

## Hemelhempstead Market, 1620—1660.

By JOHN GLADSTONE.

**I**N the course of my work at Cambridge I happened to come across a book entitled *Select Cases on the Law Merchant*, by Charles Gross. In this book I found the statement that a piepoudre court survived in Hemelhempstead up till 1898, forty-four years longer than any similar institution in Great Britain. It at once occurred to me that the borough of Hemelhempstead would probably have preserved some records of this court. My guess proved correct; in the borough archives there are three large volumes containing records of the meetings of this piepoudre court. The first of these books covers the period 1619-1773 and contains in addition the town accounts and orders concerning the market.

By the kindness of the Mayor I was allowed a room in the Town Hall; and in April, 1927, I spent a week working on these records. Having never previously read early seventeenth century handwriting, I soon saw that my time would not allow me to study in detail the whole book; for handwriting and spelling were not arts studied in the little country town of Hemelhempstead three centuries ago.

I found the year 1660 a convenient stopping place, for, after the restoration, orders for the market seem no longer to have been made or recorded. Hemelhempstead, too, after what I shall show to have been a period of great activity, settled down to an uneventful existence, from which everything has failed to arouse her.

I wish I had been able to continue my sketch of the market down to the present day; the material for such a work is in the Town Hall and in the Vestry chest of the Parish Church; detailed essays could indeed be written on the straw plait industry or on Fourdrinier's Paper Mills; but perhaps my readers will agree that a glimpse of the market during one little period of forty years is more entertaining than a survey covering three centuries, which must needs pass over time quickly.

In 1539, Henry VIII incorporated the Bailiff and inhabitants of Hemelhempstead, and gave them the right

to hold a market every Thursday<sup>1</sup>. We can find no references to this Thursday market during the 16th century, but we know that throughout the seventeenth century it was a very important event. It was undoubtedly as a corn market that Hemelhempstead was most renowned. In the seventeenth and the first half of the eighteenth century Hertfordshire enjoyed the reputation of being the best corn county in England;<sup>2</sup> as late as 1822 William Cobbett saw corn "all the way through Hertfordshire."<sup>3</sup> Nor were its farmers behind-hand in the other branches of farming; Arthur Young tells us that Oliver Cromwell paid £100 a year to a Hertfordshire farmer named Howe, for the successful cultivation of root crops.<sup>4</sup> Its roads were above the average: it was early enclosed, and had always been divided into small farms, tilled by progressive farmers. Hemelhempstead was the natural centre of a very large area of this agricultural district, and to its market were brought all kinds of produce.

We have ample testimony to the importance of the market during our period. In 1656 it was said to be "of great public resort."<sup>5</sup> In a petition of 1656 the town is referred to as "a fit place for the sale of London and country goods,"<sup>6</sup> and in 1666 it was "the very granary of London";<sup>7</sup> later, in 1700, Hemelhempstead market is mentioned as having "become the greatest for wheat in this county."<sup>8</sup> In 1728 there were said to be "eleven pair of mills within four miles of the market which bring a trade into this part of the country and furnish the city of London with a great deal of meal."<sup>9</sup>

The grant of a market was supplemented by that of a court of piepoudre; and, before commenting on the orders made by this court for the regulation of the market, we had better explain its origins and functions,

<sup>1</sup> *L. & P. Hen. VIII., XIV. (2) 780 (44) p. 303.*

<sup>2</sup> Lord Ernle, *English Farming Past and Present*, p. 190.

<sup>3</sup> William Cobbett, *Rural Rides*. Everyman Edition, Vol. I., pp. 86, 87.

<sup>4</sup> *General View of the Agriculture of Hertfordshire* (1804), p. 55.

<sup>5</sup> *Cal. S. P. Dom.*, 1655-6, p. 379. Quoted in *V. C. H. Herts.*, II., p. 217.

<sup>6</sup> *V. C. H. Herts.*, II., p. 217.

<sup>7</sup> *Cal. S. P. Dom.*, 1655-70, p. 708. Quoted in *V. C. H. Herts.*, II., p. 217.

<sup>8</sup> Chauncy, *Hist. Antiq. of Herts.*, p. 547.

<sup>9</sup> I. Salmon, *The History of Hertford*, p. 116. This seems to me very hard to believe.

as some of my readers are probably unfamiliar with the institution. It was set up by charter to decide by the law merchant, a sort of international code of law, cases connected with markets and fairs. At Hemel Hempstead the jurors of the court, as its judges were usually called, were presided over by a bailiff who was annually elected.

