

## THE KING'S BEAM

By RUPERT C. JARVIS, F.S.A., F.R.Hist.S.

The king's beam, *magna statera Domini regis*, was the balance or scale to which merchants were required from medieval days to bring their goods to be weighed for the purpose of assessment of the king's duties, i.e. the Customs. After the weighing reform in 1256, but more particularly after the reform of 1303-9 which the crown thrust upon the merchant community, the term "king's beam" came to be applied not only to the particular beam itself, but also to both (a) the form of apparatus and (b) the method of weighing stipulated by the crown, whether used (i) between the crown and the merchant in the business of Customs duties, or (ii) between buyer and seller in the course of common trade. In consequence certain errors have crept into almost every one of the (not very many) accounts dealing directly or indirectly with the king's beam and the rights of tronage or weighing in the City of London.

For example, Stow took an entry in the patent roll<sup>1</sup> dealing with the king's beam at the Custom House in Tower Ward, garbled it with an entry in the *Liber Albus*<sup>2</sup> referring to the common beam in Walbrook Ward, and produced from them a confusing passage<sup>3</sup> which has misled almost every subsequent writer.<sup>4</sup> Strype further confused it with the common beam operated by the Grocers Company in Eastcheap,<sup>5</sup> which mis-identification Maitland accepted,<sup>6</sup> and Noorthouck,<sup>7</sup> Cunningham,<sup>8</sup> Herbert<sup>9</sup> and others have been content to follow.

The king's beam typifies the victory in the reigns of Henry III and Edward I of the balance over the other rival forms of weighing contrivance. The balance measures a weight against an equal weight, in equal scales on equal arms, from a fixed fulcrum. Other contrivances (the auncel, bismar and steelyard) measured by the manipulation of either the weight or the fulcrum along a graduated limb. The latter type of instrument had from early times been much favoured by merchants, and particularly by the vagrant merchant, the itinerant wool-buyer packman or chapman, because it was complete in itself—it needed no additional weights. Its demerit was that checking was difficult and deceit was easy.

In contrast the balance came to be favoured by the crown, quite possibly in consequence of the currency reforms of 1180 and 1257. When Henry III provided for a bimetallic basis, with gold and silver balancing each other in a stipulated ratio,<sup>10</sup> weighing at the balanced beam (*per stateras*) in exact equipoise, without the balance or the weight inclining to one side or the other (that is, "by the middle pin" or *per medium clavum*) was practically necessary. Where the weighing reform of 1256 however impelled the crown to force the use of the balance, the merchant community clung tenaciously to the more traditional auncel. In 1350 the statute of purveyors<sup>11</sup> recited that "Great Damage and Deceit is done to the People . . . *par une pois qest appelle Aunsell*"<sup>12</sup>; therefore "this weight called auncel betwixt Buyers and Sellers, shall be wholly put out", and every person was to "sell and buy by the Balance". This provision had to be re-enacted in 1353<sup>13</sup> and again in 1360,<sup>14</sup> and finally the Church had to issue its anathema against the auncel, so that any who should use it to buy from simple folk (*a plebeiis simplicitibus*) should "*ipso facto* incur the penalty of the greater excommunication"<sup>15</sup>. This is what Arnold the London chronicler meant when he said the "ancels shafte" was forbidden in England "by statute of parlament and also hooly Chirche".<sup>16</sup>

The descent of the king's beam is clear.

When the *antiqua custuma*<sup>17</sup> of 1275 was first established,<sup>18</sup> regular tronage or weighing had to be systematically provided in the various ports, and when for example Richer de Repham and Hugh Pourter were appointed by the king to collect his customs in the port of London, the Mayor was bidden to assist this assessment and collection.<sup>19</sup> Within the country, the king's beam and weights had already become of established authority. For example, the assize of the City of London (1276-7) provided that no one should have a beam or other weight unless it be good and just and agreeing with the king's beam and weights.<sup>20</sup> The merchants from abroad, however, already by 1290 were complaining of loss by fraudulent weighing in the various ports,<sup>21</sup> and petitioned for the universal adoption of the balance. (It may, for example, be of special significance that in the raid on Southampton in 1338 the French carried away besides the Customs seals the Customs scales.<sup>22</sup>) Most particularly the foreign merchants petitioned for the discontinuance of the practice of "the turn of the scale".

