

CHAPTER SEVEN

OPPOSITION TO THE EXPERIMENT

7.1 The opponents

Further evidence of the success of the scheme is the very strength and persistence of the opposition it aroused. Millers, fishermen and landowners all had cause for resentment, but the main opponents of the improved navigation were the land carriers, the badgers and mealmen, who acted as middlemen between the country and the London markets. It was the persistence of their opposition which was to play a major part in the ending of this experimental improvement scheme during the 1590s.

The commissioners' policy radically altered existing arrangements along the river, so it is surprising that there is so little evidence of opposition from those whose traditional rights were curtailed. For instance there is no evidence of formal protest from the riparian landowners, either about the policy or its cost. Similarly, opposition from the milling community was somewhat muted. Indeed many, particularly along the upper river, both welcomed and took advantage of the improved navigation. However millers at Enfield, Cheshunt and Waltham were involved in the riots of 1581 and 1592, and during these riots millers at Stratford were less co-operative over the working of Bow Lock.¹

Nevertheless the numerous petitions from the road carriers during the early 1580s made no mention of millers' problems, even though the road carriers were intent on extending their complaints to as wide a circle as possible. It is only in 1587 that specific complaints were made about problems at Enfield Mill, to be followed by more general complaints in 1592 when the road carriers were more confident.² Such reticence suggests no concerted opposition from the millers, even though the Wroth family, owners of Enfield Mill, were staunch opponents.

Another injured party omitted from the catalogue of the road carriers' complaints were the fishermen. Even though all fishing weirs were removed from the river, no formal protest from the fishing interest remains. All that is known is that investigators into the 1581 riots noted that Thomas Perrott of Waltham Abbey had erected a weir near Enfield Lock, in contravention of the commissioners' orders.³

3. *Thomas came from a fishing family. His father, William, left Thomas a house in Hoddesdon, but left fishing leases to John and Henry Hewninge. On Thomas' death in 1595 he left 'all :my fishings, nets and fishing tools' to his son, Toby, and £20 each to his other sons, Thomas and William. William. described as a fisherman of Wormley, died in 1599, whilst Thomas, also a fisherman, was in dispute in 1602 with his nephew Ralph Parrat of Enfield, yeoman, who in 1601 had taken out a lease on the fishery purchased by Lord Burghley in 1572 .*

Even in 1592 complaints about the removal of the weirs concentrated on the consequent loss of winter flooding, not on any harm to the fishing.⁴

Such lack of concerted opposition from the fishermen may be partly explained by the fact that several weirs and fisheries were owned by those responsible for implementing the improvement scheme. Fanshawe owned Ware weir and adjacent fisheries; Burghley purchased a weir at Waltham in 1572.⁵ Also fishing continued, it was just that different methods had to be adopted.

The concerted and organised opposition which, despite several rebuffs, was to be ultimately successful emanated from the local road carriers, who were known by the term badgers.⁶

These badgers, centred at Enfield, Cheshunt, Waltham and Hoddesdon, had long dominated the grain, meal and malt trade down the valley to London. The market at Hoddesdon was an important centre of their activities, for it was here that they dealt with the provincial dealers and carriers, and then served the London markets.

The local communities benefitted greatly from this trade. The middlemen made good profits; the local farmers and labourers could supplement their income by small scale dealing on their own account, by hiring out horses and carts to the middlemen, and indeed hiring themselves out to accompany the pack horses and carts as they wended their way to the capital.⁷

This trade was now threatened by the development of a substantial barge traffic along the Lea. Not only could the barges carry at cheaper rates, but the emergence of Ware as an important transshipment centre and market threatened the position of Hoddesdon. The badgers responded vigorously, and in doing so enjoyed much support in their local communities.

In particular they enjoyed the support of the Wroths, owners of the manor of Durants in Enfield, Enfield Mills, and much other property in the vicinity. In 1573 Sir Thomas Wroth died, leaving a life interest in this estate to his widow, after which it was to pass to his eldest son, Robert.⁸

Robert had been a member of the Commons' committee which emasculated the 1571 bill, and a member of the commission which introduced the improvements. It would be surprising if he had not opposed the City's bill, and it is difficult to imagine him as an advocate of the improvement scheme, but no evidence of his activities as a commissioner survives, except that he was one of the sub-committee which had made concessions to Hickes in 1576 (see 5.2).

