

CHAPTER ELEVEN

THE RIVER BETWEEN WARE AND HACKNEY

This stretch of the river is treated separately for two particular reasons. It is this stretch which was always under the supervision of the Commissioners of Sewers for the river Lea, whatever the varying limits of jurisdiction of that body, and, unlike either the river above Ware or the lower tidal Lea, no other official body had any interest in the navigation.

Furthermore it is this stretch which was the most important part of the flash lock navigation throughout the period under consideration. Above Ware the navigation was not improved until the second half of the seventeenth century, and was never to be used as intensively as the river below Ware. Below Hackney the river was tidal, the problems of navigation were different and did not depend primarily upon the availability of flashes.

It must be admitted at the outset that it is for this stretch of the river during this period of time that the documentation is at its worst. Some problems are discussed below, but there must have been other problems and developments about which no hint even now remains.

11.1 Developments before 1660

As argued in Chapter 8 the flash-lock navigation had already been restored by the first years of the century. However the location and number of weirs erected by this date cannot be established. Nor is there evidence of other weirs being erected at a later date during the first half of the seventeenth century. All that can be said is that probably there were fewer weirs and locks providing flashes than there were later on. A fuller description of the workings of this flash-lock navigation is provided in Chapter 13.

The restoration of this navigation did not pass without problem. There seems to be more evidence of conflict between bargemen and millers during the first decade of the century than is normally recorded along the Lea.

The millers at Cheshunt Mills, Henry Stapleford and Richard Shakerley, complained that bargemen were temporarily cutting off supplies of water to their mills by laying barges across the mouth of their head stream whilst other barges progressed along the river. This not only shut down their mills for the duration but led to shoals forming at the mouth of their head stream. This reduced their supplies of water permanently. When they remonstrated with the bargemen they were met with 'blowes and great threatninge speaches'.¹ A recognizance for the miller at Broxbourne, George Kympton, to give evidence against two bargemen suggests similar conflict.²

1. *Shakerley and Stapleford took out a 21 year lease on the mills in 1601. In 1607 Shakerley was described as the miller at Cheshunt*

Then on Monday 26 May 1608 London's Lord Mayor complained to the Privy Council that 22 barges were laid aground along the river, many since the previous Tuesday,

because the miller at Enfield Mills, amongst others, was drawing too much water out of the river. The Lord Mayor wanted the Council to take action to restrain the millers.³ Ensuing developments are not recorded, but it should be noted that the bargemen complained to the City rather than to the newly appointed Commissioners of Sewers. Why?

The commissioners had been at work immediately before this exchange, for in April 1608 one of their number, Sir Henry Cock, wrote⁴

For the Brackes [breaches] and other disorders aboute the water of Ley, the Lor Denny and I with the reste, have taken order for the present and sufficient ammendment of them, soe that I hope the Marshes and Meddowes shal be made dry enough to his Maties good likinge

King James' personal interest in these problems of flooding arose because he had just acquired Theobalds House at Cheshunt. He was to express similar concern about local meadows in 1623.⁵ The forests which lined the valley along the middle sections of the Lea provided James with ideal facilities to pursue his love of hunting and hawking. Soon after his accession he insisted that a series of bridges were built along the valley solely for his private use, so that he could cross over the river whenever the pursuit required it.⁶

These bridges can only have hampered the bargemen's progress, but there is no evidence of any opposition until after the New River Company, with which James was closely involved, were given permission to tap the Lea (see 10.2). Then in July 1619 it was reported that the bargemen had destroyed most of these bridges, to the great inconvenience of the King. Lord Denny was ordered to rebuild them, and ensure that the bargemen responsible were both punished and made to bear the costs of repair, but as a gesture to the bargemen he was also ordered to scour and cleanse the river.⁷ In 1631 the Privy Council had to write to Denny once more about the bargemen destroying these bridges,⁸ and it seems likely that many were finally removed by the bargemen during the Civil War.

The first skirmishes in the struggle over Waltham Turnpike were recorded during this period. At some date between 1626 and 1637 a series of questions were drawn up for the consideration of the Commissioners of Sewers. These questions, unfortunately incomplete and without answers, show concern to discover what decisions had been taken during the 1570s with regard to the navigation at Waltham, and whether the building of the turnpike by Denny had contravened these decisions. Furthermore the commissioners were instructed to consider whether the Lea 'ought to be a free passage ... without payinge anye thinge for the same passage'.⁹

9. *PRO, MPB 31 (formerly Exchequer 178/4965). Catalogued as temp Jas 1, but since reference is made to Earl of Norwich, the document must be dated as being between 1626 when he was elevated and 1637 when he died. Only the first page of questions remain, the rest seem to be lost. These questions have nothing whatsoever to do with the map to which they have been attached, a 1573 canal scheme.*

Thus the bargemen were already arguing that clauses in the act of 1571 entitled them to use the river without paying tolls, and were already concentrating on Waltham Turnpike as a test case, presumably because its 5/- toll was the highest along the river.

They had no success at this date, for in 1643 the turnpike was let to the miller at Waltham Abbey Corn Mills, Abraham Hudson, for £123 a year.¹⁰

10. Abraham Hudson leased the corn mills at £80 a year. In February 1657 a new lease to the mills was taken out by Samuel Hudson at the same rent. Samuel held a lease to other mills in Waltham which he converted to gunpowder production in late 1664 or early 1665

However in May 1643 the bargemen took advantage of the Civil War to destroy the turnpike and other weirs along the river which belonged to James, Earl of Carlisle, Denny's heir.¹¹

11. Carlisle owned corn mills and fulling mills in Waltham Abbey, Sewardstone Mills, Waltham Turnpike, and most probably fishing weirs along the river at Cheshunt, Waltham and Sewardstone.

Carlisle made his peace with the parliamentarians in 1644 and was appointed to the Commissions of Sewers issued in 1645 and 1657.¹² Under such circumstances it might be expected that Waltham Turnpike was soon rebuilt. However there is some evidence to suggest that this might not have been the case.

Such speculation arises because bargemen complained to the Privy Council in 1666 that Edward Clayton at Waltham Turnpike was demanding a toll of 5/- instead of the 4d (sic) 'he had formerly had'.¹³

13. It has not been discovered when Clayton took over the lease to Waltham Turnpike, nor whether he had any interest in Waltham Abbey Corn Mills. When he died in 1684 he was described as a gentleman, see fn.34 below.

Soon afterwards the commissioners confirmed Clayton's right to collect 5/-.¹⁴ Various hypotheses can be forwarded to explain this sequence of events.

It is possible that the turnpike was rebuilt soon after its destruction in 1643, but that only a toll of 4d was allowed, as the bargemen pressed home their advantage during the changed circumstances of the Civil War. However, it could also be that the turnpike was not rebuilt until after the Restoration, and that the 4d that Clayton had formerly enjoyed was a toll he claimed as either a tenant of a fishing weir in Waltham or as a sub-tenant at one of the Waltham Mills. More evidence is necessary before such guesses can be properly evaluated.

Some of the damage to Carlisle's property in 1643 does not seem to have been repaired by the following decade. In June 1653 the Council of State, faced by a shortage of gunpowder during the 1st Dutch War, wrote to both the Commissioners of Sewers and to Carlisle asking them to allow John Freeman to erect a weir at Sewardstone to increase the water power available to drive newly erected powder mills there.¹⁵

Except to suggest that it seems unlikely there was ever any long term interruption to the navigation or any major decline in its use during these years, it is difficult to have any opinion about the traffic carried on the river. One trend which did emerge was that larger barges were using the river. A list of barges in 1588 notes capacities between 26 and 42 quarters, yet in 1648 an elderly Hertford resident talked of barges carrying 60 to 80 quarters to Hertford during Elizabeth's reign.¹⁶ Since the nature of his reminiscing is about the large barges which once came up river above Ware, but could no longer do so (see 4.5 & 10.1), it seems probable that the capacities he quoted were those of the larger barges using the river in the 1640s. Whether this increase in size was gradual or whether it reflected a quick response to the realities of a newly restored flash-lock navigation at the beginning of the century cannot be posited.

