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## CHANGES IN THE COURSE OF THE ROTHER

By W. V. RENDEL

THESE notes<sup>1</sup> are intended to give some account of the circumstances in which the 1633 Map of part of the Wittersham Level (now in the County Archives at Maidstone) was made.

1. At the beginning of the seventeenth century the Rother ran to the North of the Isle of Oxney (instead of to the South of that island as now). At that time the river turned North at Maytham Wharf (a) and ran by Small Hythe, Reading (b) and Oxney Ferry (c) to a point a little South of Appledore. There it turned South and running by Knock (d) and Guldeford Ferry (e) entered the sea near Rye. From Maytham to Appledore the channel was—over the whole of that stretch—substantially that of the present Reading Sewer. From Appledore southwards the river ran in the High Knock Channel.

2. At this time the area drained by the Rother was governed for drainage purposes by separate Commissions of Sewers for

- (i) the Upper (or Newenden) Levels extending from Ewhurst to Kench Hill (f) ;
- (ii) the Level of Shirley Moor (g) (including the marshes of Red Hill (h) and Appledore) ;
- (iii) the Ebony Level (i) (including the marshes of Stone) ;
- (iv) the Wittersham Level ; and
- (v) Walland Marsh.

Romney Marsh which was partially (i.e. in the case of the Five Waterings) drained by the Rother had of course its own separate constitution.

[NPC 3 for (i) (ii) and (iii)]

3. The Newenden Levels contained about 3,000 acres and were at this time all substantially Drowned Lands, wet both Summer and Winter and of little or no use. The levels of Shirley Moor and Ebony contained some 2,000 acres and were substantially Summer Lands, i.e. used in the Summer but not in the Winter. In the Wittersham Level there were some 1,000 acres of High Marsh and some 1,500 acres of Low Marsh. (In the litigation referred to in para. 24 below Wittersham alleged that at the beginning of the century all the high marsh and

<sup>1</sup> For an explanation of topographical and bibliographical references see paragraph 37, p. 71.

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most of the low marsh had been good summer and winter lands but this may have been advocacy rather than fact.)

[NPD 7 and HRM 163]

4. The Wittersham level was cut off from the Newenden levels by a wall known at that time as Knell's Dam or Maytham Wall (j).

5. In 1600 "or thereabouts" a breach occurred in Maytham Wall. The Newenden levels emptied into the Wittersham level and "within 10 days" all the Drowned Lands were drained. The Commissioners for the Newenden levels thereupon made 3 successive proposals to Wittersham

- (i) that the Newenden levels should be allowed "to pass their waters that way";
- (ii) that they should be allowed to make a new sewer for their own use through the uplands of Wittersham;
- (iii) that they should be allowed to sue their "dead waters" in the summer through the Wittersham level.

Each of these proposals was rejected by Wittersham. The breach in Maytham Wall was accordingly repaired and the Newenden levels were "again drowned".

[TH iv]

6. The Commissioners for the Newenden levels then attempted to improve the channel between Maytham and Reading. A new "back sewer" was cut between Acre Brook (k) and Reading Ferry. This got the water away successfully as far as Reading but from there the depth of channel sufficient to drain Shirley Moor in the summer was insufficient to carry also the water from the Drowned Lands.

[NPC 4 and TH v]

7. The Newenden Levels then approached Shirley Moor and Ebony with a proposal that the 3 Levels should be joined in a single Commission so that between them they might control the Rother "as far as the issue of the Five Waterings (l) at Cheriton Bars". (m) It was assumed that if enough fall could be obtained as far as that point the tide would keep the channel open thence as far as the sea.

[TH vi]

8. These negotiations succeeded and on 1st April, 1609 a joint Commission for the three levels was issued. The limits of its jurisdiction were from Ticehurst to Knock and Cheriton Bars and thence "as far as the low water marks at the sea" but excluding all lands within Romney, Walland and Guldeford marshes.

[NPC 3 NPB 9 and TH vi]

9. However matters did not in fact improve. In 1612 unsuccessful efforts were made "to scour the channel with the spade". In

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1615 indraughts were made in Ebony and Peening (n) but these also failed to produce results.