When riots broke out at Enfield in 1581 he refused to join investigations into them. Not surprisingly, for much of the damage had been on stretches of river adjacent to his property, and he personally felt the improved navigation was a greater wrong. In 1587 Lady Wroth made complaints about the adverse effects of the improvements to Enfield Mills, and Lord Hunsdon noted Wroth's efforts to close the navigation 'for his private gayne'. Then in 1592 Wroth as a local J.P. arrested bargemen involved in the riots, but not the badgers, and was then named as a defendant when the bargemen brought a case

before the Star Chamber. At all times Robert Wroth was a staunch defender of the badgers' cause.⁹

Another prominent supporter to emerge in the 1590s was Sir Edward Denny, lord of the manor of Waltham. He had inherited several properties when a minor in 1576, including three fisheries along the upper river and two mills at Waltham. Many of his tenants must also have been badgers. In his case bribery seems to have been a further reason for his support for the badgers' cause. Whatever his motives, it was his authorisation which allowed the badgers to first destroy Waltham pound lock, and then try and prevent the bargemen using the traditional route once more.¹⁰

7.2 The first bout of riots

During the period when the improvements were being introduced, Fanshawe complained several times that many of the commissioners' orders were not being speedily obeyed. Such laxity might reflect lethargy rather than opposition, but Fanshawe also noted that newly erected towing bridges were being immediately pulled down 'by some evill Disposed persons'.¹¹

Once the improvements had been completed, evidence of the badgers' opposition emerges. In 1580 they complained to Burghley about their hardship as a result of the growing barge traffic. Burghley informed them that he could not help as the river had been improved as a result of an Act of Parliament, so the badgers presented their case there. However the House rose in March 1581 before they obtained a hearing.¹²

Frustrated in these efforts, the badgers took to illicit action. By March 1581 several breaches had been made to the river 'banks at Enfield, and this destruction was to continue during the ensuing months. If bargemen mended a breach, it was immediately re-opened. In addition earth and stones were thrown into the navigable channel to cause further problems. One badger expressed a desire to bore holes in the bottom of the barges.¹³

Further up river at Waltham efforts to destroy the pound lock began. In May someone tried to borrow a saw from Cheshunt Mill to do the job, but more desperate schemes evolved. William Shambrooke, a Cheshunt mealman, went to London to buy 'Rosseyne and brymston' and about Lammas time (August 1) the pound lock was set on fire.¹⁴

By late summer the bargemen petitioned Burghley for help, and three commissioners, Sir Henry Cocke, Thomas Fanshawe and Edward Baeshe, were instructed to investigate the complaints. These three held court on 21 August and 3 September, and succeeded in unearthing much evidence.

The activities of Shambrooke were easily detected, as was the help he received from William Cocke, a carter, and John Shellye, a mealman. Furthermore many Waltham inhabitants had known of their plans and had done nothing to discourage them. Indeed an employee at Waltham Corn Mills, Christopher Pennyfather, was upset that the pound

lock had not been totally destroyed by the fire and wished that there had been a barrell of gunpowder in the lock and another in a passing barge.

Investigations into events at Enfield uncovered the same widespread support for the illegal methods. Gangs of young men had gathered on the green late at night, and had made no attempt to hide the fact that they were about to breach the banks once more. Indeed when they had finished, they retired to the houses of some of the better off inhabitants to receive suitable refreshment.¹⁵

The three commissioners had sufficient powers to punish, but chose to await further instructions from Burghley. On 8 September Fanshawe reminded Burghley that they were still waiting, and complained of further breaches. He stressed that further investigations were necessary, and suggested that these should be conducted by Burghley himself, or Lord Hunsdon. The bargemen submitted a petition to the same effect¹⁶

No response had been received from Burghley by the end of September, so a dinner was arranged at Baeshe's house at Stanstead where the commissioners had a long conversation with Hunsdon. He immediately wrote to Burghley informing him of the gravity of the situation, and stressed that the badgers had used

lewd speach...that yf the Ryver should not be overthrowne that then they would ryse agaynste the maynteyners of the same and that yt would also coste many mens lives, the next Waye(in my opinion) to shure rebellion.

