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Wapping Foreshore Disputes in Stuart Times

By Sally Mashiter

Sally began her talk by explaining that it involved legal matters, in particular the Crown claim of prerogative right to land.

Following a Royal Decree forbidding any new buildings within three miles of the City, which aimed to slow down the growth of London, Wapping suffered. Tenements were subdivided, large properties were converted into lodgings, buildings were built outwards and upwards and open spaces were built on.

King Charles 1 it is reported exercised his divine right as king to ignore previous grants by earlier monarchs and manorial rights and to start afresh from the commencement of his reign. On 9th October 1627, Daniel Lea and Richard Smith paid £500 and were granted Letters Patent by the King to certain houses and wharves built upon Wapping Wall, between Limehouse and Shadwell, upon land reclaimed from the river. There was a rent of £30 per annum but they were entitled to all the income from the land. The wording of the Letters Patent seems to back up the claim that the King was ignoring previous grants because it makes clear that it had not been possible to find all the papers relating to this land and the tenants and the rents they paid could not be set out in the Letters.

In 1628 the Attorney-General went to court on behalf of James, Earl of Carlisle to recover for the Crown part of Hermitage Wharf at Wapping from Sergeant Brampton and John Stepkin. The latter's family had over many years built many houses and shops in the area. The wharf was built upon St. Katherine's or Wapping Marsh which had been flooded by the river up until the time of Henry VIII and then reclaimed and was enclosed by a great bank or wall known as Wapping Wall.

In previous reigns consent had been given to people connected with shipping to build houses on the riverbank but people had built on the wall and foreshore instead. The defendants' claimed that their houses were built on land covered by a Royal grant or that they were entitled to adverse possession having occupied the land for 60 years. This was intended as a test case but in early 1629 it was discontinued.

In the Michaelmas term of 1629 the Attorney General filed a new information against Philpott, Stepkin and others in respect of houses and wharves erected on the soil of the Thames at Wapping Wall in the manor of Stepney. It was now claimed that the Thames was an arm of the sea and a navigable royal port and that the King had always been seised of the soil under the water of the river between the high and low water marks from Hermitage Wharf to Dickeshore in Limehouse, and that the defendants had intruded on it by building wharves, houses and docks on the shore which belonged to the Crown, and were a nuisance to the river. Rents and profits were claimed from the owners of the wharves, houses and docks on the shore and an order that they be removed. On 27 November 1631 the court decreed that the soil and ground between the ancient wall called Thames wall or Wapping Wall belonged to the King as part of the port of London and his inheritance of the crown of England and that the encroachments ought to be removed or the occupiers pay rent to the King.

A commission was set up to investigate and report on the encroachments and seize for the King those houses, buildings, wharves and docks which it found had encroached. Only those owned by the parties to the action were to be seized. Eventually the occupiers agreed to pay rent. An argument was then raised that properties overhanging the river wall, which ran out in some places 30 or 40 feet, were not over the foreshore but this was unsuccessful, it being held that the highwater mark was at the top of the wall.

Meanwhile, on 17 April 1632, Daniel Lea and Richard Smith transferred their grant to the Earl of Carlisle, who was a Scottish aristocrat and favourite of James VI of Scotland, who had come to England with him in 1603. This

Transfer was approved by Charles I on 1 June 1632.

Many Inquisitions and Royal Commissions were being held at this time to identify land illegally reclaimed all along the river front as it was claimed much smuggling had been done by reason of these improperly erected wharves and the perpetrators of treason, murder and other crimes had been enabled to escape by them and in addition, measures needed to be taken to prevent refuse, rubbish, ashes and other filthy matter being thrown into the river.

On the 17 August 1635, there are further Letters Patent setting out King Charles's I's approval of the Earl of Carlisle's transfer, for 2,000 mark, of part of the property he had acquired from Daniel Lea and Richard Smith to the Royal Hospital of Christ's Bridewell and St. Thomas the Apostle represented by leading citizens of the City of London. The transfer was of part of the premises which had long been in possession or occupation of the Corporation of London as Governors of the Hospital and whose rents and profits had for some years past been used for the relief and sustenance of poor people. The Earl did not seek the £30 rent or an apportionment of it. These Letters detailed the property which included "all that dock commonly called the execution dock with the stairs belonging to it now or late in the occupation of Isaack Gould". Execution Dock, located by Tunnel Stairs, appears to have come into use for pirates' executions in the 1500s. Once hanged the bodies were put on display as a warning to users of the river. Also in the Letters the King permitted building in timber on the land, not brick as James I had decreed in 1605.