(NPC 5, 6 NPD 22)

10. In 1619 matters were so bad at Rye that a Petition was addressed to the Lord Warden.

[HRM 150]

11. In May 1622 negotiations were undertaken by the Upper Levels with Walland and Romney Marshes for the making of a third indraught of 240 acres—at Woodruff (o) in Walland Marsh and for a stop or sluice in the Rother at Thorney Wall. These negotiations were successfully concluded in March 1622/23 and thereupon Mr. Sergeant Henden of Woodruff granted a 31 years Lease to 24 of the Commissioners of the Upper Levels at £180 p.a.

[Case to Counsel (1627) in NPA 20 : NPC 6 and TH3]

12. In April 1623 the Upper Levels resolved upon an elaborate programme of works including

- (i) the making of the indraught at Woodruff ;
- (ii) " divers works of vast charge " for the security of Romney and Walland Marshes ;
- (iii) the widening of the Rother at Thorney Wall (p) to 90 feet, thence to Reading to 85 feet, thence to Kench Hill to 80 feet, then to Bodiam Bridge " in the like proportions " and narrowing finally to 40 feet (all measurements " at the top "). From Oxney Ferry to Red Hill the width had previously been 60 feet, thence to Reading 50 feet, thence to Bodiam 40 feet.

[NPB 12, NPC 7 TH vi, vii, 19, 27]

13. In 1626 " an Extraordinary Tide and divers storms " endangered the walls of the new indraught and " the great freshwater sluice " at Thorney Wall. Repairs cost more than £2,000.

[Case to Counsel (1627) NPA 21]

14. On 18 September 1627 a sworn jury after a survey of the levels made a comprehensive report to a Session of Sewers at Sandhurst, finding inter alia that owing to the unsatisfactory state of the walls, the main part of the indraught at Woodruff could not be used and should be walled off, that the neck of the indraught (about 35 acres) should in future alone be used, and that " the great freshwater sluice " required repair. The jury made recommendations as to the method of using the indraught, as to the raising of money and other matters.

[NPA 10]

15. Rye was by now again in a bad way and on 7 February 1627/8 the King gave a licence to the Corporation to seek alms for the repair of the Harbour. At Guldeford Ferry there was only 18 inches of water at ebb tide.

[HRM 150]

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16. In these circumstances in 1629 the Upper Levels reverted to the idea of making a new course for the Rother through the Wittersham Level. They addressed proposals to Wittersham but these were rejected. Thereupon both sides petitioned Lord Keeper Coventry. The Upper Levels asked that a single commission for the two levels should be issued ; Wittersham asked for the continuance of the two existing separate Commissions. In July 1629 a joint commission was issued. On 18 September 1629 a meeting was held in Ashford between the Upper Levels, Wittersham, Romney Marsh and Walland to discuss the proposed works and the financial contributions to be made by the various parties.

[NPC 11 NPD 34 TH 35 HRM 163]

17. There was however trouble between the Upper Levels and Wittersham, as Wittersham had alleged that the Commission of 5 July 1629 had been " surreptitiously " obtained. On 17th November, 1629 the dispute came before the Lord Keeper. He referred the question of the proposed new cut to a Committee of 12 (6 to be selected by each side) with himself as umpire in case of disagreement.

[NPC 12 and HRM 163]

18. On 15 Jan., 1629/30 a new Commission was issued to more than 120 persons representing not only the Upper Levels and Wittersham but also the Romney and Walland Marshes and probably Rye and other places interested in the navigation of the Rother. On 24 March, 1629/30 the Upper Levels appointed Sir Edward Hales and 5 other Commissioners to treat with Wittersham (3 representing the Drowned Land and 3 the Summer Lands). On the Wittersham side, Sir George Fane and 5 others were appointed.

[NPC 13 TH 41 HRM 163]

19. In December 1630 the authorities in the Romney and Walland Marshes having addressed their minds to the Wittersham Scheme put certain enquiries to their Officers. The latter reported on 14 Jan., 1630/31 that

- (i) the Five Waterings and Walland Marsh were in the existing conditions in danger of " losing their sewer " ;
- (ii) to save the situation there were only two alternatives viz :
  - (a) to make a new sewer to Dymchurch or
  - (b) to turn the Rother through the Wittersham Level and to make an indraught of the low lands on that level ;
- (iii) the latter of these two alternatives would be cheaper and safer.

