

## CHAPTER SIXTEEN

### IMPLEMENTATION OF THE ACT OF 1739:WHAT WAS DONE

#### 16.1 The river above Ware

At their second meeting, the formalities completed, the Trustees turned their attention to implementing those improvements which were specifically authorised by the Act of 1739. A committee was appointed to consider how best to erect the turnpike between Ware Mills and Ware Bridge. Within a month it had been decided that the best position was next to the Priory Orchard at Ware, that there should be a 15' gap for barges to pass through, and that it should have a guillotine gate operated by overhead rollers. The job was then put out to contract.<sup>1</sup>

Two tenders were received. One from William Whittenbury, the other from John Kirby of Hertford, bricklayer. Both estimates were thought to be 'defective in several points', so they were handed back for revision, and a committee was appointed to handle the discussions and the awarding of the contract. Whittenbury's revised tender was accepted, it was only £273 compared to Kirby's quote of £390.<sup>2</sup>

The turnpike must have been completed by the spring, and then handed over to the New River Company as specified in the act. The turnpike was later known as Porto Bello or Portobello Turnpike, it was presumably so named in honour of the capture of that town in the War of Jenkin's Ear in November 1739. The news of this victory only reached England on 13 March 1740.<sup>3</sup>

Whittenbury had specified that the river in the vicinity of the turnpike should be scoured thoroughly, and deepened by 3'. The Trustees hired James Fordham, a bargemaster and the miller at Ware Park Mills,<sup>4</sup> to do this work.

<sup>4</sup> *In evidence to Parliament in 1737 Fordham said that he had known the river 47 years. In 1707 he was one of the Ware maltsters and barge-owners involved in a Chancery suit about maintaining the navigation. His brother, Thomas, was on the opposing side. In April 1721 James made an agreement with Thomas Byde, lord of the manor of Ware whereby he took out a 90 year lease on lands in Ware Park. He then dug a new cut out of the river Rib through Ware Park and Shipmans Hill into the Lea, and along this cut he erected an overshot corn mill, Ware Park Mills, at a cost of about £2000. These arrangements were confirmed by private act of parliament in 1723, as there were fears over the future of the Ware estate. When Fordham insured these mills in February 1722 he was described as a bargemaster of Amwell. Thereafter there are several references to Fordham's barges and his interest in the navigation. His barge passed through Hertford Turnpike 20 times between July 1736 and December 1739. When he died in 1757 his will described him as a miller and mealman of Ware Park Mills. His three sons James, Thomas and Edward had all already been set up in business as mealmen and they were left the lease to the property on which the mills was built and all 'my Boats Barges Sacks Corn Grain Hay Waggons Carts Horses Ready Money, money at Interest Stock in Trade debts etc'. His three daughters, Susannah, Anne and Jane were left £800 each: PRO, C7 124/25; 12 Geo. 1, c.14 PR; HRO, BHR Vol 45 fos.456-60; Guildhall Library, MS. 11936/14 fo.1; PRO, PROB 11/833(298);*

Shortly after he had begun, several local inhabitants suggested that the channel he was deepening past a particular midstream island was the wrong one, that it would be better if the channel on the other side was chosen. This was agreed, and Fordham changed his plans accordingly.<sup>5</sup>

Fordham continued to take an interest in the navigation along this stretch of the river, presenting the Trustees with bills for scouring in 1741 and 1749. These were met, but on the last occasion the Trustees resolved not to accept such bills again unless the work had been authorised by their surveyor. Fordham, however, was the only person ever to submit such bills, and he never did so again.<sup>6</sup>

The Trustees had substantially improved the river above Ware Bridge, but the bargemen were soon to face problems with other turnpikes and locks along this stretch of the river, which were not the responsibility of the Trustees.

In September 1741 a report to the New River Company noted that the pound lock next to Ware Mills was in a ruinous condition, and a local bargeman, Mr Pettit,<sup>7</sup> 'thought no Publick thing of such Consequence ever lay so much Neglected'. Repairs were ordered, but these were not to run smoothly. There were obvious problems with the extremely cold weather, but a series of sarcastic reports suggested incompetence on behalf of the Company and their surveyors, Mr Mills and Mr Edwards. Comments were made about gangs of workmen costing £50 or £60 a day (sic) 'who for some time passt have been employed only in blowing their Fingers', about brickwork which was 'A Mistery not only to us, but to all the workmen there', and about gates and iron work which were 'in so grand a manner as if for a Cathedral'.<sup>8</sup>

7. *In evidence to Parliament in 1737 Pettit said that he had known the river about 45 years. In 1706 he was carrying coal up river to Ware. In 1712 he was consulted about problems at Stratford, and was thereafter referred to as a barge-owner or maltster on several occasions. In 1719 he was appointed as 'Surveyor of the said River for Removeing & taking away the said ores and Hills'. In the mid-1730s he was consulted by the London aldermen about disputes over the supply of water to the Three Mills in Stratford, and was closely involved in the navigation in the early 1740s. He was also a Trustee of Cheshunt Turnpike Trust from 1725 onwards: CLRO, Accounts of duty on fruit, malt, salt and passage of grain and coals, 29 October 1705-28 October 1706; CLRO, BHC 1711, evidence of bargemen; Guildhall Library, MS. 11936/12 fo.47; FRO, 539'39; W.J. Hardy, W. le Hardy, editors, Hertford Count Records, vii.116,117; Enfield, Court of Sewers, 6 November 1719, CLRO, Court of Aldermen, Reports and Papers, January-June 1736; *ibid*, 1742-43; HRO, T/P 1/1; Trustees, 3 August 1741; PRO, RAIL 845/53, Court of Sewers, 22 October 1740.*

Notwithstanding such broadsides the pound lock was obviously rebuilt, and the problems were never serious enough to warrant complaint to the commissioners or Trustees. Absence of later complaint suggests the New River Company adequately fulfilled their responsibility to maintain it. The only complaint ever recorded is that in March 1743 James Fordham complained that two of his barges had been left stranded because the miller, Susannah Pryor, had drawn away a flash and had locked up the gates of the pound lock.<sup>9</sup>

Other problems arose with the turnpikes at Hertford. These had been repaired by the Borough of Hertford in the 1730s, after they had recovered the waterworks from their bankrupt owner (see 14.1), but in 1739 the waterworks had been let once more, to Robert Hall, and he had taken on the responsibility for maintaining the two turnpikes.<sup>10</sup>

He was not to fulfil this responsibility. In 1742 the miller at Dicker Mill, Thomas Marlborough, complained that the upper turnpike had blown up. Hall had not been able to make a go of the enterprise, and in May 1743 he surrendered his lease to the Borough. Once more the burgesses took on the responsibility for the waterworks and the turnpikes. They immediately rebuilt the upper turnpike, receiving £100 from the Trustees towards the estimated costs of £200.<sup>11</sup>

Thus by the mid-1740s the navigation above Ware must have been in its best condition, requiring only the regular scouring and cleansing that the Trustees' surveyor was responsible for. The only problem to be recorded during the rest of the decade was that some bargemen had acquired keys to the Hertford Turnpikes and were opening them whenever they wanted to, ignoring agreements with the local millers as to when flashes should be provided. If the turnpike keeper remonstrated the bargemen threatened him, actually knocked his wife down, and continued to force open the gates. The burgesses were sufficiently concerned to investigate the penal laws with regard to breaking open turnpikes, but no further action was taken.<sup>12</sup>

Shortly below the Hertford turnpikes stood a private fishing weir, the property of the Earl of Salisbury. It was known as Constants Weir after a previous tenant, but in 1750 was leased to James Fordham. In 1750 it was sold to the Borough of Hertford for 10/- down and an annual payment of 5/- thereafter, although the Earl retained his fishing rights associated with the weir.

This sale was part of an agreement whereby the burgesses took over the weir so that they could erect a turnpike to benefit the navigation in its place, and a bridge nearby to preserve the common way from Hertford to Ware Park and Ware Park Mills.<sup>13</sup>

Having completed the purchase, the burgesses went to the Trustees. They proposed that the latter should bear the estimated costs of £200 for building the new turnpike, and then take over responsibility for its operation and maintenance, collecting a toll of 1/- from the bargemen for the flash it provided. Presumably 1/- was the level of toll that the Earl of Salisbury had been entitled to for any flash that was required from his fishing weir.<sup>14</sup>

These proposals were accepted and implemented. The Borough erected the new turnpike and hired James Shadbolt as its keeper for 8/- a week. However the Trustees then chose not to take it over. Instead they signed an agreement in December 1752 whereby the Borough of Hertford took over the responsibility for the navigation above Ware Mills (see 15.1). Shadbolt now had to look after the two turnpikes at Hertford, the turnpike at Constants Weir and the passage of the barges down to Ware Mills, but got no extra money for his increased responsibility.<sup>15</sup> The Trustees did take on the financial

responsibility however. The burgesses produced annual accounts which were then settled by the Trustees.<sup>16</sup>

Thereafter little is recorded. Annual receipts for tolls at Constants Weir are noted, but those for the two turnpikes at Hertford are not, presumably lost with the waterwork's accounts. All that is known is that in the autumn of 1763 one of the Hertford turnpikes was completely rebuilt.<sup>17</sup>

## 16.2 The river between Ware and the 'new cut'

Since the Act of 1739 authorised no specific improvements to the river below Ware, work along this stretch of the river commenced only after the appointment of a Commission of Sewers. The first task then assayed was that this commission, utilising only those powers they traditionally enjoyed, concentrated on restoring the existing navigation to its desirable state.