On market days the court sat in some place easily accessible to those attending the market. If someone thought he had been given short measure he complained to the court. If another could not recover money from a purchaser he pleaded his case before the men assembled in the court loft. The business was transacted with such celerity that litigants came and left with their dusty feet, their disputes being settled in a very short time. The word *piepoudre* is, in fact, derived from the two French words *piéd* and *poudreux*.<sup>10</sup>

We have no evidence that the *piepoudre* court of Hemel Hempstead ever exercised its inherent jurisdiction; the borough records from the incorporation of 1539 to 1619 have unfortunately been lost. It is very possible that, during this period, it was a court of law administering the law merchant. By 1620, in which year the second book commenced, the court had ceased to settle disputes on market days or, at any rate, to record them. From this date up to 1897, however, when it was abolished on the reincorporation of the borough, we know that the court met to elect a bailiff on Saint Andrew's Day. During the nineteenth century Hemel Hempstead was probably the only instance in Great Britain of a borough "ostensibly controlled by a court of *piepoudre*, but in reality by the parish and district councils."<sup>11</sup> Its charter had set up a bailiff alone; the jurors of the *piepoudre* court, over whom the bailiff presided, took the place of burgesses and aldermen. This arrangement survived till 1897, when the town, finding that its unusual corporation was powerless in many matters of local government, peti-

<sup>10</sup> The best account of the court is in a publication of the Selden Society—*Select cases on the Law Merchant*. See esp. Prof. Gross' Introduction, and for Hemel Hempstead, vol. I., p. xix., n. 8.

<sup>11</sup> *Daily News*, July 21, 1896.

tioned to be reincorporated and governed by a mayor and aldermen. The full title of the Mayor of Hemel Hempstead is still, however, the "Mayor and Bailiff of Hemel Hempstead."

The piepoudre court of Hemel Hempstead, having early lost its judicial aspect, survived longer than any other in Great Britain; there is a piepoudre court book at Eye (Suffolk) for the period 1732-1815 and in 1835 sessions of such courts were still held occasionally in several boroughs. They continued to be held at Bartholomew Fair, London, till 1854.<sup>12</sup> But to Hemel Hempstead belongs the distinction of being the town in which the last meeting of a piepoudre court was held. This event took place on December 2nd, 1897, immediately after the election of the High Bailiff, as the bailiff of the borough had now come to be called. At this meeting the High Bailiff explained that the object of the court was "to inspect the municipal buildings, perambulate the market and collect the tolls." He proceeded to discuss with his jurors the new arrangements for lighting and heating the town hall. At the close of the proceedings the High Bailiff remarked that there were no culprits to come before them, "either for brawling, drunkenness or any other petty offence."<sup>13</sup>

From 1620 up to the restoration, the piepoudre court of Hemel Hempstead was chiefly concerned with making orders for the market; and it is these orders, which give us a good picture of a market in the seventeenth century, which chiefly concern us in this article.

As we have seen Hemel Hempstead was a very important market, not only for corn but also for all agricultural produce;<sup>14</sup> and it was not unnatural that the court should make strict regulations concerning the sale of

<sup>12</sup> *Select Cases on the Law Merchant*, ed. Prof. Gross, vol. I., p. xix.

<sup>13</sup> *Hemel Hempstead Advertiser*, Dec. 4, 1897.

<sup>14</sup> In John Houghton's *Collection of Letters for the Improvement of Husbandry* (1692-1703) we find prices of wheat, rye, malt, oats, horse beans and grey beans from Hemel Hempstead for 13 June and 20 June, 1692. There is a complete series of returns from 7 July, 1693, to 30 Nov., 1694, on which date white peas and hay are added. Barley is quoted from 27 Oct. to 30 Nov., 1694. There are no returns under wool and hops, which however sometimes were sold in Dunstable and St. Albans markets.

corn. The first in 1633<sup>15</sup> laid down that "noe man shall pitch any wheate or other corne without the eaves of the markt house." In the next year the sale of corn in any house or yard in the town was expressly forbidden,<sup>16</sup> and the market house was ordered to be employed only for corn dealing after midday.<sup>17</sup> As would be expected a protective policy was maintained; the Bailiff was to punish "all regraters and forestallers, and was to be assisted by the whole body in the execution of this order."<sup>18</sup> Strangers were always distinguished from townsmen and if possible put at a disadvantage. "No poulters nor higlers strangers are to buy any flesh, butter, cheese, egge, poultrie or anie other victualles before tenn o'clock and that in no other place butt in the open market."<sup>19</sup> The "outtoun shoomakers" were to stand beneath the townsmen "towards the townsend,"<sup>20</sup> and the "butchers strangers" were placed between the shambles and the cage<sup>21</sup> away from the Hemelhempstead men. Finally "the bailiff shall keep his yearly feast within the toune and not within the parish upon paine of 20s. to the use of the poore."<sup>22</sup>

As was usual in the seventeenth century all fines went to the benefit of the poor of the parish.<sup>23</sup> In the early eighteenth century the town gave away money to the poor, as we see by the following entries: "paid to Prudence Wells (a singularly inappropriate name) to buy her clothing," and "paid to make a coat and waist-coat for Mordecai Turner." In 1644 they helped to place a boy as an apprentice,<sup>24</sup> and in 1622 a lease was

<sup>15</sup> p. 31. These are references to the 2nd volume of the *Borough Record Book*, 1619-1773. After 1659 no orders are made for the market, but the town accounts become more detailed. The pages were numbered by myself for my own use. Perhaps the chief interest of the 18th century records is that, it being unusual for a town as small as Hemelhempstead to keep accounts at all, they give us, what is difficult to find, a very clear picture of life in an ordinary little English market town.