These views were accepted the following August by those to whom they were tendered.

[NPB 14, 15 NPD 69]

20. On 1 August 1631, Wittersham made formal proposals in writing to the Upper Levels including provision that

- (i) Wittersham owners should be compensated for the value of all lands used for the indraught ;
- (ii) " the passage for the sea " into the indraught was to be at least 12 rods (200 feet) wide.

[TH 52]

21. These proposals were agreed in principle. After further negotiations final agreement was reached, the result of which was embodied in a Treaty of 28 Articles. The Treaty was signed on 15 Feb., 1631/32 by the 12 Committee men. The Treaty included the following provisions :

- (i) Provision for new works as follows :

- (a) A new channel to be cut " from Kent Wall (q) to the lands of Mr. Howden and Mr. Michelbourn (r) and so through them to the sea " (s)—50 feet wide at bottom and " of the same depth as the present Wittersham Sewer (t) which is to be accounted part of the said 50 feet ". Walls to be made on each side.

[Articles 3 and 4]

- (b) " The low lands between Kent Wall and Knell's Dam " to be laid out as an indraught.

[Article 5]

- (c) Two " private sewers " to be made 1 in Sussex and 1 in Kent to drain " Wittersham High Lands below Kent Wall ".

[Article 13]

- (d) A " free ferry " to be made at Kent Wall (u) and the question of a bridge at Blackwall (v) " so much insisted upon by the country " to be referred " to a view in the country ".

[Article 12]

- (ii) Financial and legal provisions for compensation and security for compensation.

[Articles 6-8, 10, 11, 17-20, 24-28]

- (iii) Provisions as to future rights of ownership. The indraught lands were to remain in the ownership of the original owners and to be rented to the Upper Levels. The original owners were to retain fishing and game rights and the right in certain circumstances to enclose land against the sea. It was contemplated that the owners might " in after times " resume possession.

[Articles 9, 14 and 15]

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- (iv) Legal provisions designed to validate the Scheme including provisions for
  - (a) an agreed finding by a Jury ;  
[Article 19]
  - (b) amicable litigation in Chancery ;  
[Articles 22 and 23]
  - (c) a decree by the Commissioners of Sewers with confirmation in Chancery and the royal assent ;  
[Articles 21 and 22]
  - (d) the procurement of a Crown licence for the turning of the Rother.  
[Article 1]
- (v) Provision that in future Wittersham Level should have a separate Commission ;  
[Article 1]
- (vi) Definition of the " Upper Levels " to mean " all the lands sewing into the River of Rother and the channel of Appledore between Udiham Oak (w) and Oxney Ferry " ;  
[Article 2]
- (vii) Provision that " all lands taken from Wittersham for indraught be measured and plotted " .  
[Article 14]

[TH 52 and HRM 164]

(It was pursuant to Article 14 that the 1633 Map was made)

22. In accordance with Article 19 of the Treaty on 21 January, 1632/33 30 Jurors from Kent and Sussex presented a finding to a session of Sewers at Hawkhurst that the Upper Levels could not be preserved without the intended new cut.

[TH 53 and NPD 15]

23. On 5 Sept., 1633 the Upper Levels resolved to start operations in the Wittersham Level. But before much progress had been made a breach occurred—during the Winter of 1633/34—in Maytham Wall as a result of which 1,500 acres in Wittersham were drowned by " dead waters " of the Upper Levels and the works were held up.

[TH 54 HRM 166]

24. Proceedings were thereupon commenced in Chancery by Sir George Fane and Others against Sir Edward Hales and Others. These proceedings were apparently partly in pursuance of Article 22 of the Treaty and partly a result of the events referred to in paragraph 23 above. Later in the month of September 1633 the Lord Keeper ordered that the flood waters should be allowed to remain in the Wittersham Level but that the Upper Levels should indemnify Wittersham for the damage.

