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THE  
HISTORY  
OF THE  
ANCIENT OFFICE  
OF  
*Clerk of the Market*  
OF THE  
KING'S HOUSHOLD;  
Its Authority and Usefulness;  
WITH THE  
Several Advantages accruing to the CROWN  
on its being duly executed.

*Extracted from many Curious and Authentick Originals.*

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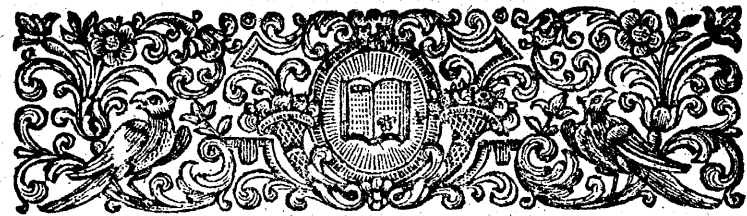
To which is added,  
The CASE of THOMAS ROBE,  
and CHARLES PETER, Esqrs;  
The present Clerk of the Market, who are but  
as one Officer.

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By EBORANOS.

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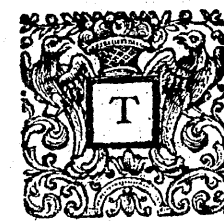
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THE  
General History  
OF THE  
OFFICE  
OF  
CLERK of the MARKET, &c.

CHAP. I.



THE Office of the King's Clerk of the Market is as ancient as any in the Royal Household, as appears from the Observations of the best and most celebrated Writers and Compilers of Custom and Law.

*Fleta* says, it was an Office subsisting long before the Statute Law took place; and the earliest of our Statutes take notice of this Office, particularly that of *Eltham*, made in the 10th of *Hen. III.* the Year after the Confirmation of *Magna Charta*, is a remarkable Evidence of this; where it is mentioned as an *old established Office*,

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a Clause out of this Statute we shall have occasion to insert in its proper Place.

Another Statute was made in the 14th Year of the Reign of K. Edw. III. cap. 12. as follows, ' It is not the King's Mind, but that the Clerk of the Market shall do his Office where he will, according as he was wont to do in Times past.' And in the subsequent Reign, 49 Years after, in the 13th of Richard II. cap. 4. the Verge of the King's Household was then ascertained in these Words. ' It is accorded and assented, that the Court of the Steward and Marshal of the King's House, nor the Jurisdiction thereof, shall pass the Space of Twelve Miles, to be counted from the Lodging of our said Lord the King.' But the Jurisdiction of the Clerk of the Market was not at that Time confined to this Extent, for in a following Act, in the same Year, the Clerk of the Market of the King's House is particularly taken Notice of, ' And he is thereby obliged to do his Office well and duly, and that he shall not tarry in any Town nor other Place, longer than the Necessity of his Business shall require him, nor ride but with Six Horses at the most;' the Reason of which seems to be, to restrain him to a reasonable Expence, for it being at the King's Cost, it is not improbable he might have brought in an exorbitant Demand for Charges\*.

As the abovementioned Act of Richard II. cap. 3. does not particularly mention the Bounds and Limits of his Jurisdiction, there might be some Reason to think, that he was restrained to the Verge of the King's Household, therefore to put an End to any Difficulty that might probably

\* Vide a Clause in the Patent, No. 1. in the Appendix.

( 5 )

probably arise upon that Account, it was enacted three Years after, in the 16th of Richard II. cap. 3. ' That the Clerk of the Market shall have all his Measures and Weights ready, according to the Standard of the Exchequer, and the Signs and Marks of the Sign of the Exchequer thereunto ordained, and the same Weights and Measures, so assigned and mark'd, to carry and bring with him at all Times, when he shall make the Essay of Weights and Measures, in any Part within the Realm.'

There was no other Law made, relating to the Power or Authority of the Clerk of the Market, from the Time last mentioned, to the 27th of Henry VIII. which is 148 Years; but in an Act that passed that Year, there was the following Clause, viz. ' Wheresoever the King's Highness, in his own most Royal Person, shall resort and abide, there, and within the Verge accustomed to his Grace's Court, the Steward, or great Master of his Grace's Household, the Marshal, Coroner, Clerk of the Market, and all other his Ministers, shall and may keep their Courts of Justice; and his Grace's Clerk of the Market, and none other during the same Time, shall exercise the Office of Clerk of the Market, as well within Liberties as without, according to the Laws, Customs, and Statutes of this Realm, any Privilege, Grant, Allowance, or other Thing to the contrary thereof notwithstanding, except the City of London, and that the same City shall have and use such Liberties, as they might if that Article had never been made;' 27 Henry VIII. Ch. 24. Sect. 12. and in a Law made in the 32d Year of the same

( 6 )

Reign, Ch. 20. another Clause was inserted to the same Purpose as the former.

'Tis observable, there are greater Powers given to the *Clerk of the Market*, by the two abovementioned Acts, than ever he enjoyed before, by excluding all other Clerks of the Market, from exercising their Office within the Verge of the Court, where the King shall reside for the Time being; and notwithstanding the Steward, or great Master of the Household, the Marshal and Coroner, could not exercise their Power and Authority otherwise but in the Verge as before limited, yet the Authority of the Clerk of the Market, in all Matters appertaining to his Office, extended over the whole Kingdom, as does appear by the ancient Records in the Court of *Exchequer*, until the 16th of *Car. I. cap. 19.* which takes away that extensive Jurisdiction which he enjoyed before, and confines him within the Verge of the King's Court, which appears, by abundance of Records, to be Twelve Miles.

The Jurisdiction of this Officer being restrained, by the foregoing Act, within a narrower Compass than was originally allotted for him, he can now only exercise his Office *within the Verge of the King's Palace*, or where-ever his Majesty resides, as is taken Notice of above; and within that Circuit, the Clerk of the Market holds his Court, in such Place of the Division as suits best with the Conveniency of the People, issuing out his Precept to the High Constable, commanding him on Sight thereof, to summon a sufficient Number of fit and honest Men, to hear, enquire, and determine on his Majesty's Behalf, into Offences cognizable in his Court.

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( 7 )

The Petty Constables are, by Virtue of this Precept, summoned by Warrant of the High Constable, to warn all Persons in their several Parishes or Districts, who buy or sell with Weights or Measures, whether seal'd or unseal'd, to appear at the Time and Place appointed by the Clerk of the Market, or his Deputy, to have their Weights and Measures examined by the King's Standards; and every Constable, Headborough, &c. doth also present to the Clerk of the Market, at the Return of his Warrant, a Note fairly written and annexed thereto, expressing the Parish and District of which they are Officers, and the Names and Professions of the Persons they have warn'd to appear, their Signs and Distinctions, Places of Abode, and of the Weights and Measures which they use; the High Constable also attends to make a Return of the Precept, endorsing on it the Names of the Jurors, and also of the Constables, Officers, &c. who, not appearing, are liable to be amerced for a Contempt, by the Clerk of the Market. When the Jury is compleat, and regularly sworn, a Charge is given them by him, explaining the Offences cognizable in that Court, and what they are to enquire into; namely, of unjust and illegal Balances, Weights and Measures, the selling of unwholesome Fish, Flesh, and Wine, or other Meat, Drink, and Victuals; also of Forestallers, Regrators, and Engrossers, &c. and the Persons against whom a Verdict is given by the Jury, for such Offences, are fined according to Law and ancient Custom, and the Fines estreated into the *Exchequer* for his Majesty's Use, to be levied by the Sheriff of the County where it shall so happen.

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This Office is of indispensable Use, more especially when the King travels, or during his Residence at any of his Palaces distant from his usual Abode; in this Case a Warrant is directed to the Clerk of the Market, commanding and obliging him to see that all Provisions be good and wholesome, and sold by legal Weights and Measures. By this Means the King's Household, and the Attendants on the Court, are preserved from being imposed on, and this was one of the principal Ends and Intentions of this Office, as appears in a full and particular Manner, in the Statute already mentioned, viz. that of *Eltham*, 10 *Henry III.* to be seen in the Book of his Majesty's Compting House, a Clause out of which is as follows:

‘ That the Clerk of the Market, in avoiding  
 ‘ the Danger of the Loss of his Office, and  
 ‘ further Punishment at the King's Pleasure,  
 ‘ shall duly put in Execution all Things thereto  
 ‘ appertaining, as well as to the Victuals being  
 ‘ good and wholesome, as for just observing  
 ‘ Weights and Measures and Rates assigned,  
 ‘ and setting convenient Prices on Meat and  
 ‘ Drink, Horse-meat, Lodgings, Bedding, and  
 ‘ other Things in such Cases accustomed, so as  
 ‘ Noblemen and others attending the Court, and  
 ‘ Suitors, and others following the same, be not  
 ‘ put unto excessive Charges for their Expences,  
 ‘ but such Indifference to be used as (the Plenty  
 ‘ or Scarcity considered) shall accord with  
 ‘ Equity and Reason, and that no Person pay  
 ‘ more for Victuals, Horse-meat, Lodging, or  
 ‘ otherwise, than after the Rates assessed by the  
 ‘ Clerk of the Market.’ There are many other  
 Authorities, establishing the Exercise of this  
 Office

Office in different Reigns, but particularly in the first Year of the Reign of K. *James I.* there was one, intituled, a Form of Proclamation, to be proclaimed by the Clerk of the Market, to see it executed, and to settle the Prices of Victuals, which see at large in the Appendix, No. 2. and in the Reign of K. *Cha. II.* there were likewise several Proclamations issued out agreeable to the Tenor of the aforesaid Statute, which are recorded in the Chapel of the Rolls, requiring the strict Execution of the same, and that the Clerk of the Market, in Conjunction with the Board of Green Cloth, should set Prices on Victuals, &c. within the Verge.

Several other Precedents might be cited, and even so late, as in the Reign of Queen *Anne*, in the Time of the present Clerk of the Market's Predecessor, *Wm. Hempson*, Esq; who surviv'd the late *Thomas* Earl of *Berkshire*, his Copartner, and attended her Majesty in her Progress to *Newmarket*, and there acted in Conjunction with the Board of Green Cloth, assisted by two Justices of the Peace of the County, and affixed the Prices of Provision, Horse-meat, Lodgings, &c. See the Manner and Form in the Appendix No. 3.

From what has been already said, 'tis evident that no Court or Office whatever can produce greater Authority for its Establishment, than this of the Clerk of the Market of the King's Household, and that it was always an Office of great Power and Credit is no where more plain, than in those two Statutes of *Hen. VIII.* which were made soon after the Dissolution of some Monasteries, whereby some Franchises and Liberties were abolished, and others established; but whatever Alterations were made by King and Parli-  
 ment

ment in these Cases, principal Care was taken not to break in upon his Majesty's Authority, exercised by his Clerk of the Market, and therefore in these two Acts of Parliament we find him distinguished in an extraordinary Manner, and ranked among the King's Ministers who held Courts of Justice; from whence it may justly be observed, that if Immemorial Customs, Common Law, and Statute Law are of Force, there are in that behalf sufficient Authorities granted to the Clerk of the Market in former Reigns, to confirm his Office. See No. 6. in the Appendix. But notwithstanding that this Office is thus ancient, thus useful, and supported by the Sanction of King and Parliament, and continued so to this Time, so that no legal Complaint or Interruption to the just Execution thereof can take place; yet a new Manner of proceeding has been found to perplex the present Clerk of the Market, and several vexatious and expensive Prosecutions have been commenced against him, by certain litigious Persons, who have defrayed the Charges thereof, by Collections, and out of Money, which was appropriated, and consequently ought to have been applied to other Purposes, of which more in its proper Place.