During these first years the commissioners held regular Courts of Sewers, to which the bargemen brought many complaints, and at which the commissioners took surveys, heard evidence, deliberated, and issued orders to their surveyor. There is no reason to suspect but that this had been the principle adopted by those commissions during the preceding century whose records no longer remain, but there were differences in the procedure adopted.

The commissioners issued some general orders which were to apply to the whole river, not just to any specific problem which had been raised by the bargemen. They ordered their surveyor to remove all shoals along the river except those near the mouths of millstreams, in which cases he was to approach the commissioners first. They issued instructions to all weir-keepers and millers that they were not to pull up weeds growing in the navigable channel without leave from the commission, that millers were not to hang up their gates and allow water to run to waste on pain of a 40/- fine, or scour and cleanse the river themselves on pain of a £5 fine.<sup>18</sup>

Such orders were issued not only to prevent further deterioration or encroachment upon the navigation, but also to give notice that the commissioners intended to take responsibility for maintenance. No longer were the millers and weir-keepers to carry out the commissioners' instructions, for the future it was to be their surveyor who would be responsible, and it would be the Trustees who would meet the bills.

The commissioners also issued specific orders to their surveyor, after investigating specific complaints about the various mills and weirs along the river. Many millers and weir-keepers had taken advantage of the absence of any commission since 1728 to encroach upon the navigation, both to enhance their own special interests and to force the bargemen to be more dependant upon flashes of water. The bargemen wished to redress the balance.

Thus specific complaints were made against the occupiers of Waltham Abbey Powder Mills and mills at Stanstead, Broxbourne, Cheshunt, Sewardstone, Enfield, Chingford, Tottenham, Walthamstow, and the Temple Mills in Leyton. All had taken measures, illicitly, to increase supplies of water to drive their mills. The mouth of the head stream to Cheshunt Corn Mills had been doubled in width, that serving Sewardstone Mills had been increased from 15 feet to 50 feet. Additional ditches had been opened to increase supplies to Waltham Abbey Powder Mills and Enfield Mills. In addition most millstreams had been deepened, and shoals had been allowed or even assisted to develop in the navigable channel just below the mouth of the millstreams, to further increase the supplies diverted to the mills.<sup>19</sup>

Ensuing investigations are not well minuted. It is recorded that several shoals were removed, but not that the other encroachments were restrained. Complaints about the increased width of millstreams at Sewardstone, Cheshunt, Chingford and Temple Mills were either never followed up or no orders were ever issued, whilst the arrangements to increase water supplies to Waltham Abbey Powder Mills and Enfield Mills were specifically permitted.

The commissioners did have sufficient powers to reverse these particular encroachments. The fact that they did not suggests either that inaction was the lesser of two evils, or that more positively, it was recognised that a spirit of compromise was still necessary to ensure the proper development of the flash-lock navigation, and that such encroachments had not been too detrimental to the navigation.

Fewer complaints against weir-keepers are recorded. The Page family had been guilty of exactly those same practices which had been restrained by the commissioners in 1721 (see 11.5), and these new commissioners merely repeated those former orders. In addition instructions were issued that the sill of Frances Weir in Walthamstow be lowered 4 inches. Otherwise the only problems were the shoals that built up, above and below the weirs, and these were left to the discretion of the surveyor to remove whenever necessary.<sup>20</sup>

A final problem dealt with in these years was that William Pigbourn of Waltham complained that the traditional navigable channel below Sothebys Upper Weir at Sewardstone was blocked up, and that the bargemen used an alternative channel through his lands, to his detriment. These allegations were checked with the bargemen, and orders issued that the traditional channel be re-opened and the channel through Pigbourn's lands be blocked up.<sup>21</sup>

Within a few years the commissioners had restored the traditional navigation to a desirable state, even though they had allowed the increase in supplies of water to the mills. There were, however, two problems that they did not resolve, for the millers objected to their original orders and suggested solutions that required powers beyond those enjoyed by the commissioners, and which needed the attention of the Trustees. These particular problems, at Stanstead and Broxbourne, were particularly contentious, and are dealt with separately in the ensuing sections. Here it can be noted that once more

the commissioners were prepared to compromise to accommodate the millers; they did not insist on using their full legal powers.

With the exception of these two problems, there was now less business to deal with. The surveyor could maintain a watchful brief, and this must have restrained the millers and weir-keepers from once more encroaching on the navigation. From the mid-1740s onwards this approach sufficed, only occasionally were problems or fresh initiatives to arise, and these were dealt with by the Trustees, not the commissioners, as the role of that body fell into abeyance.

In June 1746 William Plumer, a Trustee and a commissioner, but also the owner of Dobbs Weir at the head of Broxbourne Gull which was tenanted by the Page family, informed the commissioners that the bargemen had asked him whether he was prepared to sell or let the weir to them. He told them that he was prepared to do either.

The commissioners decided that it would be better to purchase the weir, not only to improve the navigation but also to 'put an End to all Disputes Controversys and Suits about passing and repassing thro the same'. These particular disputes are not minuted. However the commissioners did not have powers to purchase property, they thus made their recommendations to the Trustees, who did have the necessary powers. These recommendations were accepted.<sup>22</sup>

The following month the weir was purchased by the Trustees for £600, but no other initiative was taken except that widow Page was hired to take care of the weir, with instructions not to shut the weir for any barge unless the normal toll was paid. It was only after complaints in December 1747 that the weir was repaired, along traditional lines.<sup>23</sup>

Then in November 1748 several bargemen petitioned the Trustees, asking them to reduce the toll collected at the weir. At this date the bargemen were still paying the traditional toll of 1/6 a barge downwards and 1/- a barge upwards, only on those occasions that a flash of water was needed. They now argued that the toll should be reduced to 'Sixpence a Barge a Journey Ebb and Flood', maintaining that such a level would be sufficient to meet all costs of maintenance and that the cost of widow Page's wages could be met from the income from the fishery. The Trustees agreed, but insisted that the 6d should be paid 'every Time they pass through the said Weir Ebb and Flood whether such Barges shall want the said Weir or not'.<sup>24</sup>

The purchase and control of this weir by the Trustees must have been a success, for in October 1748 several bargemen suggested that the Trustees should purchase Ware Weir, which had been acquired by the New River Company along with Ware Mills in 1738. The Trustees were prepared to investigate, but the Company felt that such discussions would be pointless until after the existing lease had expired on Lady Day 1750, though they added that they were prepared to rebuild it themselves or sell or let it to the Trustees after that date.<sup>25</sup>

Then in October 1749 the Company informed the Trustees that they were prepared to let or sell it after Lady Day 1750, mentioning a rent of £40 a year when pressed. The Trustees did not respond, and the weir remained the property of the Company.<sup>26</sup>

Another problem with fishing weirs was reported in August 1751. The bargemen complained that Peter Donn of Enfield Mill had leases to four adjoining fisheries, 'Upper Water, Endfield Lock, Parkinsons Weir and Chinckford Weir', and was demanding that they pay a toll at all four weirs even if a flash was not required at all of them, enforcing such demands by refusing any flash that was required if his demands were not met. The Trustees threatened him with prosecution if he did not immediately drop these demands, but nothing else is minuted.<sup>27</sup>

Indeed, except for the continuing problems at Stanstead, no further complaints were recorded for many years, as meetings of the Trustees became more and more infrequent. The only initiative to emerge from the Trustees during the 1750s was that in 1758 it was decided to rebuild Dobbs Weir. It was put out to tender, and the contract was awarded to William Hanscomb of Hertford, carpenter, at a cost of £500. However the Trustees instructed him that 'instead of making the Passage Pier a Weir it shall be made into a Turnpike'. They thus wanted to do away with the traditional removable planks and introduce the guillotine gates that had already been built in the turnpikes at Ware, Stanstead and Broxbourne. This was the last turnpike the Trustees were to build.<sup>28</sup>

Problems were still experienced in this area however, for in September 1760 the Trustees ordered that a cut out of the Lea near the turnpike be opened and cleansed, and that another turnpike be erected in this cut which would pen back water as high as the turnpike at Dobbs Weir could. Presumably there had been problems of flooding in this area, and it is interesting to note that the Trustees were forced to introduce the very measures that the Page family had introduced and which the commissioners had overruled both in 1721 and 1741.<sup>29</sup> Further instructions to deal with the problems of flooding had to be issued to the keeper at Dobbs Weir in November 1762 and August 1765.<sup>30</sup>

Of other problems during the last years of the Trust's existence, the increasingly inadequate minuting of the Trustees' meetings means that they can often only be noted, and that an adequate explanation of both the problem and the Trustees' response is not possible.