[HRM 166]

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25. On 18 Feb., 1633/34 in pursuance of the Lord Keeper's Order a further Treaty was signed between the Upper Levels and Wittersham. This contained 10 Articles and provided inter alia.

- (i) The new works to be completed to the satisfaction of Wittersham and the sea let in before Michaelmas 1635 ;
- (ii) Within 1 year of the sea being let in a "stop or dam" to be made across the Rother between Sir George Fane's lands and Mr. Howden's lands ;(x)
- (iii) A sluice or sluices to be put in "the sea wall" near Sir George Fane's lands ;
- (iv) One or more stops to be put in "the new sewer of Wittersham" above "the pends of the indraught" to "convey Rother waters into the sea at the new gut".
- (v) Kent Bridge to be kept in repair till the new ferry had been made.

[TH 54 and RHM 166]

26. On 8 April, 1634 the Commissioners of the Upper Levels agreed to let to Sir Walter Roberts the 1,400 acres of land in Wittersham intended for indraught for a term of 21 years as from Michaelmas 1633 at a rent of £200 p.a. The annual rent due by the Upper Levels to Wittersham was £1,014, towards which Walland and Romney Marshes were liable to contribute £160 p.a.

[TH 54, 59]

27. On 27 May, 1634 it was reported to a Session of Sewers at Tenterden that the Channel of the Rother from the sluice at Thorney Wall to the Sea was "very much decayed".

[NPB 12]

28. On 4 Nov., 1634 the lease to Sir Walter Roberts was "confirmed"; power being reserved to the Upper Levels to sew their waters through the leased lands "at their pleasure" and to let in the sea.

[TH 47]

29. Early in the year 1635 the Rother was running in its new course and by May 1635 complaints were coming in from many quarters. A Decree of the Commissioners made on 4 May, 1635 recites complaints :

- (i) by the Five Waterings and Walland Marsh that their drainage was greatly prejudiced by the drainage of the Upper Levels through Wittersham ;
- (ii) by Rye, Appledore, Reading, Smallhythe, Tenterden, Newenden and Bodiam that navigation was prejudiced ;
- (iii) by Shirley Moor and the other Summer Lands that there was lack of fresh water for cattle and for fencing.

In the light of these complaints the Commissioners ordered 3 pends to be made in Maytham Wall so as to turn the Rother back into its old



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course ; and on 31 July, 1635 a jury was instructed to report on the results of these pends.

[TH 47]

30. The Jury's report—presented on 26 August 1635 was not encouraging on any view. They found that

- (i) the Rother would not run in its old course unless the water at Maytham Wall was raised to a height 1 foot above most of the Newenden Levels in which case the latter were in danger of drowning in the winter or in " sudden summer floods " ;
- (ii) if the winter waters and summer floods of the Newenden Levels were given " free passage " through Wittersham the Appledore Channel below the sluice at Thorney Wall would swarve up to the prejudice of navigation and of Shirley Moor, Ebony and other lands below Smallhythe ;
- (iii) if the sea was not speedily let in to the low lands of Wittersham it would be prejudicial to the Five Waterings and all other lands sewing into the Rother (some 25,000 acres) ; and the Channel below the issue of the new Wittersham Cut would so decay as to hinder the entry of the water into the indraught to the prejudice of Rye Harbour and the low lands of Wittersham ;
- (iv) if the Appledore course was not used winter and summer a stop would be necessary in Sir George Fane's salts—otherwise the Channel " without the sluice " would swarve up and there would be a lack of fresh water for cattle in that district.

[TH 55]

31. In the light of this Report the Commissioners ordered the pends to be removed so that the Upper Level could " at all times sew their waters and the River of Rother into the indraught " in accordance with the Treaty.

[TH 46]

32. Controversy however continued ; and Sir Walter Roberts and other Commissioners petitioned the Privy Council that matters should be referred to 10 or 12 disinterested Commissioners. This Petition seems to have been dismissed. On 29 June, 1636 the question " pends " or " no pends " was again considered at a Session of Sewers at Cranbrook. It was decided by a majority that " no pends " was best both for drainage and for navigation ; and further that Sir Walter Roberts " should be released from his bargain ". (Exactly what Sir W. Roberts wanted or got is not clear.)