C H A P.



C H A P. II.

*An Account of the Fees which have been taken by the Clerk of the Market of the King's Household, with Observations and References, what are the antient and accustomed Fees appertaining to this Office, &c.*

**T**HE Clerk of the Market has usually taken a small Fee, for viewing and examining Weights and Measures, as well as Marking and Sealing; but it appears that the Fee for viewing and examining has been disputed, and those that opposed it founded their Opinion on the following Authority of the Lord Coke, who, in his Institutes, Part 4. Fol. 274. says, ' The Clerk of the Market, in the Reign of Queen Elizabeth, claimed, by Custom, for Examination and View of every Bushel 2 d. and, in like Manner of every lesser Measure of Wood 1 d. and in like Manner of Innholders Measures 4 d. of Measures of Victuallers 2 d. and divers other Fees, for examining and viewing Weights and Measures, whether lawful or unlawful, and that the Judges resolved that no Fees were due for View and Examination only of Weights and Measures ;





VII. *Item*, Every Husbandman, having but a Pound-weight or more for Butter, Wool, or Cheese, as also Measures for Grain, the Measures are to be paid for in their Degree, or Proportion; but all their Weights or Yards being sealed, the Fee is \_\_\_\_\_ } *d.*  
2

But, if but one single Weight without Measure 1 *d.* if otherwise } 2

VIII. *Item*, Every Inn-holder, for all his Measures, for Inn and Hoftry, except Bushels and Half-bushels, the Fee is \_\_\_\_\_ } 4

IX. *Item*, Every Vintner or Wine-seller, the Fee is \_\_\_\_\_ } 4  
But if any appear unsealed, for every such, the Fee is more \_\_\_\_\_ } 1

X. Every Victualler or Tipler, for all Measures whatsoever, the Fee is \_\_\_\_\_ } 2  
But if any appear unsealed, for every such, the Fee is more \_\_\_\_\_ } 1

XI. *Item*, Every Tradesman or Chapman, for all Sorts of Measures and Weights, being sealed, except concave Measure, the Fee is \_\_\_\_\_ } 2  
But if any appear unsealed, for every such Measure, or Weight, the Fee is more \_\_\_\_\_ } 1

XII. *Item*, The new sealing of every Ell or Yard at both Ends, the Fee is \_\_\_\_\_ } 2

XIII.

XIII. *Item*, Every Man, or Person, professing a double Trade, using sundry Measures or Weights distinctly, the Fee is for all belonging to every Trade \_\_\_\_\_ } *d.*  
2

XIV. *Item*, Every Weight or Measure being found above the Standard, and hath been used by the Owner in buying any Thing, for every such Measure or Weight, the Fee is, by the last Article } 2

XV. *Item*, Every Weight or Measure being found shorter, lighter, or less than the Standard, and hath been used by the Owner in selling any Thing, for every such Measure or Weight, sealed or unsealed, the Fee is also \_\_\_\_\_ } 2

2dly, *Thomas Preston* of *Petersham*, of the Age of Three-score and fourteen Years, did certify the same.

3dly, *Robert Norton* of *Kingston upon Thames*, of the Age of Four-score and three Years, did certify the like.

4thly, *Thomas Hutchast* of the same, aged Four-score and fifteen Years, did certify the like.

5thly, *Luke Peacock* of *Edmonton*, in the County of *Middlesex*, Yeoman, aged Four-score and eight, did certify the like; and that he knew one Mr.

Arden, Mr. Wilcox, Mr. Powell, and Mr. Marsh.

6thly, John Atley of Hillington, in the County of Middlesex, High-Constable of the Hundred of Elthorne of the Age of Four-score Years, did certify the like.

7thly, Robert Aubridge of Uxbridge, in the County of Middlesex, Yeoman, of the Age of Four-score and five Years, did certify the like; but upon these Certificates, there was a Question arose from the Statutes of 7 and 11 of Hen. VII, that prescribeth certain Fees for sealing Weights and Measures, but not for surveying; besides the Clerk of the Market is not mentioned in the said Statutes, but only such Head-Officers of Cities and Corporate-towns, who were appointed by the Statutes to retain Standard Measures and Weights for their own Use, and the Use of others in the Country as should repair unto them for the true Assize to be made by the same.

Now the Question is, Whether, by the afore-said Statute, the King's Clerk of the Market be excluded from his Fees, or otherwise.

The Resolutions of sundry grave Lawyers, some of whom were afterwards Judges, as to the above Statutes, and the Fees relating to the Clerk of the Market.

We think the Clerk of the Market may take all antient and accustomed Fees to his Office, notwithstanding the said Statutes.

E. Drew,  
Tho. Fleming,  
Yelverton.

I am

I am of the same Opinion, rather because I find no Law or Statute restraineth the Clerk of the Market to any Fee certain, and therefore common Usage in this Case maketh the taking of the Fees lawful, and especially, because the Officer's Pains, Labours and Travelling are to be recompensed.

D. Williams.

The Statutes before-mentioned extend not to the Clerk of the Market, but to the Head-Officers of Cities and Burrough-towns, and therefore he is at Liberty, as if no such Statutes had been made, and may take such Fees as anciently have been accustomed.

Thomas Harris.

It was fit to restrain the Fees from Corporate-towns, for that it may be thought they claimed such Fees as the King's Clerk of the Market did use to take, whereas in respect to their small Labour, and Cause of Expence, it was thought fit to abridge ym by the Statute; but the Clerk of the Market is not restrained, in my Opinion.

Edward Heron.

That the said Statutes do give the Clerk of the Market neither Authority nor Fees, other than such as he had before, but give new Authority to Mayors and Officers of Towns, which they had not before, and appoint them a Fee for it.

Warborton.

That the Officer within the Verge, and all other Places, not exempt by the Statutes, may take

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take his usual and accustomed Fee, the Statute of Hen. VII, notwithstanding.

Robert Atkinson.

Such were the Opinions of most of the eminent Lawyers at that Time, some of whom came afterwards to be Judges.

But as an undoubted Proof of what were the appointed and accustomed Fees by immemorial Usage, we shall abridge two Proclamations, to shew what Fees the King expected and required should be paid to the Officer, in which they were so punctual as to annex their Proclamations, Schedules, or Tables of every particular Fee: The first is the 16K. James I: ' And because our Clerk of the Market of our Household, and his Deputy, may be encouraged to execute their Places with Diligence and Integrity, and may have their just and reasonable Fees allowed, and may not exact unjust Fees or Rewards, to the Grief or Oppression of our loving Subjects, we have thought fit herewith, to limit and express the due Fees which he or his Deputies only, and none other such Officer, may require and take, as the same have been late examined and approved of by the Lords and others of our Green-Cloth, and so remain recorded in our Compting-house, a Schedule whereof we have hereunto annexed.'

First, For sealing every new Bushel, and for entering the same, with the Name and Dwelling-place of the Owner thereof } d. 4

Item,

Item, For sealing every Half-bushel, for entering the same, with the Name and Dwelling-place of the Owner thereof } d. 2

Item, For new sealing every lesser Measure, for entering the same, with the Names and Dwelling-places of the Owners thereof } 1

Item, For recording every Victualler's Name and Dwelling-place, and for Viewing and Examination of every particular Victualler's Ale and Beer-measures, be they never so many, and for entering the same } 2

Item, For recording every Inn-holder's and Vintner's Name and Dwelling-place, and for Viewing or Examination of every particular Inn-holder's and Victualler's Ale, Beer, Wine, and Hofty-measures, be they never so many, and entering the same } 4

Item, For recording and entering the Names and Dwelling-places of every Butcher, Grocer, Chandler, Mercer, Draper, Clothier, or any other Person, entering of all their Weights, Measures, Ells, Yards, Beams, and Ballances, and for trying and examining the same, be they never so many } 2

*Item,* For new sealing every Ell, or Yard at both Ends, and entring the same, with the Names and Dwelling-places of the Owners thereof } <sup>d.</sup>  
2

*Item,* For trying and examining every Bushel, formerly sealed, and entring the same, with the Names and Dwelling-places of the Owners thereof } 2

*Item,* For trying, and examining every lesser Measure, formerly sealed, and entring the same, with the Names and Dwelling-places of the Owners thereof } 1

*Item,* For trying, and examining every Weight and Measure of any Person or Persons that shall be found repugnant to his Majesty's Standard, which shall sell any Commodity by a lesser Weight or Measure, or shall buy any Commodities by a greater Weight or Measure to the Deceit of the Subjects } 2

The like Proclamation was published in the 11 K. Charles I, to which also was annexed, a Table of the Fees the same as the other.

About five Years after this Proclamation, (*viz.*) in the 16th Year of the said King's Reign, an Act was made for the better ordering and regulating the Office of Clerk of the Market, and for Reformation of false Weights and Measures. This Office and Jurisdiction of the Clerk of the Market, which before extended all over the Kingdom, was then confined to the Verge of

of the King's Court, where his Majesty should reside for the Time being; and wherein it is enacted, that the Clerk of the Market shall not take any Fees other than formerly allowed by the Statute or Statutes, or ancient Customs in that Behalf, for marking, signing, or examining of any Weights or Measures.

This Statute makes it lawful to take the accustomed Fees, and the Proclamations, and other Testimonies, shew what those accustomed Fees were: All the subsequent Statutes ordaining any thing relating to Affairs of this Nature, tho' some of them limit Fees of Lords of Liberties, and other Officers, do either expressly direct the ancient accustomed Fees to the Clerk of the Market, as the 22d and 23d of Charles II. cap. 8. sect. 4. or are silent in respect of him, as 11 and 12 of William III. cap. 15. but as to the Authority of the Proclamations, whether they could alone give the Right, is certainly not to be insisted on, for they could give no Right to the Fees, were there not Laws and immemorial Customs which established them. But there will be no Occasion to expatiate on this, since Mr. Fazakerly has done it so fully, and indeed gives the Sum of all that can be said to the Purpose on both Sides the Question.

The following Query was put for his Opinion thereon, *viz.* Whether the Clerk of the Market might lawfully demand his ancient and accustomed Fees, before specified, setting forth distinctly, the several Acts of Parliament and Proclamations relating thereto, for marking and sealing all Weights and Measures within his Jurisdiction?

‘ I am of Opinion, that the Clerk of the Market of the King’s Household is intitled to such Fees only as have been taken Time out of Mind, or by Act of Parliament; and the Fees mentioned in the Proclamation, as above stated, if warranted by Act of Parliament, or by immemorial Usage, may be taken, but not otherwise; for it is not the Proclamation, but the Immemorial Usage, or Act of Parliament, that makes the Fees to be lawful; but the two Proclamations are an Evidence of the Antiquity and Legality of the Fees; and I think the Act of *Rich. II.* together with the Usage and Proclamations, make the said Fees legal and good.

4 June 1731. N. Fazakerby.

The following Query was stated to Mr. Foley, relating to a Fee for viewing and examining of Weights and Measures, after reciting the Power given the Clerk of the Market, by his Majesty’s Letters Patent, and the third, fourth, and fifth Sections in the Act of 16 *Ch. I. cap. 19.* where the Duty and Office of the Clerk of the Market is particularly order’d and described, how, and in what Manner he shall examine Weights and Measures, and set Fines by Juries; and as to his Fees ’tis enacted, he shall not take of any of his Majesty’s Subjects any Fees, other than were formerly allow’d by the Statute or Statutes, or ancient Custom, in that Behalf made or us’d, &c.

Query, If the present Clerk of the Market can prove that 4d was the usual and accustomed Fee taken 40 Years since for examining Weights and Measures, will such Proof be sufficient to justify him

him if any Actions be brought for taking 4d for his Fee?