For instance in June 1759 the first new complaint for many years is minuted, that Mr Warren at Walthamstow Oil Mills had scoured the river to the detriment of the navigation. Warren was ordered to attend the next meeting, but nothing more is minuted.<sup>31</sup> Similarly it can be noted that in August 1759 the Trustees informed Pearce Galliard of Edmonton that his proposal for a new weir was not welcomed by the bargemen, but no other details are available.<sup>32</sup>

Problems at Hackney were noted in November 1761, because proprietors of a new waterworks being set up there had built a pound lock just below Lea Bridge. The Trustees first response was to order the surveyor to pull it down, but after receipt of a legal

submission from the proprietors, negotiations began instead. These negotiations are not minuted, but by November 1762 agreement had been reached whereby the Trustees leased the pound lock and appointed a keeper to ensure its proper use, both for the waterworks and the navigation.<sup>33</sup>

Serious problems also arose at Waltham, but the minutes are so inadequate as to be confusing. In October 1759 a committee was instructed to investigate these problems and seek advice from John Smeaton. The only follow up is that in September 1760 the surveyor was instructed to make a plan of the weir or turnpike that Thomas Hankin, a bargemaster and maltster who had been appointed a Trustee in 1757,<sup>34</sup> had suggested be erected in the 'Streights near Waltham'. Since this plan was to be shown to Sir William Wake, owner of Waltham Corn Mills and Waltham Turnpike, it is possible that this was a suggested rebuilding of the Waltham Turnpike.<sup>35</sup>

34. *Thomas Hankin, a maltster of Stanstead Abbot, was styled a gentleman on his death in 1764. In business as early as 1720, he insured a malthouse in Hunsdon, and in 1735 was admitted to a malting at Stanstead with access to a wharf along the Lea. He signed several petitions about the navigation, was appointed a Trustee in 1757, gave evidence to parliament in 1759, and proposed that a turnpike be erected at Waltham in 1760. In 1763 two of his barges sank near London Bridge. His will, proved in February 1765, gives details of his business affairs. He had been for years in partnership with his son, George, 'as Factors in Malt and Wheat to London by water in Barge'. The capital stock of this partnership was valued at £15,000. This business was left to his widow, Anne, and to George, to continue as partners. Thomas had also been in partnership with Messrs Thornton & Company, brewers of Spitalfields. His share in this business was £10,000. He left this share to his sons, Ambrose and Cornelius. He had also 'for many years past carried on in a Mercantile way the Iron and Coal Trade'. His widow and another son, John, were to carry on this business until another son, Thomas, reached 25, when he was to inherit it. To his son, John, he left £4000. The will also noted real estate, worth at least over £4000, in Stanstead Abbot, Ware, Great Hadham, Furneaux Pelham, Stocking Pelham. In a codicil added in December 1764 he threatened to partially disinherit his son John if he should marry the daughter of the local baker, he thought the 'Match not being a proper one for him'. In 1772-73 his mother lent Mrs Thrale £6030 when her brewery faced financial problems: Guildhall Library, MS. 11936/11 fo.279; MS. 11936/12 fo.194; MS. 11936/ fo.67; HRO, 10885; ?KO, PROB 11,/906(59); CL R0 Court of Aldermen, Reports and Papers, September 1742 and February 1743; CJ, xxviii.436; W.J. Hardy, W. le. Hardy, editors, Hertford County Records, vii.95; P. Mathias, The Brewing Industry, 267.*

In 1762 John Walton, the owner of Waltham Abbey Powder Mills, complained that dams erected by the Trustees near his tail stream were causing his business problems. To arbitrate leading engineers were called in, Joseph Nickalls represented Walton and Thomas Yeoman the bargemen. Once more the problem is not properly minuted, so no explanation can be given as to why the Trustees had erected any such dams. All that can be noted is that Walton was rebuilding and expanding his production capacity at this date, and must have been determined to ensure his water supplies.<sup>36</sup>

After this no more problems are minuted. The Trustees failed to obtain a quorum at any of the monthly meetings in 1763 and 1764, and it was not August 1765 that they were quorate. After that they did meet regularly, but not to consider the mundane task of maintaining the traditional flash-lock navigation, but rather to consider the ambitious improvements authorised by the Act of 1767.

### 16.3 The case of Broxbourne Turnpike

Of the two problems which the commissioners had insufficient powers to handle, and which needed the attention of the Trustees, those at Broxbourne were the first to be raised, and the first to be resolved. In fact they were resolved quickly, in contrast to those at Stanstead, which were prolonged and contentious.

Before 1739 the barges passed through Dobbs Weir, and down Broxbourne Gull to Broxbourne Bridge (see Figure 4 below).

When water was scarce the barges required a flash from Dobbs Weir and the assistance of the pen held back by Kings Weir. At times they also requested that the miller at Broxbourne Mill shut down his gates to provide additional assistance. It was a difficult stretch of the river, and Thomas Pettit raised the problem with the commissioners

In response the surveyor was ordered to scour and cleanse Broxbourne Gull, but shortly after he began John French, the miller at Broxbourne Mills, complained that this prejudiced his property. French argued that the surveyor was deepening the river, the bargemen that the surveyor was merely removing those shoals which had built up. Whatever, the commissioners ordered that the work be stopped until further notice, to allow proper discussion.<sup>37</sup>

At the next Court of Sewers the bargemen stressed the problems they experienced in Broxbourne Gull, and asked that it be scoured properly or a turnpike be erected at its lower end. The commissioners took a view, noting the barges that lay aground there, and ordered all parties to attend their next meeting, adding that if the miller did not attend, then scouring would be restarted.<sup>38</sup>

After discussion at this next meeting the commissioners recommended that a turnpike be built along the Gull to pen back water to a depth of 4½ feet above a sill which was to be laid 20 inches below the surface of the mill backwaters. The turnpike was to have two gates, each 14 feet wide. Such measures were designed to raise the level of water in Broxbourne Gull so that it was 'at least as high if not higher' than that normally found in the millstream, and so preclude the need for scouring.

It was further proposed that the miller should have care of the turnpike subject 'to the Control and Direction of the Commissioners'. He was to provide flashes for all barges coming down river, he was to open the turnpike gates for barges coming up river when they reached a place known as Cheshunt Lock Crooks, and provide extra water by shutting his mill gates if necessary. In return he could collect a toll of 1/- from every barge.<sup>39</sup>

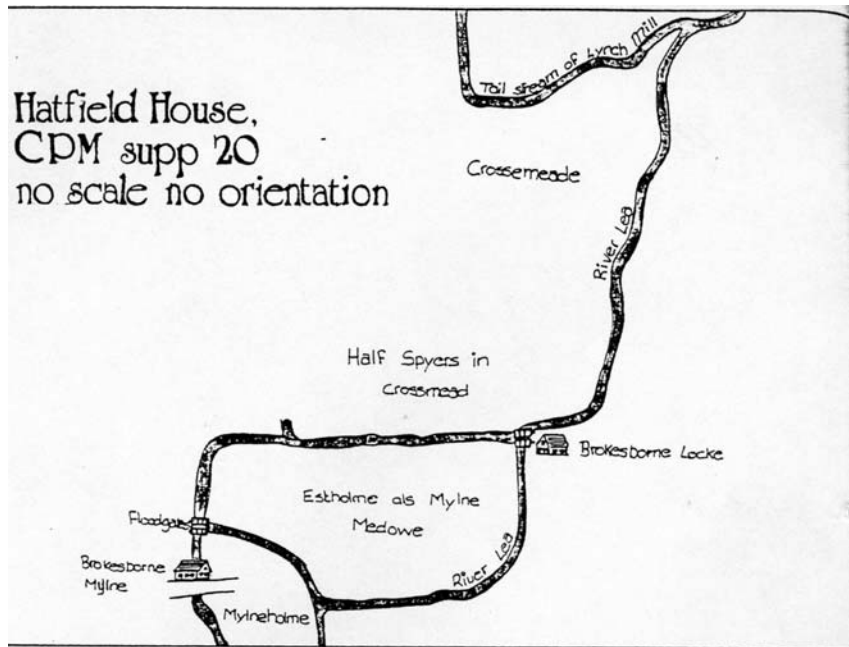
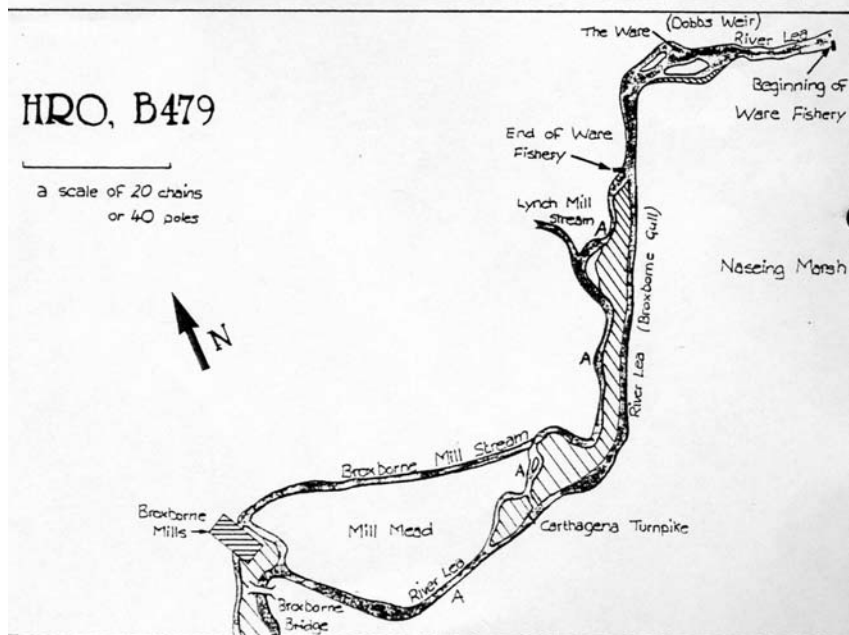