<sup>16</sup> p. 35.

<sup>17</sup> p. 91.

<sup>18</sup> pp. 37-96. In 1634 we see the extremely modern idea of a "suggestions bureau." It was agreed that "if anie shall thinke anie order already concluded amisse or anie other thinge to be concluded, the Bailiffe summoning the Jurors, they againe shall meete and consider of the same" (p. 36).

<sup>19</sup> pp. 36, 50. The time is changed to 9 o'clock in 1650 (p. 82).

<sup>20</sup> pp. 6, 21, 30.

<sup>21</sup> p. 21.

<sup>22</sup> p. 37.

<sup>23</sup> It was not till 1655 that the Bailiff was given power to distrain for fines levied (p. 111).

<sup>24</sup> pp. 66, 75.

taken to the use of the parish.<sup>25</sup> In 1629 the shop rents were to be "taken up (i.e. collected) by the churchwardens next ensuing to continue to the use, profitt and commoditie of the church of Hemelhempstead and to the maintenance thereof."<sup>26</sup> The town, not having yet any definite expenditure, handed over some of its rents to the churchwardens, who were thus enabled to levy a lower church rate. Churchwardens and jurors worked in close conjunction in the early seventeenth century. Besides fines and relief from the parish, corn "not so good beneath as in the topp of the sack is to be forfeit to the use of the poore."<sup>27</sup> Corrupt flesh and fish seized in the market was, however, to be burnt by the Bailiff,<sup>28</sup> who in 1793 entered in the town accounts the price of faggots for burning bad meat<sup>29</sup> and in 1681 paid Charles Gladman 6d. for carrying "the casalty meate to be burned" and bought 2d. worth of straw to start the fire.<sup>30</sup> The bailiff and jurors had to hold a court within one month after they were chosen "to look the assize of bread and ale" according to the price of corn;<sup>31</sup> short weight bread was to be distributed among the poor.<sup>32</sup>

There was also a strict supervision of weights and measures. The underbailiff was to weigh butter, and "if anie be found too light it is to be disposed of."<sup>33</sup> He is to attend upon the "newe stalls" that "any butcher may waye his meate as occasion requireth,"<sup>34</sup> and every butcher is to pay him 1d. a day for his attendance.<sup>35</sup> The town had its market bushel<sup>36</sup> and its standard weights and scales, which are constantly being replaced and mended.<sup>37</sup> In 1637 was bought "a litell box in the ground" to put the scales into,<sup>38</sup> but in 1655 they were hung up and "covered over with tyles answer-

<sup>25</sup> p. 12.

<sup>26</sup> But in 1642 they were given back to the bailiff for ward to be continued (p. 61).

<sup>27</sup> pp. 36, 96.

<sup>28</sup> pp. 37, 50, 97, 111.

<sup>29</sup> *Borough Records*, vol. II., 1773-1856.

<sup>30</sup> p. 233.

<sup>31</sup> pp. 34, 49, 81.

<sup>32</sup> p. 110.

<sup>33</sup> p. 41.

<sup>34</sup> pp. 50, 89, 91, 96.

<sup>35</sup> Afterwards 8d. a quarter (pp. 52, 54, 58).

<sup>36</sup> e.g. p. 27, "to John Burn for mending the markett bushell 1s. 0d."

<sup>37</sup> e.g. pp. 3, 35. "To Smyth for stringing the Scales 6d."

<sup>38</sup> p. 51.

able to the other stalls."<sup>39</sup> The first inventory of goods belonging to the town was made in 1658.<sup>40</sup> The list included bushels, weights, scales, the corn book and the toll book, and "a brassell staff<sup>41</sup> with a silver toppe to walk with," which, in the excitement which followed the proclamation of William and Mary in 1688, was broken and cost 6d. to repair.<sup>42</sup>

The duties of the under-bailiff were many. Besides weighing butter and meat, he had to proclaim all orders made by the court,<sup>43</sup> ring the market bell,<sup>44</sup> pound hogs,<sup>45</sup> "set down in the latter end of the toll book all such cattle as hereafter shalbe cryed as straves,"<sup>46</sup> and weekly "cleanse the markt house<sup>47</sup> and street on payne of losing his place."<sup>48</sup> If the unfortunate man ever resisted the bailiff, set up any stall in the market house or allotted men places contrary to orders he was "to be putt out."<sup>49</sup> There also seems to have been a clerk of the market, whose fee was usually 5s. a year.<sup>50</sup> The man who kept the court was paid 6s. 8d. by the town and he who enrolled the toll on the fair day received 1s. for his pains.<sup>51</sup> The jury probably consisted of any parishioners who wished to attend. Their numbers varied very greatly, the highest in our period being for the years 1620 and 1651, when 37 men were present; the lowest in 1632, when only 14 attended. The average number is 20.