‘ I am of Opinion, a clear Proof that 4d hath been the ancient and accustomed Due or Fee for examining Weights, &c. will be a sufficient Justification or Excuse in an Action to be brought at Law for taking the same; but as Actions of this Sort may be numerous, and attended with great Expence, I think an Information in the Name of Mr. *Attorney General*, at the Relation of the Patentees, exhibited in the Court of *Exchequer*, which is a Court of Revenue, against one or two of the most obstinate, who refuse to pay, might settle and establish this Right and prevent all Actions at Law.

17 Febr. 1726. P. Foley.

Here follows an Account of several Persons of Credit and good Reputation who did certify before Mr. Baron *Comyns*, the 4th Day of *May* 1728. what Fees had been taken by the Clerk of the Market for the Examination of Weights and Measures for many Years past, viz.

*Richard Nicholson*, aged 70 Years, of *St. Andrew, Holborn*, in the County of *Middlesex*, Barber and Peruke-Maker, did certify, that, upwards of 30 Years, he had known several Deputies of the Clerk of the Market, to receive of the People 4d twice a Year for Examination of their Weights and Measures.

*William Hayton*, of *Leather-Lane*, in the said Parish, Tallow-Chandler, did certify the like,

and that he had paid it himself upwards of Fifty Years.

*John Bispan*, of *Purple-Lane*, in the said Parish, did certify the like, and that he had paid the same upwards of Thirty-five Years.

*Samuel Fielding*, of the said Parish, aged Fifty-seven Years, was Deputy Clerk under *William Hemson*, Esq; before *Thomas Robe* was appointed Clerk, and all that Time took 4 *d* twice a Year.

*Richard Williams*, of *St. Giles's in the Fields*, aged Sixty-two Years, did certify the same for Thirty-five Years.

*Francis Oliver*, of *Glass-house Yard*, in the Parish of *St. Botolph, Aldersgate*, did certify the same for upwards of Twenty Years.

From hence it appears, by the foregoing Account, that the Fee of 4 *d* has been constantly taken for a great Number of Years by the Clerk of the Market, or his Agents, for the View and Examination of Weights and Measures; and tho' the Authority of *Coke's Institutes* has been quoted and insisted on against the Clerk of the Market's Interest, concerning the Fee for View and Examination of Weights and Measures only, 'tis observable, that the Foundation of that Authority was chiefly built upon the Statute of *Westminster the 1st*, where 'tis enacted that no Sheriff, or other the King's Minister, shall take any Fee or Reward for doing their Offices, and the King's Clerk of the Market, being one of his Ministers, is therefore within that Statute; but the

the Business now is to consider, whether the Statute made in the 16th Year of *K. Charles I.* for the better regulating the Office of Clerk of the Market, has not restored to him the Right of taking that Fee for View and Examination, &c. which before by *Coke's Institutes* was deemed illegal; something relating to this Matter occurred in the Court of *King's-Bench*, before the late Lord Chief Justice *Raymond*, when another Point was tried touching the Jurisdiction and Extent of the Clerk of the Market's Authority in exercising his Office, viz. Whether the Limits or Bounds thereof were Twelve Miles round the King's Palace, or Two hundred Feet? And upon a Hearing, it was determined in his Favour, to be Twelve Miles, and the Fee of 4 *d*, the other Point, at the same Time was given up by his Council, without any Dispute thereon; but yet it was his Lordship's Opinion, that had the 4 *d* been taken for Labour, on the View and Examination of Weights and Measures, it might have been deemed a Collateral Fee. *Mr. D'Anvers* puts this Matter in a very clear Light, in the second Part of the Abridgement of the Common Law; that none, by the Common Laws of *England* having an Office for the Administration of Justice, could take any Fee or Reward for doing his Office; and the said Statute of *Westminster the 1st* was only in Affirmance of the Common Law (2 *Institute* 176 and 209) and gives an Instance of a Coroner who received of every Visnee 1 *d*, when he came before the Justice of Oyer, as belonging to his Office; and this was held neither against the Common Law, nor Statute Law, being not taken for doing his Office

Office, which might have a reasonable Beginning towards his Trouble, Attendance, and Charge.

But Precedents are generally more regarded than Arguments and Opinions; I shall therefore refer to one, in the Beginning of K. Cha. I's Reign, when the Clerk of the Market, meeting with some vexatious Suits and Disturbance in the Execution of his Office, applied by Petition to the King in Council, his Success, and the Manner of proceeding thereon.

The Petition of *Hugh May* Clerk of the Market, *Anno 1630.* sets forth the Fees of the Office by Proclamation, settled 16 *James I.* praying his Majesty to recommend the settling of the Office by reason of the great Interruption the said Clerk of the Market met with in the Execution of his Office, occasioned by the Charge of *Sir Nicholas Hyde* and *Sir Thomas Richardson*, two Chief Justices at their Assizes, of the Illegality of some Fees, and other Things in Opposition to the said Office, which had almost put an intire Stop to the Execution thereof, insomuch that he offered to resign it.

At the Court at *Whitehall*, 15 Nov. 1630.

His Majesty, taking special Notice of this Petition, was graciously pleased to refer the Consideration thereof to *Mr. Attorney General*, to certify his Opinion what was fit to be done therein.

Mr.

*Mr. Attorney-General's Answer unto the said Petition.*

May it please your most excellent Majesty,

According unto your Majesty's Command I have taken Consideration of the Petition of *Mr. Hugh May*, the Clerk of the Market, and do humbly certify to your Majesty, that the Clerk of the Market is an ancient Office of the Crown, and of necessary and daily Use.

That the Fees belonging to that Office have been settled, in such Sort as in the Petition is expressed.

That to discountenance the Office, or the Officers, in well performing their Duties, were a very ill Service; and to take from them a reasonable Reward for their Pains would be a Destruction of the Office itself, which requires Travel and Charge, and I believe he is oppos'd by none but such as are not willing to be reformed.

What hath been done by any particular Judges, or others, I do not know, nor can fitly enter into, but do give that Part to be rather a Mistake; but I humbly conceive, that your Majesty, both in Justice and Honour, shall do well to maintain the Office and Officer, in their Well-doing, and to recommend the same unto the Care of the Judges, who I doubt not but will be very careful to observe your Directions; but if the Deputies trusted by the Petitioner shall offend in their particular Carriages, their Faults are the greater, because they have heretofore received particular Directions how

how to carry themselves in the Execution thereof, and those Instructions are yet extant, and they say they do observe the same; whereunto, if upon further Consideration more shall be thought fit to be added, it will be a further Addition to their Cares; yet if any Deputy shall exceed, and give just Cause of Offence, that is fit to be punished, but it is not fit to be used as an Argument against the Office itself, all which I humbly submit to your Majesty's great Wisdom and good Pleasure,

Your Majesty's most Loyal Subject and Servant,

RO. HEATH.

At the Court of Whitehall, 2 Decemb. 1630.

HIS Majesty, having seen this Certificate, is pleased that the Clerk of the Signet attending shall prepare a Letter for his Majesty's Signature, to be directed to the two Chief Justices, to assist and countenance the said Officer and his Deputies, and to settle the Fees allowed unto him by Proclamation, according to the Tenor of the said Certificate.

R.A. FREEMAN.

The Copy of his Majesty's Letter signed and directed to the Judges.

TRUsty and well-beloved, we greet you well; we have been divers Times informed of the Complaints made to you, in your Circuits, of the Abuses committed in the Execution of the Clerk of the Market, and that you, taking notice thereof, have, in your Charges

Charges at your Assizes, given special Directions to the Jury, touching the Particulars presented to you, and especially that of the Fees, whether those Complaints be true or false, we leave to further Enquiry; but seeing by Occasion thereof our Servant *Hugh May*, whereas our Officer, in that Place, is much discouraged, as he is willing, if it may be for the Advantage of our Service and the Contentment of our Subjects, to relinquish and surrender up his Grant, rather than to continue in the same, and not to be suffered to discharge his Duty in the Execution thereof; we minding to preserve the right Exercise of that Place, both in regard it is an ancient Office of our Crown, and likewise every needful and beneficial to our Subjects being duly executed, according to the Intention of the first Institution, have therefore thought fit, hereby to recommend the same to your special Care, requiring you to use the best Diligence and Means to be informed of the Truth of the Complaints; and if that you find that our Officer, or his Deputies, have misdemeaned themselves, in exceeding their Commission, and especially in exacting such Fees as are not warranted by long Custom and Use, and settled by several Proclamations, both in the Time of our late dear Father, of happy Memory, and also since our Coming to the Crown, then to proceed against them according to the Quality of their Offences, and as by Law it is provided; but if it shall appear unto you that they have pursued the Charge in a fair and justifiable Way, and that the Complaints against them are ill grounded, then our express Will and Pleasure is, that you should give all good Encouragement



ment and Countenance unto our said Officer,  
 and his Deputies, and with Favour to assist  
 them, both in your lawful Courts, and in  
 your Circuits, so far as may conduce to enable  
 them for the better Discharge of their Duties  
 in that Service, and further, to make it known  
 to the Justices of the Peace, that we expect  
 that they likewise shall be aiding and assisting  
 unto them, according to our Proclamation in  
 that Behalf, and because that we are informed  
 that in Corporations and Liberties, where our  
 said Officer is not admitted, the Abuses of this  
 Kind, especially in taking Fees without War-  
 rant, are almost frequent, and the inferior  
 Sort, who most feel the Burthen, of it dare not  
 claim, we, out of our princely and general  
 Care, for the Ease and Benefit of our People,  
 cannot omit, upon this Occasion, to take No-  
 tice of these Grievances, requiring you faith-  
 fully to inform yourselves thereof; and as  
 there shall be Cause to take Order for their  
 present Remedy, and in particular, to view the  
 the Weights and Measures used in those Cor-  
 porations and Liberties, giving them to under-  
 stand, that in Case they do not cause the same  
 to be reformed agreeable to our Standards, you  
 are by our special Directions, to proceed against  
 them according to the Law.' Given under our  
 Signet, &c.

Procured by Sir Thomas Aylesbury, and enrolled  
 in the Signet-Office, Feb. 1630.

What follow, are other Disputes which  
 have arisen, either on the general Authority, or  
 on particular Branches of this Office.

The

The first, which occurs in Point of Time,  
 that we have any authentick Account of, is in  
 the 32d Year of the Reign of *Hen. VIII.* Ap-  
 plication was made by the King's Clerk of the  
 Market, upon his Precept being refused to be ex-  
 ecuted in the Dutchy of *Lancaster*, within the  
 Royal Verge, and on hearing, it was ordered,  
 that the same should be obeyed, as more par-  
 ticularly appears in the Book of the Council-  
 chamber. Dated 22d Oct. 1541.

The next, which is in the 14th of *K. James*  
*I.*, a Letter signed 16 July 1616, at the Court  
 of *Theobald's* by the Lords of the Privy-Coun-  
 cil, directed to the Head-Officers of Cities  
 and Corporate-Towns, purporting the Inter-  
 ruption given to the Clerk of the Market of  
 the King's House in the Execution of his Office,  
 and of the Abuse of the several Statutes relating  
 to Weights and Measures, and therefore requir-  
 ing the said Officers to be aiding and assisting to  
 the said Clerk of the Market in the Execution of  
 the Premises.