In 1303 in the *carta mercatoria* the king went not only behind the backs of the English merchants, but behind the back of the English Parliament also, and provided in the *nova custuma* for a complete system

of customs duties on goods imported and exported by aliens. This could be carried only by considerable concessions to the alien merchants and among these concessions was the important one with regard to the king's beam :

*Item volumus . . . pondus nostrum in certo loco ponatur et ante ponderacionem statera in presencia emptoris et venditoris vacua videatur et quod brachia sint equalia et extunct ponderatur ponderet in equali et cum stateram posuerit in equali statim amoveat manus suas ita quod remaneat in equali.*<sup>23</sup>

This clause in the *carta mercatoria* might be called the foundation charter of the king's beam. Certainly it described the technique of weighing which the Customs have brought—in their private codes of instruction—down to modern times: the scale shall be set up in a constant place; before commencing to weigh, the two arms of the balance shall be shown in the presence of both parties, to be empty and equal; the weigher shall weigh to the even balance, and take his hands away so that the scales remain level.<sup>24</sup>

It seems clear that the City and other native merchants were much aggrieved by the concessions which the king had granted to the aliens (e.g. admission to hitherto privileged trade, exemption from certain tolls) and most of all, to the concessions at the king's beam, namely the practice of the balanced scale and "the middle pen". The constitutional significance of the *carta mercatoria* of 1303, in making important fiscal concessions to aliens behind the back of Parliament, cannot be here discussed; but it was important to the king to stand by this settlement.<sup>25</sup> He therefore demanded the City's compliance. The City demurred. In the October of 1305, therefore, the king sent out his writs, detailing again the approved method of weighing at the king's beam. "We command you, as we have already commanded you, to observe the ordinance strictly or otherwise that you signify to us the reason why this our command already laid upon you [you] have failed to obey".<sup>26</sup>

To this the City made return that the method of weighing at the king's beam conceded by the Crown to the alien merchants was contrary to "the manner of weighing coming to the City of London from time immemorial". It was not the London practice to weigh to the even balance. It was the custom for the *statera* to draw *versus rem emptam*, or towards the thing bought, that is, the buyer should receive the "turn of the scale". If the native merchant were now to buy from the alien *per medium clavum* he would lose the customary turn of scale. It had been precisely this, *super tractu ponderacionis*, that had been the alien

merchants' principal complaint; they stood to lose thereby up to 20 or 25 lb on every sack of wool.<sup>27</sup>

The king could not concede the point to the City. An agreement was therefore negotiated between the Mayor and Aldermen, eleven citizens and merchants of London, eleven of Germany and nine of Lombardy and Florence,<sup>28</sup> whereby a compromise was effected after the manner of the settlement of 1256. It was at that time recognised that to permit the beam to incline *versus rem emptam* was to enable the weigher to allow a greater weight to one person than to another, either through favour, fear, bribe or mischance, (inadvertence—*ignorantiam*). For the future then the weighing in dispute in 1256 should be *per medium clavum*, but the equivalent of the "turn of the scale" should be added to the weight in the other scale.

By the settlement of 1309,<sup>29</sup> therefore, future weighing avoirdupois should be like that of the moneyer, that is to say, the *modus ponderandi* should be *per medium clavum*, but the equivalent of the "turn of the scale" should be adjusted not in the *method* of weighing (*trahere versus rem emptam*), but be added to the standard weight. Thus, the tolerance was calculated to average a dozen pounds weight in a 100; the 12 was therefore added to the 100, and the "hundredweight" was declared to weigh 112 pounds weighed *per medium clavum*. Thus a technique of exact weighing at the king's beam, patently honest, by (a) a balance with equal arms, (b) a pair of scales (c) a middle pivot, and (d) the level beam, was by 1309 forced upon the City and the native merchants, by the influence of the Crown.<sup>30</sup>

The officers at the ports who should weigh at the king's beam by this particular technique—the tronageurs, troneurs or troners—were appointed by the crown to their respective ports, by royal letters patent. This tronage and pesage at the ports however (for the purpose of the king's customs) is not to be confused with the weighing at the beam *versus mercatores et mercatores* in the common way of trade. The case of Silvester de Farnham (1293-6)<sup>31</sup> has been argued<sup>32</sup> as though he were the tronager at the king's beam itself—rather than the weigher at the City common beam. It must, however, be obvious that the reference to the man at that period whose weights were found deficient by reason of wear and tear in carrying them "daily from house to house to weigh the goods of citizens and foreign merchants"<sup>33</sup> could not be a reference to the tronager at the (then) stationary beam at the Custom House.