A large amount of the orders made by the bailiff and his jury concern the positions of various traders in the market.<sup>52</sup> They must have been particularly difficult to enforce. We are told that "Whosoever shall resist the bailiff in the execution of these orders is to pay 2d.," but what was probably more serious was "the displeasure that shall arise thereupon, being formerly mentioned in the tyme of Robert Howe." In 1634 resisters were to

<sup>39</sup> p. 95.

<sup>40</sup> p. 125.

<sup>41</sup> So called because the wood of which they were made came from "Brassell" or Brazil.

<sup>42</sup> p. 264, and see *History Teacher's Miscellany* for June, 1927, p. 82.

<sup>43</sup> pp. 2, 96.

<sup>44</sup> p. 96.

<sup>45</sup> p. 19 and see below, p. 10.

<sup>46</sup> pp. 5, 35, 50, 96.

<sup>47</sup> p. 5.

<sup>48</sup> pp. 96, 111.

<sup>49</sup> p. 96.

<sup>50</sup> pp. 29, 32, 42, 51, 53.

<sup>51</sup> e.g. pp. 84, 88.

<sup>52</sup> pp. 5, 19, 36.

be punished at a court held on some market day for that purpose. From 1619-1635 there seems to have been difficulty in placing the oatmeal men, a very troublesome fraternity. In 1629 they are ordered to stand in the place appointed by the jury<sup>53</sup> "more close than they formerly have don not keeping such large roome as they are wont."<sup>54</sup> Evidently they did not like being between the bakers and the churchyard for the order is repeated in 1623,<sup>55</sup> and in 1627 they are told to "stand in the place appointed . . . or ells pay for everie default 12d. to the poore."<sup>56</sup> At last in 1628 they were moved "to the corner of the upper end of the markett house between the great upper posts next the butchers."<sup>57</sup> Standing in the corner seems to have pleased them, for there they remain throughout our period.

It was also found difficult to provide a suitable place for the shoemakers. In 1619 they were to stand where they stood last year<sup>58</sup> from Robert Rolfe's<sup>59</sup> gate downwards;<sup>60</sup> in 1623 they were moved "against Mr. Kinge's house where they once stood until such time as a more convenient place shall be found for them."<sup>61</sup> The more convenient place was not discovered until 1655, when they are ordered to stand "under the penthouses and eaves of Mr. Arthur Smyth and the Widdowe Halsey." To make up for this, however, the Bailiff will provide tiltcloths of canvas for such stalls as shall be needful.<sup>62</sup> In the same year a "tiltcloth for the shoemakers" was bought at a cost of 8s. 8d.<sup>63</sup>

The sack carriers too used to cause trouble in the market. They trudged into the market early in the morning and naturally dumped their sacks in the first empty place they saw. They are ordered to "pitch their sacks that they may come to the selling thereof,

<sup>53</sup> p. 16.

<sup>54</sup> p. 37.

<sup>55</sup> p. 14.

<sup>56</sup> p. 11.

<sup>57</sup> p. 19.

<sup>58</sup> p. 2.

<sup>59</sup> Quite half of the surnames occurring in these 17th century records are still found in Hemel Hempstead to this day. Amongst the names I noticed were Rolfe, Putnam, East, Puddefoot, Tarbox, Chennells, Halsey, Howe and Culverhouse.

<sup>60</sup> p. 5.

<sup>61</sup> pp. 14, 21, 30, 35.

<sup>62</sup> p. 97.

<sup>63</sup> p. 117.

leaving passages here and there orderly."<sup>64</sup> A favourite place to pitch sacks seemed to be "beneath the post whereupon the writing is hung up,"<sup>65</sup> probably a sort of notice board where the orders for the market were exhibited. Any man who pitched pease, beanes or vetches beneath this post is to forfeit 4d. for every sack pitched.<sup>66</sup> The same penalty is incurred if these commodities are pitched "beneath the post where the crosse bar is."<sup>67</sup>

The chief of all the trades at Hemelhempstead market was that of the butchers; they possessed more stalls than all the others put together, paid for them a year in advance,<sup>68</sup> and were not allowed "to lett or put them over" to any other man.<sup>69</sup> They were so important that in 1620 the town thought it necessary to spend 3d. on "a hooke to hang the butchers scalves on."<sup>70</sup> There were also "smyths" who "were removed from the places where they now stand, and are to stand between the Cock Door and the Crowne Door, or against the Whyte Hart if Mr. Combes be soe content, until suche time as some other more convenient place of standing may be found";<sup>71</sup> there were fishers (or fishmongers), passing-men, bakers,<sup>72</sup> and "such as sell onions."<sup>73</sup> Simon Wright the "collermaker" came every week;<sup>74</sup> Antony the Chapman and goodwife Pope had their stalls in the great market house;<sup>75</sup> there was an unfortunate cheeseman who was given three months to provide himself elsewhere;<sup>76</sup> in the troubled days of 1638 the purveyor appeared in Hemelhempstead and, "at the request of some neighbours," the town paid him 3s. to go away;<sup>77</sup> there were pedlars who had to stand where they could find a place,<sup>78</sup> while the "rootsellers were to lay their

<sup>64</sup> pp. 2, 96.