In 1636, when the Earl died, he was in debt to the King who took back the right to the rents. (The current Earl of Carlisle is descended from a different family.) The King then commenced an action against Stepkin and others and the Earl of Cleveland, who was lord of the manor of Stepney. The King was advised to put the matter to the Barons of the Exchequer rather than to a jury, the verdict of a jury at that date being considered too dangerous. One of the tenants, Gregory Philpott, who remained in possession and paid rent to the King's nominee, had been the tenant of the defendant Peter Stepkin. Stepkin, the ousted owner, brought an action in the court of Common Pleas against Gregory Philpott and others for arrears of rent. The Attorney General sought to stop these actions pending the outcome of the action brought by the King, but on 25 June 1639 the application was refused. On 12 May 1640 they were still proceeding but after this date there is no further trace of them in the records of the Court of Exchequer. The King's case dragged on until 20 June 1640, when it was dropped due to the occurrence of the revolution.

What happened during the Commonwealth? Starting in October 1642 the Corporation of London got the citizens of London to construct a defensive circuit of fortifications. They constructed earthen banks and ditches connecting forts with bulwarks, and batteries of various shapes and sizes. It was known as the Lines of Communication and stretched for 11 miles. Tower Hamlets had to raise £419 4. 7d. towards the cost. This was done by a weekly assessment levied on tenants and landlords. Wapping was divided by the wall which ran down to the river. It is thought the ditch at this point was full of water. In 1647, when the fighting was over, the citizens of London were ordered to destroy the fortifications.

During the Commonwealth there was much shipbuilding and it is thought one ship was built in a yard at Wapping.

Following the restoration, the case of *Bulstrode v Hall* in Trinity in 1663, was an action for ejectment for houses built between the wall of the Isle of Dogs and the River Thames. Evidence was sought as to whether the place where the houses were built was parcel of the manor of Stepney, or parcel of the King's waste, or of the River Thames.

Following the great fire of London many refugees flooded the area. In Wapping in June 1673 there was a dreadful fire. Over two hundred houses belonging to the Royal Hospitals of Bridewell and St. Thomas the Apostle, besides many others, were destroyed. Some of the tenants of the houses lost their lives. As well as household goods, large stores of pitch, tar, timber, planks, cable, cordage, sails and other naval merchandise were lost. The fire was made worse by the fact that the houses there were mostly built of wood, as had been permitted by Charles I. The fire occurred at low water and the causeway leading from the riverside stairs to the river was located right where the fire was raging and was so narrow that people were not able to use it to get to the river to fetch water to fight the fire.

The Corporation encouraged their tenants, to rebuild with brick but this was difficult because of the marshy land. The rebuilt houses were "upright" without jutting out or bay windows, and the streets, lanes and passages were

enlarged so that they were at least twenty foot wide. The wharves into the Thames had, before the fire, formed an indented line, but they had been totally destroyed and it was hard to tell where they had been. The tenants got together and marked out a straight regular line for the rebuilding of the wharves. This meant there was some encroachment into the river, amounting to two feet at the west end near Wapping Dock, and about eleven feet at the east end near Frying Pan Stairs. King Charles agreed to this encroachment and that the two pairs of Common Stairs known as King Stairs and Wapping Dock Stairs be set up again ten or twelve feet broad. This was not only for the good of his subjects in general; but also for the watermen's use; that of poor lame Trinity seamen (the latter being aged and needy mariners licensed by Trinity House so that they could earn a living); and for the use of the hospital's tenants in fetching water, coal and other commodities brought by river.

Sir Charles Harbord, Surveyor General, reported to the King on the destruction and that the Hospital owned a further range of Ground extending from the west end of Wilson's Tenement westwards to the Middle of the Alley at the New Stairs towards the Tower. It was in length about nine hundred and fifteen feet, including Wapping Dock Stairs and the said New Stairs. The Wharfage along all of this ground was crooked and irregular so he proposed that it too be straightened. Harbord requested the grant to the Hospital of not only the six perches taken in where the fire had been but also of a perch or two more in depth all along the shore adjoining the Hospital Ground, containing about eighty poles in length in whole. That was to encourage the Hospital to enlarge and improve the Wharf Stairs and Causeways for the benefit of the public as well as for their own advantage, all the way along. Charles agreed to this request and he pardoned the Mayor and Commonalty and Citizens for the encroachments made and waived all penalties.

In the reign of King James 11 the same exalted notion of the rights of the prerogative obtained. In 1687 informations were filed against several persons for intrusions upon the shore of Rotherhithe, and in 1687-88 informations were filed to recover derelict lands in the Isle of Grain, the manor of Gillingham, Kent, and at Wapping, Deptford, Bermondsey and Rotherhithe.