11.2 The last half of the century: a row over tolls

The second half of the seventeenth century was dominated by rows about whether the millers and fishermen had rights to collect tolls in return for the assistance they provided the bargemen. The latter made persistent, but unsuccessful, attempts to revoke the customary rights to tolls. The main argument was over the 5/- toll at Waltham Turnpike, but the other lower tolls were also queried.

The toll at Waltham Turnpike was important not only because it was so high, but also because it was collected every time a barge passed through, hence the name turnpike. Other tolls could only be collected if the miller or the fisherman had to provide a pen or flash of water at the request of the bargemen.

If the bargemen could revoke the right to collect 5/- at Waltham Turnpike, it would be a substantial reduction to their costs in itself, but it would also be an important precedent when they chose to query the validity of the numerous other tolls, which in 1667 the bargemen claimed totalled 30/- a trip.^{16A}

The basis of the bargemen's case was a clause in the act of 1571 which had been added by Parliament. This stated that boats 'shall have free Passage through the said Ryver, as well the newe Cut as the older Ryver, without interruption molestacon, by reason of or for his or theyre Passage, as in other comone Ryvers and Waters they lawfully may do'. The bargemen argued that this meant that tolls were illegal because passage should be free, but the wording is obviously open to differing interpretations, and it is possible that it was only inserted to ensure that the City of London would forever maintain their canal once it had been built (see 2.2).

Such arguments had been first raised before the Civil War (see 11.1), but were further stimulated by developments after the Restoration. In May 1666 bargemen complained to the Privy Council that owners of weirs and locks had begun to demand higher tolls than had hitherto been customary. Specific complaints were made against Thomas Worrill, a gunpowder manufacturer at Tottenham Mills,¹⁷ and Edward Clayton at Waltham

Turnpike. Worrill was accused of having drawn off so much water that 20 barges had lain aground for nearly a fortnight. Worrill was demanding tolls of 5/- or 10/- if they wanted to pass downstream, thereby hoping to encourage the bargemen to unload at his wharf and cart from there to London. Clayton was accused of demanding 5/- when previously he had been entitled to 4d (sic). It is difficult to explain this sharp increase, but some suggestions have been forwarded already (see 11-1).¹⁸

17. *Thomas and John Worrill (Worrall) signed their first contract with the Ordnance Board, but by April 1669 were in severe debt to the King, and ceased to be suppliers.*

Of another seven, the bargemen complained that 'they severally exact fower times What they heretofore demanded'. From the order these names are listed and those who can be identified, it can be determined that the bargemen were complaining only about millers and weir-keepers along the upper river, above Waltham. Except for Worrill, they made no complaints about the lower river.¹⁹

19. *The seven named are: Samuel Goodwin(unidentified); Johnathan Ward(unidentified,but in 1640 he may have been the miller at Hoddesdon); John Page(fisherman at Dobbs Weir and Archers Weir); William Harlow(possibly the miller at Broxbourne Mills); William Beacham(fisherman, possibly at Kings Weir); John Martin(miller at Cheshunt Mills); William Munt(probably William Moulton of Waltham?).*

This could be that there were fewer problems along this stretch of the river, there were certainly fewer weirs at this date, but it is also probable that the bargemen sensibly refrained from complaining to the Privy Council about mills along the lower river, most of which were producing gunpowder for the Ordnance.²⁰ There was a war on.

The Privy Council held a special session to hear these complaints, after which they referred them to the Commissioners of Sewers, instructing the bargemen meanwhile to pay only those tolls they anciently had paid. The Commissioners fixed the level of tolls in June 1666,²¹ but no record of their decisions remains. All that can be said with certainty is that they confirmed the toll of 5/- at Waltham Turnpike,²² but suspicion remains that they allowed some increase in the rates even if they did peg back those rates that the bargemen had originally complained about.

In October 1667 the bargemen returned to the Privy Council. They complained that the millers and weir-keepers had at first accepted the rates fixed by the commissioners but that they were now once more demanding higher tolls. To reinforce their demands they were deliberately manipulating the provision of flashes to force barges to lie aground if they refused. The bargemen stated it was now costing them the 30/- in tolls to make the trip from Ware to London.

The Privy Council referred the dispute to a special committee which had been appointed earlier that day to arbitrate in disputes between the bargemen and the New River Company (see 10.5). In the meantime they issued instructions to the millers and weir-keepers to provide flashes at the rates fixed by the commissioners the previous year.²³ The deliberations of the special committee on this particular problem are not known, but

since a petition in 1681 refers to the rates fixed in June 1666 as the norm,²⁴ it can be assumed that no changes were made.

The bargemen obviously resented this state of affairs; they were not alone. In 1670 Sir Robert Murray and Christopher Wren noted the high rate of tolls and the practices of millers and weir-keepers which forced bargemen to rely on flashes more frequently than should have been necessary.²⁵ In 1673 the Kings Purveyor told Parliament he'd been informed of 'great impositions' on boats using the Lea.²⁶ Out of this resentment grew a new initiative, an attack on the rights of the owner of Waltham Turnpike.

In August 1678 Edward Hopkins, who described himself as a 'Carrier of Timber in his Barge for his MatY from Hadham Hall Parke to his Mattes stores at Deptford & Woolwich', complained to the Privy Council that on a journey to Stanstead to load timber his barge was stopped and chained up by William Moulton, lessee of Waltham Turnpike, because he refused to pay Moulton 35/-, the toll due for having passed through the turnpike seven times. Hopkins stated that the toll was contrary to the act of 1571 which stated that barges 'should at all times goe free up the sayd River'. Hopkins' complaints were referred to the Attorney General, Sir William Jones.²⁷

27. *William Moulton took out a 12 year lease on Waltham Turnpike from Carlisle's widow, the Countess of Manchester, in January 1670 for £130 a year. In 1674 he relinquished it, and took out a new one on the same terms for 21 years. He was buried at Waltham in July 1681*

The bargemen later claimed that Jones had determined that they should have a free passage.²⁸ This seems improbable. If Jones had made such a decision it would surely have been discussed at the Court of Sewers held in 1682 to debate the whole question of the rights of Waltham Turnpike. It was not. What the commissioners did determine in 1682 was that at some date in 1678 or 1679 Waltham Turnpike had been pulled down illegally 'in an obscure manner by Persons unknowne'.²⁹ Rather a polite description for the bargemen's actions.

The bargemen had taken advantage of the fact that owing to long standing complex disputes about the estate of the Earl of Carlisle, there was no undisputed owner of Waltham Turnpike for some years. During this hiatus the bargemen pulled the turnpike down, and although William, Earl of Kinnoull gained possession in 1679 it was not until 1682 that he took steps to rebuild it.³⁰

30. *James, Earl of Carlisle, left an annuity to his cousin William, Earl of Kinnoull. Financial problems meant that Carlisle's executors never paid this annuity, therefore in 1677 a Chancery settlement awarded Kinnoull certain properties in lieu of future payments of the annuity. These properties included Waltham Turnpike and Waltham Abbey Corn Mills. Before he could take possession, Kinnoull died in March 1677. These properties were bequeathed to his second son, William, who became Earl of Kinnoull in 1687 on the death of his elder brother. There were problems over his father's will, so it was not until 1679 that he entered his inherited property, and it was not until 1683 that any rent was obtained from either the mills or the turnpike*

Not only did the bargemen enjoy a respite from the 5/- toll during these years, but in 1680 Hopkins, on their behalf, petitioned the Privy Council requesting an order for 'Freedome

of Passage' along the Lea as accorded in the act of 1571. The attack had turned to the other weirs and mills along the river. The request was referred to the Attorney General, now Sir Creswell Levinz.³¹

Nothing suggests the bargemen achieved any success with this request, even temporarily. Indeed they met with problems at Waltham. In June 1681 the bargemen complained that the miller at Waltham Abbey Corn Mills was ignoring all customary practices regulating flashes, with the result that 19 barges had been stranded at Waltham for 12 days and more. The miller, William Everit, was refusing to accept the 1/- toll determined by the commissioners in June 1666, and was saying that he would not help them even for £40.³² Obviously the advantages of not having to pay the 5/- toll were offset to some extent by the fact that the bargemen no longer enjoyed any assistance from the turnpike.

