

## CHAPTER EIGHT

### THE END OF THE EXPERIMENT

#### 8.1 A loss of will

The Star Chamber had confirmed the rights of the bargemen to navigate along the river, but they had not specifically confirmed the policy introduced by the improvement commissioners during the 1570s. Furthermore the badgers had not been punished, either for closing down the new route at Waltham or for their later closure of the traditional route. Even if they had failed to close the navigation permanently, they had once more demonstrated their nuisance value.

The bargemen could have tried to restore the experimental navigation. They did not, and there is no evidence to suggest that they seriously considered this option. Indeed, the very wording of their complaints to the Star Chamber confirms this.

The precise reasons for this loss of will cannot be established, but it does seem that the necessary initiative and commitment which had existed during the 1570s was no longer there.

The early 1590s were a period of economic depression, there had been a series of poor harvests and a serious outbreak of the plague in London in 1593. Furthermore the country had been involved in expensive wars for several years. Under such circumstances the central authorities must have had little time for river improvement schemes, especially one which had aroused so much persistent opposition.<sup>1</sup>

Without such commitment from the centre, it seems unlikely that local supporters could have restored the experimental navigation. Instead they had to reach some sort of accommodation with Denny and Wroth, and, most probably, with other land-owners who took their lead from this pair. A more conciliatory approach was in order.

The first evidence of this new policy is that in June 1594, soon after the Star Chamber verdict had been reached, Fanshawe wrote to Burghley informing him of events and asking for his assistance in re-opening the river for the barges. He specifically asked Burghley<sup>2</sup>

to move Sir Edward Denny that he will willingly agree to our right and permytt us with his good likeinge to enioye it and for any curtesye or good neygbored that he shall shewe to us about the same he shall fynde our neyghborhed as neyghborly, and us as ready to acqyt to our powers as he will desyre in all reasonable matters

The desire to negotiate is obvious, but thereafter the record is blank, except that special meetings were held between Fanshawe and the London aldermen to discuss the Lea in December 1594 and January 1595.<sup>3</sup>

Examination of the available evidence below shows that the result of these and other negotiations was that the traditional flash lock navigation was either restored or allowed to re-appear, and that by 1607 this system had already been operative for several years.<sup>4</sup> Furthermore this change was the result of private initiative and agreement, it was not authorised by a Commission of Sewers, for between 1585 and 1607 no such body existed along the Lea.

Exactly how this came about cannot be established, but a major element must have been an agreement with Denny whereby a turnpike\* was erected at Waltham to provide a flash of water to assist the barges, for which assistance the enormous toll of 5/- was paid by every barge whenever they passed through the turnpike (see 8.2). In addition fishing weirs once more re-appeared in the navigable channel, and the traditional rights of their owners to tolls recognised(see 8.3).

Details of how the new policy affected the mills is difficult to establish. It is probable that their traditional rights to tolls were once more recognised, and that the new routes at Stanstead Mills and Broxbourne Mills which had been opened in the 1570s were closed down.<sup>5</sup> Other than that, nothing can be said about whether the arrangements controlling their supplies of water were altered or not.

Another aspect of these new arrangements was that Fanshawe seems to have obtained some personal benefit. There is no other way to interpret a statement made in 1607, not as an accusation, that he did enjoy 'the benefite of the boates yt goe upp the river'.<sup>6</sup>

## 8.2 The erection of Waltham Turnpike

It has to be stated at the outset that the evidence about the erection of this turnpike is unsatisfactory, and much of that collected in the seventeenth century must be wrong. What can be said with a fair degree of certainty is that the turnpike was first set up in the last half of the 1590s, that its owner was from the first entitled to a toll of 5/-, and that major rows erupted during the ensuing century as the bargemen attempted, unsuccessfully, to secure the abolition of this toll.

On one such occasion, a Court of Sewers in 1682, after having received oral and written evidence, now no longer available, provided an inaccurate explanation of how the turnpike was first erected.

The commissioners stated that in 1590 or 1600 (different copies cite different dates) Sir Edward Denny had built at his own expence a new cut over a mile long and thirty feet wide from the head stream of Waltham Abbey Corn Mills to Waltham High Bridge, and that at the head of this new cut he had set up the turnpike. In their opinion this new route replaced the traditional route down the head stream and along the Long Pool.

