



**SURREY ARCHAEOLOGICAL SOCIETY**  
CASTLE ARCH, GUILDFORD GU1 3SX  
Guildford 32454

# Bulletin

Number 243

November 1989

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## COUNCIL NEWS

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### Annual General Meeting — 25th November 1989

By kind permission of English Heritage and of the Farnham Castle authorities, we have been able to arrange access to the Keep (normally closed to the public at this time of year). Dennis Turner has kindly agreed to conduct a short tour of the monument and members wishing to participate should assemble at 1.20 p.m. at the entrance to the Keep in the car park at the Castle. See previous *Bulletin* for details.

### New Members

We welcome to the Society the following new members:

P J Bailey, 23 Manygate Lane, Shepperton, Middx. TW17 9EQ

J L Baker, Ivon House, Broadchalke, Salisbury, Wilts.

C Burgess, 53 Tennyson Road, Portswood, Southampton

R N Carstairs, 64 Stringers Avenue, Jacobs Well, Guildford GU4 7NN

S D Greenstairs, 181 Alnmers Road, Lyne, Chertsey, KT16 OBL

K M Howe, 1 Cedar Road, Teddington, Middx. TW11 9AN

B J Lewis, Oaklea, Smalls Hill Road, Leigh, Reigate, RH2 8PF

S Mackenzie, 17 Denzil Road, Guildford, GU2 5NQ

Mrs A Matthews, 4 Selborne Place, The Avenue, Grayshott, Hindhead, GU26 6JZ

Miss S Mayes, 16 Kings Avenue, St Johns, Redhill

M R Pattinson, Kendrew House, Peaslake, Guildford, GU5 9RJ

Miss C Ward, Penmayne, Avenue Road, Fleet, Hants. GU13 8NG

### Treasure Trove

**A C Ayres**  
**Hon Legal Adviser**

The unsatisfactory state of the law in relation to treasure trove has recently been highlighted by the decision of the Court of Appeal in *R v Hancock*, reported in *The Times* on 3rd August last. Before consideration of the case itself, it might be helpful if I explained the legal definition of Treasure Trove.

From ancient times, the Crown (including the Duchies of Cornwall and Lancaster) has had a prerogative claim to objects of gold or silver deliberately hidden in the ground or within a building and whose original owner cannot be traced. Thus only objects which are substantially of gold or silver content constitute treasure trove and they must be proved to have been deliberately hidden rather than simply lost or donated, for instance by way of votive offering. Anyone finding treasure trove objects must report the find to the local Coroner (either directly or through the Police or a museum) and the Coroner must then decide whether he has jurisdiction to hold an Inquest to determine whether the find is in fact treasure trove. If the object is found to be treasure trove, and the item is claimed by the British Museum or a local museum, an *ex gratia* payment is made to the finder as a reward for reporting the discovery. The amount of the *ex gratia* payment is usually determined by the Treasure Trove Reviewing Committee, appointed by HM Treasury. If the object is not claimed, it is returned to the finder.

Now to return to the case against Stephen Hancock, who managed to escape his conviction in Guildford Crown Court of the theft of sixteen Celtic silver coins in the Court of Appeal. The coins were found at the site of a Romano-British Temple at Wanborough and had been minted sometime between 50 BC and AD 30. As a preliminary, it is important to point out that the coins in question had not been the subject of a Coroner's Inquest, nevertheless that did not prevent a prosecution for and conviction of theft of the objects. However, it is well established that a Coroner's jury on the question of whether property is treasure trove would not be binding in a criminal prosecution.

The Court of Appeal decided, many would think erroneously, that the judge in the Guildford Crown Court had materially misdirected the jury that all they had to be sure about was that there was a real possibility of the objects being found to be treasure trove and not that they had to be sure that the coins in question were treasure trove before they could convict. The issue turns on the standard of proof required in a criminal prosecution (a jury has to be sure "beyond reasonable doubt") and the standard required in a civil case (a Coroner's jury would only need to be satisfied on the "balance of probability").

By reason of the decision of the Court of Appeal, Stephen Hancock had his conviction set aside but more importantly it makes it almost impossible for the Police to successfully prosecute someone for theft found plundering an archaeological site. Although it might be possible to prosecute so-called treasure hunters for criminal damage, the damage to the land might in fact be relatively trivial and in any event the penalties are likely to be less severe.