By 1682 the Earl of Kinnoull was ready to reclaim his rights. A major debate was held before Commissioners of Sewers over whether he had the right to erect a turnpike and collect a 5/- toll. The commissioners' reasoning was faulty (see 8.2), their decision was correct. They decreed that the turnpike should be rebuilt at the costs of its owner, and that he should be entitled to collect a toll of 5/-.³³

Within a year the turnpike had been rebuilt at a cost of £261 12s 1d, and let to Edward Clayton and John Bell for £120 a year. This rent was increased to £130 in 1685.³⁴

34. *Clayton died in September 1686, leaving his share of the lease to the turnpike to his widow. He described himself as a gentleman in his will. This will mentioned local property such as a farm called Bowtels, 2 houses and unspecified parcels of land. Bequests included £20 to apprentice four parish boys and £10 to the poor of Waltham Abbey. Rows over his estate broke out between his widow and his son.*

The bargemen did not accept this setback. In July 1683 they complained to the Privy Council 'of being oprest against all Law & Justice in their Navigation' by people cutting weeds or cutting open the banks, which meant that the flashes were less effective and their barges were often laid aground 'contrary to the Statute made in the 13th yeare of Queen Eliz for free passage thereon'. Were the bargemen themselves now putting a different gloss on the wording of the act of 1571 or is it just the way the minutes are recorded? Whatever, the complaints were referred to Lord Chief Justice Pemberton and Justice Wythens.³⁵

In October the bargemen returned to the Council, saying that nothing had been done since July because Pemberton had been removed. On this occasion they specifically complained about Waltham Turnpike once more. The matter was referred to the new Lord Chief Justice, Jeffreys, and Wythens, even though a new Commission of Sewers was in the process of being issued(see 9.1).³⁶

Jeffreys and Wythens held an investigation, to which the bargemen submitted a case. They argued that the turnpike was of no benefit to the navigation, but was an obstruction contrary to the act of 1571. They quietly ignored the findings of the commissioners in 1682. Making no mention of the fact that there had been no turnpike for several years, they argued that in 1679 Sir William Jones had decreed that the navigation should be

free, but that since then a new turnpike had been erected without any authority that they knew of, and a toll of 9/-(sic) had been demanded.³⁷ Since Wythens had presented their case to the commissioners in 1682 the bargemen may have hoped for a sympathetic hearing. They were to be disappointed. Perhaps Wythens had a good memory.

37. *It should be stressed that the record of this Commission of Sewers included in Hobday's papers is a copy, the original has not been traced. Perhaps 9/- is a copying error, there is no other reference to such a high toll ever being collected*

It was another ten years before the bargemen returned to the fray. In the meantime they had persuaded the City of London to pursue a claim to jurisdiction over the lower Lea, based on arguments that a new cut had been built by the city as a result of the act of 1571(see 12.1).

This mistaken claim was accepted officially in 1695 when newly appointed Commissioners of Sewers for the Lea were told that they had no jurisdiction over any part of the river to which the City entertained a claim (see 9.2) This was an important victory for the bargemen, it set a precedent that the act of 1571 had been implemented in part, they could thus concentrate once more upon arguing 'free Passage' should be implemented.

Their optimism on this occasion was noted by an opponent who commented that the bargemen 'have taken out this Commission in order to have their Passage free, they have formerly been att it, but could never prevaile; but now many of ye Commissioners seeme to me to be their frends and what will come of it i cannot tell'.³⁸

The bargemen fought hard to obtain a favourable commission. They successfully opposed the appointment of some weir-owners as commissioners; they successfully opposed the appointment of Thomas North as a surveyor on the basis that he had interests in weirs in the manor of Sewardstone, and later objected to North when summoned as a juror.³⁹

39. *INorth was the steward of the manor of Sewardstone, and a tenant at the two fishing weirs within the manor. He mentioned the weirs several times in letters he wrote to his employer. In 1684 he said that his first plans to repair the two weirs had been too optimistic, and that one weir needed to be completely rebuilt. In March 1685 he complained of damage caused by ice, and in September 1685 stated that repairs and rebuilding had cost him about £100. In 1695 and 1697 he mentioned problems in obtaining trees from the estate to repair the weirs, those trees earmarked had been stolen.*

The changes in membership between the commissions issued in June and November 1695 are further evidence of lobbying, but it must be emphasised that the bargemen did not have it all their own way, several owners of weirs and mills still remained on the commission.⁴⁰

40. *PRO, C191/1 nos.15,19. Those appointed in July but dropped in November were Thomas Freeman, Robert Fish, William Wright, Ralph Bucknall and William Calvert. Calvert and his son-in-law, Wright, had brewing interests but special interests of other not presently discovered. Their replacements were Andrew Searle, William Scott, Thomas Winsford, John Greene, George Monson. The following commissioners possessed mills or fishing weirs along the river: Henry,*

Lord Coleraine(Tottenham); Sir William Maynard(Walthamstow); Sir Humphrey Gore (Nazeing); Sir Thomas Byde(Ware); William Savage (Temple Mills in Leyton).

Further factors may have increased the bargemen's confidence. The Earl of Kinnoull who had inherited the turnpike in 1687 was a Catholic who had attended James in exile. Even though he had made his peace with the new regime, he may have been less able to defend his own interests as a consequence.⁴¹ Furthermore these years witnessed intense interest in river improvement and some concern with transport costs, both on land and river.⁴² The bargemen may have expected a sympathetic hearing for their attempts to reduce such costs.

They were to be severely disappointed, yet again. Of the ensuing debate, all that remains is a confused and incorrect defence submitted by the lessees of the turnpike.⁴³ But it can be stated with certainty that once more the commissioners rejected the bargemen's arguments that the toll at Waltham Turnpike was illegal, a legal case in 1703 shows that the toll was collected throughout this period without interruption.⁴⁴

This was the bargemen's last attempt. After twenty years of repeated failure they had to accept that the owners of Waltham Turnpike, and other millers and weir owners along the valley, had rights to collect tolls. The bargemen were later to complain about the increased costs caused by these tolls, but they never again questioned whether they had to be paid.

11.3 The last half of the century: some gleanings

A recent myth is that during the Great Plague of 1664-65 Ware bargemen played such an important role in feeding those who remained in the capital that they were later granted special privileges to navigate the Thames without the assistance of a Thames lighterman.⁴⁵ No contemporary evidence has been found to support either contention.

The sterling role of the Ware bargemen is not recorded by diarists such as Pepys or Evelyn, or recalled by a journalist of the calibre of Defoe. The bargemen themselves never mentioned these services in their numerous submissions to Parliament or the Privy Council during the ensuing century, even though such could only have helped.

It was not until 1700 that the lightermen had their privileges granted them, and the enabling act specifically exempted 'Trinity men, fishermen, ballast men, western barges, and mill boats, chalk hoys, faggot and wood lighters, and other craft carrying the same' from requiring the services of lightermen. Ware barges would seem to be included in this list. If they were not, then why is there no record of any disputes about their exemption in the earliest minute books of the Company of Watermen and Lightermen, for Ware barges were travelling in and out of London during these years? The Company itself does not recognise any link between the privileges of Ware barges and the Great Plague.⁴⁶

The river did have a role in historical events at this date however. During the 2nd Dutch War (1665-67) colliers carrying coal from Newcastle to London were harried by the

Dutch navy, and on occasions were unable to reach London. In July 1667 60 colliers had to put in at Kings Lynn, from whence the coal was carried by barge to Cambridge, by land to Ware, and then to London by barge. The total cost of carriage was 30/- a chaldron, of which two-thirds was expended on the short land haul between Cambridge and Ware.⁴⁷

Such problems had led the Privy Council in November 1665 to investigate the possibility of a canal between the River Cam or other rivers in East Anglia and the Lea or any other river which entered the Thames. The project was entrusted to Lord Arlington and Viscount Fanshawe, with technical advice from Sir Bernard de Gomme, the King's chief engineer, and Jonas Moore, an ordnance officer and son of Sir Jonas Moore, the famous mathematician.⁴⁸ The more pressing urgencies of defence and fortification must explain why the project was not pursued.