The commissioners thus justified the high toll of 5/- on two accounts. First as compensation to Denny for the costs of this work and as payment for the land used in the

new cut, and secondly as an economic toll in view of the fact that barges using this new route could carry 100 quarters more than barges using the old route.<sup>7</sup>

Exception must be taken to this explanation on several grounds. Most importantly the commissioners had obviously obtained a confused picture of the various channels in the area, and no knowledge of the work of the Tudor improvement commissioners.

The channel which the 1682 commissioners were calling a new cut was in fact the traditional river channel. This can be determined from a reading of John Leland's description in the mid-sixteenth century,<sup>8</sup>

8. *'The first arme that breketh owt by the west of the mayne streame ys a mile lower than Wormeley..and rennith by Cheston nunnery ... And oute of this arme breketh a little beneth Cheston Nunnery an arme caullid the Shere Lake, because that there it devidith Estsax and Hertfordshire ... at Northe Marsh Point meath againe with tharme that it came out of. Thens cummith the first arme to Smawley Bridge ... The secunde principal arme westward brekith owte of kinges streame at a hammelet caullid Halifeld half a mile lower than Chestun Nunnery, and so to the fulling mylle,... On the este side of the Kinges streame brekith oute but one principal arme at Halifeld 3. quarters of a mile above Waultham, and so goith to the corne mille in Waltham...'*

from an inspection of a map produced about 50 years later(used as the basis for Figure 3), and from evidence presented to a Court of Sewers in 1576.<sup>9</sup>

Furthermore a comparison between the county maps produced by Saxton and Norden at the end of the sixteenth century with later maps confirms that no new channels were ever dug by Denny at this date, even allowing for the lack of precision and the discrepancies which appear in the various maps.<sup>10</sup>

Exception can also be taken to the statement that the construction of the turnpike allowed an immediate increase of 100 quarters in the carrying capacity of the barges. The size of barges did increase during the seventeenth century (see 13.2), but this was a gradual process, not the result of any sudden improvement in the navigation. It is also unlikely that barges could carry as much as 100 quarters until the second half of the century.

The reasons why this mistaken explanation arose must be a mixture of genuine confusion in the oral tradition, the events had taken place 80 and 100 years previously, and a distinct need on the part of the owners of Waltham Turnpike to encourage such arguments to justify such a high toll. Without a proper written record it was easy, and convenient, to confuse the new cut dug in 1576-77 with the re-opening of the traditional river route in the aftermath of the Star Chamber case.

To replace this mistaken explanation with firm evidence is difficult, but circumstantial evidence suggests that the turnpike must have been erected by 1597, and the probability is that the high 5/- toll was agreed in order to obtain Denny's co-operation. The tentative dating of the construction emerges from arguments between Denny and his tenant at Waltham Abbey Corn Mills, William Parnell. Some time between August 1604 and May 1605 the latter complained to Viscount Cranborne that for 7 years he had held a lease to the mills, paying a rent of over £100 a year, and that the lease still had 7 or 8 years to run.

Recently, however, Denny had begun to withhold 'one Commodity of ye said Lease' which was worth £80, so he had refused to pay any rent unless he was allowed to enjoy all the profits of his original lease. In response Denny had besieged the mills for over 20 days and had finally blocked up the mouth of the head stream.<sup>11</sup>

11. *Hatfield House, CP Petitions 1434 Undated, but Robert Cecil made Viscount Cranborne on 20 August 1604 and then elevated to Earl of Salisbury on 4 May 1605.*

The wording of the complaint makes it obvious that it is not the mill itself which was the cause of the argument, so it is difficult to imagine what else the commodity worth £80 could be, except a lease to the tolls collected at the turnpike. It seems too high a valuation for any lands let with the mills. It would have been sensible to let the turnpike to the miller for it did control the supply of water to the mills, and a rent of about £80 would suggest at least 360 barges passing through each year, a not improbable figure.

If the above establishes that the turnpike had been built by 1596 or 1597, whenever Parnell first obtained his lease, and that the toll had been fixed at 5/-, then comment is necessary about the high rate of this toll. It seems probable that the bargemen needed to compete for Denny's support, and had to make an offer comparable to the £240 that the badgers had given him in 1592. It must be stressed that this toll was by far the highest along the river, and was to remain so until 1767 even though it remained at 5/- whilst other tolls slowly increased.