[TH 48 ; NPC 14, 15]

33. The pends were accordingly removed and the Wittersham indraught was brought into use (TH 48 ; NPC 15). From that time to the present day the Rother has run through the Wittersham Level.

39. For the rest of the 17th Century (including the period of the

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Civil War and the Interregnum) controversy continued but was concerned not with what was to be done, but with how what *had* been done was to be paid for. It is sufficient to say here that the principal (though by no means the only) parties engaged in this controversy were the Newenden Levels on one side and Shirley Moor on the other ; and that the principal points in issue were :

- (i) whether scottable lands should be scotted at equal or unequal rates ;
- (ii) whether Shirley Moor was or was not entitled to use a rod of 18 feet for measuring the acre instead of the ordinary rod of 16½ feet used by the rest of the Upper Levels.

[NPA, NPB, NPC, NPD and TH *passim*]

35. The controversy between Newenden and Shirley Moor resulted in scots not being paid in the Upper Levels and, in turn, in rents in the Wittersham Level not being paid by the Upper Levels. Sir George Fane and Others (for Wittersham) took further proceedings in Chancery against Sir Edward Hales and Others (for Newenden) and litigation also seems to have taken place between Newenden (represented by Sir Nathaniel Powell) and Shirley Moor (represented by Thomas Harlackenden). In the result the differences between Newenden and Shirley Moor were composed and on 26 June, 1665 the Upper Levels seem to have been ordered by Lord Clarendon to carry out their obligations to Wittersham.

[HRM 167]

36. Sir Nathaniel Powell says that by 1660 the works in Wittersham had cost the Upper Levels not less than £100,000.

[NPC 30]

37. The lettered references in the text are to the first part of Appendix I (Topography). The sources upon which the text is based are dealt with in Appendix II (Bibliography) and the abbreviations (NPA, NPB, NPC, NPD, TH and HRM) used for the various sources are set out in paragraphs 2 and 4 of that Appendix.

## APPENDIX I

### TOPOGRAPHY

- (a) Maytham Wharf, in the South Eastern corner of the Parish of Rolvenden, is shown on the 6 in. and 1 in. O.S. Maps.
- (b) Reading now known as Reading Street is in the South Western corner of the Borough of Tenterden (6 in. and 1 in. O.S. Maps).
- (c) Oxney Ferry is now known as Stone Ferry. Apparently still a ferry in 1660 it is now a bridge over the Reading Sewer on the Stone-Appledore road. Within recent times it was a toll-bridge (6 in. and 1 in. O.S. Maps).

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- (d) Knock is the bluff at the South-East corner of the Isle of Oxney. Knock Farm is shown on the 6 in. and 1 in. O.S. Maps.
- (e) Guldeford Ferry. The ferry presumably crossed the estuary of the Rother between Playden and East Guldeford.
- (f) Kench Hill level lies on the northern bank of the Reading Sewer between Smallhythe and Reading Street. Kench Hill is shown on the 6 in. and 1 in. O.S. Maps.
- (g) Shirley Moor lies in the parishes of Tenterden, Woodchurch and Appledore. It is bounded on the South by the Reading Sewer, on the West by the Tenterden Sewer (or Huntbourne) which discharges into the Reading Sewer at Reading Street; on the East by the Cradlebridge Sewer (or Hornbrook) which discharges into the Reading Sewer at Red Hill; and on the north by the high ground bordering the Tenterden-Woodchurch road.
- (h) Red Hill is the high ground in the South-east corner of the parish of Appledore. Red Hill is shown on the 6 in. O.S. Map.
- (i) The Ebony Level lies between Ebony (now called Chapel Bank) and the Isle of Oxney.
- (j) Maytham Wall or Knell's Dam ran from the high ground in the Parish of Beckley to the high ground in the Parish of Wittersham. The South-western extremity is shown as Knells Dam on the 6 in. O.S. Map. From New Barn to Maytham Wharf it is called on the 6 in. O.S. Map "Bush Wall". In the 1633 Map the wall is called the Spits Wall.
- (k) Acre Brook has not been traced. The "back sewer" is probably that part of the present Reading Sewer which cuts across the loop in the present Ebony Petty Sewer. (The Tenterden/Wittersham boundary runs along this loop indicating that it represents a former course of the Rother.)
- (l) The Five Waterings are five of the Waterings of Romney Marsh. In 1633 they discharged through a single sewer running through part of Walland Marsh into the Rother at Cheriton Bars.
- (m) Cheriton Bars is shown on Poker's (1617) Map. The place has not been traced on any modern map.
- (n) The Peening level is in the northern part of the parish of Wittersham opposite Smallhythe. The Peening Quarter is shown on the 1 in. and 6 in. O.S. Maps.
- (o) The Woodruff indraught is in the parish of Snargate. It can be seen quite clearly on the 6 in. O.S. Map close to the farmhouse shown as Woodruff's.
- (p) Thorney Wall seems to have been in the parish of Stone and to have run from a point on the High Knock Channel South-west to a point on the Kent Ditch. Such a wall is shown on the 6 in. O.S. Map. A field called "Thorney Wall" still exists.