The Lea was to play another brief and unfulfilled role in the affairs of state. One of the Rye House plotters was Richard Rumbold, a local maltster, whose barges are recorded as using Hertford turnpike the previous decade. When he put his mind to acquiring the arms with which to kill King Charles in 1683, he first 'thought to make use of trusty Watermen of his acquaintance, who should lay them in the Boat and carry Oysters over them ... up Ware River, and land them at, or near his own house'. Incidentally this is the only evidence that remains of such an up-river traffic. In the event this plan was not pursued, nor with the failure of the plot itself was his planned escape route, to ride down the unenclosed empty meadows which bordered the Lea all the way to London.⁴⁹

A final point to note about events along the river during this period is that despite the major attack on the rights to collect tolls, the bargemen themselves were well aware of the benefit of the flashes that weirs provided.

In 1666 a bargemaster, Thomas Hopkins of Waltham Abbey took out a lease on a fishery above Waltham. In 1672 he made proposals to build a new weir within the confines of this fishery, in order to provide an additional flash of water between Kings Weir and Waltons Weir. However the weir was not built. Similarly, in 1681 another bargemaster, James Flanders, leased a fishery in Chingford, and at some date before 1701 built a new weir along a part of the river where no weirs had previously existed.⁵⁰

11.4 In lieu of a Commission of Sewers (1702-1719)

The failure to get a Commission of Sewers to revoke the rights to collect tolls coupled with the suspicion that by this date riparian landowners had already succeeded in shedding their responsibility for meeting the costs of maintenance (see 9.4) meant that the commission became less desirable to the bargemen. Alternative methods of preserving the navigation must have been encouraged, and it may be this factor which explains why no new Commission of Sewers was sought after the 1695 commission expired in 1702 on William's death. It was not until 1719 that a new commission was sought.

Sparse evidence suggests that during the intervening years the bargemen sought alternative methods, but that they sought to preserve the existing navigation, not to substantially improve it. This evidence emerges from a bill of complaint submitted to Chancery by nine Ware maltsters against six other Ware maltsters and bargemasters. No reply has been traced, and no other details have been found.

The bill of complaint shows that several bargemen, concerned about a deteriorating navigation, joined together to preserve the navigation themselves rather than petition for a new Commission of Sewers.

At some unspecified date several bargemen and maltsters entered into an agreement by each signing a promissory note for £5 to John Docwra of Ware, maltster. The agreement specified that five Trustees were to be elected, each party to the agreement having one vote for every barge owned. These Trustees were to first survey the river between Ware Bridge downwards and then were to:-

do as they shall think fitt by Accon at Lawe Indictment at any Sessions by Scoureing the said River where it shall be needfull or by any other Lawfull wayes or means as they or the majority of them shall think most proper for the regulateing the abuses of the Free Navigacon.

The expenses of the Trustees were to be met by John Docwra. Further clauses specified that a quorum of three Trustees was necessary, but that a majority decision was sufficient for action to be taken. New Trustees were to be elected every six months.

The bill of complaint had been brought because, it was alleged, the six defendants had refused to honour their promissory notes and were combining with Docwra 'to defeate the...Agreement and make some Sinister Advantage to themselves'. The complainants wanted the court to see that the promissory notes were honoured and the agreement put into effect.⁵¹

The precise action that the Trustees were to take is not specifically stated, the vague wording suggests two possible courses. Having surveyed the river and decided what needed to be done the Trustees could then carry out the work themselves at the expense of the parties to the agreement or they could take legal action to ensure that others, presumably millers, fishermen and riparian landowners, were made to acknowledge their responsibilities and carry out the work at their own expense.

Were the bargemen trying to enforce orders of earlier Commissions of Sewers in the Courts? Were they arguing that millers, fishermen and riparian landowners had traditional responsibilities which the courts should enforce even if Commissions of Sewers were no longer prepared to do so? Or what? Further evidence is needed.

All that remains is a brief note made in February 1705 by the defence counsel in a case, the Queen versus William Hulls, which states that

The Informacon brought for cutting a ditch in the River Lea ... and thereby drawing the streame out of the said River in prejudice of the navigation and for other Neusance committed in the River whereby the navigation was destroyed

The notes stress that a jury was needed to take a view.⁵² The court where this case was brought has not been determined, but the note does show that some sort of legal action was considered in order to pursue complaints which would normally be within the jurisdiction of a Commission of Sewers.

The above is the earliest evidence of the bargemen organising themselves to finance and preserve the navigation, a practice which was to be the norm for most of the early decades of the eighteenth century, until the act of 1739 was obtained. The absence of evidence makes it impossible to determine whether this organisation first arose after a conscious decision had been made not to obtain a new Commission of Sewers in 1702, or whether such informal organisation had existed previously, and merely adapted itself after deciding their ends could be best pursued without a Commission of Sewers. Under prevailing circumstances such self organisation was a sensible option (see 11.6).

The same absence of evidence makes it impossible to determine how effective this self organisation was in dispensing with the services of a Commission of Sewers, or indeed whether the bargemen were ever able to settle the squabbles which were displayed before Chancery in such a way that did not weaken their efforts to preserve the navigation.

There is some evidence to suggest that the number of weirs increased during these years when no Commission of Sewers was at work. There are references to a new weir at Hackney about 1700, a weir which was then rebuilt about 1707 to accommodate a newly erected waterworks.⁵³ A new weir was set up at Sewardstone about 1703, though probably on the site of an old weir that had been removed some years previously.⁵⁴ In 1721 there were complaints about several new weirs⁵⁵ whilst in 1737 it was said that once barges had been able to pass between Waltham and Old Ford without the assistance of flashes, but that now this could not be done, as weirs had been erected.⁵⁶

54. . *The commissioners fixed a toll of 1/- at the weir and decreed that it could be used for fishing 'only in darke nighte'*

Similarly there is evidence that during these same years alterations were made to arrangements governing the intake of water to mills at Stanstead, Enfield, Sewardstone and to the Temple Mills at Leyton. All these alterations were designed to increase the amounts of water available to the mills at the expense of the navigation.⁵⁷

It cannot be assumed that these developments would not have taken place if a Commission of Sewers had been at work. The bargemen themselves agreed to the new weir at Hackney and the changes at Temple Mills, the weir at Sewardstone was allowed to stand after it was investigated by the Commissioners of Sewers appointed in 1719. Indeed these commissioners did not even investigate some of these supposed encroachments.

The advice given to the commissioners on their appointment in 1719, and the pattern of work they adopted, does suggest that the main reason this commission was sought was not because the bargemen's organisation had been a complete failure, but because they were unable to deal with particularly intractable millers at Enfield and Sewardstone, and the additional authority of a Commission of Sewers was considered necessary.⁵⁸

This commission did investigate other problems, but the bargemen do seem to have been prepared to put up with these for some years rather than apply for a new commission. Perhaps the unusually dry summer of 1719 brought matters to a head.⁵⁹ A new commission was eventually sought, and issued in September 1719. Their method of work has already been considered (see 9.3), the problems they faced are dealt with below.

11.5 The Commission of Sewers at work, 1719-20

The problems with John Flanders at Enfield Mills were long standing, arising from changes he made about 1709 or 1710. He had then pulled down Enfield Lock, which stood across the mouth of his head stream, and moved it 5 feet further down this stream, laying the sill of the lock 2 feet deeper so that more water could pass down to his mills. To increase this flow further he removed much of the bank between the Lea and his head stream just by the lock, scoured the mouth of his head stream so that it was deeper than the main river, and dumped stones and earth into the river just below the mouth of his head stream.