<sup>65</sup> pp. 92, 96.

<sup>66</sup> pp. 2, 29, 92, 96, etc.

<sup>67</sup> p. 96.

<sup>68</sup> p. 2.

<sup>69</sup> p. 119.

<sup>70</sup> p. 7. An alternative reading is "scales."

<sup>71</sup> pp. 5, 30, 40, 44. It is interesting to note that the pronunciation and not the orthography of the word Smyth is modern.

<sup>72</sup> pp. 49, 61.

<sup>73</sup> p. 37.

<sup>74</sup> p. 120.

<sup>75</sup> p. 116.

<sup>76</sup> p. 119.

<sup>77</sup> p. 53.

<sup>78</sup> p. 5.

roots to be sould between the ould shambles and the new markt house."<sup>79</sup>

We can hardly imagine this motley assembly going into the parish church in the middle of the market day morning to hear a sermon, yet this was the case at Hemelhempstead in the early seventeenth century, when everyone belonged to a sect and theology was one of men's greatest interests. The market bell<sup>80</sup> was to be rung at 12 o'clock "if the sermon be then ended,"<sup>81</sup> and, though the times of ringing change, this is continued right through our period.

No corn could be sold until the market bell was rung;<sup>82</sup> the farmers, after coming in and unloading their corn, were probably pleased to have a few minutes in the church listening to a controversial preacher, before the more arduous task of selling their goods began.

Francis Combe, by his will made in 1641, charged his estate of Hemelhempstead Bury with a payment of 20 marks a year for a lecture every Thursday;<sup>83</sup> and, when the burden of paying and feeding their lecturer had been removed from the town, Hemelhempstead for a short space of time became more famous for its lectures than its market. In the year 1644 there "were divers ministers who had promised to preach the Thursday lecture at Hemelhempstead, but by reason of the great distraction . . . in those parts, they dare not enter upon this service."<sup>84</sup> Mr. Kendall the vicar, who had been in the habit of engaging an anabaptist, Mr. Baldwin, to give the market day lecture, was said to be responsible for this state of affairs and was summoned and convicted before Parliament in 1646. It is interesting to find a

<sup>79</sup> pp. 48, 61, 63.

<sup>80</sup> This market bell is a constant source of expenditure. New ropes and wheels were bought for it; the bars where the bell ropes went down had to be repaired (p. 88), and it was always being "taken down" and "sett up." Finally in 1652 it was recast, for which the following expenses occur in the borough accounts (p. 90):—

To Robt. Durrant for a wheel for the Markett bell 6s. 0d.  
To Henry Oate for bringing down the bell 1s. 0d.  
For sending the bell up to London and porters there 2s. 0d.  
Charges here for helping up with the Bell 2s. 0d.  
Paid at London for the bell and charge £2.19.7.

The bell still hangs in the Town Hall turret and is inscribed B.E. 1652.

<sup>81</sup> p. 2 (1619).

<sup>82</sup> pp. 36, 49.

<sup>83</sup> *V. C. H. Herts*, II., p. 229.

<sup>84</sup> Kingston, *Hertfordshire during the Great Civil War*, p. 172.

reflection of this well-known trial in the Borough accounts. In 1646 the Bailiff entered among his expenses "for a weekes charges man an house att London for myselfe Wilm. Greggory and Nathaniell Myles when wee were served with a subpena to testifie against Mr. Kendall in Parliament £2 15s. 9."<sup>85</sup> But, when the jury met to "consider the Bailiff's account," they must have disapproved of the Bailiff helping to send Mr. Kendall to prison, for they "altogether disallowed the money." In the town accounts of 1619 and 1620 there are very large payments towards the "preachers diett"; in 1619 his food cost more than all the other borough expenses put together.<sup>86</sup> After 1620 the lecturer seems to have paid for his own food except for two dinners in 1643 costing together 2s. 9d.<sup>87</sup> In 1646 we find the town engaged in a lawsuit about the lecture,<sup>88</sup> which probably lapsed and was never revived. But the lecturer's yearly fee is still paid by the owner of Gadebridge to the "Vicar and lecturer of Hemelhempstead," who tells me that he would be happy to revive the lecture if he believed that anyone would attend it.

But to return to our market, and to the animals which were brought to it. A pig running wild in the little town was an intolerable nuisance and the court was determined to put a stop to it. "No man shall suffer their hogges on markett dayes to com into the markett until ye markett be don, upon paine to forfeit for every hogge so coming for every tyme 2d. to ye poore."<sup>89</sup> By 1628 it must have been found that a fine of 2d. did not prevent hogs coming into the market, for it is agreed that if they come between 7 a.m. and 6 p.m. "they are to be pounded by the underbalive in the ordinary hogpound."<sup>90</sup> A pig, however, was allowed in the street if he had a "keeper" with him.<sup>91</sup> No "boore" is to be tied or held with a lead or string<sup>92</sup> in the market place "but put

<sup>85</sup> It is surprising to find no mention of Hemelhempstead or of the actors in this scene in Walker's *Sufferings of the Clergy*.

