Forgery in the market place: A study of six medieval English towns

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Abstract

Forgery was a major transgression to which historians have paid relatively little attention. It was committed by many different sections of society, and across a range of products. Offences were often organised and intentional. As a crime, forgery contested the legitimacy of the political and economic boundaries developed by the authorities.

Covering the period 1250 to 1400, this paper focuses on prosecutions for weights and measures forgery in six towns: London, Norwich, Colchester, Great Yarmouth, Leicester and Nottingham. The towns were selected on the grounds of the availability of their primary sources, and to allow an examination of any differences and similarities in prosecutions of forgery between the towns. The long period is intended to address the issue of change over time, in particular whether forgery prosecutions were related to short-term factors, such as periods of inflation and deflation, or long-term factors, such as changes in codes of behaviour.

Evidence relating to forgery has been collected from manuscript and published primary source material from the borough and merchant guild courts of the six towns discussed above. While the focus is on prosecutions for false weights and measures, the cases are considered in the context of prosecutions for the infringement of other trade regulations, and of the regulations themselves. The paper examines how, when and why the Crown and civic authorities enforced these administrative boundaries. It will suggest that prosecutions for forgery reflected the interaction between the social aspirations of the town and the economic activities going on within it.

Text of paper

Prosecutions of weights and measures forgery, and the forgery of documents, personal seals and manufactured goods can provide information about the concerns of consumers, craft guilds, the civic authorities and the Crown. This paper will focus on the concerns expressed by the civic authorities regarding the regulation of trade in their town, and the extent to which their concerns and actions were influenced by the Crown.

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Four main priorities of the civic authorities are revealed by forgery prosecutions and will be considered in this paper. The priorities were, firstly, to provide a comprehensive system of justice for purchases of all types of commodity, and secondly to protect the most vulnerable citizens, especially during times of economic difficulty.¹ Maintaining and enhancing the trading reputation of the town was a third priority, while the fourth was to maintain a good relationship with the Crown.² These concerns were expressed both in the prosecutions the civic authorities initiated themselves on behalf of the community, and in the cases they heard which were brought to court by individuals and guild officials.

The principle evidence presented in this paper is contained in a specially constructed database of approximately three thousand entries of the prosecution of forgery in trade and manufacturing, and of prosecutions for other trade offences, such as the evasion of duties. The database also includes town regulations pertaining to trade, and royal statutes. The sources for the database are published and manuscript records for six towns, London, Norwich, Colchester, Great Yarmouth, Leicester and Nottingham, and cover the period

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1250 to 1400. The cases discussed in this paper, therefore, are quoted for illustrative purposes and are not necessarily representative of all the cases. The biographies of the defendants and plaintiffs in the forgery prosecutions have also been researched, although they are not discussed in detail in this paper.

Forgery in trade and manufacturing is defined, for the purposes of this paper, as deception effected using a created or altered item, or a modification of a manufacturing process. The inclusion of both ‘creation’ and ‘alteration’ in the definition indicates that the forged item may be either newly produced, or produced by modifying an existing (normally authentic) item. Unless otherwise specified, the cases discussed in this paper were initiated by the civic authorities of the town concerned.

Local, national and international trade are all represented by the commodities which appear in forgery prosecutions, and many of the commodities appear in more than one

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3 For individual studies of the six towns see:
Colchester: R. H. Britnell, Growth and Decline in Colchester, 1300-1525 (Cambridge, 1986)
town or decade. The problems that forgery could pose to the supply of staple food items is represented by prosecutions relating to ale, corn, grain, oats and fish, all of which occur in several towns and decades. Attempts were made by the authorities to tackle the use of false weights and measures to supply reduced quantities of these goods, and such cases usually came to the court as the result of enquiries or inspections conducted or ordered by the civic authorities. Problems with the supply of food at the point of production were also addressed, as illustrated by prosecutions for the use of false fish nets that were of a small and incorrect gauge. Such nets caught small, usually immature fish, and thus risked long-term depletion of fish-stocks, as illustrated in the prosecution in Norwich in 1292 of the men of Surlingham for having nets contrary to the assize in which they caught fry and destroyed the king’s river.