Hunsdon wanted speedy action, and offered to serve on any investigation.¹⁷

This time notice was taken. On 5 October a special commission was appointed. It was chaired by William Fleetwood, Recorder of the City of London, and all its members were already Commissioners of Sewers. It could be expected to favour the navigation interest.¹⁸ When the commission began their investigations they met with problems which were described by Fleetwood:-¹⁹

in the forenoone wee could Learne nothing whereby we weare halfe discouraged. But in thafter none one poore man, that was a doer and being examyned upon his othe...did for feare he shoulde have gon to Newgate confesse moste of all mysdemeanors and whoe weare the Doers, and then wee examyned those whome he had accused whereof some weare Mr Wrothes men and the residue weare of Enfeilde; Of theis one of Mr Wrothes men being his horsekeper did after muche a doe take his othe and confessed all the truthe And that he hym selfe was a principall doer, the other of Mr Wrothes men being his porveyor of wheate and malt did comytt wilfull perjurye and would confesse nothing though he were charged by them that weare att the acte doing Certen other being sworne having used certen rebellious and sedicious wordes did utterly denye the same, althoughe they weare confronted with sevrall wyttnesses upon their othes Some others being cheife offenders did bothe utterly refuse to take any othe and also denyed to be examined

Fleetwood's opinion of these proceedings was severe:

I have served in many Comysions bothe in the northe and Sowthe a long tyme and I assure yor Lordeshipp I have never mett wth suche stobberne verlettes as those be that appered before us this daie

He was particularly concerned about the involvement of Wroth;

In thende of all our travell being towarde nighte there came in substannciall profe of a matter that wee were all sory for, & that was Mr Wrothe had mysdemeaned hym selfe wthoute the Compas of all reason, in speaking publiqlye, certen Wordes againste the Quenes highnes and the Councell, The Wordes tended in myne opynyon verye muche towards a rebellion and were suche as in good reason maye not lightlie be passed over

Wroth's inflammatory comments were that

the Lordes of the Counsell had don theym greate wronge...and rather then my Lordes ...shall force us to make up the breaches againe we will be hanged at our owne gates

Fleetwood was saddened to report all this for he had been a close friend of Robert's father, but he felt the son was 'over muche puffed in pride wth over muche Lyving and wealthe'. Robert was involved in several disputes at this date,²⁰ and must have attracted much adverse comment from others besides Fleetwood.

20. *Fleetwood noted Wroth's curses against the 'Swanemotes in the Forest'. Wroth was also arguing with another commissioner, Thomas Colshill. Colshill wanted to bring piped water to his house at Chingford from a nearby spring. Wroth refused to allow the pipes to cross his land, and when Colshill took a longer route Wroth still objected, arguing that the pipes stilt crossed his land. In November 1581 Wroth and a couple of his servants, armed with daggers and a crossbow, attacked Colshill's servants, and dug up the pipes. After they were relaid Wroth dug them up once more:*

Despite all these problems the commissioners succeeded in obtaining a comprehensive account of the riots. Their report listed the damage to the navigation and the culprits responsible, but also noted the comments and support of other local inhabitants. In particular there was criticism of the local constable, John Goddard. He had refused to carry out any investigations when the breaches had first been reported, had hidden what he knew from the commissioners, and had defended the badgers' behaviour. He was removed from his post and committed to Newgate by the commissioners. Several others were also committed to Newgate or the Gatehouse in Westminster, but those who had confessed were allowed home until further notice.

The report was sent to Burghley, along with a letter from Fleetwood which stressed that repairs should be carried out quickly before winter weather brought further damage.²¹

What happened next is not documented. There is no evidence that any prolonged imprisonments²² or other punishments were handed out, and no evidence about the repairs to the navigation, though presumably these were quickly implemented. What is known is that the navigation continued, and that for the rest of the decade the badgers refrained from physical damage, resorting instead to persistent petitioning in their attempts to defend their interests in the face of the threat from the bargemen.

7.3 A decade of argument

The investigations into these riots had been accompanied by a fierce debate about the validity of the badgers' complaints and the advantages and disadvantages of the barge traffic. The badgers submitted a petition to Burghley summarising their objections, and this elicited at least five replies from supporters of the navigation.²³

The main thrust of the badgers' complaints was that the cost advantages enjoyed by the barges threatened their livelihood. They contrasted the large number of road carriers who they claimed were thrown into dire poverty with the few bargemen and brewers who obtained any profit from the barge carriage. That cheaper transport costs might be a benefit was not considered by them to be an argument. The other arguments they forwarded, the alleged adverse effects upon agriculture, the decline in the Queen's subsidies and the damage caused by the passing bargemen, were all subordinate to this main complaint.