So detrimental to the navigation were these changes that empty or partially laden barges coming up river had to ask that Enfield Lock be closed to allow them to pass, a thing they had never required before, and for which they had to pay a toll of 2/-. Flanders had also begun to demand a toll of 2/- from barges coming down river, when by custom he had previously only been entitled to 1/- on Tuesdays, Thursdays and Saturdays and 2/- on Mondays, Wednesdays and Fridays.

Details of the arguments before 1719 are not known, but the legal advice to the commissioners suggests that it was expected that Flanders would either ignore or refuse to obey any orders, and that further legal action might be necessary. An accurate assessment.

Within a month of their appointment the commissioners had heard and deliberated upon the bargemen's complaints, finding them to be true on all counts. Flanders was ordered to raise the sill of Enfield Lock, rebuild the banks he had removed, and remove the rubbish he had dumped in the Lea. It should be noted that they seem to have accepted the increase in the level of tolls, for no orders were issued about these. Flanders repeatedly ignored the commissioners' orders with consequences which have already been discussed (see 9.3).⁶⁰

It is not clear whether legal action was ever vigorously pursued or what the eventual outcome of this dispute with Flanders was. No evidence has been found. It can be noted,

with some surprise, that no major problems at Enfield were recorded after 1739. Had a satisfactory solution emerged during the 1720s?

The problems with Edward Parr at Sewardstone Mills were also long standing, again arising from measures to increase the amount of water driving the mills, some of which pre-dated Parr's purchase of the property in 1709. Side ponds had been built beside the head stream to act as reservoirs, the width of the head stream had been increased from 15 feet to 36 feet, and another ditch had been dug out of the river to supplement the power available.

Such encroachments meant that the miller began to demand higher tolls, 'at first One Shilling then Eighteen pence then Two Shillings & Six pence & this Summer five Shillings a Barge'. The bargemen had resisted these last demands, but had been left stranded 14 days as a result.

The commissioners decreed that the mouth of the head stream be reduced to 12 feet, that a jetty sticking out into the navigable channel at the mouth of the head stream be removed, but allowed the side ponds to stand. They also insisted that Parr was only entitled to collect a toll of 1/-

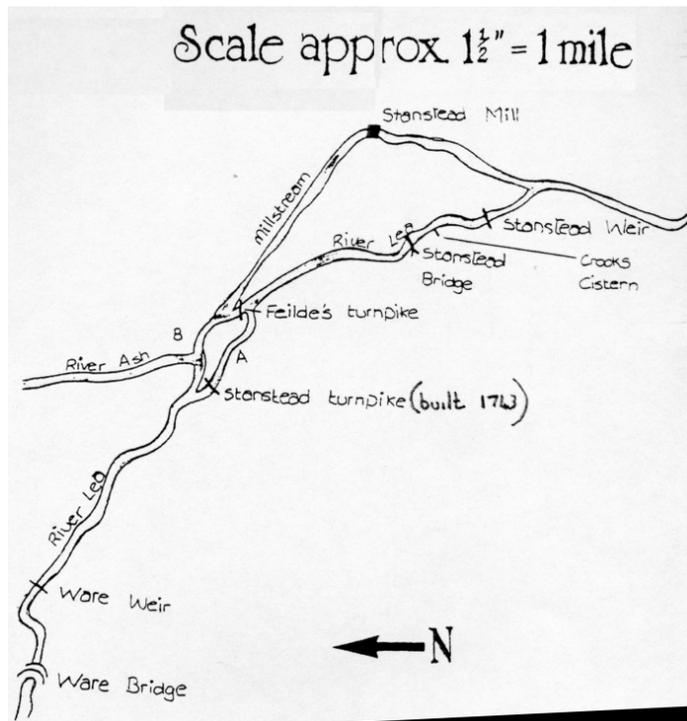
If these orders were ever obeyed in the first place, they were soon to be ignored. In 1725 Parr Marked NO demanded, and was paid, a toll of 3/-, and by 1740 exactly the same encroachments at the mouth of the head stream were reported to newly appointed commissioners.⁶¹

The survey of the upper river in April 1720 noted many shoals near weirs, that many riparian landowners were taking more water out of the river, and that there were particular problems as a result of encroachments made by Michael Pepper, the miller at Stanstead Mills, and the Page family, who were tenants at Archers Weir and Dobbs Weir. All these problems meant that the bargemen had to rely on more frequent flashes of water to make their passage.⁶²

At Stanstead it was noted that the traditional navigable channel was silted to the extent it was impassable, that a point of land at the mouth of the head stream to Stanstead Mills had been extended into the navigable channel, to such an extent that most of the river was diverted into the head stream. Such had been the encroachment and natural deterioration that within the previous twelve years the barges had been forced to use the head stream rather than the traditional navigable channel.

At a subsequent Court of Sewers several bargemen gave evidence. They said that although it was only within the last 14 or 15 years that they had been forced to use the head stream regularly, they had used it before that during particularly dry seasons. They explained that shortly above the mill itself they entered a short cut which took them back to the river, and that along this cut the miller had erected a turnpike and was demanding a toll of 1/- from the bargemen for the use of this turnpike (see Figure 9 below).

The commissioners did not accept these developments, even though the bargemen had obviously acquiesced in them for several years. They ordered, with Pepper's consent, that



the traditional channel should be used once more, and made the necessary orders. Yet by 1725 the miller was collecting a 1/- toll, the orders had been ignored.⁶³

Before considering other problems it can be noted that Pepper seems to have re-opened a route which had first been devised by the Commissioners of Sewers in the 1570s. It has to be admitted that the lack of evidence means that this can only be an educated guess.

Figure 9

The problems with the Page family were twofold. The bargemen had scoured the river in

the autumn of 1719, but by April 1720 shoals had built up, above and below their weirs. The bargemen suspected that the family had been throwing earth and rubbish into the river to assist the natural development of such shoals.

In addition Joseph Page had widened ditches next to Dobbs Weir so that great quantities of water flowed out of the river. Along one ditch he had erected a small weir, and was demanding a toll of 6d from the bargemen for shutting this weir so that water would not run to waste, this in addition to the 1/- toll he collected for a flash from Dobbs Weir.

The commissioners ordered that the ditches be dammed up with planks and earth to a height of 5 feet, and that two pipes of 3 inch bore be placed in these dams to allow sufficient water into the ditches so that they could act as fences. The bargemen were to pay for the construction of these dams, but they were to be maintained thereafter by the local landowners.

These measures sufficed, but several months later the pressure of water burst these dams, and Page began to demand an additional 6d once more. The commissioners merely repeated their previous orders, but increased the height of the dams to 6 feet to give them added strength.⁶⁴

These and other complaints to these commissioners show a consistent pattern. Advantage had been taken of the absence of a Commission of Sewers to encroach upon the navigation. Such encroachments were to the advantage of their perpetrators, they obtained more water to drive their mills, to water their lands, and they were also able to

force the bargemen to request flashes more frequently and pay higher, or even new, tolls. It was the duty of the commissioners to redress this balance, but as has been seen, this did not mean that all encroachments were automatically removed. A spirit of compromise prevailed.

By November 1720 the local gentry serving on the commission had fulfilled their purpose. Many problems had been resolved, only Flander's persistent obstinacy remained. The commissioners never met again, although technically their authority did not expire until the death of the monarch in 1727. Once more the bargemen assumed a responsibility for the navigation.

11.6 The bargemen's responsibility, post 1720

Despite the efforts of the commissioners, there is evidence that the bargemen were still dissatisfied, for in March 1721 several maltsters and barge-owners from Ware submitted a petition to Parliament complaining

That the Navigation of the ancient River Lee... for several Years last past, hath been much obstructed and hindered, and is in Danger of being lost, by the Increase of the Shallows therein, the Neglect of scouring and cleansing the same, by the Millers and Weir-keepers cutting the Weeds growing on the said Shallows, by additional Tolls which the Navigators are forced to pay, by Incroachments of the Millers and Weir-keepers, and by the Erection of several new Weirs

A catalogue of woe which they wished to remedy by submitting a bill to secure and amend the navigation.⁶⁵

No such bill was ever submitted, and no other evidence of their intentions has been discovered. It can be noted that at this same date the City of London were considering a scheme to improve the river, but they too never presented the bill they had sought permission to submit (see 13.3).