This Leter is signed

<i>George Cant,</i>	<i>Edward Wootton,</i>
<i>D. Lenox,</i>	<i>Joseph Digby,</i>
<i>Thomas Suffolk,</i>	<i>Ralph Whinwood,</i>
<i>Thomas Arundel,</i>	<i>Thomas Lake,</i>
<i>William Wallingford,</i>	<i>Julius Caesar.</i>

In the Year 1622, some Exceptions were  
 made to the Execution of this Office in the Coun-  
 ty of *Essex*, which occasioned an Enquiry, the  
 whole of which will be best seen in the following  
 Report of the then Attorney-General *Coventry.*

The

*The Copy of a Report (made upon a Reference unto the Lords of his Majesty's Privy-Council, occasioned by a Complaint made unto the aforesaid Lords by the Justices of the County of Essex, against the then Deputy-Clerk of the Market for the County of Essex\*, &c.*

*May it please your Lordships,*

According to an Order of this Honourable Board the 17th of May last, I have had Conference with some of the Justices of the Peace for the County of Essex, touching the Abuses complained of to your Lordships in the Execution of the Office of Clerk of the Market in that County; and I have also called the Deputy of the King's Clerk of the Market appointed for that County before me; and, for better Execution of that Service, have, with the Good-liking of the Justices, and Consent of the said Deputy, advised of the several Points ensuing, which I hold fit hereafter to be observed by the Clerk of the Market or his Deputies, that the Abuses by Law inquirable by him may be reformed, and yet no just Grievance may follow thereon, in the Manner of the Performance of that Duty.

First, Whereas it was complained of, that the Clerk of the Market did summon before him, and, in Case of Default, did amerce and

\* Note, that in every County the King's Clerk of the Market appointed a Deputy until the 16 Char. I. as he exercised his Office at that Time throughout the Kingdom.

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punish the Persons of what Quality soever, keeping Weights or Measures to buy or sell by, and if they appear not, or do not send in their Weights or Measures to be viewed and corrected as there shall be Cause, it is just that such Persons should be amerced, according to the Law for this their Default; but if any Gentleman of Quality, or others, have Weights or Measures in their Houses, which they keep only for their own private Use, and not to buy or sell by, such Persons are not to be summoned amongst the other Sort: And whereas some poor Artificers, who have small Occasions to use Weights or Measures, have, nevertheless, some Weights or Measures, which, by the Rule of Law, ought to be surveyed and made agreeable to the Standard, I have advised the Clerk of the Market, to carry himself towards those poor People with that Consideration, that neither Encouragement be given to such to commit Abuses, nor too hard a Hand be carried against them in punishing their Purges, which they cannot well bear.

And whereas it was misliked, that the Clerk of the Market hath been too forward in setting Amercements upon his own View; now to the End, that the Clerk of the Market may herein, for the Time to come, so behave himself, as he may be most free from Blame; I hold it fit, that before he proceed to impose any Fine or Amercement, either for Default of Appearance, or for any Misdemeanor other than Contempt only, which shall be committed before him in open Court, he do direct his Judgment by the Presentment of the Jury impanelled before him, before he set any Amercement; in

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which

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' which Presentment it must appear, that the  
 ' Offence is such as doth appertain to his  
 ' Commission, and the Person such as he may  
 ' properly deal with (*viz.*) such as keep Mea-  
 ' sures or Weights to buy or sell by, and such  
 ' like; and to the Intent the Jurors may be  
 ' Men of good Understanding, I think fit that  
 ' the Clerk of the Market should direct his Wai-  
 ' rant for the Returning of able and sufficient  
 ' Jurors before him, to the High-Constables and  
 ' not to the petty Constables or other inferior Offi-  
 ' cers, and with special Directions to return able and  
 ' sufficient Men; nevertheless, I think it fit,  
 ' that the Clerk of the Market should continue the  
 ' Course heretofore of *Fees* for viewing Weights  
 ' and Measures within his Charge; but he must,  
 ' not only upon View, proceed to set Fines or A-  
 ' mercements for the Offence, but use his View  
 ' as Evidence unto the Jury, to present the  
 ' same; and although the Information of the  
 ' Clerk of the Market, proceeding from his own  
 ' View, ought to be of great Credit to satisfy the  
 ' Conscience of the Jurors; yet to be sure that  
 ' neither himself nor the Service be neglected, I  
 ' have advised him to make such View in the  
 ' Presence of the Constable or other Officer of  
 ' that Place, or in their Absence, then in the  
 ' Presence of some other of the ablest of the  
 ' Neighbourhood, who, by the Direction of the  
 ' Clerk of the Market, may give the same in  
 ' Evidence to a Jury to present the same, and  
 ' thereupon to proceed to assess a moderate Fine,  
 ' according to the Quality of the Offence.

' Touching Hoftry Measures, I think it fit,  
 ' that when the Clerk of the Market setteth  
 ' any Fine upon Hoftlers or Inn-keepers, it be  
 ' done

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' done, and so entered for selling their Provender  
 ' by unlawful Measures, &c. And whereas  
 ' some Question was moved, whether the Clerk  
 ' of the Market should punish Offences against  
 ' sundry penal Statutes, I am of Opinion, in all  
 ' Cases where the Clerk of the Market, by the  
 ' the common Law, had Power to enquire of  
 ' any Offence, that such Power doth continue to  
 ' him, although a Statute be made to punish the  
 ' same Offence, either in the Session, or in the  
 ' Leet, or otherwise, unless the same Statute do  
 ' negatively forbid or restrain the Clerk of the  
 ' Market; but if a Statute do set a Punishment  
 ' upon any Offence, which was not before pu-  
 ' nishable by the Clerk of the Market, there the  
 ' Clerk of the Market cannot enquire of that  
 ' Offence, unless he be expressly named in the  
 ' Act of Parliament; but if it so fall out, that  
 ' the same Offence may be enquired of, and Pu-  
 ' nishment both by the Clerk of the Market, and  
 ' also in the Session or Leet, &c. and the same  
 ' Person hath been for an Offence first punished  
 ' in the Leet or Session, he ought not to be again  
 ' fined or otherwise punished for the same Of-  
 ' fence, *in hoc individue*, by the Clerk of the  
 ' Market; but that must appear by the Informa-  
 ' tion and Proof of the Offender, for his own  
 ' Indemnity, and it being made appear to the Clerk  
 ' of the Market, that the Offence hath been for-  
 ' merly punished elsewhere, he ought to surcease.

' I further think fit, that for the Contempt  
 ' done before the Clerk of the Market, in open  
 ' Court, that he may assess Fines without Pre-  
 ' sentment, and commit the Offender, if the Na-  
 ' ture of the Offence require it, as hath been here-  
 ' tofore accustomed; but for the levying of Fines

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' or.

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' or Amercements assessed before him, I rather  
 ' advise, that the Clerk of the Market should  
 ' estreat the Amercements and Fines into the  
 ' *Exchequer*, and from thence Procces to be  
 ' awarded in an ordinary Form for the levying  
 ' thereof, whereunto the Party fined or amerced  
 ' may plead for his Discharge if there be Cause  
 ' then to commit the Party, or take other Cause  
 ' for levying the Fines, by his own Authority,  
 ' which the County misliketh.

' Thus much I have thought fit, and advise  
 ' to be observed for the Time to come; for the  
 ' Time past, I do not find that the Gentlemen  
 ' take Exception against the present Clerk of the  
 ' Market for this County, but against some others  
 ' that have formerly executed that Place; nor  
 ' do I find any Combination between the Clerk  
 ' of the Market, or his Deputy, with the Farm-  
 ' er of the Fines, as was feared, nor any other  
 ' Miscarriage in the former, that giveth Offence  
 ' to the Subject, which hath been known to  
 ' me.

' And I find the Justices of the Peace for this  
 ' County, rather desirous to have Directions set-  
 ' tled for the future, than to insist upon any  
 ' particular Complaint against any former De-  
 ' puty for the Time past; all which, according  
 ' to my Duty, I have thought fit to certify,  
 ' and in all Humbleness to submit to your Lord-  
 ' ship's honourable Wisdom and Direction.

*Thomas Coventry,*

31 Jan. 1622.

C H A P.

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## C H A P. III.

*The CASE of THOMAS ROBE, Esq;*  
*Clerk of the Market of the King's Household*  
*by Royal Patent, and also of him and*  
*CHARLES PETER, Esq; to whom the*  
*Office of Clerk of the Market hath*  
*been lately granted on Resignation of a*  
*former Patent, shewing the violent Op-*  
*position the said THOMAS ROBE met*  
*with before the issuing out of the last*  
*Patent; as also the expensive Troubles*  
*which have since attended him and his*  
*Partner CHARLES PETER, in the Ex-*  
*ecution of their Office.*



Scarcely had Mr. *Robe* been six Months  
 settled in the said Office, before he met  
 with Interruption in Discharge of his  
 Duty; tho' he acted to the best of his  
 Knowledge, conformable to the antient custom-  
 ary Manner of proceeding, by impanelling Ju-  
 rors, and holding Courts, as he is impowered  
 by Law, and the Tenor of his Patent, and in  
 the Manner before recited; imposing Fines upon  
 Offenders on Verdicts, found by Jurors, and re-  
 turning them into the *Exchequer*; taking the same

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Fees

Fees which had been always claimed by his Predecessors \*, and which have been confirmed by Acts of Parliament, immemorial Custom, and required by Proclamation of several Kings, his Majesty's Royal Predecessors. That the greatest Part of this Interruption proceeded from the Enquiries of several Gentlemen in the Commission of the Peace, for the County of *Middlesex*, who apprehended the said Office being extended beyond its just Limits ; and for such Reason did, in the Year 1726, make a thorough Examination into the Validity of the Patent for the said Office, and the Extent of its Jurisdiction.

These Gentlemen, it is apprehended, encroached upon the Prerogatives of the Crown (while they designed to prevent Encroachments on the People) by taking upon them to declare the Power of the King's Clerk of the Market to be restrained to the King's Palace, and the Precincts, called the little Verge, not exceeding 200 Feet from the exterior Gates of his Majesty's Palace: directing their Resolutions to be printed and delivered to the Peace-Officers of the County, promising to indemnify them from all Prosecutions at Law, for any thing they should act in Pursuance of the said Resolutions ; which carrying the Face of Authority, they, the High-Constables, and other Peace-Officers, look'd upon themselves justified in opposing of the Clerk of the Market ; so that the said *Thomas Robe* hath not only lost the just Benefit which would have accru'd to him by Virtue of his Patent, but great Encouragement was thereby given to the ill-disposed Part of Mankind, to impose upon, and oppress the just Dealer, by

\* See Append. Numb. 1. Patent abridg'd and Chap. of Fees. selling

selling with false Weights and Measures, in Contempt of the Authority of the King's Clerk of the Market ; notwithstanding Justices of the Peace, Head-Officers, and others, are commanded to assist him in regulating such or the like Offences \*.

That the said Justices did, from Time to Time, make several further Orders with Relation to the Office of Clerk of the Market, which obliged the said Mr. *Robe* to remove them into the Court of *King's-Bench*, where, at his very great Expence, the same were proved illegal and quashed : But the said Justices, continuing to dispute the Limits of the Royal Verge, it was, by Agreement, try'd before the late Lord *Raymond* Lord Chief-Justice of the *King's-Bench* ; and the Point was determined in Favour of the Clerk of the Market, to be 12 Miles round his Majesty's Palace †. That the said *Thomas Robe*, by Reason of the Prosecutions aforesaid, was chiefly engaged for the greater Part of his Time, in Defence of his Office ; and did therefore lose the Opportunity of his appealing to the Parliament in Right of his said Office, in the 3<sup>d</sup> Year of his present Majesty's Reign, at a Time when a Bill was depending there, relating to Coal-Measures, whereby the Bill passed in Favour of the City of *London*, who have, by such Act, Cognizance of such Measures within the Jurisdiction of the Clerk of the Market, as well as within the City ; whereby a right appertinent to that Office is suspended, till the said *Robe* can lay

\* See the Patent abridg'd, Append. Numb. 1.  
 † There was another Point try'd at the same Time relating to a Fee of 4 d. which see in Page (25.)