FIGURE FOUR: PROBABLE NEW ROUTE AT BROXBORNE, 1570s



The surveyor was ordered to investigate how best to implement these proposals. He made changes which were accepted by the commissioners. The turnpike was to be 34 feet wide and have four gates, one 14 feet wide for the passage of barges, three of 6 feet 8 inches to control the flow of water. Also the sill was to be only 15 inches below the surface. He provided an estimate of £420. It is likely that he also recommended the changes to the operation of the turnpike that the commissioners now recommended, that the gates of the turnpike be hung up for two hours after barges had passed through on their journey down river, and that the mill back gates be shut whenever a barge passed. To compensate the miller for these increased demands for water, the toll was increased to 1/3d.<sup>40</sup>

Commissioners of Sewers had no authority to implement such measures, but it was assumed that the Trustees did. The commissioners adjourned for lunch, and that afternoon met as Trustees, at a different inn and with two extra members present. A report was given to the Trustees of the commissioners' discussions and recommendations, and these were accepted, with only one change, the turnpike was to be 40 feet wide. The Trustees did not put this job out to tender, but ordered the surveyor to build it.<sup>41</sup>

By November 1741 the turnpike was almost complete, but at a cost of £633 6s 10d, way above estimate. The Trustees only expressed concern over the provision of beer to the workmen. This turnpike too was to be named after an incident in the War of Jenkin's Ear, namely Cartagena or Carthagen Turnpike.<sup>42</sup>

When completed the turnpike was tested for a month by Whittenbury and then handed over to Edward Want, who had been hired by French to look after the turnpike. The only fault that Whittenbury found was that when opened the water rushed through with such force that the banks below were being damaged, to correct this he extended the wharfing a further 90' downstream.<sup>43</sup>

There were to be some teething problems. In April 1742 three bargemen beat up Edward Want and forcibly opened the gates. In January 1743 there were complaints that adjacent lands were being flooded, and in February 1743 Alexander Hume, a Trustee and owner of Kings Weir, complained that the operation of the turnpike was damaging his fishery and his weir.<sup>44</sup>

Therafter little is recorded. In 1759 it was reported as being in need of repair, but in fact no work was done until August 1765. Both French and the bargemen seem to have been satisfied with its operation, and it can be noted that French himself transported his meal by barge to London.<sup>45</sup>

#### 16.4 The case of Stanstead Turnpike

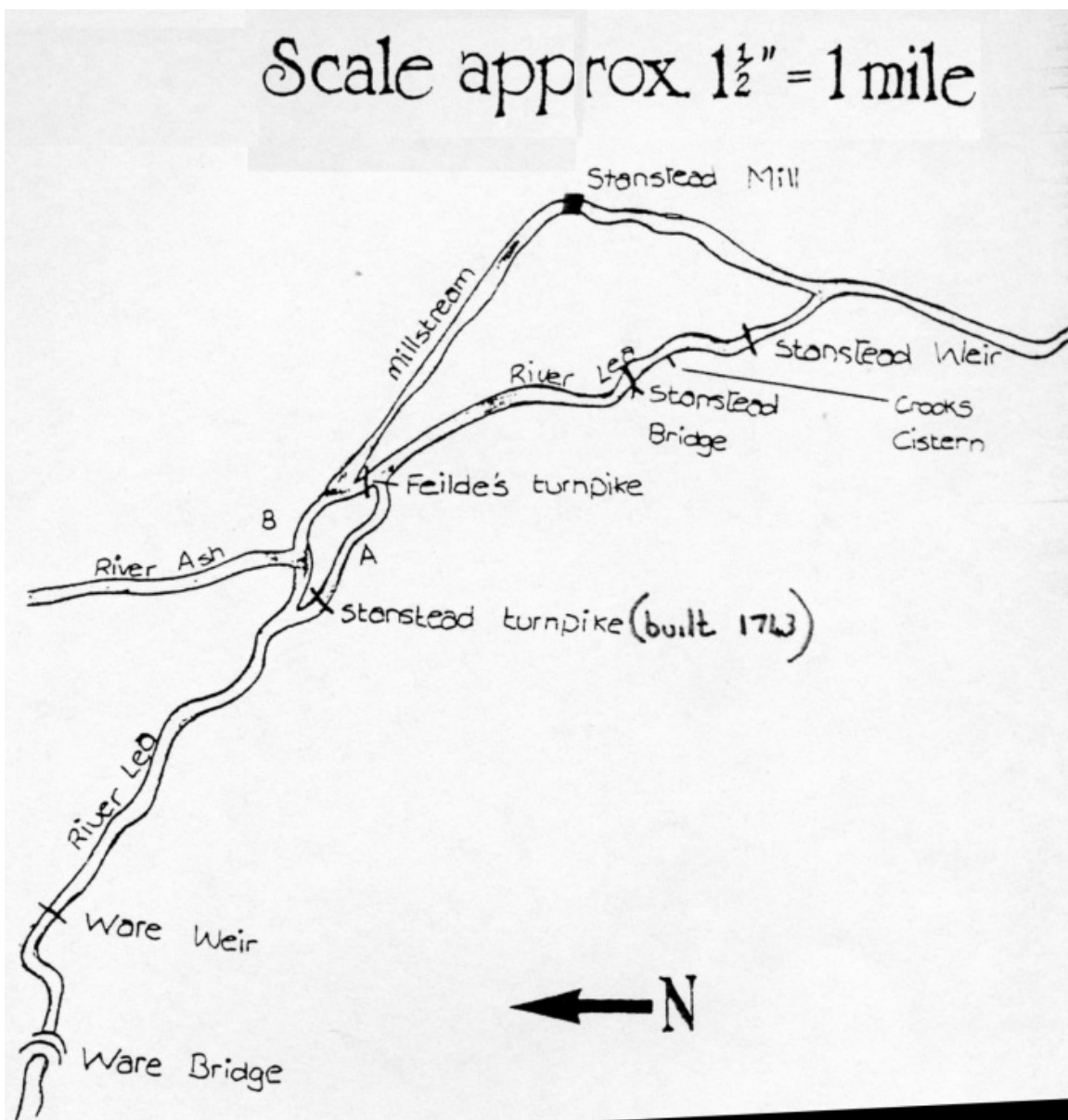
The problems at Stanstead were not to be dealt with so quickly or so satisfactorily as those elsewhere along the river. Fortunately, for this prolonged dispute provides the best evidence available of the various conflicting interests which could be affected by any change to the prevailing arrangements along the river.

The Commissioners of Sewers appointed in 1719 had found that the miller at Stanstead Mills, Michael Pepper, had forced the bargemen to use an alternative route down his millstream and through a turnpike back into the traditional navigable channel (Route B on Figure 9, below). The commissioners had decreed that the traditional route (Route A on Figure 9, below) should be re-opened, and Pepper had agreed (see 11.5).