The bargemen did return to parliament, but not with any improvement bill, but with a petition against a scheme to supply London with water from rivers such as the Colne, Gade, Bulhorne, Chesham and other streams, amongst which was the 'River Lea, about Whethamstead'. Curiously this petition made no comment about these schemes, but complained about the amounts of water the New River Company were taking from the Lea.⁶⁶

66. *For details of these schemes to take water from the Colne, Gade, and Chesham rivers, and on one occasion from the Lea near Wheathampstead: F. Clifford, A History of Private Bill Legislation (2 vols, London, 1885-87), ii.85-90,94-98;*

Although nothing was accomplished in 1721, these two themes, that the existing navigation needed better preservation and that the New River Company bore some responsibility, were to emerge once more the following decade, when the bargemen sought an alternative method of maintaining the navigation. Their solution was the act of

1739, whereby the existing navigation was preserved and improved at the expense of the New River Company (see Chapter 14).

During the intervening years the bargemen continued to expend money on scouring and cleansing the navigation themselves, but few details are available. In 1737 the bargemen told Parliament that 'The Owners of Boats and Barges, and the Navigators, had raised amongst themselves, the Sum of £3000 which had been expended in removing the Shoals'.⁶⁷

It is possible that this sum referred to all expenses since the beginning of the century, including those incurred in carrying out the orders of the commissioners between 1719 and 1720. Whatever, the Act of 1739 authorised a payment of £1000 to several persons⁶⁸ as recompense for expenses incurred in 'carrying on and executing a late Commission of Sewers' in 1719, on scouring and cleansing the river since then, and on obtaining the act itself.

68. *Those recompensed by the act were five Ware maltsters and barge-owners, John Docwra, Anthony Fage, Wayte Hampson, Humphrey Ives and Amtrose Procter, and two others who seem not to have had such trading interest, George Hathaway of Ware, gentleman, and a Thomas Fletcher who has not so far been identified.*

John Docwra: Inherited much of a thriving malting and barge-owning business from his father, Thomas Docwra, in 1695. His father was a Quaker, but John seems to have left, for he was buried in the local churchyard at Ware in 1741. His younger brothers, Thomas and Joseph were still recorded as Quakers in 1719 and 1714 respectively. In 1699 John was named as one of only 13 Ware inhabitants who had freehold or copyhold property worth at least £10 a year. He was one of the bargemen involved in the Chancery dispute in 1707, acting as treasurer to the group. In 1719 he made complaints about problems near Enfield Mill, in 1721 took a close interest in rebuilding Bow Lock, writing a letter on his own initiative, and in 1736 he signed a petition about problems near Temple Mills Bridge. In 1725 he became a trustee of Cheshunt Turnpike and in 1733 a trustee of Wadesmill Turnpike

Anthony Fage: a Quaker, son of Thomas Fage of Ware, maltster, and nephew of Anthony Fage of Baldock, maltster. Remained a Quaker until his death, and was named as a trustee of Friends House at Ware in 1728 and 1750. Became a trustee and treasurer to Wadesmill Turnpike, relinquishing his duties only shortly before his death in 1758. His will, in which he described himself as a maltster, mentioned several properties in Great Amwell, Little Amwell, Hertford, Great Chishall and Little Chishall in Essex, as well as the White Horse Inn at Ware and maltshops nos. 6 & 7 on the Common Wharf at Ware. He also owned a malting at Stanstead until 1756. His will also included monetary bequests of over £2500:

Wayte Hampson: a Quaker cheesemonger who moved from London to Ware in 1728. Named as a trustee of Friends House at Ware in 1728, and eventually became clerk of the Hertford meeting. He was engaged in the malting business with his father-in-law, George Haggar, and at various times was a tenant at a malting in Little Amwell and the George Inn at Ware. In 1732 he became a trustee of the Cheshunt Turnpike. Signed several petitions about the Lea in 1736, 1742 and 1743. By 1747 he had died, and some of his estate had passed to his son-in-law, Thomas Grippe a Hertford woolstaper, who also owned barges:

Humphrey Ives: came from a family of bargemasters. In 1680 his grandfather, Humphrey Ives, bargemaster, was buried in Ware churchyard His father, also Humphrey, was recorded as owning more than one barge in 1712, and on his death in 1721 left his business, including a malting at Ware, to Humphrey. Humphrey III became a trustee of Cheshunt Turnpike in 1733 and a trustee of Wadesmill turnpike the same year Signed the same petitions about the Lea as did Wayte Hampson. On his death in 1752 left his estate to his nephew John Ives, after a bequest of £750 to his cousin Judith Fordham, of the local milling and mealman family, and 10 guineas to the local minister, Ebenezer Fletcher

Ambrose Procter: a Ware maltster who died late 1746 or early 1747. His will mentioned Star Inn at Ware, several houses in Ware, farms at Standon and Thundridge as well as monetary bequests of over £2500. In 1718 was a tenant at a Ware malting which was the property of Edward Hagger of Moorfields, distiller. He insured several properties in Ware in 1720s, had problems in 1723 after one of his barges sank near London Bridge. In 1732 became a trustee of Cheshunt Turnpike and in 1733 a trustee of Wadesmill Turnpike. Two of his sons, George and Ambrose, continued his business, and in 1757 Ambrose became a trustee of the River Lea:

George Hathaway; a Ware gentleman, living at a house known as Warners in Ware, who was appointed a Trustee of the river Lee in 1739 and was an active member until his death in late 1766 or early 1767. His will shows investment in real estate, government securities and bonds, but no involvement in malting. He never signed any petition about the navigation:

Thomas Fletcher: Never signed any of the petitions about the river. Probably the local schoolmaster who provided mortgages for local residents

Such evidence shows that the bargemen had organised themselves to provide sufficient finance to maintain the navigation for some years. If, as has been argued earlier (see 9.4), the riparian landowners' were able to divest themselves of any financial responsibility for the work ordered by a Commission of Sewers, then it was a sensible option for the traders who used the navigation to take on this responsibility themselves. Indeed it might have been their only option.

It has to be noted that it was many years before they too sought to divest themselves of the financial costs. It is unfortunate that the lack of record means that their method of organisation and work cannot now be properly determined.

NOTES TO CHAPTER 11

1. Hatfield House, CP Petitions. Undated, but Shakerley and Stapleford took out a 21 year lease on the mills in 1601. In 1607 Shakerley was described as the miller at Cheshunt: Hatfield House, Deeds 163/4; HRO, 10909; J.S. Cockburn, editor, *Calendar of Assize Records, Hertfordshire Indictments, James I (London, 1978), 192.
2. J.S. Cockburn, editor, Calendar of Assize Records, Hertfordshire Indictments, James I, 208.
3. W.H. Overall, H.C. Overall, editors, Analytical Index to ...Remembrancia, 382.
4. PRO, S.P. 14/35 no.60.
5. Ibid, 14/148 no.21.
6. CSPD 1603-10, 150, 158, 412, 501; CSPD 1611-18, 76; PRO, S.P. 14/6 no.61; *ibid*, 1479 nos.38, 41, 1; *ibid*, 14/35 no.30; *ibid*, 14/43 no.86; Hist. Mss. Com., 16, Salisbury, p.446; *ibid*, 19, Salisbury, pp.183, 423
7. APC, 1619-21, 8.