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this Grievance before the Parliament, from whom he may hope immediate Justice.

These Prosecutions, carried on against the Clerk of the Market, encouraged other People to commence a Suit against him, which was argued before the Barons of the *Exchequer*, but with as little Success on the Side of the Prosecutors, as the Gentlemen before-mentioned met with in the Court of *King's-Bench*.

These Law-Suits were before the Granting of the present Patent, in which *Charles Peter*, Esq; is join'd with the said *Robe*, and were therefore at his Cost, in which he hath expended a very considerable Sum of Money; and this he was indispensably bound to, in Discharge of the Trust reposed in him by his Majesty, both to defend his Majesty's Right, and to preserve the Office from being lost while in his Hands.

Since the last Patent was granted, in which *Thomas Robe* and *Charles Peter*, Esqs; are joined, they have been again interrupted by some other Justices of the Peace, who, while the said *Robe* was holding a Court in *White-Chappel*, his Officer *Edward Refitt*, who was then marking or sealing Pots, was apprehended by a Warrant, under the Hands and Seals of the said Justices, for taking 14 *d.* for sealing 14 Pewter-Pots, and committed to *New-Prison* \*. An Indictment being preferred against the said *Refitt* at *Hicks's-Hall* for the same, but removed by the Clerk of the Market into the Court of *King's-Bench*, he was thereupon try'd; and the Clerk of the Market, not being, at the Time of Trial, provided with living Witnesses to prove his Right to the Fee of 1 *d.* for marking or sealing each of the

\* See the *Justices Commitment*, Appendix, Numb. 4. said

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said Pots, the said *Refitt* was convicted for Want of such Evidence; the Clerk of the Market not being apprized before the Trial, that such living Evidence was necessary to prove his Right to the said Fees.

There was also an Information in the Court of *King's-Bench*, against the said Mr. *Robe*, for ordering his Deputies or Agents, to take 4 *d.* of some, and six Pence of others, for examining Weights and Measures; the said Deputies, or Agents (as it was sworn against them) threatening such Persons that refused to pay the said Money, to leave Summons for them to attend the Court of the said Clerk of the Market: Which the said Persons, in their Affidavits, upon which the said Information was granted, suggested to be three or four Miles distant from their Places of Abode; and that, therefore, rather than be put to the Trouble and Inconveniency of attending the said Court, they paid the Money demanded of them; but, upon Trial of the said Information before the Lord Chief-Justice of the *King's-Bench*, there being no Evidence of the said *Robe's*, giving any Directions to his said Deputies or Agents, to demand such Money as aforesaid, for examining and weighing of Weights and Measures belonging to such Persons, as particularly charged in the said Information, he was acquitted of the said respective Charges; and though there was a Verdict against the said *Robe* upon another Charge in the said Information, relating to his ordering his said Deputies or Agents, to demand and take 4 *d.* of several other Persons whose Names were not mentioned in the said Information, for weighing and examining their several Weights and Measures; yet the same not being a sufficient

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cient Charge in Law against the said *Robe*, Judgment was arrested, and the said *Robe* absolutely acquitted from all the Charges in the said Information.

By what has been laid down, the Clerk of the Market is put upon an Impossibility ; for, by Act of Parliament, he is liable to a Penalty if he refuses to seal Weights and Measures, and is subject to a Prosecution, in Case he complies : and as his Fees are, at present, in a great Measure unsettled, by these and the like Means, several Artificers, who are the Makers of Weights and Measures, go on in usurping the Office of the King's Clerk of the Market, and contrive to make such Weights and Measures as will best please their Customers, with a Seal affixed to them.

That, notwithstanding the great Interruption, he has thus met with ; yet, within the Space of about one Year, above 550 Shopkeepers, using false Weights and Ballances, have, at Courts, duly kept and held for that Purpose, been convicted by Inquisition of regular Jurors, and their Fines estreated into the Court of *Exchequer* : So that if their bad Weights and Ballances had not been discovered, and they had continued using them as before, upon a moderate Computation, each Weight, supposed to be made use of in the retail Way 20 Times in a Day, and each Ballance 40 Times, the People, upon the whole, who were the Purchasers, must have sustained the Loss of two thousand one hundred and ninety nine Pounds, one Ounce, of their just Due on each Day's Purchase, as particularly appears in the Appendix, *Numb. V.* and as there are very few Goods sold under the Price of 4 *d.* a Pound,

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Pound, when many other Sorts are sold from that Price to 30 *s.* or more, a Pound, it may be reasonable, upon an Average, to settle the Value of all the Goods so sold at the Rate of 6 *d.* a Pound, which would make the Sum in one Year deficient (*Sundays* excepted) to be Seventeen Thousand One Hundred and Fifty-two Pounds Thirteen Shillings and Nine-pence, which on the other hand was preserv'd to the Community by the Clerk of the Market's diligently executing his Office ; and this is only in relation to Weights and false Ballances. The Measures, which are in their Kind still worse, I shall treat of in the Conclusion, with the particular Advantages the Crown will reap by their being detected ; and no doubt but much greater Numbers would in that Time have been convicted, could the Clerk of the Market have executed his Office without such Opposition : so that here is at present an Office, which was always had in Esteem, entirely interrupted by these Prosecutions, tho' his Predecessors, for above a Thousand Years, have exercised it as we find in History, and some ancient Records. And it appears, without Contradiction, to be held in a regular Manner, by an infinite Number of Records, kept in the *Exchequer*, from the Reign of King *Henry VII.* down to this present Reign, excepting that of King *Charles I.* when all the Estreat Rolls of this Office, for his Time, were destroy'd or burnt ; authentick Copies of some few in the several other Reigns are extracted, which see in the Appendix *N<sup>o</sup>. VI.*

These are not all the Hardships the said *Mr. Robe* has undergone ; he has been charg'd with giving opprobrious Language, and by not submitting

to

to acknowledge himself in Fault, Complaint was made to the late Lord Chancellor *Talbot*, by Way of Representation, in order to have him discharged from the Commission of the Peace; to which Representation, by the Indulgence of the said Lord Chancellor, the said Mr. *Robe* was allowed, and did put in his Answer, supported by several Affidavits; which occasion'd a Replication, Rejoinder and Sur-rejoinder, to the Amount of many hundred Sheets, which were all of them fil'd, and Copies taken; a Day was appointed for the Hearing, and Counsel fee'd; but upon the whole, after the said *Robe* was put to a very great Expence, the Complainants, at the Day of Hearing, declin'd the Event of his Lordship's Determination. And it is observable, that Mr. *Clark*, a late High Constable, gave likewise in Evidence this Matter of Complaint against the said *Robe*, before a Committee appointed by the Honourable House of Commons on the Enquiry of the Justices of *Middlesex's* Disposal of the Vagrant Money, &c. but in a much stronger Light, and with additional aggravating Words; tho' during the Time of this Charge in *Chancery* he had, before several credible Witnesses, denied that he ever swore that the said *Robe* did speak the Words which were deliver'd as sworn by him the said *Clark*. These Circumstances, on behalf of the said Mr. *Robe*, are proved by Affidavits, and fil'd in *Chancery*.

The said *Robe's* late Misfortune of being order'd into the Custody of the *Serjeant at Arms*, and in Particular of his being lately prohibited from acting any longer, as a Magistrate, has given him no small Concern: since in the latter he cannot continue to shew the same Fidelity to the  
Crown,

Crown, and render the Service he had all along impartially done to the Publick in that Station, during 16 Years, that he had the Honour of being in the Commission of Peace, without the least Imputation or Aspersion on his Character; even from those with whom he maintain'd a Law-suit in Defence of his Office, at the Expence of *Two Thousand Pounds*, and *eleven Years Attendance*.

As the Power given to the King's Clerk of the Market, Lords of Liberties, and others, in their respective Jurisdictions, empower'd to see Justice done, are, by the different Times of the several Statutes in Force having been enacted and given, not easily discover'd, it were to be wish'd, that the more urgent Affairs of the Publick would allow the Legislative Power to reduce them into one Statute, that this Branch of the Law might be render'd intelligible to the meanest Capacity; and the Officers employ'd have so infallible a Guide to direct them in the Execution of their Office, that it would be impossible for them to err in their Duty, or exceed the Limits of their Power, if not wilfully.

The present Clerk of the Market has a Sketch by him containing all that seems most material in the several Statutes relating to this Office, reduced to one Chapter; which he is ready humbly to lay before the Right Honourable the Lords of the Treasury, if their Lordships shall think fit to honour him with their Commands to that Purpose.

It must not go unobserv'd what unfair Methods have been taken to render this Office odious; even Things directly false in Fact have been told and insinuated to the Common People,  
or



or it could never have been said, that the Shopkeepers have been visited by the Clerk of the Market four Times in a Year; and that he hath levied Fines for his own Use; when nothing can be more notoriously false, for the Clerk of the Market never visited at most but twice in a Year, according to his Duty, nor ever took any Fines to his own Use, but recorded them in the *Exchequer*.

How is it then, if Gentlemen, who have Power in their respective Liberties of examining into the Legality of Weights and Measures, should set Fines on Defaulters, and levy them for their own Use, and not certify those particular Sums of Money so levied, to the Court of *Exchequer*, which 'tis apprehended has been too commonly practis'd? Tho' it is not question'd, that they have a Right to impose Fines, as Occasion may require; but whether they ought not to be controul'd, and be oblig'd to estreat such Fines as are by them imposed, is a Matter worthy of Enquiry, since the Profits from thence arising become their Property; otherwise 'tis a strong Inducement to levy great Sums of Money under a Pretence of a publick Good, which in reality can appear in no other Light than a publick Grievance, as it proceeds from a private and personal Interest?

From hence the Opposition the Clerk of the Market of the King's Household has met with cannot be wonder'd at; as well from the better Sort of People, as those of inferior Rank; when by his diligent and strict Inquisition many Thousand bad Weights have been by him detected, and the People punished according to their Deserts,

serts, whilst some Juries of Liberties, Ale-Conners, and others, who have a Pretence of examining Weights and Measures, in their respective Jurisdictions, go from House to House, under Colour of discharging their Trust, and collect great Sums of Money, we fear, without having too strict an Eye to common Justice; and from this Practice of theirs the People have frequently taken them to be the Clerk of the Market's Agents; and this, being artfully spread and insinuated to them, has so far prevail'd on their Minds, that the Office has been judg'd both useless and oppressive, which for such a Series of *Ages* has been held to be so beneficial, and so necessary, and which, in the Nature of Things themselves, does still continue so.

P O S T S C R I P T.

Might I be pardon'd for giving a Hint, if this Office upon a Resignation of the Patentees were put into Commission, as in the Manner of the Hawkers and Pedlars, and the Advantages thereof revolv'd to the Crown, no Emulation from covetous and litigious Persons could then have that troublesome Effect, as lately has been, and for this Reason the People, knowing that 'tis not any one's particular Property, would, without the least Concern, chearfully pay the little legal Demand made upon them, which must, notwithstanding, be very considerable in the whole, as it would amount to many thousand Pounds yearly; besides, it would answer considerably to increase the Customs and Excise, in taking

taking this Method of executing the Office, by there being no Cause for the Neglect of Duty, as at present there unavoidably is : which is the Effect of the following Impositions, viz. That upon a moderate Computation on retail Measures, taking one with another, there is at least a ninth Part wanting of its true Content, which Loss would upon every one's having their just Due be consum'd, and the Consequence be no less serviceable to the industrius and honest Part of Mankind, than to the Crown, by receiving the proportionable Part of the Excise due thereon; and this may be likewise said on the Deficiency of Weights, which are become most notorious, especially among the common People, who make it their frequent Practice to sell by them audaciously in the publick Streets, and in the Face of Justice. In *France*, *Flanders*, and in *Holland*, particular Care is taken to prevent such Frauds, and no doubt, but in many other Countries; nay, they are even so careful as to oblige the Vintners, who sell their Wine in Glass Bottles, to have them seal'd round the Neck with Pewter, or some such like Metal, distinguishing the Mark or Seal of each respective Town or Province, upon very severe Penalties in Case of their Neglect.