The manufacture and sale of basic household items, such as candles, was also policed. In Nottingham on 8 October 1395, for example, all the female poulterers were accused of making candles without wicks. The sale of the raw materials used to make such items was also addressed, as exemplified in the case of Ralph Norman who, on 18 December

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5 Barron, London Government and People, p. 41.

6 Norfolk Record Office, Norwich, NRO/NCR 5B/5, f. 1 r.


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1304 in Leicester, brought into the merchant guild court a stone which he used to weigh wax. While he claimed that the stone weighed four pounds, when wax was weighed against the stone the wax was found to weigh only two stone and 2¼ pounds.9

Nationally and internationally traded goods were also a concern of the civic authorities. Both imported and exported goods appear in forgery prosecutions. The use of inaccurately small charcoal sacks by charcoal sellers from the counties around the city was an offence prosecuted by the London civic authorities during the period 1368 to 1385.10 On 14 August 1376, for example, the servant of Richard Welker of Croydon was prosecuted by the civic authorities because the load of coal that he was supplying to the city included ‘three sacks…which were found to be deficient of six bushels’.11 He claimed that the sacks were able to hold a quarter but ‘some were frayed and torn in the journey, so that the coal fell out, which was the cause of the deficiency’. However, ‘as it seemed to the court that the sacks could not hold a quarter’ one of the ‘new and untorn sacks’ was measured by the serjeant of the Chamber and was found to hold only seven bushels.12 Furthermore ‘it appeared to the court that the master was an accomplice in the deception’ and it was decided that, although the servant was to be punished, and the

9 Records of the Borough of Leicester being a series of extracts from the archives of the Corporation of Leicester Vol I 1107-1327, ed. Mary Bateson, (Leicester, 1900), pp. 243-44.


11 Calendar of Plea and Memoranda Rolls preserved among the archives of the Corporation of the City of London at the Guildhall Rolls ad 1364-1381, ed. A.H. Thomas, (Cambridge, 1929), pp. 221-22

12 Calendar of Plea and Memoranda Rolls London 1364-1381, pp. 221-22

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horses confiscated, the master should come to answer for his own deception. In his master’s absence Welker was sentenced to be put in the stocks at Cornhill for an hour with the sacks burnt under him.

The quality of exported goods, especially cloth and wool, was a concern common to London, Colchester, Norwich, Leicester and Nottingham, with prosecutions involving false weights and measures and false methods of manufacture. In Leicester and London, as will be seen, particular attention was paid to forgery committed by citizens against foreign merchants, while in Norwich and Nottingham there appears to have been a greater concern with the offences of making old clothes appear new, or mixing old and new cloth.

The commodities that appear in the forgery prosecutions in town courts also appear in royal legislation. While the Crown’s regulation of the wool and cloth trade is well known, the commodities of ale, wine, water, fish, corn, gold, silver, lead, iron, tin, land, labour

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13 Calendar of Plea and Memoranda Rolls London 1364-1381, pp. 221-22

14 Calendar of Plea and Memoranda Rolls London 1364-138, pp. 221-22

and animal skin are also highlighted in both royal statutes and forgery prosecutions. This suggests that the Crown and the civic authorities shared concerns with the regulation of certain commodities, and with local, national and international trade. To what extent these concerns were directed by the Crown, by the civic authorities, or by interaction between the two, is an issue that I am presently researching.

The civic authorities, therefore, were concerned both with the supply of basic foodstuffs to the population, and about the implications of poor quality and insufficient quantity in nationally and internationally traded goods. They shared at least some of these concerns with the Crown.