It has been recognised for some time that the law relating to treasure trove requires a major overhaul. The Law Commission produced a report in 1987, largely as a result of which the department of the Environment in February 1988 issued a consultation paper on "Portable Antiquities". The Society responded to this consultation paper, along with various other interested bodies, but to date the DOE appears to have done little to take the matter further, although it claims it is in the process of producing a Code of Practice.

The Society proposes to promote a change of the law in relation to both treasure trove and trespass and will be asking for the support of members in this connection.

*Editor's Note:* It had been established at earlier Coroners' Courts that the objects from Wanborough were treasure trove.)

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## **EXCAVATION COMMITTEE**

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The 1990 Symposium, which will have a Saxon theme, will be held on the 3rd February 1990 at Dorking Halls. Further details will follow.

### **Lloyds Bank Funds for Independent Archaeologists**

The Equipment Fund, set up in 1978, was established to assist local Societies and voluntary groups to purchase equipment, which is broadly defined to include items used in field work, excavation, post-excavation work leading to publication, maps, aerial photographs, record cards, software for computers, etc. The sum available is £2,000 per annum, from which grants of up to about £200 are made.

The Dating Fund. This is a separate fund established to enable independent archaeologists to gain access to scientific dating methods including radiocarbon, thermoluminescence, archaeomagnetism and dendrochronology. Other methods may be considered if appropriate. The Fund will initially distribute up to £1,000 per annum and may either be devoted to a comprehensive dating sequence for a single site, or to a smaller number of dates from two or more sites.

Both funds are administered by the Royal Archaeological Institute and application forms and leaflets giving further guidance are available — on receipt of a stamped addressed envelope — from The Assistant Secretary, Miss Winifred Phillips, c/o The Society of Antiquaries, Burlington House, Piccadilly, London W1V 0HS. Closing date for applications for both Funds is 31st December.

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## **LIBRARY COMMITTEE**

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Members are reminded that the Library will not be available from 2.00 pm on Saturday 11th November 1989 as the Margary Room is being used for a meeting of the Library Committee. Apologies for any inconvenience caused.

### **Recent Accessions to the Society's Library**

#### **GENERAL**

Alcock, N W *and others* Recording timber framed buildings. CBA Practical Handbook No: 5. 1988 Pamphlet

Astill, Grenville *and others* The Countryside of medieval England. 2nd edition Basil Blackwell 1988

Barrett, John C *and others* Barbarians and Romans in N W Europe: from later Republic to late Antiquity. BAR Int Ser no: 471 1989

Black, James (Compiler) Recent advances in the conservation and analysis of artefacts. 1 of Arch Summer School Press 1987

Booth, E K W *and others* (Joint editors) Computer usage in British archaeology. 2nd edition Occ paper no: 3 RCHME 1989

Clifton-Taylor, Alec English parish churches as works of art. OUP 1974

Cocke, Thomas *and others* Recording a church. An illustrated glossary. CBA Practical Handbook no: 7 1989 Pamphlet

Dorrell, Peter Photography in archaeology and conservation. CUP 1989

Foster, Janet *and* Sheppard, Julia British archives. 2nd edition. Stockton Press 1989

Gibson, Jeremy *and* Rogers, Colin Poll books c.1696-1872. A Directory to holdings. Fed Fam Hist Soc 1989

Gilchrist, Roberta *and* Mytum, Harold (joint editors) The Archaeology of rural monasteries. BAR 203 1989

Higgs, Edward Making sense of the Census. Manuscript returns for England and Wales 1801-1901 HMSO 1989

Hindle, Brian Maps for local history. Batsford 1988

Holt, Richard The Mills of medieval England. Blackwell 1988

Insall, Donald W The Care of old buildings today. A practical guide. Arch Press 1973

Leach, Peter The Surveying of archaeological sites. IAP 1988

McLaughlin, Eve Laying out a pedigree. Fed Fam Hist Soc 1988

Nicholson, Graham *and* Fawcett, Jane The village in history. Nat Trust and W & N. 1988

Olivier, Adrian *and others* Safety in archaeological fieldwork. CBA Practical Handbook No: 6 Pamphlet 1989

Paget, Mary Running a local history society. Phillimore Pamphlet 1988

Reece, Richard Coinage in Roman Britain. Seaby 1987

Roberts, Brian K The making of an English village. Longman 1987

Smithurst, Peter The cutlery industry. Shire No: 195 1987 Donation

Van Arsdell, R D Celtic coinage of Britain. Spink 1989

Wenham, Peter Watermills. R Hale 1989

Williams, Richard Limekilns and lime burning. Shire 1989

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## **PUBLICATIONS COMMITTEE**