The King's Clerk of the Market has now by him a Sample of one of the Quart Bottles, seal'd by Authority from the Standard Measure kept in *Dunkirk*.

There is an Act of Parliament subsisting, made in 11 and 12 of the Reign of King *William*, to oblige the Vintners to sell their Wines in seal'd Measures

Measures, whether it be Pewter, Glass, &c. under no less Penalty than 10 s. nor above 40 s. for each Offence; but seldom or never has this Act been put in Force, and for this Reason 'tis apprehended, as there is no Standard in his Majesty's *Exchequer*, for a Wine Quart, Pint, Half-pint, or less Measures, that such nominal Measures, if their Contents were true, cannot be legal, as they cannot be seal'd, and the Officers, whose Business it is to inspect them, must either proceed, in order to convict all Persons that sell in any such pretended Measure under the Wine Gallon (*a Matter that must inevitably create a great Disturbance*) or suffer them to impose upon the Publick, nor is there any Standard for the Half Bushel and Peck; this may also be look'd upon in the same Light as the Wine Measures, which 'tis hop'd will be consider'd of at a proper Time.





# A P P E N D I X.

(No. I.)

*An* ABRACT of the Grant of the Office of Clerk of the Market of the King's Household, to THOMAS ROBE and CHARLES PETER, Esqs;



Y Letters Patent reciting the Surrender of a former Grant, his Majesty gives and grants to *Thomas Robe* and *Charles Peter*, Esqs. the Office of the Clerk of the Market of his Household, as well within Liberties as without, and appoints them Clerk of the Market, to hold, enjoy, and exercise the said Office for their Lives, and the Life of the longest Liver, by themselves, or either of them, or sufficient Deputy or Deputies, with all Fees, Wages, Rewards, Profits, Commodities, Emoluments, and Advantages to the Office belonging or appertaining, with full Power to inquire, by the Oaths of good and lawful Men, as Occasion should require, within, or adjoining

joining to the Verge of the Household, as well within Liberties as without, who or what Artificers, Workmen, Victuallers, Bakers, Millers, Brewers, Malsters, Purveyors, Taylors, Butchers, Chandlers, Tanners, Clothiers, and Clothworkers, do unjustly and deceitfully exercise, or occupy their Arts or Trades, in false Weights or Measures, or by any other deceitful Ways or Means; and who or what Forefallers, Regrators or Engrossers, prefer their Profit and Interest to the Good of the State or Commonwealth; and to suppress, and duly prosecute them for any thing done or attempted against the Force of the Statutes in that Behalf, and to convict and find them guilty by Inquisition, Examination, and Enquiry, taking with them a sufficient Posse to arrest and convict, and to assess reasonable Fines, according to their Demerits, and to certify the same, and all Forfeitures, which may belong to the King, to the Commissioners of the Treasury, Treasurer, or Barons of the Exchequer for the Time being.

And his Majesty firmly commands and enjoins all Sheriffs, Constables, and other chief Officers, that in the Years, and on the Days, and at the Places of which they should have Notice from the Clerk of the Market, they cause to come before him so many, and such good and lawful Men of their Bailiwicks, as Cause should require, as well within Liberties as without, by whom the Truth of the Premises might be the better known and inquir'd into, and to do all other Things which by Reason of their Office ought to be done.

And his Majesty also firmly commands all Mayors, Sheriffs, Justices of the Peace, Bailiffs, Constables, Officers, and other his Subjects, to be  
D 2 counselling,

counselling, aiding, and assisting to the Clerk of the Market, or his Deputy or Deputies, in attending and executing the Premises.

And the King further gives and grants to the said Clerk of the Market, for the Exercise and Occupation of the said Office, Twenty Pounds *per Annum* Sterling, to be paid out of the Issues, Fines, Forfeitures, and Amerciaments, and other Profits accruing to the King by reason of the Premises, by the Commissioners of the Treasury, Treasurer, Barons, Chancellor of the *Exchequer*, without rendering any Account, or other Thing to the King.

And his Majesty also grants to the Clerk of the Market all other Fees for sealing and examining of Weights and Measures, and all other Profits and Commodities to the said Office belonging, in such ample Manner as *Thomas*, late Earl of *Berkshire*, and *William Hempson*, or any other or others holding the said Office, ever had, receiv'd, or enjoy'd, or ought to have, receive, or enjoy.

And the King further grants to the Clerk of the Market, for the Cost, Charges, and Expences to be by him or his Deputies yearly had and sustained, so much, and such further ample Reward as to the Commissioners of the Treasury, Treasurer, or Barons of the *Exchequer*, should seem meet, without rendering any Account thereof to the King.

*A Form of Proclamation to be proclaimed by the Clerk of the Market, and he to see it executed, touching Prices of Victuals.*

THE King's Majesty strictly charges and commands, that every Man do obey and keep all such Prices as are, and shall be prized and rated by the Clerk of the Market of his Majesty's Most Honourable Household, and the Jury before him, or his Deputy, by the Authority of his Office, sworn, and charged from time to time, and so fixed, and set upon the Gates of the King's Highness's Court, and other Places within the Verge; and that no Person or Persons, of what Estate or Degree soever he be, do, in any wise, pay more for Corn, Victuals, Horsemeat, Lodgings, or any Kind of Victuals, than after the Rate and Form aforesaid, upon Pain of Imprisonment, and further Perils that shall thereof follow; the same Punishments to be inflicted, as well upon them, and every of them, which do, or shall presume to pay any more for any of the Things before-mentioned, as upon them and every of them, which shall utter and sell any Manner of Things, contrary to the true Meaning of this Proclamation.

And, moreover, the King's Highness strictly charges and commands all Mayors, Justices of the Peace, Bailiffs, Constables, and all other his faithful Officers, and every of them, as well within Liberties as without, within the Verge of

his Highness's Court, from Time to Time, when and as often as Need shall require, diligently, within their Authority, to endeavour themselves to see Execution and due Reformation of the Premises, according to Justice and the Prices as aforesaid. And further it is ordered, That no Person or Persons, now using, or, which of Right ought to use to serve any City, Town, or other Place within the Verge of his Highness's Court, with any Kind of Corn, Victuals, Horse-meat, Lodgings, or any other Necessaries, as well upon the Market-day, as at any other Time, be any Thing the more remiss or slack in making Provision for the same, than they, or any of them, heretofore have been; nor hide, lay aside, or use any Colour of Craft to deceive the Buyers thereof, whereby the King's Highness's Train within any City, Town, or other Place, or any of the Inhabitants of the same should not be as well served, and plenteously furnished, in every Behalf, as it was before, or of Right ought to have been, in Defraud of this his Highness's Ordinance; nor take, nor receive any more than according to the Prices which from Time to Time shall stand and be declared in Manner aforesaid, under his Grace's Seal of the Office of the Clerk of the Market, upon Pain of Imprisonment; and further, to make Fine unto the King's Highness's Use for his or their Contempt therein.

Anno Dom. 1603.

The 1st Year of the Reign of K. James I.

This Ordinance is founded on the Stat. of *Eltham*, the 10 H. III. Anno 1226. *Vide Pag. the 8th.*  
And

And from a Roll of Parliament, *Anno 4 Hen. VII*, that the Clerk of the Market for the Verge to assess Prices, and to enquire of Riots committed in the County by the Sojourners, of all the Household, that he may report unto the Lord Steward, and Chief of the Household, with many other Things, &c.



(No. III.)

*The Board of Green-Cloth's Letter to two of the Justices of the Peace in the Counties of Cambridge and Suffolk, on Queen Ann's going to Newmarket.*

Gentlemen,

HER Majesty having signified to us her Royal Pleasure of removing, with the whole Court, to *Newmarket* for some Time; We therefore desire you will give such necessary Directions, as may further and assist the Harbingers in accommodating the Court with Lodging, Stabling, &c. As also to set such moderate Prices thereupon, and upon all Manner of Provision for Man and Horse, that her Majesty, and all Persons of Quality, and others resorting to Court, may not be imposed upon by any unreasonable Demand; and we also desire you will take such effectual Care, as that the Counties may be encouraged to bring in their Provisions, with a strict Prohibition, that

D 4

they

they no way conceal the same, but sell them in open Market. We remain,

Board of Green-Cloth, Sept. 25, 1706. Gentlemen, Your humble Servants,

Bradford, and Godfrey.

The following is the Form of settling the Prices of Lodgings and Provisions, in Conjunction with the Clerk of the Market, Anno 1706.

Cantabr. ff.

Whereas the Inhabitants and Inn-keepers in and about Newmarket, in the said County, do, after an exorbitant Manner, exact from Persons, resorting to her Majesty's Palace here, very extravagant and unreasonable Rates for Lodging, Horse-meat, and other Accommodations, beyond all former Practice of all other Places whereto her Majesty, or Royal Predecessors, have heretofore resorted; we, the Officers of her Majesty's most honourable Board of Green-Cloth, and Clerk of the Market of her Majesty's most honourable Household, and some of the Justices of the Peace of this County, having taken into Consideration the said great Abuses, do, hereby, require and enjoin all Persons to ask, demand, and receive, for Lodging, Horse-meat, and other Accommodations, from her Majesty's Servants and Subjects, not above the Prices following.

In

In all Inns and Places where the Inhabitants provide Horse-meat.

Table with 10 numbered items listing prices for Oats, Beans, Peas, Hay and Straw, Stable-room, Stall, Coach under a Shed, Coach-house, Lodging for Majesty's Servants, and Lodging for other Servants, along with prices for Beef, Mutton, Butter, and Beer.

II.

*l. s. d.*

11. All other Provisions at the usual or statuteable Rates; where any of the Persons above-mentioned have their Horses at Livery, and take their Diet, they are to have their Lodging free for themselves, and so many of their Servants as they have Horses there, and Diet for

o o o

Given at her Majesty's Board of Green-Cloth, at Newmarket, Oct. 2, 1706.

Thomas Felton  
and Godfrey.

Given under our Hands and Seals at Newmarket, Oct. 3, 1706.

J. Letton, Charles, Jeaffreson, } Justices of the Peace.

Clerk of the Market of her Majesty's most honourable Household.

William Hempson.

If this Law was strictly executed, and the Clerk of the Market to inspect whether the Provision, delivered for the Use of the Household, be in Proportion to the King's Standards, his Majesty, and those his Attendants, would save yearly an Expence of many thousand Pounds, which, without that Officer's Power, cannot be put in Practice.

(No.

(No. IV.)