8. PRO, P.C. 2/41, 26 October 1631.
9. PRO, MPB 31 (formerly Exchequer 178/4965). Catalogued as temp Jas 1, but since reference is made to Earl of Norwich, the document must be dated as being between 1626 when he was elevated and 1637 when he died. Only the first page of questions remain, the rest seem to be lost. These questions have nothing whatsoever to do with the map to which they have been attached, a 1573 canal scheme.
10. BL, Add Mss. 5505 fos.23-24. Abraham Hudson leased the corn mills at £80 a year. In February 1657 a new lease to the mills was taken out by Samuel Hudson at the same rent. Samuel held a lease to other mills in Waltham which he converted to gunpowder production in late 1664 or early 1665: K.R. Fairclough, 'Early Gunpowder Production at Waltham', Essex Journal, xx pt.1(1985),11-16(see back folder .)
11. Hist. Mss. Com., 5th Rep, House of Lords MS., 86. Carlisle owned corn mills and fulling mills in Waltham Abbey, Sewardstone Mills, Waltham Turnpike, and most probably fishing weirs along the river at Cheshunt, Waltham and Sewardstone.
12. Cal. Cttee for Compounding, ii.853; PRO, C181/5 fos. 503-04; C181/6 fos.221-22.
13. PRO, P.C. 2/59, 4 May 1666. It has not been discovered when Clayton took over the lease to Waltham Turnpike, nor whether he had any interest in Waltham Abbey Corn Mills. When he died in 1684 he was described as a gentleman, see fn.34 below.
14. PRO, P.C. 2/60, 16 October 1667; P.C. 2/66, 2 August 1678; S.P. 29/416 no-6.
15. CSPD 1652-53,391,399;
16. Hatfield House, CP 166/47; HRO, BHR Vol 39 fo.1.
- 16A. PRO, P.C. 2/60, 16 October 1667.
17. PRO, WO 47/19A fos.286 287,301 317; WO 47/7 fo.49. Thomas and John Worrill (Worrall) signed their first contract with the Ordnance Board, but by April 1669 were in severe debt to the King, and ceased to be suppliers.
18. PRO, P.C. 2/59, 4 May 1666.
19. Ibid. The seven named are: Samuel Goodwin(unidentified); Johnathan Ward(unidentified,but in 1640 he may have been the miller at Hoddesdon); John Page(fisherman at Dobbs Weir and Archers Weir); William Harlow(possibly the

- miller at Broxbourne Mills); William Beacham(fisherman, possibly at Kings Weir); John Martin(miller at Cheshunt Mills); William Munt(probably William Moulton of Waltham?): W.J. Hardy, W. le Hardy, editors, Hertford County Records, v.286; vi.109; ERO, D/DB T74; D/DC 27/360; HRO, BR 8/418; PRO, C6 263/25; C8 265/2.
20. K.R. Fairclough, Essex Journal, 1985.
 21. PRO, P.C. 2/59, 18 May 1666; P.C. 2/60, 16 October 1667
 22. see fn.14 above.
 23. PRO, P.C. 2/60, 16 October 1667.
 24. PRO, S.P. 29/416 no.6.
 25. TWA, Box 86, Robert Mylne's Commonplace Book.
 26. Anchitell Grey, Debates of the House of Commons, 1667-94(10 vols,London,176, ii. 377 - 80
 27. PRO, P.C. 2/66, 2 August 1678. William Moulton took out a 12 year lease on Waltham Turnpike from Carlisle's widow, the Countess of Manchester, in January 1670 for £130 a year. In 1674 he relinquished it, and took out a new one on the same terms for 21 years. He was buried at Waltham in July 1681: NRO, Additional Wake Papers, 1965/129; ERO, T/R 36/2.
 28. HRO, Hobday Papers, part.
 29. PRO, C225 Bundle 2 co.59A; NRO, WC244.
 30. James, Earl of Carlisle, left an annuity to his cousin William, Earl of Kinnoull. Financial problems meant that Carlisle's executors never paid this annuity, therefore in 1677 a Chancery settlement awarded Kinnoull certain properties in lieu of future payments of the annuity. These properties included Waltham Turnpike and Waltham Abbey Corn Mills. Before he could take possession, Kinnoull died in March 1677. These properties were bequeathed to his second son, William, who became Earl of Kinnoull in 1687 on the death of his elder brother. There were problems over his father's will, so it was not until 1679 that he entered his inherited property, and it was not until 1683 that any rent was obtained from either the mills or the turnpike: PRO, C10 368/3; PRO, PROB 11/353(33); G.E. Cokayne,editor The Complete Peerage, vii.320-21.
 31. PRO, P.C. 2/68, 23 February 1680.
 32. PRO, S.P. 29/419 no.6.

33. PRO, C225 Bundle 2 no.59A; NRO, WC244.
34. PRO, C10 368/3; HRO, Hobday Papers, part. Clayton died in September 1686, leaving his share of the lease to the turnpike to his widow. He described himself as a gentleman in his will. This will mentioned local property such as a farm called Bowtels, 2 houses and unspecified parcels of land. Bequests included £20 to apprentice four parish boys and £10 to the poor of Waltham Abbey. Rows over his estate broke out between his widow and his son, Billedge:PRO, PROB 11/392(116); C10 231/13; C10 468/45.
35. PRO, P.C. 2/70, 20 July 1683.
36. Ibid, 24 October 1683.
37. HRO, Hobday Papers, part. It should be stressed that the record of this Commission of Sewers included in Hobday's papers is a copy, the original has not been traced. Perhaps 9/- is a copying error, there is no other reference to such a high toll ever being collected
38. ERO, D/DSO MI.
39. Ibid; ERO, D/DB M202; D/DU 804/6. North was the steward of the manor of Sewardstone, and a tenant at the two fishing weirs within the manor. He mentioned the weirs several times in letters he wrote to his employer. In 1684 he said that his first plans to repair the two weirs had been too optimistic, and that one weir needed to be completely rebuilt. In March 1685 he complained of damage caused by ice, and in September 1685 stated that repairs and rebuilding had cost him about £100. In 1695 and 1697 he mentioned problems in obtaining trees from the estate to repair the weirs, those trees earmarked had been stolen.
40. PRO, C191/1 nos.15,19. Those appointed in July but dropped in November were Thomas Freeman, Robert Fish, William Wright, Ralph Bucknall and William Calvert. Calvert and his son-in-law, Wright, had brewing interests but special interests of other not presently discovered. Their replacements were Andrew Searle, William Scott, Thomas Winsford, John Greene, George Monson. The following commissioners possessed mills or fishing weirs along the river: Henry, Lord Coleraine(Tottenham); Sir William Maynard(Walthamstow); Sir Humphrey Gore (Nazeing); Sir Thomas Byde(Ware); William Savage (Temple Mills in Leyton).
41. Cal. Treas. Papers 1557-1696,219; Hist. Mss. Com., 29, Portland, p.339; G.E. Cokayne, *Compete Peerage*, vii. 20-21.
42. T.S. Willan, *River Navigation in England 1600-1750*, 29-30; an act to restrain increasing tolls on the Thames: 6 & 7 .Will. & Mary.,c.16; an act empowering JPs

- to fix land carriage rates: 3 Will. & Mary, c.12. For a discussion of this act, T.S. Willan, 'The Justices of the Peace and the rate of land carriage', *Journal of Transport History*, v(1961-62),197-204;
43. BL, Add. Mss. 33576 fo.63.
 44. PRO, 010,368/3.
 45. E.M. Hunt, *The History of Ware*, 20; W.G. Bell, *The Great Plague of London in 1665* (London,1951,2nd ed), 321. Bell makes no mention of such services in his first edition in 1924, but cites Hunt in the second edition. J. Boyes, R. Russell, *The Canals of Eastern England*,17; J.G.L. Burnby, M. Parker, *The Navigation of the River Lea*,12; *The Times*, *Saturday Review*, 8-14 June 1985, 35
 46. 11 & 12 Will. III, c.21; Guildhall Library, Ms. 6375; *ibid*, Ms. 6287 Vols 1 & 2; private communication, R. Aspinall, Port of London Authority, 23/09/82.
 47. CSPD 1667, April-October,268.
 48. PRO, S.P. 29/137 nos.150,153; DNB; T.S. Willan, *River Navigation in England 1600-1750*, 89. Latter mistakenly says it was the father who was consulted.
 49. HRO, BHR Vol 48 fo.42 (name given as R. Rumball); T. Sprat, *A True Account and Declaration of the Horrid Conspiracy against the Late King, His Present Majesty, and the Government* (London,1684),*Copies of Information*, p.44; T.B. Howell, T.J. Howell,editors, *A Complete Collection of State Trials* (34 vols,London, 1816-1828 xi.874-89).
 50. ERO, D/DC 27/256-59,363-71; *ibid*, A/DQ 53/34; *ibid*, D/DU 99/23.
 51. PRO, C7 124/25.
 52. ERO, D/DU 63/5.
 53. E.M. Gardner, *The History of the Three Mills*(London, 1957),3 ; K.R. Fairclough, *Hackney Waterworks*', *East London Record*, viii(1985),7-21(see back folder).
 54. Enfield, Court of Sewers, 23 September 1719, 7 October 1719, 15 October 1719. The commissioners fixed a toll of 1/- at the weir and decreed that it could be used for fishing 'only in darke nightes'.
 55. CJ, xix.477-78.
 56. *Ibid*, xxii.825-27.
 57. See 11.5 and 16.5.

