enclosed historical extracts will be more to your purpose, especially if you can trace the cases which could probably be done also some record should exist as to the new canals and bridges whose dates are mentioned approximately by Maynard.

You are quite welcome to examine my maps and books and would you attend here or send a representative or shall I bring them to you? This would be a little troublesome but I could bring them to London next Monday Morning if you care to make an appointment.

Yours faithfully,

EDWARD A. FITCH.

E.M.Reid Esq.,

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Extract from The History of the ancient Town, and once Famous
Abbey, of Waltham, In the County of Essex etc. By J. Farmer
(1735) pp. 74-6.)

In this suit was Peter, Duke of Savoy (the Kings dear Uncle) first Founder of the Savoy in London, on whom the King conferred Lordships, and Cheshunt amongst the rest, Plaintiff. Simon, the Abbot and the Convent of Waltham, Defendant.

The Judges were Ralph Fitz Nicholas John of Lexington, Paulin Peyner Seneschal, Henry of Bath, Jeremy of Caxton, Henry de Bretton; and Adam de Alverton was Solicitor for the Plaintiff.

The case stood thus:-

The Plaintiff endeavoured to prove, that the Stream of the River Lee, (called the King's Stream) dividing Hertfordshire from Essex, ran through the Town of Waltham, all the Land West thereof belonging to the Manor of Cheshunt; this was denied by the Defendant, maintaining that small Lee Stream running well nigh half a Mile West of Waltham, parted the Counties; all the interjacent Meadows pertaining to Waltham.

Not long after, this Suit was finally determined, and Peter, Duke of Savoy, the Plaintiff remised, and for ever quitted Claim from him and his heirs, to the said Simon, the Abbot and his Seccessors, all the Right and Claim he had to ask in the same Meadows and Marshes of the said Abbot. This is called in the Instrument "Finalis Concordia", though it proved neither Final or Concord, for soon after this, Disputes arose again and broke out afresh, and the Matter was in variance and undertermined betwixt Robert and the last Abbot and the Lord of the Manor of Cheshunt when the Abbey was dissolved.

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There were a great many reasons that might, and at that Time did concur to lengthen the Cause.

1. The Considerableness and Concernment of the Thing in Controversy being a large and rich Portion of Ground.
2. The Difficulty of the Cause, about the Channels of that River, which Protens like, in several ages, had appeared in sundry Forms, disguised by Derivations on different Occasions.
3. The greatness of the Clients, Cheshunt Lordship being always in the hand of some Potent Persons, and the Corporation of Waltham Convent able to wage Law with him, so that this Suit hath been as long livd as any in England.

And there has to this Day been Suits commenced about these Bounds; Tho' never brought to an Issue: For if the Walthamites did but stoutly exert themselves and proceed to a legal trial, they would knock o'th Head all that the Cheshunt People pretend to, either in Right of Common or Fishery on that Side next the Common, in which they are daily trespassing the Cheshunt People well knowing the Richness of Waltham Meadows, both in respect to Grass and other Commodites, is worth disputing for.

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Extract from The Parish of Waltham Abbey, its history and antiquities By John Maynard (1865). pp. 87-90.

This Parish also possessed Edmondsea Marsh: but they have now sold it to Government, who formerly paid ten pounds per annum to the Parish for lands cut through to form a navigable stream, running by the Fining-house, (the bridge over which government keeps in repair); they also had the accomodation of a foot-path and a road-way, which was included in ten pounds rent. The gunpowder mills here, were originally private property; and one hundred and thirty years ago, were in the possession of Mr. John Wolton, who used to supply the Government with great quantities; it then became the largest gunpowder factory in England.

The first bridge he arrives at (after the Railway Bridge) is called the Small Lee Bridge which takes its name from the stream which flows under it.

The second bridge is called the Barge-river Bridge; it is kept in repair by the trustees of the river, who pay to the marsh wardens, six pounds per annum for the rent of the land, cut through these marshes in the formation of this part of the river, not much more than a century since.

Directly after passing over this bridge, we come to another, contiguous to the King's Arms, which was rebuilt by Government between forty and fifty years ago.

The next we arrive at, is called the Fining-house Bridge; it belongs to Government, and is kept in repair by the officers.

Proceeding along the street, we came to the old Barge-river Bridge; this is the grand stream of King Alfred the Great, and which was made navigable in the reign of Queen

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Elizabeth, and was forsaken, when the new cut (or branch of the Barge River) was opened through the marshes. The stream which flows under this bridge the lord of the manor of Cheshunt contended for (with the Abbot) as being the boundary between the parishes of Cheshunt and Waltham Abbey; and also that which divided the counties of Hertfordshire and Essex, the while the Abbot of Waltham protested that the Small Lea Stream was the one which divided these counties, as before noticed.

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