Middlesex, *The Commitment of Edward Refitt, Agent to the Clerk of the Market, to New-Prison, by some Justices of the Peace for the County of Middlesex.*

To the Keeper of *New-Prison, at Clerkenwel,* for the said County of *Middlesex.*

Receive into your Custody the Body of Edward Refitt, whom we send you herewith, being this Day charged upon the Information of Edward Cole, Victualler, taken upon his Oath before us, whose Hands and Seals are hereunto set, his Majesty's Justices of the Peace of the said County, for unlawfully demanding, extorting, and receiving from him the said Cole, fourteen Pence, for sealing fourteen Pewter-pots, that is to say, five Quart Pewter-pots, seven Pint Pewter-pots, and two Half-pint Pewter-pots, which were before lawfully sealed, in Pursuance of the Statute in that Case made and provided: And the said Edward Refitt, being required by us to find Sureties to answer at the next Quarter-Sessions of the Peace, to be holden for the said County, for his unlawfully demanding, extorting, and receiving the said Sum of fourteen Pence as above-said, he refused so to do: Him safely keep, till he be from thence discharged by due Course of Law. Given under our

*\* Were they sealed by the Clerk of the Market? No; How then could they be termed lawfully sealed?*

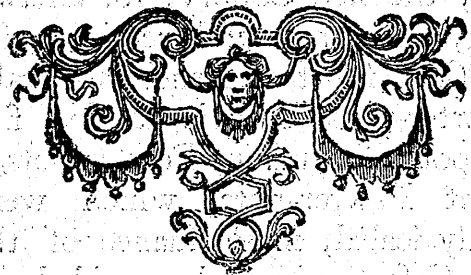
Hands

( 60 )

Hands and Seals this fourteenth Day of June,  
in the Year of our Lord, 1733.

John Martin,  
Alexander Garrett,  
Thomas Exelbee,  
Richard Ricards,  
Anthony Chamberlain.

A true Copy, examined by Joshua Walker,  
Keeper.



(No. V.)

The particular Account of the Deficiency of 1265 false Weights  
tested at Courts held by the Clerk of the Market,

Quarter of Pound Weights, wanting each	Ounces.	Drachms.	Total Deficiency.		
			lb.	oz.	Dr.
4	—	1	—	0	4
17	—	2	—	2	2
45	—	3	—	8	7
8	—	4	—	2	0
1	—	6	—	0	6
6	—	12	—	4	8
81 Weights deficient			1	1	11

Half Pound Weights, wanting each	Ounces.	Drachms.	Total Deficiency.		
			lb.	oz.	Dr.
4	—	1	—	0	4
17	—	2	—	2	2
31	—	3	—	5	13
86	—	4	1	5	8
1	—	5	—	0	5
17	—	8	—	8	8
3	—	10	—	1	14
1	—	12	—	0	12
1	1	0	—	1	0
1	1	2	—	1	2
162 Weights deficient			2	11	4

Two Pound Weights, wanting each	Ounces.	Drachms.
12	—	3
66	—	4
2	—	5
48	—	6
5	—	7
110	—	8
6	—	10
58	—	12
1	—	14
31	1	0
1	1	2
5	1	4
5	1	8
3	2	0
1	4	0

362 Weights deficient

Pound Weights, wanting each	Ounces.	Drachms.	Total Deficiency.		
			lb.	oz.	Dr.
1	—	1	0	0	1
4	—	2	0	0	8
13	—	3	0	2	7
130	—	4	2	0	8
1	—	5	0	0	5
53	—	6	1	3	14
5	—	7	0	2	3
68	—	8	1	2	0
19	—	10	0	11	14

Four Pound Weights, wanting each	Ounces.	Drachms.
11	—	6
67	—	8
1	—	10
51	—	12
1	—	14
28	—	1
1	1	2
9	1	4
7	1	12
3	2	0
3	2	8
1	3	0
1	5	0

No.



(No. V.)

The particular Account of the Deficiency of 1265 false Weights, and 342 Beams or Ballances, detected at Courts held by the Clerk of the Market, in or about the Space of one Year.

Quarter of Pound Weights, wanting each	Ounces.	Drachms.	Total Deficiency.			Two Pound Weights, wanting each	Ounces.	Drachms.	Total Deficiency.			Seven Pound Weights, wanting each	Ounces.	Drachms.	Total Deficiency.		
			lb.	oz.	Dr.				lb.	oz.	Dr.				lb.	oz.	Dr.
4	—	I	—	0	4	8	—	2	0	I	0	—	4	0	0	12	
17	—	2	—	2	2	12	—	3	—	2	4	10	—	8	0	5	
45	—	3	—	8	7	66	—	4	—	0	8	13	—	12	0	9	
8	—	4	—	2	0	2	—	5	—	0	10	41	I	0	2	9	
I	—	6	—	0	6	48	—	6	—	I	0	I	I	4	0	I	
6	—	12	—	4	8	5	—	7	—	0	2	13	I	8	I	3	
81 Weights deficient			I	I	I	110	—	8	—	3	7	I	I	12	0	I	
						6	—	10	—	0	3	10	2	0	I	4	
						58	—	12	—	2	11	2	2	8	0	5	
						I	—	14	—	0	0	I	2	12	0	2	
						31	I	0	—	I	15	3	3	0	0	9	
						I	I	2	—	0	I	2	6	4	0	I2	
						5	I	4	—	0	6	2	8	8	0	0	
						5	I	8	—	0	7	I	12	0	2	I2	
						3	2	0	—	0	6	3	0	0	0	9	
						I	4	0	—	0	4	2	6	0	0	I2	
100 Weights deficient						362 Weights deficient			I2	7	9	17   15   12					

Half Pound Weights, wanting each	Ounces.	Drachms.	Total Deficiency.		
			lb.	oz.	Dr.
4	—	I	—	0	4
17	—	2	—	2	2
31	—	3	—	5	13
86	—	4	I	5	8
I	—	5	—	0	5
17	—	8	—	8	8
3	—	10	—	I	14
I	—	12	—	0	12
I	I	0	—	I	0
I	I	2	—	I	2
162 Weights deficient			2	I1	4

Four Pound Weights, wanting each	Ounces.	Drachms.	Total Deficiency.		
			lb.	oz.	Dr.
30	—	4	0	7	8
11	—	6	0	4	2
67	—	8	0	I	8
I	—	10	0	0	10
51	—	12	0	6	4
I	—	14	0	0	14
28	—	I	I	12	0
I	I	2	0	I	2
9	I	4	0	11	4
7	I	12	0	6	0
3	2	0	0	7	8
3	2	8	0	0	8
I	3	0	0	3	0
I	5	0	0	5	0
I	5	0	2	10	0

No. of Ballances wanting of Weight, each	Ounces.	Drachms.	Total Deficiency.		
			lb.	oz.	Dr.
32	—	4	0	8	0
4	—	6	0	I	8
38	—	8	I	3	0
34	—	12	I	9	8
81	I	0	5	I	0
11	I	4	0	13	12
I	I	6	0	I	6
34	I	8	3	3	0
47	2	0	5	14	0
2	2	4	0	4	8
12	2	8	I	14	0
16	3	0	3	0	0
8	3	8	I	12	0
I	3	12	0	3	12
12	4	0	3	0	0
5	5	0	I	9	0
I	6	0	0	6	0

Pound Weights, wanting each	Ounces.	Drachms.	Total Deficiency.		
			lb.	oz.	Dr.
I	—	I	0	0	I
4	—	2	0	0	8
13	—	3	0	2	7
130	—	4	2	0	8
I	—	5	0	0	5
53	—	6	I	3	14
5	—	7	0	2	3
68	—	8	I	2	0
19	—	10	0	11	14
29	—	12	I	5	12

I	I	0	I	0	
I	I	2	I	2	
162 Weights deficient   2   II   4					
Pound Weights, wanting each	Ounces.	Drachms.	Total Deficiency.		
			lb.	oz.	Dr.
I	—	I	0	0	I
4	—	2	0	0	8
13	—	3	0	2	7
130	—	4	2	0	8
I	—	5	0	0	5
53	—	6	I	3	14
5	—	7	0	2	3
68	—	8	I	2	0
19	—	10	0	II	14
29	—	12	I	5	12
10	I	0	0	10	0
2	I	4	0	2	8
3	I	12	0	5	4
I	4	0	0	4	0

0480				
For	Weights, wanting each	Ounces.	Drachms.	Deficiency.
				lb. oz. Dr.
	30	—	4	0 7 8
	11	—	6	0 4 2
	67	—	8	2 1 8
	I	—	10	0 0 10
	51	—	12	2 0 4
	I	—	14	0 0 14
	28	—	I	I 12 0
	I	I	2	0 0 2
	9	I	4	0 0 4
	7	I	12	0 0 12
	3	2	0	0 0 0
	3	2	8	0 0 8
	I	3	0	0 0 0
	I	5	0	0 0 0
	7	6	0	2 10 0
221 Weights deficient   12   9   0				

Wanting of	Ounces.	Drachms.	Total Deficiency.
ht, each			lb. oz. Dr.
	32	—	0 8 0
	4	—	0 1 8
	38	—	I 3 0
	34	—	I 9 8
	81	I	5 1 0
	11	I	0 13 12
	I	I	0 1 6
	34	I	3 3 0
	47	2	5 14 0
	2	2	0 4 8
	12	2	I 14 0
	16	3	3 0 0
	8	3	I 12 0
	I	3	0 3 12
	12	4	3 0 0
	5	5	I 9 0
	I	6	0 6 0
	I	7	0 7 0
	I	8	0 8 0
	I	16	0 0 0

339 Weights deficient | 8 | 3 | 4

342 Ballances deficient | 32 | 7 | 6

Weights	deficient.				
	lb. oz. dr.				
81 Qr. of Pounds	—	I	I	II	} lb. oz. dr.
162 Half Pounds	—	2	II	4	
339 Pounds	—	8	3	4	
362 Two Pounds	—	12	7	9	
221 Four Pounds	—	12	9	0	
100 Seven Pounds	—	7	15	12	
1265 Weights Bad	—				} lb. oz. dr.
342 Ballances ditto	—				
1607 In all.					2199 1 0
	lb. oz. dr.				
		32	7	6	Multipl'y'd by 40 † 1298 7 0
					At 6 d. per Pound for one Day, is — 54 19 6 ¼ ⅛
					For a Week, consisting of Six Days, is — 329 17 2 ¼
					For a Year, consisting of Three Hundred and Twelve Days, Sundays being deducted, is † — — 17152 18 9 ¼
Total Deficiency	2199	I	0		

Note, The Original Rolls, from whence this Abstract was taken, are in the Custody of the present Clerk of the Market, which shews every Person's respective Name, and Place of Abode; together with the particular Number of false Weights and Ballances they were found culpable of by the Jurymen of the several Courts held by the said Clerk of the Market. As to what relates to Measures, Vide Page 48.

† † } See it further explain'd in Page 42, 43.

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## (No. VI.)

*Extract of Grants and Powers to the Clerk  
of the Market of the King's Household.*(No. I.) *Out of the Roll of Patents, 3 Ed. I. M. 36.*

OF examining Measures, a Grant to *Robert of Bilver*, and *John of Swinford*, to hold the Office of Clerk of the Market, and to inspect and examine Measures, and all other Things appurtenant to the said Office, and commands the Sheriffs of *Middlesex*, and of fifteen other Counties, and all other Counties, and all other Officers, to be assisting in the Execution of the said Office.

(No. II.) *Out of the Roll of Parliament,*  
14 Ed. II. M. 8.

Of Measures, directed to the Mayor, Aldermen, and Sheriffs of *London*, taking Notice, that there had been Complaints in Parliament of false Weights and Measures, contrary to the Great Charter: Therefore they are commanded to suffer the King's Clerk of the Market to examine the Standards of *London*, and try if they be agreeable to the King's Standards.

(No. III.) *Out of the Rolls of Fines 18 Edw. II.*  
M. 16.