It cannot be said that the badgers had the best of this exchange of opinion. Their complaints of poverty seem exaggerated, and their inclusion of road carriers from Hertfordshire, Cambridgeshire and Bedford must have struck many as ridiculous. Some of their other points were also weak, and the bargemen and their supporters had little difficulty in countering them.

The badgers' arguments suggest a long established vested interest desperately defending that interest before a climate of opinion which was unsympathetic. In a time of shortages and inflation middlemen were a popular target of abuse, and supporters of the navigation were able to recount many stories about the abuses which, it was alleged, the badgers had indulged in before the advent of competition from the bargemen.²⁴

Whatever the precise rights and wrongs of the arguments the badgers did not attain their objective. The barge traffic continued, but so too did the road carriage. Despite the complaints of utter ruin, the badgers sustained their trade, never, however, ceasing their efforts to restrain the barge traffic.

Although the 1581 petition had not met with success the badgers submitted an almost identical one in 1583. Two additional complaints were raised. Besides blaming the improvements for the paucity of game and swans, the badgers for the first time noted the reduced fertility of the hay fields as a result of the absence of the customary annual flooding. This was the most telling criticism made by the badgers.²⁵

25. *The badgers argued that 'the low grounds by the River side be greatly impayred for Want of Sorrounding wch hath happened for that the water is not stayed by Weares as it hath ben But runeth faster a Waie by reason of the opening of the Streame for passage soe as the grounds yield not soe much haie'. The bargemen admitted there was some validity in this complaint, although they added that the flooding had some harmful effects as well. There was a strong body of opinion which stressed the benefits of such flooding, and a river improvement scheme for the Wey in the following century included special measures to ensure such flooding:*

There is no reason to suspect that this petition met with any better response than that in 1581. In December 1584 the badgers tried a different approach. They submitted a petition to the London aldermen which argued that the bargemen were trading in a manner which was not beneficial to the capital's markets. It was stated that the bargemen were unloading at the mouth of the Lea onto ships which took the grain either abroad or to other coastal ports. Furthermore malt was often discharged at the private wharves of the London brewers rather than at the City's legal quays. Thus the London markets were not supplied as they should be and the City's income from meteage dues was reduced.²⁶

This particular petition may have been designed to solicit the aldermen's support for an approach the badgers were about to make to Parliament. For in February 1585 the badgers submitted a bill to the Commons entitled 'A Bill prohibiting of carrieng of Malt to London by the River of Lee'. The main proposal of this bill was

That yt shall not-be Lawfull from heareforth for any pson...in any Barge Bote Lighter or other Vessell to transporte...by the said Ryver from Ware ... or from any other place ... within the said Counties of Hartf Midd or Essex to London or elsewhere any manner of Mault...but shall suffer the same to be onely caryed by horse and Cartes as before was accustomed

The bill did specifically exempt the carriage of malt for the bargemen's own use, but any attempt to carry commercially was to result in the forfeiture of both the malt and the vessel. The bill was not an attempt to close the navigation, for other goods were not mentioned, it was merely an attempt to restrict the malt trade to the road carriers. The Commons Journals for 1585 are missing so the exact fate of the bill is not known, but it never reached the Lords.²⁷

This total prohibition of the carriage of malt by barge was not the only idea under discussion in 1585. The badgers were also proposing a prohibitive tax of 16d on every quarter of malt carried by barge down the Lea, and some were actually suggesting that the river be made navigable a further five or six miles upstream towards Luton. To this last the bargemen made the sarcastic rejoinder that 'seinge the bringinge of the Ryver fyve myles nerer to Bedfordshire will restore all this decayes there is no soch great cause of Complaynt'.²⁸

28. *Badgers justified tax on grounds that the Queen needed recompense for her costs in raising bridges along the river. She had spent money on Ware, Stanstead and Temple Mills Bridge, but such costs were nowhere near the expected revenue from the proposed tax.*

None of the badgers' proposals met with success. Yet it is obvious that they had not lost any of their determination to oppose the bargemen. In view of this it is surprising that the bargemen made no attempt to renew the Commission of Sewers when it expired in September 1585 (see 5.3). The badgers returned to the offensive.