It has been said<sup>34</sup> that the office of tronager at the king's beam itself—or more fully, the office "of the pesage of lead and of small

goods sold by *avoirdupois*, and of the *tronage* of wools<sup>35</sup>—still remains somewhat obscure. Whether chosen<sup>36</sup> by the mayor<sup>37</sup> or commonalty of the port (or borough)<sup>38</sup> or nominated by the king, appointment was ordinarily by royal letter patent, usually<sup>39</sup> warranted by writ of privy seal. Office was granted sometimes apparently as a gift; sometimes in consideration of a rent payable yearly at the Exchequer, as when Geoffrey le Paneter, king's yeoman, was appointed at Hull in 1305;<sup>40</sup> and sometimes in consideration of some good service, as when Adam de Strickland succeeded at Hull in 1315.<sup>41</sup> The grant was sometimes in its terms "during good behaviour", as when Ralph de Convers king's serjeant at arms was appointed to Newcastle-upon-Tyne in 1317;<sup>42</sup> and sometimes "during the king's pleasure", as when William le Barber was appointed at Boston in 1311.<sup>43</sup> On the other hand the grant was sometimes made for a term, as when Nicholas de Barbeflet, burgess of Southampton, was granted the office at that place for six years;<sup>44</sup> and sometimes for life, as when Alexander le Peyntour was appointed in these terms to London in 1318.<sup>45</sup> Occasionally the office was held concurrently with some other in the port, as when Peter Swayn of Newcastle-upon-Tyne held it in 1311, together with a king's clerkship of the Custom House and the custody of the coquet.<sup>46</sup> On occasion it became necessary when the king's nominee was brought into a port, as when Hugh Scarlet was brought into Boston from Lincoln in 1302, for the local burgesses to be enjoined to let him "hold the same in peace".<sup>47</sup> Sometimes the profits of office would be assigned,<sup>48</sup> as at Lincoln they were by Henry III to the commonalty of Lincoln.<sup>49</sup>

In London, *tronage* at the King's beam (proper) remained at the Wool Quay (or the "Custom House and Wool Quay" as it later came to be called) much as Stow had found it in the 6th of Richard II, and the technique of the king's beam as laid down in the *carta mercatoria* remained the customs technique down the centuries. A reference to the *carta mercatoria* was quite regular in the early "books of rates",<sup>50</sup> and when the customs came finally out of farm in 1671,<sup>51</sup> the first "book of rates"<sup>52</sup> under the new dispensation republished the full text, both in English and in Latin, taking the text from the version on the charter roll of 31 Edward I.<sup>53</sup> The English translation was officially republished as recently as 1897.<sup>54</sup>

Contemporary handbooks<sup>55</sup> of Customs practice make it clear that the merchant was compelled to bring his goods to the king's beam for weighing, but where this element of compulsion remained with the king's beam in the port, in the City "the common beam commonly known as the king's beam" frittered its privileges away.

In the port, the legal quays and sufferance wharfs had earlier been concentrated about the Upper Pool. With the later development of maritime trade, however, this concentration could no longer be maintained. When therefore it was no longer economical to bring all goods discharged in the lower berths to the beam on the Custom House Quay, a portable version of the king's beam had to be taken to the goods. One finds—quite incidentally—often quite interesting illustrations of these balances, with the beam suspended from within a tripod (or “triangle”) in certain mid-eighteenth century prints,<sup>56</sup> and an interesting illustration of a floating king's beam, proposed in the latter end of the eighteenth century, for use in the discharge from vessels “overside”, is to be found in the Report from the Committee [on the] Trade and Shipping of the Port of London.<sup>57</sup>

Thus the descent of the king's beam in the port differs somewhat from the descent of “the common beam, commonly known as the king's beam” in the City. Henry III's charter to the City in 1268, shortly after the reform of the currency and the royal sponsoring of the balance, seems to have reserved to the king the weighing within the City:

*Nullus mercator extraneus vel alius, emat vel vendat aliquid averium, quod ponderari debeat vel tronari, nisi per stateram vel tronam nostram, sub forisfactura averii predicti.*<sup>58</sup>

Some little time after the *nova custuma* of 1303 the Constitutions of Edward II (1319) recognised the City's custody of the common beam, that is to say *pondera et staterae de mercandis inter mercatores et mercatores*, the profits of which were recognised to accrue to the commonalty. Although the Grocers' Company were not to be properly founded until 1345, nor legally incorporated until 1428, the pepperers, apothecaries and others *qui se intromittent de averio ponderis*, and who were later to become the Grocers, had met as early as 1312 to nominate a weigher to the common beam.<sup>59</sup> Hence the phrase in Edward II's charter of 1319, *probi et sufficientes homines de eadem civitate in officio illo experti*,<sup>60</sup> was doubtless intended to refer to them—“honest and sufficient men of the same city, expert in that office.” The said common beam in use “between merchant and merchant” was by no means to be committed to other than those so chosen, or to be chosen.

This grant of the tronage at the common beam *inter mercatores et mercatores*, was just such a tronage as that exercised at St. Mary Woolchurch Haw, and later at Cornhill, and later at Leadenhall, and later still at Little Eastcheap, and there is no reason to suppose it

was not in fact its real source. The provisions in the Constitutions of 1319 were confirmed by Richard II in 1383, making use again of the phrase *pondera et staterae de mercandis inter mercatores et mercatores ponderandis*—the common beam for weighing between merchant and merchant—and the same phrase was used in the provisions of Henry IV.<sup>61</sup> In the meantime the act of 1340 not only re-enacted the by now familiar provision that “from henceforth one Measure and one Weight shall be throughout the Realm”, but also that the Treasury should provide for standard weights to be sent out wherever “standards be not sent out before time”, with provisions for subsequent survey.<sup>62</sup> A little later penalties were laid down for weighing otherwise than by the balanced beam.<sup>63</sup> In 1429 earlier acts were re-stated and confirmed, and it was now statutorily provided that a common beam, together with common weights certified by the exchequer standard, should be set up at the common cost in every city, borough and town of the realm, and kept in proper custody.<sup>64</sup> It was presumably as a result of this that Parliament was almost forthwith prayed to reform the aulnage as it had reformed the tronage.<sup>65</sup>

In 1463 the wool staple of Westminster was transferred to London and the tronage in respect of whatsoever wools, from whatsoever parts and, by whomsoever brought or to be brought, was granted to the City and confined to Leadenhall<sup>66</sup> where the beam necessarily was set up.<sup>67</sup> In later centuries the common beam “for weighing between merchant and merchant”—although it came to be known as “the common beam, commonly known as the King’s Beam”, by reason of its *modus ponderandi*, the royal (*carta mercatoria*) technique adopted there—could nevertheless be clearly distinguished from the king’s beam properly so called, for weighing by the king for the assessment of his customs. For example, the correspondence between the Lord Mayors and the Treasurer in 1582 and 1583 about the loss of the standard, although it has been referred to as though it were to the king’s beam, did by its terms—that “private men presume without order to sell and use unlawful weights both in the City and in the country”—refer clearly to the common beam and the common run of trade at the beam between buyer and seller. It is particularly noteworthy that both the Act of Common Council of 1658 and that of 1681, regulating the common beams of the City referred to them as “the common beams, commonly known as the King’s Beam”.

After the common weigh-house, which had already served also as a common market for hops, was rebuilt after the Great Fire (“on Ground

where the Church of St. Andrew Hubbard stood before the Fire"<sup>68</sup>) the Common Council were much concerned "to encourage both Seller and Buyer of Goods and Merchandises usually bought and sold by weight" to make use of the beam. The fact that the tronage rates and weighing dues had at all times been paid, so it was recited, "three Parts by the Seller and the other Fourth Part by the Buyer"<sup>69</sup>; the fact that these proceeds were to be accounted to the City Chamberlain and held to "the use of the said Mayor and Citizens of the City"<sup>69</sup>; the evidence provided by the surviving weigher's weekly returns<sup>70</sup>, detailed accounts<sup>71</sup>, reports of minor offences committed at the beam<sup>72</sup>, and similar records; all these leave no doubt that this beam in the (Grocers') City weigh-house, was the common beam between merchant and merchant, and not the king's beam between the crown and subject.