### 8.3 The re-appearance of other weirs

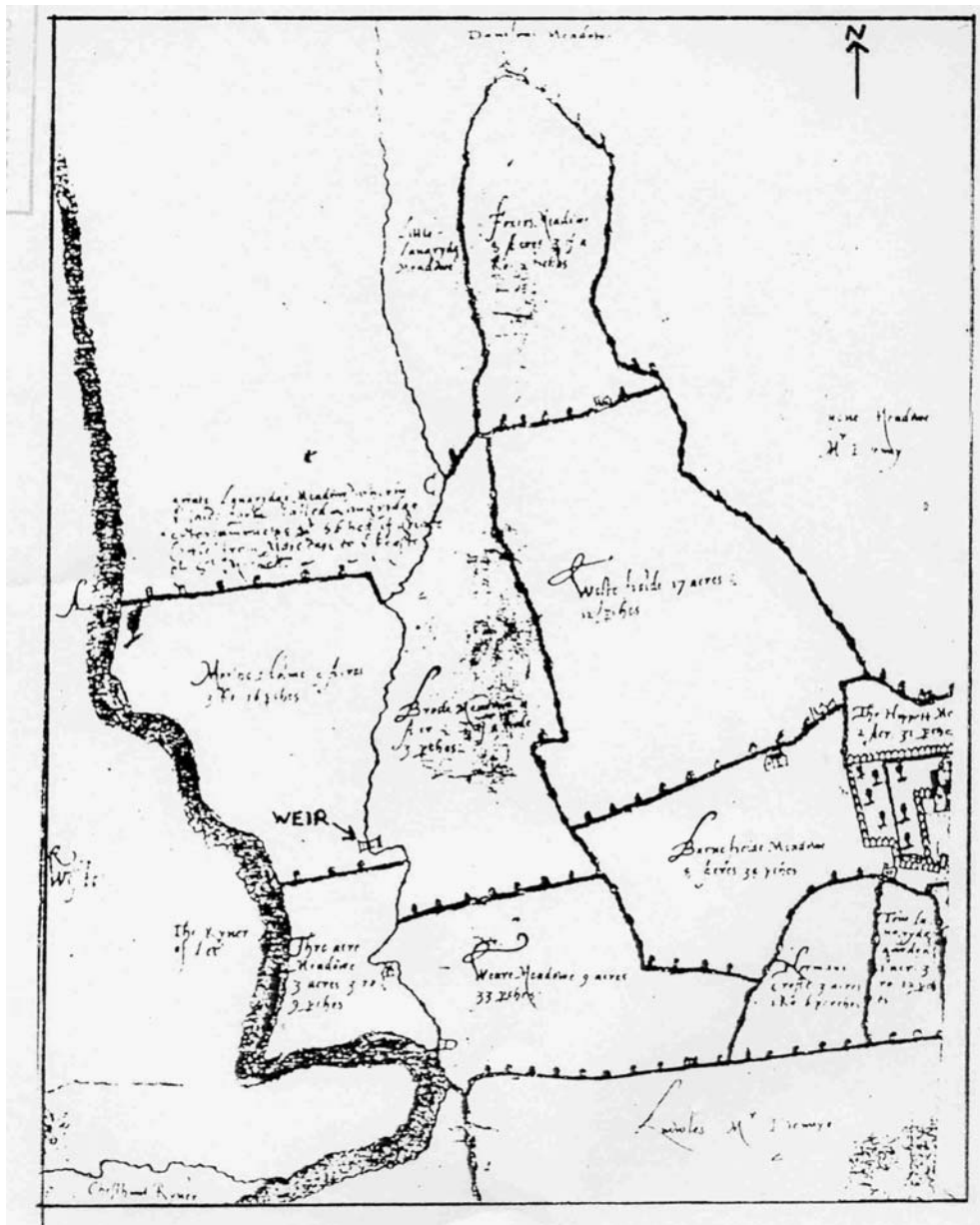
The comments in 1607 show that other fishing weirs had been in situ for several years by that date, but provides no information as to how many. Other evidence is scanty, but some does suggest that they began to re-appear before the Star Chamber case and the subsequent compromise.