In June and August 1587 Lady Wroth submitted detailed complaints of the frequent interruptions to the workings of Enfield Mill which the passage of the barges occasioned.²⁹ Local badgers supported her with a petition detailing the problems they faced in getting their corn ground at Enfield Mill, and how they often had to travel to other mills many miles away to satisfy their needs.³⁰

The Wroth family were engaged in more determined efforts than mere petitioning however. In September 1587 Lord Hunsdon wrote to Burghley specifically to complain of Robert Wroth's attempts to close down the navigation, mentioning that stakes were being placed in the navigable channel to prevent the passage of barges. Hunsdon was so angry about Wroth's actions that he suggested that 'yt were better Mr Wrothes mylles were pulled downe, and he drowned in one of them', further hinting that it would be easy to arrange the pulling down of the mills by 'some willfull felowes'.³¹

Burghley was concerned about this strife between the millers and the bargemen, and informed Fanshawe that he had asked Sir Henry Cock and Robert Wroth to meet him. Later in September he told Fanshawe that he thought a Commission of Sewers was necessary.³²

32. *Sir Henry Cock was lord of the manor of Broxbourne, but he did not own the local mills.*

Subsequent events cannot be related for lack of evidence. However no Commission of Sewers was issued, but some agreement must have been reached, for there is no reason to suspect that the navigation was brought to a halt permanently by these events. It was not until 1592 that the badgers achieved this end. However this exchange of letters in 1587 does indicate that the opponents of the navigation were once more considering illegal or direct action to achieve their ends.

7.4 The second bout of rioting

Much discussion and careful planning preceded the direct action undertaken by the badgers in 1592. They then approached Edward Denny, lord of the manor of Waltham, and asked him whether he would dismantle the pound lock near his mills at Waltham, and lower Waltham High Bridge to that height it had stood before being raised by the improvement commissioners during the 1570s.

The badgers described Denny's response:-³³

Sir Edwarde Denny in care and love of the comon wealth... and havinge a charitable and pyttiful respecte more to the releivinge of his poore distressed neighbours then to his pryvate gaine...gave commandement to his servauntes and officers and to ... William Cheyne...his Bayliffe...that the sayde Locke shold be pulled upp and the sayde Bridge shold be layed lower

His tenants were to carry out these tasks on the bailiff's instructions, taking particular care to cause as little interruption to users of the bridge. Ensuing events on 31 May were described by the bargemen:³⁴

desperate riotous and evell disposed psonns to the number of threescore, not having the feare of God before theire eyes, nor any wise regardinge the paynes and punishments by your highnes gracious lawes and Statutes ... in most riotous and warlike manner beeing armed with divers and sundrie weapons aswell invasive as defensive ... with Swordes, Billes, Staves, Pitchforkes, Mattockes Spades Shovells

..about tenne of the clocke in the night... did come together to the sayde high Bridge at Waltham and... did pull + take downe the sayde Bridge ... And to thintent and purpose that noe vessel or Bardge might passe...did...verie spightfullie and malitiouslie laye the same Bridge soe lowe and neere the water that noe Bardge or other Vessell coulde passe

The pound lock was dismantled the same evening, but significantly the bargemen made no complaint about this. The badgers had achieved a notable success. They had effectively closed the route opened by the improvement commissioners and had severely hampered the passage of barges along the river. Moreover they had achieved this with the blessing and authorisation of a prominent landowner and J.P.

As a token of appreciation these 'poore distressed' badgers organised a collection and presented Denny with the enormous sum of £240. A sum which the bargemen alleged was a bribe, but which the badgers defended as merely an expression of thanks.³⁵

35. *Bodl. , MS. Rawl. Essex 11 fo.89. This source cites £250 as the amount paid to Denny. There are several references to the debts and parlous financial state of Sir Edward Denny in the Salisbury papers, but these apply to the uncle of Sir Edward Denny of Waltham.*

The bargemen's first response was to complain to the Privy Council, who on June 18 issued a warrant for the arrest of 11 men. Soon afterwards however the Council wrote to Denny acknowledging his complaints that the improvement commissioners had made alterations to his property whilst he was still a minor, and promised to dispatch a Mr Adams to investigate.³⁶

After Adams had investigated the Privy Council wrote to Denny once more. They agreed that the alterations had been made during his minority, but nevertheless asked him to allow that 'the same maie now presentlie be opened at the chardges of the bardgmen' and that he also allow them access to his land to hale their barges. In return they promised to take action against those millers who owned barges, contrary to law and custom, and also issued a general pardon to those who had been involved in the events of 31 May.³⁷

It is not clear from the wording of the Council letter whether it was envisaged that the bargemen were to be allowed to restore the pound lock or not. There is no other evidence that they contemplated such action. Instead they seem to have accepted the closure of the

route down the millstream and concentrated their efforts on ensuring their rights to use the river.

