

# The Decline of the Powers of the Worshipful Company of Pewterers in the 18th Century

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## Introduction by David Hall

The late Ron Homer was for many years the Worshipful Company of Pewterers' Archivist/Historian. Here, we have a much-reduced article on the waning, during the eighteenth century, of the Company's powers of search. David Hall, Liveryman and Company Archivist, writes an introduction:

“The practice of searching goes back at least to the first half of the 15 century, before the Worshipful Company had its first Royal Charter in 1474. Small groups of officers and senior members would go round, visiting Company members' premises on an unscheduled basis. While on the premises they would carry out tests on the work in progress and the items in stock. The standard the Company sought to maintain was primarily that of the quality of the alloy being used, not of the workmanship.



The tongs, or steel assaying tool, used in the early 1700s for casting samples of metal (the process by which the quality of the alloy was tested). This photo comes from page 100 of the first Company Catalogue, published in 1968 (there is a copy in the Library). The process of searching was based on taking samples of the alloy being used and casting uniform size balls. These were then weighed and the weight compared with that of the true alloy. If the sample was too heavy then too much lead was present.

The 1474 Royal Charter provided, for the first time, rights of search outside London, that is it permitted the Company to go to other towns and cities and carry out similar searches and condemn faulty alloys. When metal was condemned the pieces concerned were defaced and confiscated, and fines levied. Working pewterers in the provinces at this time usually belonged not to the Company but to locally-based guilds.

The Company, when lobbying to get these England-wide search rights, was aiming to match the rights already held by the Goldsmiths. In 1536 the right to search was extended by general legislation to Wales, but it never applied to Ireland or Scotland.

In 1998, Ron Homer published a list of the names of some 750 individuals from outside London whom the Company records show had their workshops and wares searched (mostly of 17<sup>th</sup> century date). The records show that the great majority of those who were searched were visited only once or at the very most twice. Only in a few places, like Bristol, were searches carried out more often.

This begs the question, was the Company for much of the time more interested in the prestige that the right of search gave, the money it brought in and the opportunity to see what their provincial rivals were doing, than in maintaining standards? For example there is only one record of the searchers going to Wigan, in 1676; at the time Wigan was the second most important town in England for the manufacture of pewter.

The Company would apply to the Magistrates at the Quarter Sessions in Middlesex and Surrey, to be appointed as local County inspector under an Act of 1503. This Act provided for the appointment of such County inspectors by the Magistrates and, where records exist elsewhere of such inspectors being appointed, they were usually selected from among the local pewterers and braziers.”

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Adapted from a fuller paper researched and written by the late Ronald F. Homer.

For over 250 years the Pewterers' Company exercised, country-wide, the right of search and seizure granted to them by charter and by early 16th century Acts of Parliament. However, by the 18th century, and in a changing social climate, the legality of this right was being called into question by pewterers who were not members of the Company.

The last extensive country search was carried out in 1702 but subsequent complaints about the poor quality pewter led the Company to agree to carry out a search in Bristol in 1723. Before they went, they sought counsel's opinion on their powers. Far from helpful, its main points were that whilst the Company could search, and seize and carry away wares, they were not entitled to deface them or extract fines without a licence from the Court of Exchequer; and any wares seized had to be exhibited and condemned in that Court within one year.

However, if the pewterer agreed, they could make a 'composition' and accept a voluntary fine instead of seizing his wares. But if entry was refused they could not force an entry 'without the mayor, constable or chief officer of the place being present.'

In the face of these constraints, the Company abandoned any further searches outside London.

The Company retained its unrestricted power of search over its own members and continued to exercise this power in London. But, even in London, the Company had to get an annual dispensation from the Lord Mayor to enable them to search non-members' premises in the City, and similar documents from Middlesex Quarter Sessions and from Surrey Quarter Sessions to cover their activities outside the walls. In 1786 the Company sought counsel's opinion on the case of an individual identified only as 'AB' who was not a freeman of the City. Recently AB had purchased a set of moulds from a former manufacturer and had employed that manufacturer's son, who was not a freeman and who had not served an apprenticeship.

The question was, could AB be punished for making pewter (even though the quality of the metal was not at issue in this case)? To the Company's disappointment Counsel, Mr Edward Bearcroft of Lincoln's Inn, opined that 'although AB is strictly liable to a penalty of 40s per month under 5 Eliz c. 4 proceedings under that Statute are so disfavoured by judges and juries, be the facts what they will, they hardly ever succeed. I cannot therefore recommend suit against AB'.

From 1778 the Company had become much concerned with the low quality of the metal used for beer mugs and sought to make it obligatory to make these from 'Trifling Metal', an alloy between fine and lay in quality for which the Company had laid down a standard for internal use. However, they could not impose this outside their membership as there was no statutory definition of Trifling.

In 1791 the Company, following the recommendation of a committee which had spent five years considering the subject, proposed to petition for an Act of Parliament to define the alloy. But first they sought counsel's opinion, this time from a Mr J. A. Park of Lincoln's Inn. He was far from enthusiastic and his opinion reads in part:

*It is well known that in the present day all corporate rights are looked upon with jealousy, and even many wise and temperate men have doubts of the present utility of corporate bodies however beneficial they were in the infancy of commerce, and therefore it is not likely very extensive powers either of search or control will be granted more than they at present enjoy and it is not in the interests of private corporations to provoke too much discussion of their authority.*

One can almost hear him muttering about his ivory tower client's lack of appreciation of the current socio-political climate!

There is evidence that searches went on until at least 1818, but faced with a series of unfavourable opinions, and increasing opposition among tradesmen, the Company finally realised that it must face reality and accept that times had changed and its powers had withered to a state of near impotence.

In 1835 the Municipal Corporations Act finally removed what little remained by by-passing the Companies and providing that freedom of the City by redemption could be obtained directly from the Corporation of London. Outside London this Act also finally removed any bar on trading by those who were not freemen. However, in the City of London alone, this bar to trading was not formally removed until 1856, though by then it had become a dead letter.

Article adapted by Alan Williams from the (longer) Ron Homer original. The Editor would like to thank the Executors of the late Ron Homer for their kind permission for him to do this.

A commentary by William Grant on the Company's powers of search, based on his research into the Company's O&Es from the 18th century will follow in a future number of this magazine.

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