<sup>86</sup> p. 3. This was the custom of the time. The Speaker of the Elizabethan House of Commons had "allowances for his diet." Porritt, *The Unreformed House of Commons*, I., n. 436; citing Mountmorres, I., p. 121.

<sup>87</sup> p. 64.

<sup>88</sup> p. 70.

<sup>89</sup> p. 2.

<sup>90</sup> p. 19.

<sup>91</sup> p. 111.

<sup>92</sup> *ibid*

into a penn where he may doe no hurt."<sup>93</sup> "No man is to hould without penes any boores nor tye them to anye posts or stakes to the endangering of anye."<sup>94</sup> It sounds as if the practice had been to repay a grudge on someone by tying a fierce pig to the nearest post to his stall! Men could avail themselves of the privilege of having the cattle they bought in open market recorded in the toll book on the payment of 2d. to the bailiff.<sup>95</sup> The court had so far overcome their dislike of animals in the market that in 1689 they bought "a dogg for the market house" from widow Bunn for 2s.

But it was at the annual fair on Corpus Christi day that the greatest number of animals were to be seen in the town. This fair was free of toll except for enrolment of cattle sold, pens for cattle and stalls for wares.<sup>96</sup> The horse fair was "ainciently" held in the lower end of the town. In 1657 it is to be removed to the upper end . . . being "the most spacious place"; the sheep were to stand in the lower end of the town, and the cows beyond them "towards the litell brooke and mill" [i.e. Bury Mill].<sup>97</sup>

This fair was so well patronized that, in 1656, in response to a petition to the Committee of Trade and Navigation subscribed by 97 Hemelhempstead men, the mayor and 78 citizens of St. Albans, 598 inhabitants of neighbouring towns and certificates from 11 J.P's, three extra fairs were granted by the Privy Council. But the new fairs do not seem to have been a success; they were badly attended and in 1658 2s. had to be spent on having them proclaimed at neighbouring markets;<sup>98</sup> they were probably a great expense to the town. The grant alone cost Hemelhempstead no less than £39 2s. 2d. and we read that "several men" had to be employed to help manage the fairs, take toll and enter the same.<sup>99</sup>

Hemel Hempstead was a small town built on the side of a hill; the streets were extremely narrow; in many

<sup>93</sup> pp. 31, 81.

<sup>94</sup> p. 2.

<sup>95</sup> pp. 36, 81, 96.

<sup>96</sup> *Cal. S. P. Dom.*, 1655-6, pp. 346, 374.

<sup>97</sup> pp. 97, 122.

<sup>98</sup> p. 124.

<sup>99</sup> p. 121. The statute fair, for long a hiring fair, originated in 1803 (*Enc. Brit.* XIII., p. 237; *F. C. H. Herts*, II., p. 213).

ways it was unfitted for the large market which invaded it once a week. The market place was small; it was hemmed in on two sides by houses and on the others by the churchyard and the road. As we have seen it became increasingly difficult to accommodate everyone; half the orders made by the piepoudre court are caused by this difficulty. It was very important that the bailiff alone should allot places for stalls,<sup>100</sup> but dismissal seems a severe penalty for an under-bailiff who allowed men to put up stalls in unauthorized places. Stalls were always being moved "in respect of the narrowness of the street."<sup>101</sup> But there were other causes of congestion. Carts, rubbish heaps, and even timber blocked up the way. There are some who still remember the line of carts waiting to unload their corn on the market day. In 1619 the court ordered that after carts "be unloaded of their corne that presently the owners remove them out of the waie that they hinder not nor incomber with daunger anie man";<sup>102</sup> the jury on one occasion at least had to do the work themselves, and rewarded themselves out of the borough money; for in 1690 we find the sum of 2s. was appropriated by the jury "when we removed the peasecarts." No man was to allow his rubbish to lie "on heapes in the markt to the endangering of men and catell."<sup>103</sup> "No man shall lay wood or timber in the market highe way at the upper end of the towne at any time, but that there be a direct and straight way and passage for horse and cartes."<sup>104</sup> The town tried to make those who used the roads repair them. "They that have shopps in the market house," they ordered, "shall amend the paveing that shalbe broken upp by their meanes with cartes,"<sup>105</sup> and straw left in the street had to be removed by those who had "strawed" it.<sup>106</sup> But it was found impossible to persuade people to mend the road, and in 1655 there is an order that the bailiff shall "amend the streets with stones and shall level!

<sup>100</sup> p. 110.

<sup>101</sup> pp. 30, 34, 49, 91.

<sup>102</sup> pp. 2, 35, 110.

<sup>103</sup> p. 2.

<sup>104</sup> pp. 2, 19, 29, 31, 35.

<sup>105</sup> pp. 35, 50, 92, 96.

<sup>106</sup> pp. 29, 82.

the banckes that are raised there to the prejudice of the markt.