When they tried to use the traditional river route once more however, they met with problems. First, when it was realised that it would cost £20 to raise Waltham High Bridge again, the bargemen decided that they could live with the problems and did not carry out the work.³⁸

More seriously when the bargemen tried to remove the lowshare so that they could pass down the river rather than the millstream (see Figure 3) they met with violent opposition. On July 19, and on several other occasions during the ensuing weeks, whenever the bargemen came down river they met with large gangs of local inhabitants at Waltham

who did in most violent riotous and horrible manner stopp the passage of the sayde river with stoones, Timbar, earth and other things cast and fixed in the River ... And also did... resist the passage of such persons as attempted to passe...did keepe and detayne the said Boats ...soe longe tyme that many of there sakes weare rotten ...and some of there corne issued out, and was spoyled and they disabled to performe such bargaynes and contractes for delyverie of the sayd Corne at London

The badgers told a different tale, arguing that they were merely trying to prevent the bargemen from illegally, as they alleged, pulling up the lowshare. Furthermore they claimed, it was the bargemen who initiated the violence, for they assembled themselves together

...verie riotouslie and unlawfullie with weapons and other Engines, and of sett purpose... furnished there Boates with a greate quantitye of stoones, and ...combyned and associated with dyvers reputed Soldiers and other evell disposed psonns about London and there indevored to pull upp the sayde olde Locke

Indeed on one occasion one of Denny's servants had been wounded and thrown into the river by the bargemen.³⁹

The badgers enjoyed the best of these exchanges. They successfully delayed the bargemen's passage, and in August sympathetic justices such as Robert Wroth and Robert Leigh fined nearly 30 bargemen for their part in the fights and warned the bargemen that they would be bound over if they continued to try and pass down the river.⁴⁰ Since no incidents were reported in September and October the bargemen seem to have taken heed of this advice.

In November the bargemen submitted a case to Chancery outlining the above events, but all else that is known of this approach is that the badgers argued that the case should not be heard in Chancery, but before the 'Queens Court Leet'.⁴¹

The bargemen did make a concerted effort to use the navigation once more in November and December, but again they met with opposition, this time even more vehement. One bargemen was wounded in the shoulder when a piked staff was thrust at him, sacks of corn and meal were thrown into the river, and on December 22 a barge was even sunk. This last seems to have closed the navigation, for no more incidents are reported. Once more it was the bargemen not the badgers who were indicted before the Essex justices.⁴²

On the few occasions the bargemen proceeded beyond Waltham they met further problems down river at Stratford. Robert Smith, owner of the Four Mills, threw a chain across the river and forced the bargemen to pay a toll of 12d if they wished to pass. If bargemen had the temerity to protest, another gang of local inhabitants was on hand to persuade them.⁴³

Faced with these set-backs the bargemen returned to the courts, this time to the Star Chamber. By July 1593 the London aldermen, Thomas Fanshawe and several barge owners had presented a case there, and, after replies and counter replies, the Star Chamber instructed Lord Justices Popham and Anderson to investigate both the riots and the rights of the bargemen to navigate along the river. In May 1594 the judges made their report, and on 20 June the Court issued its findings.⁴⁴

Of the evidence and arguments presented to the Star Chamber two points can be particularly noted. The bargemen were making no attempt to insist that the pound lock be rebuilt and the new route through Waltham be re-opened. They merely insisted on their long standing rights to navigate along the river. For their part the badgers acknowledged that the bargemen had a right to use the river, but questioned their right to hale the barges from the bank side, and raised queries about which was actually the traditional river channel.

In defence of their refusal to allow the bargemen to pull down the lowshare and pass down to Waltham High Bridge the badgers argued that the traditional river channel was in fact 'the little stream running to Cheshunt mill down to Smalley Bridge'. To substantiate this claim they argued that the Lea marked the boundary between Essex and Hertfordshire, and that since the county boundary was the millstream belonging to Cheshunt Mill, this proved it to be the traditional river channel.⁴⁵

45. Disputes over the boundary and the rights of Cheshunt and Waltham had long been a bone of contention.

46.

The bargemen had little difficulty in dismissing this last argument as nonsense, for many ancient deeds could be produced to show that the traditional river channel had always been that from the lowshare to Waltham High Bridge and that the other had never been more than a millstream. These ancient deeds also showed the long standing rights to hale from the bank side.