However during the remainder of the 1720s and 1730s the same tendencies had emerged, and by 1739 the new tenant at the mills, his son Michael Pepper, was once more forcing the bargemen to use the route down the millstream and was once more demanding a toll

of 1/- when the barges passed through his turnpike. In August 1741 the bargemen brought their complaints before the commissioners, and asked that the orders made in 1720 be repeated. However the commissioners insisted on further discussion, and asked Pepper and the owner of Stanstead Mills, William Feilde, himself a Trustee, to attend their next meeting.<sup>46</sup>

46. *PRO, RAIL 845/53, Court of Sewers, 3 August 1741. The father had died in 1727. After monetary bequests to his three daughters, he left the dwelling house, corn mills and associated buildings to his only son, Michael to take entry when he was 21. All other property was left to his widow, Mary, to pass to Michael on her death. Mary died in 1770. The father also left £5 to his 'kinswoman' Anne, wife of his landlord, William Feilde; PRO, PROS 11/616(147).*



It was not until June 1742 that further discussion is minuted, and on this occasion the commissioners were in favour of re-issuing those orders made in 1720, but did not after hearing a proposal from Feilde. He suggested that the barges should continue to use his millstream and his turnpike, and he would drop his demands for any toll. In August he further proposed that he would obtain an Act of Parliament at his own expense to confirm these arrangements. An offer which emphasises just how beneficial these arrangements were to Stanstead Mill.<sup>47</sup>

In August 1742 another proposal was made to the commissioners, by who is not minuted, that a turnpike be erected near Graves Weir just below the town of Stanstead. Whittenbury was instructed to investigate the proposal, but no more is heard of this idea, except that in 1753 Feilde mentioned that certain Trustees had proposed a turnpike near the weir, but the bargemen would not consent to it.<sup>48</sup>

Feilde's proposals were investigated instead. The commissioners sought legal advice, and were told that an act was indeed essential, but that it could be expensive because several of the properties affected were entailed. Feilde immediately withdrew his proposals, and the commissioners immediately issued instructions that the traditional river route be reopened as soon as possible. They also recommended that a turnpike be built across the navigable channel just below the mouth of the head stream to Stanstead Mills. This turnpike would provide a flash for barges, and when closed would divert water into the head stream.<sup>49</sup>

Whittenbury investigated these proposals. He told the commissioners that scouring the river would cost £75, and that a turnpike could be built for £460. The turnpike he proposed would pen back water to a depth of 4½ feet, and would be 28 feet wide with three gates, one of 15 feet to allow the passage of barges, and two of 6½ feet to control the flow of water.<sup>50</sup>

The commissioners accepted these recommendations, and made a report to the Trustees that same afternoon. The Trustees favoured the plan, but put the job out to contract, having learnt from the experience with Broxbourne Turnpike.<sup>51</sup>

Two tenders were submitted. Whittenbury offered to build it 'in the most substantial manner' for £460, but in 'a Slighter Manner' for £340, or at any price between these two subject to discussion. Andrew Spellar of Hunsdon, carpenter, quoted £509 19s 3d. The Trustees accepted Whittenbury's tender, and ordered him to start work, but only after Feilde had had a chance to see the plans and give his comments.<sup>52</sup>

Within a month Feilde had sent a letter to the commissioners of which it was minuted there were no objections, but which Feilde was later to claim had only stated that he was too busy to 'Shew Cause at this Meeting against their later Orders' and had not been meant as a letter of consent. Whatever, the commissioners instructed Whittenbury to commence work.<sup>53</sup>

Within three months the turnpike had been erected and the river scoured. Barges could now once more use the traditional route. The Trustees ordered Whittenbury to employ a

turnpike keeper for not more than 10/6 a week.<sup>54</sup> The Trustees had handed over Broxbourne Turnpike to the local miller, but they were obviously not prepared to extend the same trust to Pepper. It should also be noted that the Trustees did not impose a toll for the use of Stanstead Turnpike, indeed they had no powers to do so.<sup>55</sup>

55: *Tolls were collected by the Trustees at Constants Weir Turnpike and Dobbs Weir Turnpike by virtue of the fact that they enjoyed rights as fishing weirs. The fact that the tolls were collected on every occasion not just when a flash was essential may have been open to question, but no queries were ever raised. The toll at Broxbourne Turnpike was collected by the miller, and was justified as the normal compensation for providing assistance to the bargemen. The fact that no such toll was allowed to the miller at Stanstead Turnpike must have caused resentment.*

Fears of a lack of co-operation from Pepper and Feilde were well grounded. In September 1743 complaints were made that Pepper was letting so much water run to waste that the level was 10 inches below normal when barges approached on a flash, and that consequently barges were being held up for 13 to 14 days. Meanwhile Feilde was organising his opposition.<sup>56</sup>

It soon became clear that there were widespread misgivings at Stanstead about the Trustees' new turnpike. Feilde himself submitted a letter emphasising that the work had been carried out without his consent, and that great damage to his property had accrued. His lands had been damaged whilst the turnpike was being built, great quantities of earth scoured from the river had been dumped on his lands without proper care, and the operation of the turnpike harmed his mills and his two fishing weirs. His tenants backed him up with their complaints.

Pepper complained that the river had been scoured too deep, and that whereas by 'ancient right' his millstream should have been 1 foot deeper than the navigable river, the position had now been reversed. Furthermore the operation of the turnpike worsened the situation.

When the turnpike was open he was unable to grind, and it took at least three hours for a sufficient head of water to build up after it had been shut, and even then the water level never rose to within 9 inches of his ancient pen. Yet the turnpike was left open for three hours every time a flash came down from Ware, was often opened to allow barges below the turnpike at Stanstead to move 'from Shop to Shop', and so could be opened five or six times a day. In addition barges coming down from Ware in convoy often lay their barges across the mouth of his millstream to provide another pen to help them on their way down river.

The fishermen who leased Feilde's weirs also complained that their livelihood had suffered. John Graves, the tenant at Stanstead Weir, claimed that he had caught no eels since the turnpike had been set up when he would normally have caught about £5 worth. His son John, the tenant at Graves Weir, added that there was too little water in his fishery 'to set his Leaps for Eals'.

It was not just Feilde and his tenants who were concerned. Thomas Hankin, a leading member of the Stanstead malting and barge-owning community, submitted complaints on

their behalf. The maltsters relied on water from the river for steeping, and the town took its drinking water from the millstream. Both supplies were now reduced, it was claimed.

The lack of water in the navigable river below the turnpike when it was shut brought other fears as well. Corn of up to a value of £40,000 was stored in the town. If a fire ever broke out the town had relied on water from the river, but now there was concern that there would be times when 'there will not be Water enough at the Bridges to dip a pail'. Opening the turnpike gates would take too long.

Hankin also stressed that although the turnpike was opened to provide water for barges to move 'from Shop to Shop' at Stanstead, the delays were still a nuisance to the bargemen, and caused Pepper great problems. In addition flashes of water were not always available when the bargemen wanted them. He cited the case of two barges loaded with wheat for export which had applied to the keeper at Stanstead Turnpike for a flash of water at 6 or 7 o'clock in the morning, but had been refused 'upon Pretence that Notice had been given for a Flash from Ware, which did not come till the Next day in the Afternoon unexpectedly'.<sup>57</sup>

Feilde obviously enjoyed widespread local support, and once more suggested that the traditional river route be closed down and his millstream be used as the navigable channel instead. This time, however, he insisted that the Trustees bear the cost of the work, and that he retain the right to collect the toll of 1/- for the use of his own turnpike.<sup>58</sup>

Such terms were unacceptable to the commissioners, but they still sought agreement with Feilde. They in turn proposed that they rent Stanstead Weir from him, but that he should retain control of it, and collect a toll of 1/- from every barge passing through. Furthermore they suggested that he take over care of their own turnpike. Thus Feilde could operate the turnpike and weir for the benefit of his mills, provided he would agree to adequate provision of flashes for barges coming down from Ware.<sup>59</sup>

Feilde was interested, asking several questions about the proposed lease and the best method of operating the turnpike and weir. But the bargemen were alarmed, informing the commissioners that 'they were not willing to Pay any Toll for Stanstead Weir or Stanstead Mill back Water or that the Miller of Stanstead Mills should have the care and custody of the said Turnpike'. This response effectively ended these discussions.<sup>60</sup>

There matters rested. No more is heard of this dispute until 1748. The only event minuted is that in April 1746 complaints were made that bargemen were forcing the turnpike gates open or otherwise misusing it. To stop this it was felt that the turnpike keeper should live on the site, and Whittenbury was ordered to build a lodging room over the turnpike machinery at a cost of £12.<sup>61</sup>

In October 1748 the Trustees wrote to Feilde to inform him of discussion over whether to purchase Ware Weir (see 16.2), soliciting his opinion. He replied that he opposed such proposals, and took the opportunity to express his concern that his earlier complaints

about Stanstead Turnpike had still not been dealt with. The Trustees expressed a willingness to listen, and asked him to submit his complaints once more.<sup>62</sup>

Feilde readily responded. He noted that his mills frequently suffered because the turnpike gates were 'often hung up unnecessarily and out of Carelessness, Sometimes whole Nights together'. Another serious problem had arisen when Pepper wanted to repair his mills. For this he needed to empty the millstream, yet the turnpike keeper refused to hang up the gates for two or three days to assist, and when Pepper had erected a dam across the mouth of his head stream, it was blown up by the force of water held back by the turnpike. Feilde commented that such was the damage to the mills that they would be difficult to let in the future.

He also complained of a loss of income from the toll for using his turnpike, and stressed that his fisheries were in a dire state. His tenants were often unable to put down 'their Boards' or their nets, and had fallen behind with their rent. Once more he claimed that he had not given the Trustees permission to erect their turnpike on his property.<sup>63</sup>

The commissioners and Trustees held a joint meeting to consider these complaints, and made a spirited reply. They stated that the turnpike had been built for the benefit of the navigation, and that it answered this purpose. Nevertheless they did not wish it to harm his property, and were prepared to discuss the matter.