<sup>107</sup>

The market in the seventeenth century occupied a larger space than it does to-day. The present market place and the municipal buildings stand on its site. In its centre stood the market house in which the corn market alone was held,<sup>108</sup> no tradesman being allowed to put up any stall in it or under its eaves. It is probable that it was a large open space surrounded by posts and supporting an upper storey,<sup>109</sup> the "court loft," where the bailiff was elected on St. Andrew's day,<sup>110</sup> and where the Piepoudre Court of the Borough and the courts-leet and -baron of the Manor were held.<sup>111</sup>

Rent was bi-annually paid to the lord of the manor for a lease of the market. In 1622 the crown officers tried to get more from the town than was due to them; but the honest jurors were not to be cheated out of their money; they preferred to pay 1s. for "searching of the office for that there was a yeares rent demanded which was not due."<sup>112</sup> The rent was 10s. payable at Michaelmas and Lady Day. Acquittances cost 1s. and the man who took the money up to London was paid 1s., so that the total cost was 24s. a year.<sup>113</sup>

The bailiff had to repair the market buildings, and the chief expenses of the town in our period were incurred by these repairs,<sup>114</sup> little money being spent, as in the eighteenth century, on beer on occasions such as the weighing of the butter,<sup>115</sup> or "when I let the stalls."<sup>116</sup> Later seems to have grown up the idea that when anything was done which remotely concerned the market

<sup>107</sup> p. 97. An interesting order occurs in 1628. "The wooden brace that stands at the lower end of the markt howse and fastened to the great post there shalbe taken away againe, and the bench which was taken away there shalbe sett neare to the wall of Samuell Barker and the parties that shall there come to their shops with their cartes shall repaire and amend the paveing of that part of the markt house that shall be impaired or hurt by means of their cartes to their shops as aforesaid." (p. 19).

<sup>108</sup> pp. 26, 34, 95.

<sup>109</sup> p. 12.

<sup>110</sup> pp. 1-133.

<sup>111</sup> *Harl. MSS.*, 427, fol. 99.

<sup>112</sup> p. 12.

<sup>113</sup> e.g. p. 64.

<sup>114</sup> pp. 64, 66, 68.

<sup>115</sup> (1707). p. 354.

<sup>116</sup> (1736). p. 471.

the bailiff and jurors were permitted to eat and drink at the town's expense.

The following items, typical of our period, shew the building materials in use at that date:—  
 "For 2 lb. of glue 1s.; for workmanship and woode to mend the walls of the markett house 12s.; for lyme and hayre 5s.; for colouring the markett house 2s.; to John Chadsley for making the staires of the court lofte 24s.; for mending the locke of the pound 5d.; for setting up the chimney in the markett house £3 os. od.; for mending the key of the vestry doore 8d.; for eaves, lath and a gutter for the shambles 10s. 4d."

Beside the market house with the Court loft over, there were the shambles, pens in the market place, a hog pound,<sup>117</sup> a pillory,<sup>118</sup> and a cage,<sup>119</sup> in which an octogenarian tells me he remembers three wheat-stealers confined. There was a women's market house,<sup>120</sup> with a "myll" standing in it for the use of which 2s. a year was charged.<sup>121</sup> At first no stall was to be set up there to hinder that market,<sup>122</sup> but in 1655, when it had become difficult to find accommodation for everyone, James Pope was allowed to have a stall there next to Cornelius Partridge's house; there was also the "new" market house "surrounded by shelves," and finally the butter market<sup>123</sup> mentioned in the following order: "That no hampers nor peddes shalbe sett upon any of the two benches within ye butter market house to the hinderance of the womens sittings."<sup>124</sup> It is probable that a small enclosure in a street, formerly Cross Street, now known as Cherry Bounce, was the "common pound." The obligation of repairing it fell,<sup>125</sup> and still falls, on the Lord of the Manor of Hemelhempstead.

The Commonwealth period was one of very great activity at Hemelhempstead. In 1656 over £53 was repaid to Elkana Settle and others, being moneys they had advanced to purchase the "waste" ground, on which

<sup>117</sup> p. 7.

<sup>118</sup> p. 42. "Item for mending the pillory 6d."

<sup>119</sup> p. 21.

<sup>120</sup> pp. 117, 120.

<sup>121</sup> p. 116.

<sup>122</sup> p. 85.

<sup>123</sup> p. 62. Rent was paid for it to a Mr. Taylor.

<sup>124</sup> p. 5.