58. HRO, B193.
59. T.S. Ashton, *Economic Fluctuations in England 1700-1800*(Oxford,1
60. Enfield, Court of Sewers, 23 September 1719, 7 October 1719, 6 November 1719, 6 June 1720, 26 August 1720, 21 September 1720, 2 November 1720; TWA, Box 81 no.354.
61. Enfield, Court of Sewers, 23 September 1719, 7 October 1719, 15 October 1719, 6 November 1719, 6 June 1720, 21 September 1720; PRO, RAIL 845/53 Court of Sewers, 4 August 1740; TWA, Box 81 no.354.
62. HRO, B190; Enfield, Court of Sewers, 6 April 1720,
63. HRO, B190; Enfield, Court of Sewers, 23 September 1719, 7 October 1719, 15 October 1719, 21 September 1720; PRO, RAIL 845/53, Court of Sewers, 10 June 1741, 1 July 1741; TWA, Box 81 no.354.
64. HRO, B190; Enfield, Court of Sewers, 6 April 1720, 23 April 1720, 21 September 1720.
65. CJ, xix.477-78.
66. Ibid, 587. For details of these schemes to take water from the Colne,Gade, and Chesham rivers, and on one occasion from the Lea near Wheathampstead: F. Clifford, *A History of Private Bill Legislation*(2 vols,London, 1885-87), ii.85-90,94-98; CJ, xix.284,297,315,321-25.
67. CJ, xxii.825-27.
68. Those recompensed by the act were five Ware maltsters and barge-owners, John Docwra, Anthony Fage, Wayte Hampson, Humphrey Ives and Amtrose Procter, and two others who seem not to have had such trading interest, George Hathaway of Ware, gentleman, and a Thomas Fletcher who has not so far been identified.
John Docwra: Inherited much of a thriving malting and barge-owning business from his father, Thomas Docwra, in 1695. His father was a Quaker, but John seems to have left, for he was buried in the local churchyard at Ware in 1741. His younger brothers, Thomas and Joseph were still recorded as Quakers in 1719 and 1714 respectively. In 1699 John was named as one of only 13 Ware inhabitants who had freehold or copyhold property worth at least £10 a year. He was one of the bargemen involved in the Chancery dispute in 1707, acting as treasurer to the group. In 1719 he made complaints about problems near Enfield Mill, in 1721 took a close interest in rebuilding Bow Lock, writing a letter on his own initiative, and in 1736 he signed a petition about problems near Temple Mills Bridge. In 1725 he became a trustee of Cheshunt Turnpike and in 1733 a trustee of

Wadesmill Turnpike: HRO, Q 82 fo.102; Q85 fos.66-67; HRO, D/P 116 1/4; HRO, T/P 1/1; TP 7/1; PRO, PROB 11/424(21); PRO, C124/25; CLRO, Repertories, 140 fo.386; CLRO, Court of Aldermen Reports and Papers, July 1721; Enfield, Court of Sewers, 23 September 1719, 7 October 1719; W.J. Hardy, W. le Hardy, editors, Hertford County Records, ii.21.

Anthony Fage: a Quaker, son of Thomas Fage of Ware, maltster, and nephew of Anthony Fage of Baldock, maltster. Remained a Quaker until his death, and was named as a trustee of Friends House at Ware in 1728 and 1750. Became a trustee and treasurer to Wadesmill Turnpike, relinquishing his duties only shortly before his death in 1758. His will, in which he described himself as a maltster, mentioned several properties in Great Amwell, Little Amwell, Hertford, Great Chishall and Little Chishall in Essex, as well as the White Horse Inn at Ware and maltshops nos. 6 & 7 on the Common Wharf at Ware. He also owned a malting at Stanstead until 1756. His will also included monetary bequests of over £2500: HRO, 54003,54006; HRO, Q85 fos.66-67; HRO, 716/75837 fo.5; HRO, T/P 1/1; T/P 7/1; PRO, PROB 11/840(263).

Wayte Hampson: a Quaker cheesemonger who moved from London to Ware in 1728. Named as a trustee of Friends House at Ware in 1728, and eventually became clerk of the Hertford meeting. He was engaged in the malting business with his father-in-law, George Haggard, and at various times was a tenant at a malting in Little Amwell and the George Inn at Ware. In 1732 he became a trustee of the Cheshunt Turnpike. Signed several petitions about the Lea in 1736, 1742 and 1743. By 1747 he had died, and some of his estate had passed to his son-in-law, Thomas Grippe a Hertford woolstaper, who also owned barges: HRO, 54003; HRO, Q85 fos.4,45,66-67,190; HRO, D/EB 898 T4; HRO, D/EX 145 T2; Guildhall Library, Ms. 11936/30 fo.605; *ibid*, 11936/31 fo.220; CLRO, MS. 18.14; CLRO, Repertories, 140 fo.386; CLRO, Court of Aldermen, Reports and Papers, 1742-43.

Humphrey Ives: came from a family of bargemasters. In 1680 his grandfather, Humphrey Ives, bargemaster, was buried in Ware churchyard His father, also Humphrey, was recorded as owning more than one barge in 1712, and on his death in 1721 left his business, including a malting at Ware, to Humphrey. Humphrey III became a trustee of Cheshunt Turnpike in 1733 and a trustee of Wadesmill turnpike the same year Signed the same petitions about the Lea as did Wayte Hampson. On his death in 1752 left his estate to his nephew John Ives, after a bequest of £750 to his cousin Judith Fordham, of the local milling and mealman family, and 10 guineas to the local minister, Ebenezer Fletcher: HRO, D/P 116 29/8 fo.41; HRO, 71408-12; HRO, T/P 1/1; T/P 7/1; PRO, PROB 11/831(193); CLRO, BHC 171

Ambrose Procter: a Ware maltster who died late 1746 or early 1747. His will mentioned Star Inn at Ware, several houses in Ware, farms at Standon and Thundridge as well as monetary bequests of over £2500. In 1718 was a tenant at a Ware malting which was the property of Edward Hagger of Moorfields, distiller. He insured several properties in Ware in 1720s, had problems in 1723 after one of his barges sank near London Bridge. In 1732 became a trustee of Cheshunt Turnpike and in 1733 a trustee of Wadesmill Turnpike. Two of his sons, George

and Ambrose, continued his business, and in 1757 Ambrose became a trustee of the River Lea: HRO, T/P 1/1; T/P 7/1. Guildhall Library, MS. 11936/8 fo.317; *ibid*, 11936/13 fo.327; *ibid*, 11936/14 fo.36; PRO, PROB 11/752(49); Trustees, 23 November 1748, 26 December 1757; ERO, D/SH2, Court of Sewers, 14 October 1749; W.J. Hardy, W. le Hardy, editors, Hertford Count Records, vii.192. George Hathaway; a Ware gentleman, living at a house known as Warners in Ware, who was appointed a Trustee of the river Lee in 1739 and was an active member until his death in late 1766 or early 1767. His will shows investment in real estate, government securities and bonds, but no involvement in malting. He never signed any petition about the navigation: PRO, PROB 11/926(53); PRO, RAIL 845/1-3, *passim*.

Thomas Fletcher: Never signed any of the petitions about the river. Probably the local schoolmaster who provided mortgages for local residents : BL, Add Mss 27978 fos.128-29.