A Grant to *Henry of Campo*, and other Commissioners for examining Weights and Measures in *Cornwall*, and several other Counties, with a strong Clause of the Right to the King's Clerk of the Market, as follows: ' But we will not, ' that, by Reason of the Premises, the Clerk  
of

‘ of our Market shall be hindered, but that he  
‘ may exercise his Office, whenever we come  
‘ into these Parts, as he hath hitherto been wont  
‘ to do.’

(No. IV.) *Out of the Roll of Patents*, 19 Ed. III.  
P. 2. M. 29.

A Grant to *John of Ampleford* recites, that the  
said *John of Ampleford* was Clerk of the Market of  
his Majesty's Household, by Patent, to receive  
in his Office the Fees and Forfeitures accustomed,  
and that his Majesty was going beyond the Seas  
for Defence of his Kingdom, and had appointed  
his Son *Lionel*, the Prince, Regent in his Ab-  
sence, and then goes on thus : ‘ We being defi-  
‘ rous to take Care, left in our Absence, he (mean-  
‘ ing the Clerk of the Market) in the Exercise  
‘ of the Office aforesaid, within the Verge of  
‘ the Palace of the said Regent, which we have  
‘ appointed for him to keep, do therefore will,  
‘ that the same *John* shall in all Things do, and  
‘ exercise the said Office, and receive the Pro-  
‘ fits thereof within the Verge of the Palace of  
‘ the Regent aforesaid (*viz.*) for 12 Miles round  
‘ the same Palace, whilst we shall be absent, as  
‘ the same *John* ought to do, and exercise, and  
‘ receive, as if we were present.

(No. V.) *Out of the Roll of Patents*, 20 Ed. III.  
P. 2. M. 29.

Of holding the *Marshalsea* Limits, the Verge  
for 12 Miles in Circuit of the same Palace.

(No. VI.) *Out of the same Roll*, p. 2. M. 15.

A Grant to *Richard of Dunstable*, Coroner of  
the Verge, which is limited, as before, for 12  
Miles.

12 Feb. 24 H. VIII. *Town of Lambeth.*

At a Court held at *Lambeth* by *Kirk* the  
surviving Patentee.

*The Estreat Roll of this Court, remaining in the  
Court of Exchequer, contains a Multitude of  
Fines and Amerciaments, set for different Abuses  
and Falsities in Weights and Measures, and  
other Offences, inquirable by the Clerk of the  
Market of the King's Household.*

And in this Year are many more Estreat Rolls  
of different Courts, held by *Kirk* within 12 Miles  
of the Verge of the King's House.

8 Oct. 27 H. VIII. *New-Brentford in the  
County of Middlesex.*

*William Arden*, Esq; then Clerk of the Mar-  
ket, held a Court at *New-Brentford*, and re-  
turned his Estreat Roll into the *Exchequer* which  
bears the following Title.

*An Estreat of Fines and Amerciaments by William  
Arden, Esq; Clerk of the Market of our Lord  
the King.*

17 Decemb. 37 Hen. VIII.

The like Estreat of Fines and Amerciaments  
at a Court held at *East-Greenwich*.

4 Feb. 5 Eliz. *City of Westminster*, in the  
County of *Middlesex*.

At a Court then and there held, several Fines  
and Amerciaments were set by the Clerk of the  
Market, and the Estreat Roll bears the like  
Title, as above.

9 April, 9 Eliz. *City of Westminster.*

A like Court then and there held, before *Hen.  
Williams*, Deputy of *Hen. Wilcox*, Esq; Clerk  
of

of the Market of the Queen's Household, the Estreat Roll whereof bears the same Title, and, amongst others, contains the following Amerciaments.

Deanery of Westminster.

William Woodcock of Totbill-Street, } l. s. d.  
within the City of Westminster, Baker, }  
for that he grievously broke the Af- } o 3 4  
fize of Bread, &c. \_\_\_\_\_

Dutchy of Lancaster.

Robert Blackwell, Collier, for that }  
he, for his unlawful Gain, sold Coals } o 13 0  
at Westminster deceitfully, &c. }

With many more Fines and Amerciaments in the Deanery of Westminster, and Dutchy of Lancaster, in this Roll.

24 June, 9 Eliz. Hundred of Cokeham Bray, in Com. Berks.

Henry Williams, Deputy, as aforesaid, held a Court at Maidenhead, within the Verge, and many more Courts round Windsor, this Year, as at Oakingham, and several other Places within the Verge.

And it is to be remarked, that, in the Title of the Estreat of Courts now held, are used the Words *Infra Virgam* (viz.) *within the Verge*.

28 May, 27 Eliz. the Liberties of Paddington, Mary-le-bone, Hemstede, and Willefden, with the Liberties of St. Giles's in the Fields, in the County of Middlesex.

An Estreat of Fines and Amerciaments, forfeited to her now Majesty, before John Powell, Gent. Deputy of Richard Dawes, Esq; Clerk of the Market of the Queen's Household, thro' the

the whole Kingdom of England, as well within Liberties as without, in the County aforesaid, within the Verge of the Court, viz. in his Session held at Paddington, in the County aforesaid, within the Verge of the Court the 28th of May in the Twenty-seventh Year of the Reign of our Sovereign Lady Elizabeth, by the Grace of God, of England, France and Ireland, Queen, Defender of the Faith, &c. by the Oath of just and lawful Men there sworn.

Gregory Andrews, of St. Giles's in the Fields, Baker, for that he broke the Affize of Bread, viz. White wanting an Ounce and a Penny-weight; Household wanting four Ounces against the Form of the Statute } o 3 4

Thomas Clark, of St. Giles's in the Fields, because he did not appear to serve as a Juror for our Lady the Queen before the Deputy aforesaid, } o 3 4

Anno 30 Eliz.

Item, That a Table signed by her Majesty's own Hand, and depending in her Majesty's most honourable Court of Star-Chamber, besides a Proclamation, &c. That the Clerk of the Market, and the Warden of the Mint, should receive, retain, and make use of the last reformed Standard, &c. Anno 11 Henry VII.

2 May, 5 James I. The Liberties of High-Holborn and Chancery-lane, in the County of Middlesex, Anno 1607.

An Estreat of Fines and Amerciaments, before Thomas Morfe, Deputy to Richard Dawes, Esq; Clerk

Clerk of the Market of the King's Household, at a Session held in *High-Holborn*, in the County aforesaid, within the Verge.

N. B. *All the Fines and Estreats in King Charles I. and Part of King Charles II's Reign belonging to the Clerk of the Market, and others, were burnt and destroyed.*

3 August, 34 King Charles II.

At a Court held at the *White-Horse* in *Ewell*, in the County of *Surrey*, within the Verge of the King's Palace, by *Richard Skute*, Deputy of the Right Honourable *Thomas Earl of Berks*, and *William Hempson*, Esq; Clerk of the Market of his Majesty's Household, several Persons were estreated for various Offences into the Court of *Exchequer*.

16 April 1684. 36 King Charles II.

At a Court held at the *Bear* at *Maidenhead*, in the County of *Berks*, by the said *Richard Skute*, Deputy as aforesaid, the like Offences were estreated.

*Middlesex*, 3 King James II. 1687.

At a Session held at the Court House at *Mile-End Green*, the 27th Day of *October*, the like Offences were also estreated.

*Middlesex*, 4 King James II. 1688.

At a Session held at the *Bell* at *Edmonton*, the 28th Day of *June*, many Defaulters were estreated into his Majesty's Court of *Exchequer*.

*Middlesex*,

*Middlesex*, 2 King William III. 1691.

An Extract of Fines and Amerciaments forfeited and assessed at a Session held at *Mile-End Green*, the 21st Day of *September*.

3 King William III. 1692.

At a Session held at the *Red-Lion* at *Kennington*, the 28th Day of *April*, several Persons were detected for selling with false Weights and Measures, and punished as before.

*From the Roll in the Clerk of the Estreats Office kept by Mr. Tulley.*

*Middlesex* ff.

*An Extract of Fines and Amerciaments forfeited and assessed at the several Sessions herein specified, and before Timothy Langley, Gent. Deputy of the Right Honourable Thomas Earl of Berkshire, and William Hempson, Esq; Clerk of the Market of the Queen's Household, viz.*

*Hamlet of Bethnal Green.*

*George Street and William Ellard, Bakers, for not suffering the Clerk of Market to weigh their Weights, and try and examine the same with the Royal Standard, and for asserting that the said Clerk of the Market had no Authority* } 2 0 0

*Session held at the Court House in White Chappel the 12th Day of April, 5 Queen Anne 1706.*

*John Sleigh, Constable of the Hamlet of Spittle-fields, for not making a Return according to the Duty of his Office* } 2 0 0

E 2

*Session*

*John Goodwell*, Constable of *Bethnal Green*, for not making a Return according to the Duty of his Office } 2 0 0

An Extract of Fines and Amerciaments forfeited and assessed at a Session held at the *Golden Lion* in *High Holborn*, on *Monday*, being the *23d* Day of *September* 1706. before the said *Timothy Langley*, Gent. Deputy Clerk of the Market, &c.

An Extract of Fines and Amerciaments forfeited and assessed, at the Session held at the Sign of the *Globe* in *Deptford* in the County of *Kent*, on *Friday* the *27th* Day of *September*, in the *5th* Year of *Queen Anne* 1706. before *Timothy Langley*, Gent. Deputy Clerk of the Market, &c.

*Deptford.*

*Writ upon the Roll of Estreats as follows,*

*Peter Lilly*, one of the Constables of *Deptford* aforesaid levied, for not making his Return according to the Duty of his Office } 1 6 8  
*Richard Pitts*, Constable, for the like } 1 6 8  
*Jasper Wiltshire*, Constable, for the like } 1 6 8  
*John Parker*, Constable, for the like } 1 6 8

*Greenwich.*

*Charles Anthony*, one of the Constables levied aforesaid, for not making his Return according to the Duty of his Office } 1 6 8  
*Benjamin Black*, Constable, for the like } 1 6 8  
*Thomas Moor*, Constable, for the like } 1 6 8  
*Edward Mead*, Constable, for the like } 1 6 8

12 King

12 King *George I.*

An Estreat of Fines and Amerciaments set by *Thomas Robe* and *John Matthews*, Esqrs; Clerk of the Market of the King's Household, at a Session holden the *29th* Day of *November* 1726. at the Court House in *White Chapple*, within the Verge.

12 King *George I.*

An Estreat of Fines and Amerciaments set by *Thomas Robe* and *John Matthews*, Esqrs; Clerk of the Market of the King's Household, at a Session holden the *6th* Day of *January* 1726. at the *Crown Tavern* in *Bloomsbury Market*, within the Verge, at which two Courts a great Number of bad Ballances and Weights were proved to be notoriously so.

3 King *George II.*

At a Court holden at *Powell's Coffee-house*, in the Parish of *Christ Church, Spittlefields*, on the *21st* Day of *January* 1730. by *Thomas Robe* and *John Matthews*, Esqrs. Clerk of the Market of his Majesty's Household, above 150 bad Weights, Measures, and Ballances were detected, and the several Owners thereof were estreated, as Defaulters, into his Majesty's Court of *Exchequer*.

5 King *George II.*

Upon a new Grant from his present Majesty to *Thomas Robe* and *Charles Peter*, Esqrs. on the Resignation of *John Matthews*, Esq. a like Court was holden before them at *Harvey's Coffee-house*, at *St. John's Gate*, in the Parish of *St.*

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St. James, Clerkenwell, the 4th Day of May 1733. where also were returned into his Majesty's Court of *Exchequer* many Defaulters, for selling with bad Weights and Measures.

N. B. *The Estreat Rolls recorded in the Exchequer, from the Clerk of the Market's Office, since the Reign of King Henry VII. to the present Time, are so voluminous that the copying of them would be a Task of Years.*

F I N I S.





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