<sup>125</sup> *Harl. MSS.*, 427, fol. 97-106.

the market was held, from those who had bought the Manor of Hemelhempstead when crown property was sold by Parliament.<sup>126</sup> There appear to have been some doubts as to the legality of the transaction, and we find the visit of a deputation to Sir Harbottle Grimston at Gorhambury recorded in the following entry: "Spent at Gorambury when we went to consult about the wast ground 6s."<sup>127</sup> When the King got possession of the manor again at the Restoration the jurors agreed to send him £100 in the hope that he would regrant them a lease of the waste;<sup>128</sup> they saw that the town would be ruined if their market was no longer held, and this sum of money, enormous in comparison to the yearly rent of £1, bears eloquent testimony to the value they put on their privilege of holding a market. Besides this affair there were negotiations for the purchase of the gate house,<sup>129</sup> which has completely disappeared, its site even being unknown to us. The three new fairs were petitioned for and granted by the Privy Council in the same year. In 1659-60 the town bought a fire engine, and obtained a receipt from Anthony Greene "liveing at the 3 Candlesticks in Lothbury London" for £30 "for their ingen by me made."<sup>130</sup> The engine was paid for by public subscription, but was probably never used; there is no mention of it from 1660 to 1676, in which year another engine was purchased;<sup>131</sup> in 1673 a fire hook, used for pulling off the roofs of burning houses, was bought. Before 1660 water buckets kept in the market were the only protection against fire;<sup>132</sup> in 1656 the orders for the market were sanctioned by the Justices of assize; a wool market was projected in 1647 as we learn from the following note made in that year: "Whereas it is thought that a wooll market to be raised here may be beneficiall to the towne and country it is ordered that the courte lofte is thought to be a convenient place for the sale and layeing up of wooll etc."<sup>133</sup> Nothing seems

<sup>126</sup> p. 121.

<sup>127</sup> p. 122.

<sup>128</sup> p. 133.

<sup>129</sup> p. 117.

<sup>130</sup> p. 131. See also *History Teachers' Miscellany* for June, 1927, p. 82.

<sup>131</sup> p. 260.

<sup>132</sup> p. 15.

<sup>133</sup> p. 71.

to have been done, however, until 1655 when the barley market is ordered to be the place for the sale of wool.<sup>134</sup>

The years 1650-1660 are marked by a rise in receipts for stalls and shoprents. In 1619 there were only eight stalls in the market for which 13s. 4d. a year was being charged.<sup>135</sup> By 1646 the receipts had only risen to about £11.<sup>136</sup> But in 1650 there were fifteen stalls; a new market house had been built, and contained thirteen stalls, for each of which the sum of 16s. was now demanded.<sup>137</sup> In 1656 the receipts reach £28 5s. 2d.,<sup>138</sup> all through the Restoration period they seldom total more than £30.

This increase in prosperity was largely caused by the close connexion which existed during the Civil War and the Protectorate between Hertfordshire and Parliament. Sir Richard Combe, a Parliamentarian, purchased a moiety of the manor of Hemelhempstead in 1655<sup>139</sup> and lived at the Bury, helping the town in many ways; Hemelhempstead, too, provided Oliver Cromwell with men, as we learn from the rank of Captain given in the lists of jurors to Elisha Deacon, John Turner and others. It is interesting to note in conclusion how the Civil War affected a small town like Hemelhempstead. In 1640 £3 os. od. was delivered to John Gates and £2 os. od. to Samuel Baker to buy powder and bullets; £1 os. od. was paid "to one John Sheppard toward the wronge done him by keeping court of gard in his house being with consent of the parishioners."<sup>140</sup> In 1641-2 £1 7s. 6d. was spent on powder and match, £2 2s. 6d. on powder and bullets, and 10s. on the soldiers. In 1643 1s. was paid to a man who was hired "to read a proclamation from the Lord Generall in several places," and 10s. was delivered to Nathaniel Nashe the constable "for a payre of sheets and blanketts for the souldiers." Hemelhempstead, however, soon saw that continual provision for the soldiers would become expensive; and a deputation was sent to Parliament representing that

<sup>134</sup> p. 96. The export of wool from England was prohibited in 1648.

<sup>135</sup> p. 7.

<sup>136</sup> p. 70.

<sup>137</sup> p. 83.

<sup>138</sup> p. 92.

<sup>139</sup> *Harl. MSS.*, 427, fol. 97-106.

<sup>140</sup> p. 57.

Capt. Colman's troop of horse "had lain these 7 weeks" whereby the country was burdened and the service neglected.<sup>141</sup> There is a note written in a mid-seventeenth century hand in a terrier preserved in the vestry chest of the Parish Church which reads: "Forasmuch as there are some which have much need to be good commonwealth's men and have much good therebie, I think fit for all."

Having described the market buildings, the customs of the market, and its frequenters, we hope we have given at least a faint picture of one aspect of seventeenth century life. But only perhaps if we contrast these men who came straight from the lecture to sell their goods on the market, with their descendants who felt justified in strolling into Widdow Hills or the White Hart after they had been courageous enough to "warn the butchers to pay their rent" and ate and drank at the town's expense, can we get a glimpse of these earnest men. If we have failed we have set down a few facts and at least have amused ourselves in a fat old book which, during the last thirty years has only been opened by Mr. John Harris, whom I must thank for reading over the proofs of this article, and by a distinguished American historian, whose references to the piepoudre court of Hemel Hempstead first brought the existence of these records to my notice.

<sup>141</sup> Kingston, *Hertfordshire during the great Civil War*, pp. 189-190.