Protecting the well-being of the most vulnerable members of the town’s population was a second concern of the civic authorities. The need to protect consumers who lacked the technical expertise to identify deceit was stated in the prosecutions. On 23 November 1364 in London, Alice de Caustone admitted to selling ale in an unsealed quart measure, into the bottom of which she had put an inch and a half of pitch with rosemary laid on top of it ‘so as to look like a bush, in the sight of the common people’. When Caustone’s measure was assayed against the London standard it was found that six quarts from it would not make a gallon of ale. She was punished by pillory and the measure was divided in half, one half being tied to the pillory and the other half remaining in the


chamber of the guildhall. This suggests both an attempt to educate consumers, and to inform the aldermen of the sophisticated methods that could be used in forgery.

The concern with the well being of the most vulnerable members of the town’s population appears to have been more intense at some periods that at others. Looking across the towns, prosecutions relating to grain peak during the Great Famine of 1315 to 1322, while in 1374 to 1376 there is peak across all the towns both in the number of recorded prosecutions and the range of commodities involved. In contrast, in the 1310s, 1320s and 1330s there is a significant drop in the number and range of forgery prosecutions for all the commodities except for grain, while the amount of regulation recorded increases. In response to some of the earlier problems of the latter thirteenth and early fourteenth centuries there appears to have been a determined reaction to regulate forgery. This regulation may well have been an effective deterrent to forgery.

The impact that increasing living standards after the Black Death could have on forgery was recognised by the London civic authorities in their attitude to the trade in luxury goods. In the latter half of the fourteenth century there is a particular surge in prosecutions involving falsely manufactured metal items, and also a greater focus on consumers’ purchasing decisions. Distinction was made between customers who had

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intentionally purchased a poorer quality item that had been manufactured to appear more expensive, and those who believed that they were purchasing the genuine article. These trends are illustrated by the prosecution on 25 April 1372 in London of Thomas Lanleye, chapman, who was prosecuted by the civic authorities, on the information provided by a customer, for having regularly sold to the ‘common people’ cups bound with bonds or rims which he told customers were made from silver gilt when the rims were actually made from gilded latten, a copper alloy.\(^{21}\)

The welfare of the poorer member of the town’s population, both victims and offenders, was not ignored by the civic authorities. The civic authorities appear to have taken into account the possible repercussions of national problems, such as famine, on the supply of staple goods. The civic authorities were also aware of vigilance in areas of the economy in which production was expanding, as in the manufacture of metal goods in the latter fourteenth century.

Their town’s reputation as a centre for national and international trade also influenced the actions of the civic authorities. Particular attention was paid to transactions in which the conduct of the offender risked impinging on the reputation of their town. In Leicester during 1254, for example, Roger Aldith was prosecuted by the merchant guild for making a blanket that was initially of good warp but in other places of bad warp, and because when trading at Lynn he had substituted poor cloth for good cloth in order to deceive his

customer Robert of Lincoln, burgess of Lynn. Having taken a sample of the better cloth before the substitution, and then returning to measure what was, unknown to him, the substituted cloth, Lincoln had been satisfied with his transaction. However Lincoln began to suspect that he had been cheated after Aldith later became a bit indiscreet during dinner. Lincoln then found the good cloth under Aldith’s bed and compared it with the pattern of the poorer cloth which Aldith had substituted, at which point the ‘fraud became manifest’. Aldith, ‘at the prayer of good men who zealously and eagerly made petition for him,’ was punished by making fine with Lincoln for 10s for the trespass. However when he was caught reoffending in 1258, on that occasion for having vermillion cloth which had poorer warp in the middle than at the ends, and had a border sewn on it contrary to the guild, he was expelled from the guild for a year. On his re-admittance, the details of his offence against Lincoln were once again recorded. Previous behaviour and personal knowledge of the trading practices of offenders were therefore used by the Leicester authorities in their assessment of whether an offender was persistent or not. By expelling only the persistent offenders the town sent out a clear message to traders from other locations that they were dealing with the problem of forgery. The authorities appear not to have wished to expel people who were not persistent offenders, as that would have


23 Saying “Don’t you wish to buy a good cloth of me” to which Robert of Lincoln replied “I have a better cloth than you had”. Aldith then said “I have a cloth of which every single yard is worth 3 pence more than each yard of cloth which you have’. Records of Leicester Vol I, pp. 68-9.