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It is proposed to publish nine issues of the Bulletin during 1990 as follows:

February/March	Copy date 5th January
March/April	Copy date 16th February
May	Copy date 30th March
June/July	Copy date 4th May
July/August	Copy date 15th June
September	Copy date 27th July
October	Copy date 31st August
November/December	Copy date 5th October
December/January	Copy date 16th November

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## **NOTES**

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### **Headley Court**

**G Corti**

The Journal of Roman Studies Vol LX (1960 p 233) contains a brief note on the Romano-British site at Headley Court, in the general area of Leatherhead. The note by Ms Taylor is part of the annual round-up of work on Roman Britain and is based on an oral report from Mr Lowther and there the reference ends.

Fortunately personal communications from Professor Frere and Lady Hanworth cast light on this small site. Professor Shepperd Frere found the site in 1939 or 1940. It lay in a piece of woodland to the west of a fairly substantial sunken lane. Tile fragments, 4th century pot and a small stone mortar were noted by Frere.

In 1959 Mr John McCulloch undertook a small excavation (hence the report in JRS). Work was hampered by bad weather and only a plan was lodged at Guildford Museum. According to the JRS note the foundation of a small building was identified and some coins were found.

A visit to the site today (1989) shows the sunken lane and the eastern edge of the wood undisturbed; but 30 metres west into the wood there are extensive spoil heaps containing modern brick-bats, followed by small gardens and in turn by residential houses presumably connected with the nearby RAF hospital. The gardens are open fenced about 40 or 50 metres from the lane and the spoil heaps in the present edge of the wood are presumably from the recent house construction. The site is not therefore presently accessible. The M25 runs about 200 metres north.

Professor Frere puts the location at TQ200555 and the present site visit confirms this. The conclusion may be expressed thus: Romano-British occupation seems established and probably there was a small building during this era, but there is no evidence that there was a Roman villa here.

### **Reigate Town Centre**

**David Williams**

Three sites were excavated between October 1988 and March 1989 in advance of a town centre redevelopment. The work is being funded by London and Metropolitan plc and Reigate and Banstead Borough Council.

At 24-36 Bell Street (TQ 2538 5013) two sites were excavated beneath the two former showrooms of Reigate Garage. On the South Showroom site a stream channel was found which had been revetted in the 12th or 13th centuries with a massive stone wall of mortared stone blocks. Shallow peat deposits at the base of the channel and earlier than the revetment contained leather offcuts and bone. This feature was positioned on the extremity of the excavated area so unfortunately could not be traced further.

Adjacent to the street was an area of heat-reddened brickearth associated with conjoining sherds of shell-tempered pottery. There was otherwise little evidence for medieval activity except in the form of a general soil build-up which probably represents cultivation. The site was levelled with rubble and tile in the late 16th century for the construction of buildings on the street frontage. Although little survived of these between modern intrusions the rear wall and part of the interior of a building described in the 1786 Survey as 'formerly called a millhouse' were uncovered as well as slighter structures which may be earlier in date. Beneath the building were found fragments of a tephrite millstone. The main feature uncovered to the rear of the building was a wide and shallow pit which contained animal bone of the late 17th century date. Among the glass was a large fragment of a distilling vessel.

On the North Showroom site the earliest feature was a pit, probably of Bronze Age date, which contained a few scraps of flint-tempered pottery as well as much charcoal. Sealed beneath later buildings on the street frontage was found a series of plough or ard marks of uncertain, but pre-12th century date. Eleven marks were recognised spaced c0.12m apart and aligned roughly with Bell Street. These were sealed by a brickearth-derived deposit containing 12th century pottery which included a sherd of Stamford ware — the first time this ware has been recognised in Reigate. A few similar sherds were also recognised. This suggests permanent occupation further up Bell Street. A post-built structure was then erected on the site. Its plan, while containing contradictory elements, suggests a building of two bays with a central support. The remains were badly damaged. One bay contained a simple kiln for grain drying or malling. Two phases of the kiln were recognised, each associated with carbonised grain. Each phase included a shallow hollow filled with charcoal — in the later phase the hollow was surrounded by a bed of heat-shattered flints. There was no evidence for a superstructure. Archaeomagnetic sampling of the kiln provided a date in the second half of the 12th century. Charcoal-rich soil was spread across the floor of the building and a wide spread of flints led away from it. There is reason to believe that this may have been an open-sided building with an agricultural/industrial use. A good parallel is the similar but slightly later building found at 16 Bell Street in 1974 which also contained a drying kiln using a bed of flints. The 12th century building was succeeded c1200 by a chalk-floored structure whose remains were too badly damaged to be coherent. This may have been, at least in part, of ground-fast beam construction. To the south of this, overlying 13th century pits, were the fragmentary remains of what had been a substantial stone building, possibly c12m long. A stone foundation adjacent to its rear wall may have been the site of a stair tower. This building had fallen down or had been dismantled by the 15th century. There were few features of medieval date in the rear plot.