The Star Chamber found in favour of the bargemen, although they did make a proviso that if any landowner felt aggrieved over the right of access to the bank side to hale then they could bring a case before the Kings Bench or the Common Pleas.

The bargemen had thus won their right to navigate the river, but what was never confirmed, because it was never discussed, was the validity of the orders issued by the commissioners in the 1570s. The bargemen had a legal right to navigate the traditional river; they had not sought or obtained a right to maintain the experimental policy which had been introduced by the improvement commissioners. To this extent the badgers' persistent opposition had been successful.

NOTES TO CHAPTER SEVEN

1. BL, Lansdowne MS. 32 nos.34,41; Harte, fos.2-15.
2. BL_ Lansdowne MS. 32 no.40; *ibid*, 38 no.32; *ibid*, 41 no.48; *ibid*, 53 nos.70,78; *ibid*. 60 no.38; PRO, S.P. 12/177 no.10; Bodl., MS. Rawl. Essex 11 fo.96.
3. BL, Lansdowne MS. 32 no.41. Thomas came from a fishing family. His father, William, left Thomas a house in Hoddesdon, but left fishing leases to John and Henry Hewninge. On Thomas' death in 1595 he left 'all :my fishings, nets and fishing tools' to his son, Toby, and £20 each to his other sons, Thomas and William. William. described as a fisherman of Wormley, died in 1599, whilst Thomas, also a fisherman, was in dispute in 1602 with his nephew Ralph Parrat of Enfield, yeoman, who in 1601 had taken out a lease on the fishery purchased by Lord Burghley in 1572: PRO, C2 Eliz/P12/35; ERO, D/DQ 53/20; HRO, D/EX 21 Z6; Hatfield House, CP 349 fo.43; F.G. Emmison, *Elizabethan Wills of South-west Essex*, (Waddesdon,1983),9,130.
4. Bodl., MS. Rawl. Essex 11 fo.98.
5. BL, Add MS. 27'x79; PRO, S.P. 12/91 no.9; PRO, CP 25(2)/260 Hil 14 Eliz; VCH Herts., iii.387-88.
6. For an explanation of the various terms used for road carriers: R.W. Westerfield, *Middlemen in English Business*,130-186.
7. D.O. Pam, *Tudor Enfield, The Maltmen and the Lea Navigation*, Edmonton un re Historical Society, Occasional Papers N.S. Ho.18(n;d.).
8. D.O. Pam, *Protestant Gentlemen, the Wroths of Durants Arbour, Enfield and Loughton, Essex*, Edmonton Hundred Historical Society, Occasional Papers N.S. no.25(1973).

9. BL, Lansdowne M5. 32 nos.34,41,42; *ibid*, 53 nos.76,78; PRO, S.P. 14/1 no.25; S.P. 15/30 no.38; Harte, fos.2-15; ERO, Calendar of County Records(Essex), Sessions Records 1590-96, no.123/93-94; W.P. Baildon,editor, *Les Reportes del_ Cases in Camera Stellata 1593-1609*(London,1894),10.
10. DNB; VCH Herts., iii.416; VCH Essex, v.161-62,166; J S. Cockburn, editor, *Calendar of Assize Records,Essex Indictments, Elizabeth 1,393*;see 7.4.
11. BL, Lansdowne MS. 22 no.43; *ibid*, 25 nos.11,12; PRO, S.P. 12/109 no.19.
12. BL, Lansdowne MS. 32 no.40.
13. *Ibid*, nos.34,37,41.
14. *Ibid*, nos.35,41.
15. *Ibid*, nos.35,37; *ibid*, 38 no.34.
16. *Ibid*, 32 no.33; *ibid*, 38 no.34.
17. *Ibid*, 32 no.33.
18. *Ibid* 3, nos.39,41.
19. *Ibid*, no.39; T. Wright, *Queen Elizabeth and her Times* (2 vols,London,1833), ii.159-61.
20. Fleetwood noted Wroth's curses against the 'Swanemotes in the Forest'. Wroth was also arguing with another commissioner,Tho-nas Colshill. Colshill wanted to bring piped water to his house at Chingford from a nearby spring. Wroth refused to allow the pipes to cross his land, and when Colshill took a longer route Wroth still objected, arguing that the pipes stilt crossed his land. In November 1581 Wroth and a couple of his servants, armed with daggers and a crossbow, attacked Colshill's servants, and dug up the pipes. After they were relaid Wroth dug them up once more: PRO, STAC 5 C41/6, F55/10.
21. BL, Lansdowne MS. 32 nos.41,42.
22. Petitions from two badgers in Newgate, most probably presented October or November 1581, not 1587 or 1589 as catalogued: BL, Lansdowne MS. 53 no.95; *ibid*, 60 no.36.
23. BL, Lansdowne MS. 32 no.40. Includes the badgers' petition and four replies. Another reply is found: *ibid*, 38 no.35(catalogued as 1583, but should be 1581 as confirmed by Fanshawe's letter:*ibid*, 32 no.33).