- (q) What is meant by "from Kent Wall" is not clear—probably a point on the Kent Ditch near where it is crossed by the Iden-Wittersham Road. (This is the point shown as "Kent Bridge" on the 1633 Map.) Part of the Iden-Wittersham road was itself a wall and was known as Kent Wall.
- (r) "The lands of Mr. Howden and Mr. Michelbourn" have not been traced.
- (s) "The sea" means the estuary of the Rother. Evidently "the sea" was considered in 1633 as coming above Guldeford Ferry.
- (t) "The present Wittersham Sewer" seems to have discharged in the High Knock Channel at BM 12.5 (6 in. O.S. Map). Its course is shown on Poker's (1617) Map.
- (u) As to Kent Wall see note (q) above. It was evidently contemplated that Kent Bridge and possibly a long stretch of the Iden-Wittersham road would be impassable.
- (v) Blackwall Bridge is to-day the bridge across the Rother on the Wittersham-Peasmarsh road (6 in. O.S. Map).
- (w) Udiam is on the Rother between Bodiam and Robertsbridge (1 in. and 6 in. O.S. Maps).
- (x) "Sir George Fane's lands" and "Mr. Howden's lands" have not been traced.

The following comments on the topography of the 1633 Map may also be of interest.

- (i) Nearly all the fields shown on the 1633 Map can be identified on the modern 6 in. O.S. Map.
- (ii) The total acreage of the lands to be used for the indraught as shown on the list on the 1633 Map is a little over 1,472 acres.
- (iii) In the top left (North) corner of the 1633 Map the Rother is shown running in its old course from a point a little East of New Barn (6 in. O.S. Map) past Maytham Wharf and Potman's Heath (6 in. O.S. Map). (From New Barn to Maytham Wharf this channel coincides with the County boundary.) In 1633 the present main channel East of New Barn did not exist, nor did the Hexden Channel or the Potmans Heath Channel. The tributary shown as running into the Rother from the North is the Starr Marsh Petty Sewer.
- (iv) In 1633 the Wittersham Level was walled off in the North from the Rother. Inside the Level a main sewer ran (as the 1633 Map shows) from the wall in the North to a point about half-way between Blackwall Bridge and the Iden-Wittersham Road. This sewer coincides over most of its course as far as Blackwall Bridge with the present Otter Channel (and with the County Boundary).

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The loop in the river existing to-day immediately South of Blackwall Bridge did not exist in 1633. Possibly it represents a later diversion of parts of the Decoy Pond Ditch and the Otter Channel. From the end of the loop to the beginning of the Kent Ditch the 1633 main sewer and the present Rother coincide (but do not follow the County Boundary).