The later history of this City beam is soon told. By the beginning of the eighteenth century, much merchandise was changing hands otherwise than at the respective markets, and merchants objected to carrying their goods to the beam. Arrangements were therefore made to carry a portable version of the beam to the goods, as had been done with the king's beam proper. Certain practices at the beam, however, were not only inconsistent with the office of tronage, but positively destructive of it, and, lacking the compulsive power of the king's beam itself, the use of "the common beam commonly known as the king's beam" soon decayed.

Strype says (1720) of the Eastcheap weigh-house that "of late years little [is] done in this office". Maitland says (1756) that the upper part of the premises was let off "as a Meeting-house for some Disenters from the church of England". Thomas Shepherd's print, "The King's Weight house, Little Eastcheap" (1829) is well known. The King's Weigh-house Congregational Church has removed from the City, and is now in Duke Street, Grosvenor Square. The close association between the City and the beam, however, is still maintained, for when the Commissioners of H.M. Customs and Excise removed their headquarters from the bombed Custom House where Richard II's (if not Edward I's) beam originally stood, to new premises in Great Tower Street in the same ward—their new building was named "King's Beam House".

1 *Calendar Patent Rolls, Richard II, 1381-5*, 149.

2 *Munimenta Gildhallae*, I, 246 (Riley's transcript—1861—p. 216.)

3 *Survey of London* (Kingsford's ed.) 135.

4 But see Miss M. H. Mills in *Archaeologia*, LXXXIII, 307.

5 *Survey* (1723) bk. II, p. 173a.

6 *History and Survey of London* (1756) II, 793.

7 *History of London* (1773) 552.

8 *Handbook for London* (1849) II, 874-5.



- 9 *History of the Twelve Great Livery Companies* (1837) I, 307-8.  
 10 *Liber de Antiquis Legibus* (Camden Soc. 1846) 29.  
 11 25 Edw. III, stat. 5, cap. ix.  
 12 Cf *Rotuli Parliamentorum*, II, 239-40 (1352).  
 13 27 Edw. III, stat. 2, cap. 1 (cf *Rot. Parl.* II, 248-9).  
 14 34 Edw. III, cap. 5.  
 15 *Pro abolitione ponderis vocate "le auncell weight"*—1438.  
 16 Richard Arnold, *Chronicle*, 191.  
 17 First known as the *nova custuma*.  
 18 *Parliamentary writs*, I, i.  
 19 *Calendar Letter Book C*, 117.  
 20 *Calendar Letter Book A*, 217 (Cf. *Liber Albus*, 217).  
 21 *Rotuli Parliamentorum*, I, 47b. (This has been taken elsewhere as "Spanish merchants . . . in Southampton"; but the actual text says, "*Mercatores de Hispan' et alii applicantes apud Suhthn' et alibi*").  
 22 *Calendar Close Rolls*, Edw. III, (1339-41) 375; and Rymer, *Foedera*, II, 1070.  
 23 *Munimenta Gildhallae*, II *Liber Custumarum* I, 208; Rymer, *Foedera*, II 747-8 (a later re-issue); N.S.B. Gras, *Early English Customs System* (Harvard-1918) 259-64, (but see p. 16 nn).  
 24 See translation at Bland Brown & Tawney, *English Economic History: Select Documents*, pt. I, sec. vii.  
 25 J. A. K[ingdom], arguing the point for the Grocers Company, says (*The Strife of the Scales*—1905—p. 32) that "the statute of 1303 was declared illegal in 1311". (Incidentally, the ordinance of 1303 was not a statute.) But the abrogating provision of 1311 was itself annulled in 1322.  
 26 *Calendar Letter Book C*, 127.  
 27 *Rotuli Parliamentorum*, I, 47.  
 28 *Calendar Letter Book A*, 248.  
 29 *Ordinacio facta de modo ponderandi*, more frequently referred to as *Quia saepius*: *Calendar Letter Book D*, 209; and Strype, *op. cit.*, V, 257.  
 30 This is the very reverse of the conclusion arrived at by J. A. K[ingdom], *The Strife of the Scales* (1905) p. 33, on the evidence of the same facts.  
 31 *Calendar Letter Book A*, 225.  
 32 J. A. K[ingdom], *op. cit.* 25.  
 33 *Munimenta Gildhallae*, II, *Liber Custumarum*, I, 107-8; and *Calendar Letter Book C*, 25.  
 34 W. A. Morris and J. R. Strayer, *English Government at Work, 1327-36*, (Mediaeval Academy of America, 1947) II, 176.  
 35 *Calendar Patent Rolls*, Edw. I, 1301-7, 730; and *Cal. Close Rolls*, Edw. III, 1330-33, 257. The division of the scales between the pesage and the tronage at the small and the great beam is not to be confused with the division between the common and the king's beam.  
 36 As to the precise meaning of *eligere* in this context see Morris and Strayer, *op. cit.* II, 171.  
 37 *Calendar Patent Rolls*, Edw. III, 1330-34, 318.  
 38 *Ibid.*, 1330-34, 467.  
 39 *Ib.*, 1327-30, 6, 7, and 36.  
 40 *Ib.*, Edw. I, 1301-7 330. 41, *Ib.*, 1313-17, 274. 42, *Ib.*, 636. 43, *Ib.*, 1307-13, 327 and 430. 44, *Ib.*, 1292-1301, 492. 45, *Ib.*, 1371-21, 240. 46, *Ibid.*, 1307-13, 357 and 358. 47, *Ibid*, 1301-7, 74.  
 48 The assignment of the profits of the common beam in the City to St. Bartholomew's Hospital ("the Maisters of the House of the Poore in West Smithfield")—Act of Common Council, 20 December, 1548—has led to some misunderstanding. In fact the Grocers Company were long accountable to the Hospital for the profits of the common beam, for the relief of the poor (Cf. *Calendar of Treasury Books*, 166-67, 338.)  
 49 *Calendar Patent Rolls*, Hen. III, 1266-72, 270 and Edw. I, 1281-92, 404.  
 50 In the "Twelfth Article annexed"—"certain Rules Orders Directions and Allowances for the Advancement of Trade."  
 51 Patent Roll 23 Car. II, P. 2 No. 1 dor. (27 September, 1671).