24. For details of contemporary arguments about causes of inflation: R.H. Tawney, E. Power, editors, *Tudor Economic Documents*, 1.141-68; R.B. Outhwaite, *Inflation in Tudor and early Stuart England* (London, 1969); P. Bowden, *Agricultural Prices, Farm Profits, and Rents* in J. Thirsk, editor, *The Agrarian History of England and Wales*, Volume IV, 1500-1640 (Cambridge, 1967), 593-616
25. BL, *Landsdowne MS.* 38 no.32. The badgers argued that 'the low grounds by the River side be greatly impayed for Want of Sorrounding wch hath happened for that the water is not stayed by Weares as it hath ben But runeth faster a Waie by reason of the opening of the Streame for passage soe as the grounds yield not soe much haie'. The bargemen admitted there was some validity in this complaint, although they added that the flooding had some harmful effects as well. There was a strong body of opinion which stressed the benefits of such flooding, and a river improvement scheme for the Wey in the following century included special measures to ensure such flooding: Bodl., MS. Rawl. Essex 11 fo.98; BL, *Landsdowne MS.* 32 no.40; *ibid*, 60 no.38; Harte, fos.15-26, 153-62, 171-73; J. Norden, *The Surveiors Dialogue* (London, 1607); R. Vaughan, *Most approved and long experienced Water-Workes* (London, 1610); M. Nash, 'Early Seventeenth-Century Schemes to make the Wey navigable, 1618-51', *Surrey Archaeological Collections*, lxvi (1969), 33-40.
26. BL, *Landsdowne MS.* 41 no.48.
27. PRO, S.P. 12/177 no.8. Dating of bill: Bodl., MS. Rawl. Essex 11 fo.93.
28. S.P. 12/177 no.10. Badgers justified tax on grounds that the Queen needed recompense for her costs in raising bridges along the river. She had spent money on Ware, Stanstead and Temple Mills Bridge, but such costs were nowhere near the expected revenue from the proposed tax.
29. BL, *Landsdowne MS.* 53 nos.76,78.
30. *Ibid*, 60 no.38. Catalogued as 1589, but 1587 seems more likely.
31. PRO, S.P. 15/30 no.38.
32. *Ibid*, 46/34 fos.218,235. Sir Henry Cock was lord of the manor of Broxbourne, but he did not own the local mills.
33. Harte, fos.15-28.
34. *Ibid*, fos.2-15.
35. *Ibid*, fos.29-35; PRO, STAC .5, L46/6-; Bodl., MS. Rawl. Essex 11 fo.89. This last source cites £250 as the amount paid to Denny. There are several references to the debts and parlous financial state of Sir Edward Denny in the *Salisbury*

papers, but these apply to the uncle of Sir Edward Denny of Waltham: Hist. Mss. Com., 5, Salisbury, pp31-32; *ibid* 6, Salisbury, pp 63, 194; *ibid*, 10, Salisbury p.90; CSPD, 1598-1601,397.

36. APC., 1591-92,537, 553-54.
37. *Ibid*, 1592,11-12.
38. BL, Lansdowne 53 no.94.
39. Harte, fos.2-15,15-28.
40. ERO, Calendar of County Records (Essex), Sessions Records 1590-96, no.123/93
41. PRO, C234/20.
42. Harte, fos.2-15; ERO, Calendar of County Records (Essex), Sessions Records 1590-96, no.123/47.
43. Harte, fos.2-15.
44. *Ibid*, fos.2-15,15-28,29-35,36-38,50-92; PRO, S.P. 12/248 no. 97; BL Lansdowne MS.76 no. 55.
45. Disputes over the boundary and the rights of Cheshunt and Waltham had long been a bone of contention: J. Farmer, *The History of the ancient Town, and once Famous Abbey of Waltham London, 1735*), 74-76; P.C. Archer, *Historic Cheshunt (Cheshunt,1923)*,42-45.