They did offer to repair the land between the navigable channel and the head stream, and asked him to put a specific value to the damages he claimed, but otherwise dismissed his arguments. In particular they stressed that he had had no rights to demand a toll at all, and that: anyway they had been paid only when water was short, not on all occasions. To clarify this last point they sought legal advice, and at the same time sought to establish their precise rights to have erected the turnpike.<sup>64</sup>

The Attorney General's opinion strengthened the Trustees' position. He said that they did have the right to erect a turnpike to improve the navigation, and added that if this meant that a flash from a particular fishing weir was no longer required, then its owner had no right to claim any toll.<sup>65</sup>

Feilde was sent a copy of this opinion, but it was over a year before he formally replied to the Trustees' response or this legal opinion. In the meantime Pepper had widened and deepened the millstream.<sup>66</sup>

Feilde expressed himself disappointed with the Trustees' response, noting little action even though they expressed a willingness to compensate him, and expressing surprise that some Trustees evidently thought that the turnpike had benefitted his mills. He re-affirmed that his complaints were justified.<sup>67</sup>

He also raised one new issue, namely that his name had been entered in the minutes at the very meeting at which the orders he opposed had been issued. He said this was an error which should be corrected. It was some months before this point was conceded by the

commissioners and a resolution passed that no advantage should be taken of the fact that his name had been inserted.<sup>68</sup>

After a further exchange of letters in 1751, the Trustees set up a committee to treat with Feilde.<sup>69</sup> In December they made their report, making recommendations that the Trustees accepted which radically altered the Trustees' policy. They now favoured an Act of Parliament at the joint expense of Feilde and themselves to re-open the route down the head stream of Stanstead Mills and close down the traditional route. Furthermore they proposed to move their new turnpike to a position below Stanstead, and impose a toll which would pay for the upkeep of both this turnpike and the miller's turnpike.

Feilde had rejected these proposals beforehand, stating that they would 'be of no Service to his Mills nor in any manner reinstate the same as they formerly were', and noting the absence of any mention of compensation. He awaited their reply before going to law.<sup>70</sup>

The Trustees merely expressed surprise at his attitude, and stated that they had been within their rights to erect the turnpike. They particularly refuted Feilde's allegation that they had procrastinated in order that the Statute of Limitations could come into effect, though they later admitted that the idea had been raised at one of their meetings, but merely as 'private conversation' not as a matter of policy.<sup>71</sup>

Feilde immediately issued writs against five Trustees, against Samuel Wood, the keeper of Stanstead Turnpike, and Whittenbury and his assistant, Richard Allen. Feilde then submitted a case before the Kings Bench, listing twelve specific complaints, and demanding £3000 in compensation.<sup>72</sup>

Before the case was tried however, Feilde submitted further proposals to the Trustees. He suggested they rent Stanstead Weir at its old rent, and pay back rent from 1743, that the Trustees should dismantle Stanstead Turnpike and set it up near Graves Weir below the town, and that they should erect a new weir further up river, below Ware. He also asked for a payment of £25 a year as compensation for the loss of his tolls, but since he had heard that the Trustees intended to reject these proposals he offered to drop his demands for this £25 a year if they would agree to his other suggestions.<sup>73</sup>

The Trustees met the following week to consider their reply, taking advice from several bargemen. They were prepared to rent Stanstead Weir, but only from Michaelmas 1752. Although they were prepared to build a new turnpike at this weir, they were not prepared to move their own turnpike, and felt that there would be no advantage from any weir further up river nearer Ware. They felt it would be 'a Breach of Trust' to accede to his demands for £25 a year, but did think that the £75 they had paid into court was sufficient recompense for any damage caused to his lands.<sup>74</sup>

No out of court settlement was possible, the case was tried on 13 November 1753. The Trustees' optimism was justified, the jury found only that Feilde had suffered damage from the flooding and washing away of his lands. On these two counts they awarded him £80 damages and insisted that the Trustees pay a proportion of his legal expenses.<sup>75</sup>

(Feilde was awarded £80 damages and £282 costs on one issue , but the Trustees were allowed £25 costs on another issue.)

Feilde's disgust is illustrated by the fact that during the weekend following the case Pepper ground away flashes coming down from Ware and hung up his mill gates so that several barges were laid aground at Brutons Wharf just below Stanstead Bridge for several days. To prevent further reprisals the Trustees ordered their surveyor to scour the river between Stanstead Bridge and Stanstead Weir, and narrow the channel by setting up stakes and rails on both sides of the river.<sup>76</sup>

Thereafter the dispute disappears from the record. It should be emphasised that despite all the argument no actual changes were ever implemented to those arrangements first introduced in 1743. It can also be noted that in time even Feilde made his peace with the other Trustees. He had attended Trust meetings regularly until September 1743, but stopped when the disagreements arose. But shortly before his death in 1762 he took up these duties once more. Also in 1760 the miller, Pepper, was to help improve navigation along the lower Lea.<sup>77</sup>

### 16.5 The lower Lea

The City had insisted on retaining jurisdiction over the 'new cut' in 1739, so the bargemen made sure that they fulfilled these responsibilities thereafter. The City never set up any permanent arrangements to carry out the task, just as before 1739, they merely responded to approaches from the bargemen, but the latter made these approaches more frequently than they once had.

One factor which was to emerge was that there was still confusion over the exact extent of the City's jurisdiction. The Act of 1739 had not been precise, it had not defined what constituted the 'new cut', it had not defined the exact responsibilities of the various bodies that had some interest in the lower Lea. Yet once more the potential for conflict was never realised. In practice unofficial limits of jurisdiction were recognised. For instance in April 1742 the bargemen complained to the Commissioners of Sewers for the river Lea that John Battin at Temple Mills intended to scour and deepen his millstream. Their surveyor was instructed to tell Battin that if he did, the commission would investigate.<sup>78</sup>

Yet in September 1742 the bargemen raised these problems with the aldermen. They complained that Battin had scoured and deepened his millstream, and that he was also refusing to close his mill gates when flashes came downstream, despite requests from the bargemen for this traditional assistance. They also complained of certain encroachments which had been made about thirty years previously.<sup>79</sup> The aldermen made immediate response to other complaints in the September 1742 petition, but not to those about the Temple Mills, the bargemen submitted these particular complaints to the commissioners once more, in January 1743.<sup>80</sup>

On this occasion the bargemen explained that they had consented to the encroachments made twenty seven years previously only on the understanding that the miller at Temple Mills would always close down his gates when flashes came downstream, but now Battin was refusing this co-operation, even if the bargemen offered him payment for such assistance. This last was a concession by the bargemen for the miller at Temple Mills was not traditionally entitled to such a toll, probably because the mill lay within the tidal influence of the Thames.<sup>81</sup>

*81. In 1626 the Havering Level Commissioners of Sewers decreed that the miller at Temple Mills was not entitled to a toll for closing his gates when a flash came downstream; CLRD, Bridge House Committee Order Book 1611-1741, fos.41-47.*

Battin denied some of the bargemen's complaints, but acknowledged that he refused to close his gates, he felt his mills needed this water to operate effectively. The commissioners summoned a jury to decide the issue, one of only two times that this Commission of Sewers ever used a jury.<sup>82</sup> (The other occasion was when a jury was summoned to investigate problems at Waltham Abbey Powder Mills.)

In August 1743 this jury presented that twenty nine years previously the wharfing separating the head stream of Temple Mills from the navigable channel had been extended 14 feet further into the navigable channel to turn more water to the mills, and Battin was ordered to remove this extra wharfing. But no other presentments or orders are recorded. Unless some private arrangement was reached between Battin and the bargemen, he was still to refuse to close his gates when flashes came downstream.<sup>83</sup>

The bargemen had raised other complaints with the aldermen in September 1742, some of which the aldermen dealt with, and none of which were submitted to the Lea commissioners. These particular complaints were of the problems experienced in navigating the channel known as the Bowling Alley, the traditional navigable river channel from the mouth of the head stream to Temple Mills towards Old Ford. It was this channel which was always regarded as the 'new cut'.

The complaints raised were that the wharfing along the banks near Temple Bridge had been neglected and allowed to deteriorate to the state they were washed away, that a shoal had built up above Temple Mills Bridge making it, difficult for the barges to negotiate the passage pier of the bridge, and that more shoals impeded the passage below the bridge. They also made a suggestion, which they said that they had first made in 1736, that Temple Mills Bridge be removed 100 yards further downstream.