- (v) At the point where the Kent Ditch begins the 1633 main sewer divided into two branches "the old sewer" and "the new sewer". "The old sewer" followed the Kent Ditch (and the County boundary) to a point a little West of the Iden-Wittersham road where it was reunited to "the new sewer". "The new sewer" from the point where it left to the point where it rejoined "the old sewer" ran partly in the present course of the Rother partly in what are now private watercourses. The 1633 Map does not show the course of the Wittersham sewer much East of the main road and precisely how it reached the High Knock Channel is not altogether clear.
- (vi) The existence of "the old sewer" and the course of the County boundary suggest that at some earlier date the main channel of the Rother ran South (as today) rather than North of the Isle of Oxney. If so it must have been at a date much earlier than the seventeenth century. None of the seventeenth-century documents suggest such a course and plainly such a state of affairs was not within the memory or the tradition of any of those engaged in the seventeenth-century drainage controversies.
- (vii) The 1633 Map shows three roads crossing the Level—the main Iden-Wittersham road (crossing the Kent Ditch at "Kent Bridge"—New Bridge was not built until after the present channel was cut), the Wittersham-Peasmarsh road (crossing the sewer at Blackwall Bridge—whether the road ran as far as Peasmarsh is not clear) and a third road running from Wittersham to Beckley. (It looks as if this third road, which does not exist to-day, began at the junction of the Potman's Heath-Wittersham and Potman's Heath-Moon's Green roads and crossed the Wittersham sewer by a bridge at the point marked "Windpump" on the 6 in. O.S. Map to join the existing road from Methersham to Four Oaks in Beckley.

## APPENDIX II

### BIBLIOGRAPHY

1. The sources of these notes consist for far the greater part of the material of four seventeenth century printed pamphlets collected by the late Dr. Cock of Appledore and acquired by the writer at the

sale of Dr. Cock's Library at Sotheby's in 1944 and for a small part of the material upon Holloway's "Romney Marsh".

2. The four seventeenth-century pamphlets are

- (i) "A Remonstrance of Some Decrees, and other Proceedings, of the Commissioners of Sewers, for the Upper Levels, in the Counties of Kent and Sussex, touching the Proportioning of Water-Scots upon the said Levels.

By NATHANIEL POWELL, Esq."

(London 1659—52 pages numbered 1 to 52 followed by 18 pages numbered 1 to 18.)

- (ii) "A Summary Relation of the Past and Present Condition of Upper Levels, Lying in the Counties of Kent and Sussex.

By SIR NATHANIEL POWEL, Baronet.

(London 1662—42 pages numbered 1 to 42 preceded by a Dedicatory Letter of 2 unnumbered pages.)

- (iii) "Animadversions on several material passages in a Book Written by Sir Nath. Powel, Baronet. Intituled, A Summary Relation of the past and present condition of the Upper Levels lying in the Counties of Kent and Sussex, Together with a more exact Narration of the State of those Levels.

By THOMAS HERLACKENDEN, Esq.

(London 1663—88 pages numbered 1 to 88 preceded by a Dedicatory Letter of 12 unnumbered pages.)

- (iv) "The Animadverter Animadverted :

Or, Brief Observations on Animadversions. Published by Thomas Harlackenden, Esquire, Intituled, Animadversions on several Material Passages in a Book written by Sir Nathanael Powel, Baronet.

By the same Authour."

(London 1663—72 pages numbered 1 to 72 followed by 2 unnumbered pages. The two pages which should have been numbered 50 and 51 are wrongly numbered 44 and 45.)

In the text of these notes the above pamphlets are referred to as follows :

The first 52 pages of (i) as NPA.

The last 18 pages of (i) as NPB.

(ii) as NPC.

(iv) as NPD.

(iii) as TH.

3. Most of NPC and most of TH consists of narrative or argument. Most of NPA, NPB and NPD consists of copies of documents. Nathaniel Powell was of Ewhurst and principally interested in the Drowned Lands of the Newenden Levels ; Thomas Harlackenden was

of Woodchurch and principally interested in the Summer Lands of Shirley Moor. There is internal evidence that these pamphlets were originally composed as briefs for advocates (whether professional or not) at hearings before the Commissioners of Sewers or in the Privy Council or elsewhere. Facts or documents which are challenged by either of the two controversialists have not been relied upon.

4. Holloway's Romney Marsh is referred to as HRM. It has been used principally for Lord Clarendon's Decree of 1665 which recites earlier facts or documents, but either those recitals or Holloway's copying of the decree are almost certainly wrong in some of the dates and the writer has presumed to make some small alterations.