In 1587 a Mr Whorlden complained that bargemen had removed planks from his footbridge and weir. This weir did not stand in the navigable channel, but on a ditch parting Marshe Holme and Brode Meadowe,<sup>12</sup> as shown in Figure 6 below. Nevertheless it is interesting that the bargemen were seeking flashes at this date. Furthermore Figure 5, which cannot be definitely dated, but could pre-date the Star Chamber case, shows what seems to be a fishing weir in the navigable channel near to Enfield Lock. Were fishermen taking advantage of the failure to renew the Commission of Sewers to rebuild their weirs once more?

Of other weirs along the river at this date, only brief details are available. In 1616 a weir, part of the manor of Netherhall, was described as 'the newe Ware', and the fishery was let for £5 a year compared to 30/- in 1581 when the weir was not standing.<sup>13</sup> In 1650 it was stated that the fishing and the weirs in the manor of Sewardstone had been let for 50 years past at £10 a year;<sup>14</sup> whilst a note, made most probably about 1602, ordered a search of the records for any mention of a weir called 'Dobb Ware'.<sup>15</sup>

15. *Hatfield House, General 65/4. Cecil had bought the manor of Royden Hall in 1602 and may have been checking his manorial rights:*

Figure 6: River Lea at Nazeing. Extract from an estate map of a property known as Langridge belonging to Martin Trott. Date between 1575 and 1604.



Such evidence establishes that several weirs were rebuilt after the decay or end of the experimental navigation, but what cannot be established is how many or what tolls were imposed. Neither can it be established just how the weirs came to be rebuilt. Was there a deliberate policy to see that sufficient weirs were rebuilt to ensure sufficiently frequent flashes of water for the barges, or did it depend on the haphazard response of certain landowners. towards re-establishing their ancient rights?

All that can be said is that these developments were not supervised by any Commission of Sewers, for no such body existed, and not all weirs were erected at this date. Several were not built until later in the seventeenth century, and some maybe not until the first half of the eighteenth.

#### 8.4 The effect on the navigation

It would be a mistake to assume that the re-appearance of the flash-lock navigation with all the associated delays, and the imposition of tolls, meant that severe a set-back to the bargemen. The badgers must have hoped that the toll at Waltham and at other weirs and mills would substantially reduce the cost advantage enjoyed by the bargemen, equivalent to the taxes they had earlier proposed for this purpose. If so, they were to be disappointed. The barge traffic continued, and though there is no quantitative evidence, there is nothing to suggest any great decline in the size of the traffic.

The evidence of this resilient barge traffic emerges from several sources. In 1599 Sir Arthur Gorges wrote to Robert Cecil about the need to restock Theobalds with deer, promising to 'find means by the river of Ware to land the deer hard by your park'.<sup>16</sup> Early in the seventeenth century the millers at Cheshunt Mill complained that barges were frequently laid across the mouth of their head stream, thus cutting off their supply of water, and that if they remonstrated, fights broke out.<sup>17</sup> There were other conflicts between millers and bargemen at this date,<sup>18</sup> and in 1608 22 barges were held up for several days by the miller at Enfield.<sup>19</sup>

17. *Undated, but petitioners, Henry Stapleford and Richard Shakerley, took out a 21 year lease on mill in 1601: Hatfield House, Deeds 163/4; HRO, 10909.*

In addition, before Edmund Colthurst obtained his patent to bring water to London in 1604, the precursor of the New River scheme, he had to prove that his scheme would not adversely effect the navigation on the Lea.<sup>20</sup> It was at this date also that schemes to build a canal from the Lea to London were once more resurrected.<sup>21</sup> Finally, and conclusively, a bill was submitted to Parliament in May 1604 'For suppressing the Inconvenience growing by Barges in the River of Lee'.<sup>22</sup> Unfortunately nothing more is known of this attempt, except that it did not pass.

#### 8.5 The success of the experimental navigation?

The replacement of the experimental navigation by the traditional flash-lock navigation might well suggest that the former had not been a success, particularly as the bargemen seem to have made no attempt to maintain it, and instead sought the restoration of the latter. On the other hand they could have merely been facing reality and were concentrating on a possible solution to their continued conflict with the road carriers.