The chalk-floored building was succeeded, perhaps c1550-1600, by a substantial Reigate stone building which displayed considerable craftsmanship in construction. A portion of this building (repartitioned in the 18th century) is described in 1786 as 'formerly part of a large brewhouse' and documentary evidence to hand suggests that this may have been the brewhouse of John Richardson, one of the town's leading 17th century brewers. The remains consisted of a main block, which may have been c11m long, fronting the street, with a smaller wing to the rear. The partition foundations seem intended to take timber sills and uprights. A foundation in a corner of the rear wing may have supported a piece of heavy apparatus on an upper floor. A free-standing chimney in the main block had been particularly well constructed with finely-dressed ashlar quoins and hearth recess. The chalk floor of the room heated by this hearth was covered in a thick, black ash deposit. A 16th century moulded fireplace surround was found in an 18th century context. The access between the main block and the rear wing was also finished with jambs of dressed stone. The house was described as 'newly repaired and beautified' in 1786 and photographs show it with a late 18th century facade. At this time the interior was reorganised and

refloored with stone flags and later, brick and tile. It was also greatly extended. This building, as well as adjacent 18th century structures whose cellars were recorded, was demolished early this century.

There were few noteworthy finds from either site. The 'brewhouse' yielded a conical lead plumb bob and a farthing of Charles I. A recent deposit contained a mould for making lead tokens bearing the image of a bird.

At 12 Bell Street excavation uncovered only a few medieval features to the rear of standing buildings and further work on this site was not thought worthwhile.

## **Wey Navigation**

Recent work by the National Trust on the Wey Navigation has included the rebuilding of the weir at Walsham Gates, Ripley. The lock cottage at Walsham is also to have a major structural refurbishment. At Dapdune Wharf, Guildford, the boat-building shed has been restored and there are long-term plans to restore other buildings and features (SIHG Newsletter September 1989).

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## **MEETINGS**

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### **November 4th**

The Surrey Local History Symposium on Leisure and Pleasure in Surrey at Surrey University. See *Bulletin* 242 for details

### **November 11th**

"Past lives in Walton — a review of recent archaeological discoveries" a lecture by Mr M Curtis to the Walton and Weybridge Local History Society in the Weybridge Lecture Hall at 3 pm

### **November 17th**

"The town of Dorchester" a lecture by Mr Steve Poulter to the Leatherhead & District Local History Society in the Dixon Hall, Leatherhead Institute at 8 pm

### **November 18th**

"Urban Archaeology in SE England." A Symposium organised by Council for Kentish Archaeology (see *Bulletin* 241 for details)

### **November 21st**

"Medieval pots and pans". A talk by John Cherry to KUTAS at the Heritage Centre at 8 pm

### **November 24th**

"Tooting Common trail" a talk by Graham Gower & Jackie McCabe to the Wandsworth Historical Society at the Friends' Meeting House, Wandsworth High Street, at 8 pm

### **November 30th**

"Elizabeth Jane Watson" a talk by Dilys Henrik Jones to the Barnes and Mortlake History Society in the Main Hall, Shene School at 8 pm

### **November 30th**

"Henry of Blois — Bishop of Winchester" a talk by Mrs P Maryfield to the Egham-by-Runnymede Historical Society at the Literary Institute at 8 pm

### **December 7th**

"Romans in Surrey" a talk by Dr David Bird to the Farnham and District Museum Society

### **December 8th**

An evening at Richmond Museum with the Curator, Simon Lace, organised by Richmond Archaeological Society at 8 pm

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*Next Issue: Copy to the Editor required by 11th November for December/January issue.*