To encourage the aldermen's interest the bargemen concluded their petition with the argument that such were the problems that barges were unloading great quantities of malt and other goods at Hackney, thus reducing the City's income from the meteage dues they could collect if these barges came to London.<sup>84</sup>

The aldermen did respond, they instructed the Water Bailiff to remove the shoals, but made no orders about moving the bridge.<sup>85</sup> Within months the bargemen were to submit another petition. Once more they complained of the derelict wharfing and the numerous

shoals which made passage down the Bowling Alley so difficult, so difficult in fact that barges were often stranded for two or three weeks, and some had even broken up and sunk.<sup>86</sup>

In April 1743 the aldermen gave this petition further consideration, as well as a proposal from alderman William Calvert<sup>87</sup> that the Bowling Alley be narrowed and deepened at an estimated cost of £225 10s. The aldermen instructed their Clerk of Works and Water Bailiff to investigate the matter further, and later that month set up a committee to consider the navigation along the lower Lea, with instructions to hire an engineer, William Hutchins.<sup>88</sup> In July 1743 this committee recommended that the Bowling Alley be thoroughly scoured and cleansed, and that wharfing be erected to narrow the channel. The aldermen gave instructions that this work be carried out.<sup>89</sup>

87. *William Calvert was an alderman and one of the largest brewers in London. He was Master of the Brewers Company for the period 1741-42, and attended three meetings of the Trustees as an ex-officio member in 1743: R. Sedgwick, editor, The Commons 1715-1754, ii.519-20; Trustees, 22 June 1743, July 1743, 14 September 1743.*

It seems likely that this committee considered, but did not recommend, a more ambitious proposal that a turnpike be erected along the Bowling Alley to provide an additional pen and flash. For the City records contain two undated petitions from the bargemen which internal evidence suggests must have been submitted about this time.

One petition noted that the bargemen had complained several times about the problems experienced in the Bowling Alley, and that the aldermen had lately viewed the 'said new Cutt'. These petitioners hoped that the aldermen would decide to erect a turnpike, and offered to pay a 1/- toll if it was built. The other petition, signed by seven who had signed the aforesaid petition, made similar points, but expressed the view that a turnpike was not necessary, and that scouring and wharfing would be adequate, at a much cheaper cost.<sup>90</sup> It was this work which was authorised, and a contract was given to Francis Pank of Low Leyton to carry out the task. There were problems however. When Pank submitted his bill in October 1743, it was not paid after reports that the work had not been performed in accord with the contract. Instead he was paid only £50 on account and told to complete the work properly. Yet in December the bargemen complained that the work had been done badly, and the problems were as bad as before. The aldermen set up the committee once more. This seems to have solved the problem, for there were no further complaints, and in November 1745 the engineer was paid, and in February 1747 Pank's bill was finally cleared.<sup>91</sup>

In 1751 the bargemen petitioned the aldermen once more, but no record of their complaints or further actions are recorded.<sup>92</sup> Then in November 1760 a petition with signatures was submitted, complaining once more that barges were finding it difficult to navigate along the Bowling Alley. The aldermen ordered an investigation, but the following month gratefully accepted a proposal from two of the petitioners, Thomas Hankin and Michael Pepper, that they would scour and cleanse the channel for not more than £100.<sup>93</sup>

All the complaints submitted to the aldermen by the bargemen concerned that channel known as the Bowling Alley; they never raised complaints about the shallows at Old Ford or of any problems near Bow Lock. This suggests in practice a narrow interpretation of the 'new cut', an interpretation that did not extend to the whole of the lower tidal Lea.

Such an impression is strengthened by the fact that in 1749, when faced by problems near Bow Lock, the bargemen submitted their complaints to the Commissioners of Sewers for the Levels of Havering and Dagenham. These complaints were that the owners of the Three Mills had opened a cut from the Lea below Bow Bridge to provide additional water to drive their mills, to the obvious detriment of the navigation. Such a cut had first been opened during the previous decade, but had been stopped up after legal action between the owners of the Three and Four Mills. With such a precedent the commissioners had no hesitation, they ordered that it be closed up once more. This was the only occasion between 1739 and 1762 that these commissioners specifically considered the navigation.<sup>94</sup>

Thus although the City still thought of themselves as having jurisdiction over the whole of the lower Lea,<sup>95</sup> in practice the bargemen recognised only their rights along the Bowling Alley, and there is no evidence to suggest that the City seriously tried to alter this situation. There is also no evidence to suggest that after 1739 they ever tried to establish any claims to the fishing in the Lea or to profits from the adjacent banksides, the whole purpose of their original involvement.

#### 16.6 What was not done

The evidence presented earlier in this chapter illustrates how the Trustees adequately fulfilled their limited brief, but also illustrates just how limited that brief was. There were certain initiatives the Trustees did not take, which indeed they were not empowered to undertake, but which would have been beneficial to the existing flash-lock navigation.

The Trustees took surveys of the river, but these were limited in intent. They were no different from those taken by Commissioners of Sewers before 1739. At no time did the Trustees survey the river with intent to see whether the existing arrangements for the provision of flashes could be added to, or altered, to better regulate the passage of the barges. Decisions which were taken about the construction of new turnpikes were taken only in response to suggestions about how to tackle specific problems along the river, there was no overall plan.

Similarly the Trustees never officially considered the provision of proper towpaths. This at a time when horses, which required better towpaths, were being introduced in place of man haulage (see 17.2). This was one of the improvements sought by the bargemen when they approached parliament in 1759 (see 17.4), but there is no mention of such a problem in the Trustees' minutes, probably because they had no powers to deal with such problems anyway.

## NOTES TO CHAPTER SIXTEEN

1. Trustees, 5 September 1739, 3 October 1739.
2. Ibid, 4 December 1739, 2 January 1740.
3. R.E. Dupuy, T.N. Dupuy, editors, *The Encyclopedia of Military History* (London,1970),661; A.J. Henderson, *London and the National Government,1721-42* (Durham, North Carolina, 1945), 195
4. In evidence to Parliament in 1737 Fordham said that he had known the river 47 years. In 1707 he was one of the Ware maltsters and barge-owners involved in a Chancery suit about maintaining the navigation. His brother, Thomas, was on the opposing side. In April 1721 James made an agreement with Thomas Byde, lord of the manor of Ware whereby he took out a 90 year lease on lands in Ware Park. He then dug a new cut out of the river Rib through Ware Park and Shipmans Hill into the Lea, and along this cut he erected an overshot corn mill, Ware Park Mills, at a cost of about £2000. These arrangements were confirmed by private act of parliament in 1723, as there were fears over the future of the Ware estate. When Fordham insured these mills in February 1722 he was described as a bargemaster of Amwell. Thereafter there are several references to Fordham's barges and his interest in the navigation. His barge passed through Hertford Turnpike 20 times between July 1736 and December 1739. When he died in 1757 his will described him as a miller and mealman of Ware Park Mills. His three sons James, Thomas and Edward had all already been set up in business as mealmen and they were left the lease to the property on which the mills was built and all 'my Boats Barges Sacks Corn Grain Hay Waggons Carts Horses Ready Money, money at Interest Stock in Trade debts etc'. His three daughters, Susannah, Anne and Jane were left £800 each: PRO, C7 124/25; 12 Geo. 1, c.14 PR; HRO, BHR Vol 45 fos.456-60; Guildhall Library, MS. 11936/14 fo.1; PRO, PROB 11/833(298);
5. Trustees, 2 January 1740, 9 April 1740.
6. Ibid, 22 September 1741, 14 November 1749.
7. In evidence to Parliament in 1737 Pettit said that he had known the river about 45 years. In 1706 he was carrying coal up river to Ware. In 1712 he was consulted about problems at Stratford, and was thereafter referred to as a barge-owner or maltster on several occasions. In 1719 he was appointed as 'Surveyor of the said River for Removeing & taking away the said ores and Hills'. In the mid-1730s he was consulted by the London aldermen about disputes over the supply of water to the Three Mills in Stratford, and was closely involved in the navigation in the early 1740s. He was also a Trustee of Cheshunt Turnpike Trust from 1725 onwards: CLRO, Accounts of duty on fruit, malt, salt and passage of grain and coals, 29 October 1705-28 October 1706; CLRO, BHC 1711, evidence of

- bargemen; Guildhall Library, MS. 11936/12 fo.47; FRO, 539'39; W.J. Hardy, W. le Hardy, editors, Hertford Count Records, vii.116,117; Enfield, Court of Sewers, 6 November 1719, CLRO, Court of Aldermen, Reports and Papers, January-June 1736; *ibid*, 1742-43; HRO, T/P 1/1; Trustees, 3 August 1741; PRO, RAIL 845/53, Court of Sewers, 22 October 1740.
8. TWA, Box 81, Red Box, part.
  9. PRO, RAIL 845/53, 11 March 1743.
  10. HRO, B:HR Vol 36 fos.587-592.
  11. PRO, RAIL 845/53, Court of Sewers, 28 January 1743; HRO, BHR Vol 36 fo.608; Trustees, 2 June 1743.
  12. PRO, RAIL 845/53, Court of Sewers, 28 January 1743; HRO, BHR Vol 39 fos.70,78.
  13. HRO, BHR Vol 39 fos.73-77; *ibid*, Vol 38 fos.510-11.
  14. Trustees, 26 September 1750.
  15. *Ibid*, 20 November 1752, 18 December 1752.
  16. *Ibid*, 11 January 1758, 2 November 1767; HRO, BHR Vol 39 fos.80,81-84,86-87.
  17. HRO, BHR Vol 50 fo.191; *ibid*, Vol 39 fos.80,81-84, 86-87.
  18. PRO, RAIL 845/53, Court of Sewers, 2 July 1740, 4 August 1740, 22 October 1740.
  19. *Ibid*, 2 July 1740, 4 August 1740, 22 October 1740, 24 September 1740, 28 January 1743, 25 May 1743, 19 August 1743.
  20. *Ibid*, 2 July 1740, 22 October 1740, 10 June 1741, 1 July 1741.
  21. *Ibid*, 4 August 1740.
  22. *Ibid*, 6 June 1746; Trustees, 6 June 1745.
  23. PRO, RAIL 845/53, Court of Sewers, 7 December 1747; Trustees, 7 July 1746, 4 August 1746, 3 September 1746, 10 October 1746.
  24. Trustees, 23 November 1748.
  25. *Ibid*, 17 October 1748.