A proper assessment of the experimental scheme cannot be made, for far too little is known of how it worked in practice. Did it reduce the delays compared to waiting for frequent flashes? Had the millers always been co-operative? Did the current sufficiently

scour the bed to prevent the formation of shoals? No answer can be given unless further evidence is found.

In one important aspect, the experiment was a success. Before 1575 the Lea had not been a major transport artery supplying the needs of the capital, but it became so as a result of the improvements.

In addition an important pressure group emerged which were prepared to struggle to maintain the navigation during the ensuing centuries. It is not too far fetched to imagine that if such a pressure group had not emerged during Elizabeth's reign, then the Lea could have deteriorated, and its subsequent history could have been much different.

### NOTES TO CHAPTER EIGHT

1. W.G. Hoskins, 'Harvest Fluctuations and English Economic History, 1480-1619', *Agricultural History Review*, xii(1964),128-46; J. Thirsk, *Economic Policy and Projects* (Oxford,1978), 51-77; D.M. Palliser, *The Age of Elizabeth, England under the later Tudors, 1547-1603* (London,1983),27-28.
2. BL, Lansdowne MS..77 no.16.
3. CLRO, Repertories, 23 fos.329,334.
4. Hatfield House, CP 143/117.
5. HRO, B1110.
6. Hatfield House, CP 143/117.
7. NRO, WC 244. This copy states 1600 and is followed by one document prepared in 1760s:NRO, Y26094. But another copy states 1590, and this date was given to Parliament in 1767:PRO, C225 Bundle 2/59A; \_CJ, xxxi.308.
8. L.T. Smith, editor, 'The Itinerary of John Leland the Antiquary'(5 vols, London,(1906-1910) ,iv.112-113 - 'The first arme that breketh owt by the west of the mayne streame ys a mile lower than Wormeley..and rennith by Cheston nunnery ... And oute of this arme breketh a little beneth Cheston Nunnery an arme caullid the Shere Lake, because that there it devidith Estsax and Hertfordshire ... at Northe Marshe Point meath againe with tharme that it came out of. Thens cummith the first arme to Smawley Bridge ... The secunde principal arme westward brekith owte of kinges streame at a hammelet caullid Halifeld half a mile lower than Chestun Nunnery, and so to the fulling mylle,... On the este side of the Kinges streame brekith oute but one principal arme at Halifeld 3. quarters of a mile above Waultham, and so goith to the corne mille in Waltham...'

9. Hatfield House, Maps 11.53; Hart&, fos.174-77.
10. Caxton: BL , MAPS C 7 c 1; Norden: ERO, D/DMs Pl; B.L., MAPS C7 b 24. For later maps: 'A New and Correct Map of Middlesex, Essex and Hartfordshire' by J. Warburton, J. Bland, and P. Smith, c.1724: BL , MAPS C 29 f 26, or a plan of Waltham made in 1767 by J. Parker:NRO, YZ 6097.
11. Hatfield House,CP Petitions 1434 Undated, but Robert Cecil made Viscount Cranborne on 20 August 1604 and then elevated to Earl of Salisbury on 4 May 1605.
12. BL, Lansdowne MS. 53 no.78; ERO, D/DC 27/317A. Map made between 1575 and 1604.
13. ERO, D/DB T74.
14. ERO, D/DAc 370.
15. Hatfield House, General 65/4. Cecil had bought the manor of Royden Hall in 1602 and may have been checking his manorial rights: VCH Essex, viii.235,322.
16. Hist. Mss. Com., 10, Salisbury, p.8
17. Hatfield House, CP Petitions 1750. Undated, but petitioners, Henry Stapleford and Richard Shakerley, took out a 21 year lease on mill in 1601: Hatfield House, Deeds 163/4; HRO, 10909.
18. J.S. Cockburn, editor, Calendar of Assize Records, Hertfordshire Indictments, James I (London,1975)
19. W.H. Overall, H.C. Overall,editors, Analytical Index to ...Remembrancia,
20. Hatfield House, CP 184.50.
21. T. Procter, A Worthy worke.
22. CJ, i.208. Nothing else is known of this bill.