- 52 *The Acts of Tonnage and Poundage . . . and the Book of Rates*, 1671, 218-32.
- 53 *Calendar Charter Rolls, III (1300-26)* 33.
- 54 *Customs Tariffs of the United Kingdom (C.8706)*, 133-5.
- 55 H. Crouch, *a Complete View of the British Customs. Part the Second* (1746) p. 2 (as to whom, see *Cal. Treas. Books and Pp.* 1731-34, pp. 447); a (manuscript) "Waterside Officer's Assistant" (1801), p. 24 (Customs Library); etc.
- 56 For example L. P. Boitard's satirical print the "Present Age" (1757) a French dancing master at £300 per annum is being weighed on the quay against an "Ingenious English Shipwright" at £40; the "Imports of Great Britain from France" (1757), (both published by John Bowles and Son) shows three "triangles" or beams on the quay.
- 57 1796, "Appendix Co."
- 58 *De Antiquiis Legibus*, 104.
- 59 *Munimenta Gildhallae, II, (Liber Custumarum I)* 271.
- 60 City Record Office, Letter Book D, fol. 154. V.
- 61 *Munimenta Gildhallae, I (Liber Albus)* 166.
- 62 14 Edw. III Stat. I, cap. 12.
- 63 *Rotuli Parliamentorum, II*, 248-9.
- 64 8 Hen. VI, cap. 5.
- 65 *Rotuli Parliamentorum V.* 30.
- 66 Charter, 27 August 1463.
- 67 Hence late fifteenth century indentures between London merchants and provincial woolmen commonly stipulate for delivery of wool at Leadenhall (See e.g. *Stonor Letters*—Camden Misc. XIII, 12-3.
- 68 Strype, bk ii, 1739.
- 69 Act of Common Council, 10 May 1681.
- 70 Corporation Records Office: "An half-yearly accompt of what goods has been weighed weekly at ye Iron Beams from ye 24th Xber 1695".
- 71 *Ibid.*, "An Accompt of what Goods has been weighed att ye Kings Beam from ye 6 December 1695".
- 72 *Ibid.*, Papers: "Goods weighed at the Iron Beam".