26. Ibid, 2 October 1749, 14 November 1749.
27. Ibid, 5 August 1741.
28. Ibid; 30 January 1753, 27 February 1758, 17 April 1758. In May 1758 the surveyor was ordered to build a new dwelling house at Dobbs Weir for the turnpike keeper: Trustees, 29 May 1758.
29. Ibid, 8 September 1760.
30. Ibid, 8 November 1762, 19 August 1765.
31. Ibid, 25 June 1759.
32. Ibid, 6 August 1759
33. Ibid, 23 November 1761, 15 March 1762, 19 April 1762, 19 May 1762, 11 December 1762; K.R. Fairclough, East London Record,1985.
34. Thomas Hankin, a maltster of Stanstead Abbot, was styled a gentleman on his death in 1764. In business as early as 1720, he insured a malthouse in Hunsdon, and in 1735 was admitted to a malting at Stanstead with access to a wharf along the Lea. He signed several petitions about the navigation, was appointed a Trustee in 1757, gave evidence to parliament in 1759, and proposed that a turnpike be erected at Waltham in 1760. In 1763 two of his barges sank near London Bridge. His will, proved in February 1765, gives details of his business affairs. He had been for years in partnership with his son, George, 'as Factors in Malt and Wheat to London by water in Barge'. The capital stock of this partnership was valued at £15,000. This business was left to his widow, Anne, and to George, to continue as partners. Thomas had also been in partnership with Messrs Thornton & Company, brewers of Spitalfields. His share in this business was £10,000. He left this share to his sons, Ambrose and Cornelius. He had also 'for many years past carried on in a Mercantile way the Iron and Coal Trade'. His widow and another son, John, were to carry on this business until another son, Thomas, reached 25, when he was to inherit it. To his son, John, he left £4000. The will also noted real estate, worth at least over £4000, in Stanstead Abbot, Ware, Great Hadham, Furneaux Pelham, Stocking Pelham. In a codicil added in December 1764 he threatened to partially disinherit his son John if he should marry the daughter of the local baker, he thought the 'Match not being a proper one for him'. In 1772-73 his mother lent Mrs Thrale £6030 when her brewery faced financial problems: Guildhall Library, MS. 11936/11 fo.279; MS. 11936/12 fo.194; MS. 11936/ fo.67; HRO, 10885; ?KO, PROB 11,/906(59); CL R0 Court of Aldermen, Reports and Papers, September 1742 and February 1743; CJ, xxviii.436; W.J. Hardy, W. le. Hardy, editors, Hertford County Records, vii.95; P. Mathias, The Brewing Industry,267.

35. Trustees, 8 October 1759; 8 September 1760.
36. Ibid, 11 October 1762, 8 November 1762; CJ, xxxi.303.
37. PRO, RAIL 845/53, Court of Sewers, 22 October 1740, 4 May 1741; HRO, B1110
38. Ibid, Court of Sewers, 10 June 1741.
39. Ibid, Court of Sewers, 1 July 1741.
40. Ibid, Court of Sewers, 3 August 1741.
41. Trustees, 3 August 1741.
- 42: PRO, RAIL 845/53, Court of Sewers, 11 November 1741; Trustees, 26 May 1742, 31 December 1765; R.E. Dupuy, T.N. Dupuy, editors, Encyclopedia of Military History, 661.
43. PRO, RAIL 845/53, Court of Sewers, 11 November 1741, Trustees, 21 April 1742.
44. PRO, RAIL 845/53, Court of Sewers, 26 May 1742, 28 January 1743; Trustees, 25 February 1743.
45. CJ,xxviii.436; Trustees, 19 August 1765; CLRO, MS.18.1L
46. PRO, RAIL 845/53, Court of Sewers, 3 August 1741. The father had died in 1727. After monetary bequests to his three daughters, he left the dwelling house, corn mills and associated buildings to his only son, Michael to take entry when he was 21. All other property was left to his widow, Mary, to pass to Michael on her death. Mary died in 1770. The father also left £5 to his 'kinswoman' Anne, wife of his landlord, William Feilde; PRO, PROS 11/616(147).
47. PRO, RAIL 845/53, Court of Sewers, 23 June '742, 2 August 1742,
48. Ibid, 2 August 1742; Trustees, 6 March 1753.
49. PRO, RAIL 845/53, Court of Sewers, 3 November 1742.
50. Ibid, 1 December 1742.
51. Trustees, 1 December 1742.
52. Ibid, 25 February 1743.

53. PRO, RAIL 845/53, Court of Sewers, 11 March 1743; Trustees, 14 November 1749 .
54. Trustees, 6 July 1743.
- 55: Tolls were collected by the Trustees at Constants Weir Turnpike and Dobbs Weir Turnpike by virtue of the fact that they enjoyed rights as fishing weirs. The fact that the tolls were collected on every occasion not just when a flash was essential may have been open to question, but no queries were ever raised. The toll at Broxbourne Turnpike was collected by the miller, and was justified as the normal compensation for providing assistance to the bargemen. The fact that no such toll was allowed to the miller at Stanstead Turnpike must have caused resentment.
56. PRO, RAIL 845/53, Court of Sewers, 14 September 1743.
57. Ibid.
58. Ibid.
59. Ibid, Court of Sewers, 28 September 17-43.
60. Ibid, Court of Sewers, 18 October 1743.
61. Trustees, 30 April 1746.
62. Ibid, 17 October 1748.
63. Ibid, 23 November 1748.
64. Ibid, 10 January 1749.
65. Ibid, 14 ND-vemb-er 1749.
66. PRO, RAIL 845/5.3, Court of Sewers, 14 November 1749.
67. Ibid, Court of Sewers, 28 December 1750.
68. Ibid, Court of Sewers, 28 December 1750, 5 August 1751.
69. Ibid, Court of Sewers, 11 January 1751, 25 January 1751; Trustees, 5 August 1751.
70. Trustees, 11 December 1731.
71. Ibid, 11 December 1751, 10 March 1752.

72. PRO, RAIL 845/53, Court of Sewers, 11 February 1752, Trustees, 2 June 1752, 7 August 1758.
73. Trustees, 6 March ,753.
74. Ibid, 13 March 1753.
75. Ibid, 7 August 1758.
76. Ibid, 20 November 1753, Feilde was awarded £80 damages and £282 costs on one issue , but the Trustees were allowed £25 costs on another issue.
77. CLRO, Repertories, 165 fo.26.
78. PRO, RAIL 845/53, Court of Sewers, 21 April 1742..
79. CLRO, Court of Aldermen, Reports and Papers, September 1742.
80. CLRO, Repertories 146 fo.384; PRO, RAIL 845/53, Court of Sewers, 28 January 1743.
81. In 1626 the Havering Level Commissioners of Sewers decreed that the miller at Temple Mills was not entitled to a toll for closing his gates when a flash came downstream; CLRD, Bridge House Committee Order Book 1611-1741, fos.41-47.
82. PRO, RAIL 845/53, Court of Sewers, 25 May 1743, 6 July 1743. The other occasion was when a jury was summoned to investigate problems at Waltham Abbey Powder Mills: ibid, Court of Sewers, 24 September 1740,
83. Ibid, Court of Sewers, 19 August 1143.
84. CLRO, Court of Aldermen, Reports and Papers, September 1742.
85. CLRO, Repertories 146 fo.384.
86. CLRO, Court of Aldermen, Reports and Papers, February 1743.
87. William Calvert was an alderman and one of the largest brewers in London. He was Master of the Brewers Company for the period 1741-42, and attended three meetings of the Trustees as an ex-officio member in 1743: R. Sedgwick,,editor, The Commons 1715-1754, ii.519-20; Trustees, 22 June 1743, July 1743, 14 September 1743.
88. CLRO, Repertories 147 fos.195,216; ibid, 150 fo.33.

89. Ibid, 147 fo.350.
90. CLRO, MS. 18.14.
91. CLRO, Repertories 147 fos.350,456; ibid, 148 fos. 64,180,430; ibid, 150 fo.33; ibid, 151 Eo.141.
92. Ibid, 155 fo.265.
93. Ibid, 165 fos.13-16,26.
94. ERO, D/SH2, Court of Sewers, 14 September 1749, 7 April 1150; ERO, D/DU 257; ERO, D/DLo T59.
95. R. Griffiths, An Essay... Conservancy of the River Thames, 55-56.