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suggested a high level of criminality in the town and deterred the foreign traders it relied on to purchase cloth.\(^{26}\)

On at least one occasion, the civic authorities were extremely explicit in their concern for trade reputation, and at a level that transcended the priorities of manufacturers. On 5 November 1344 in London four cappers were charged, apparently by the civic authorities, with dying light furs dark and then selling them as good.\(^{27}\) The four admitted to dyeing for other people, but not to selling, and a jury from outside Ludgate, where many cappers lived, was summoned. The jury’s verdict was that that the cappers had always dyed old white furs brought to them, but not for sale nor for the deception of the people. However the mayor and aldermen believed the jury’s verdict to be unreasonable and untrue and decided to make their own decision on the matter. They eventually decided ‘in order to prevent deception and maintain the reputation of the Skinners' trade’ that the dyeing of fur was to be made an offence. When the decision was read out, however, Richard de Bryby, a capper, ‘shouted out that he would continue to do as he had done before in spite of it’, and was therefore imprisoned, and released a few days later.\(^{28}\)

It is possible that in some instances, the potential damage to the town’s trading reputation was so great as to deter forgery almost entirely. In Yarmouth, a study of the court records at ten year intervals, selected to correspond with peaks in other towns, has so far yielded

\(^{26}\text{Records of Leicester Vol I, pp. xl-xlili.}\)

\(^{27}\text{Calendar of Plea and Memoranda Rolls preserved among the archives of the Corporation of the City of London at the Guildhall Rolls AIA-A9 ad 1323-1364, ed. A.H. Thomas, (Cambridge, 1926), pp. 213-14.}\)

\(^{28}\text{Calendar of Plea and Memoranda Rolls London 1323-64, pp. 213-14.}\)
no prosecutions for forgery.\textsuperscript{29} The absence of prosecutions for false fish bushels and fish nets, which appear in London, Norwich and Colchester, is perhaps especially surprising, given Yarmouth’s role in the herring trade and the involvement there of the London fishmongers. Yarmouth’s reputation was based solely on the herring industry and it was in competition with Lowestoft, Little Yarmouth, Lothingland, Gorleston and Norwich so it needed to ensure that herring was indeed unloaded at Yarmouth and that the town was not bypassed in favour of other ports\textsuperscript{30}. Yarmouth was also in frequent battles with the Cinque Ports over the jurisdiction of the herring fair.\textsuperscript{31} It is possible, although still speculative, that forgery in the fish trade would have damaged the reputation of the whole town and its economy to such an extent that exceptional vigilance controlled the incentive to commit it.

It was not in the interests of any of the town’s population to have its reputation damaged as a result of the behaviour of a few persistent individuals. In particular, in a period of increasing competition between towns, there was a risk that consumers, especially merchants, would go elsewhere to make their purchases.\textsuperscript{32} Ensuring the population’s


\textsuperscript{30} Saul, ‘Yarmouth’, p. 4, pp. 152-54.

\textsuperscript{31} Saul, ‘Yarmouth’, p. 4, pp. 152-54.

adherence to existing trade regulations was therefore an importance task of the civic authorities.\textsuperscript{33}

Protecting the interests of the Crown was a further incentive for the civic authorities to initiate prosecutions.\textsuperscript{34} On some occasions the authorities undertook action in direct response to the wishes of the Crown, for example the inspection of the bushels of the London fishmongers in 1307 was undertaken by the civic authorities in response to complaints from ministers of the King.\textsuperscript{35} Sometimes the authorities took the initiative themselves, as in a document forgery committed by the scrivener Thomas Panter and William Bowyer, a peleter, in which the forgery had been enrolled in the civic records. At the prosecution in London in 1391, reference was made as to how Bowyer’s deceits were ‘as well as to the dishonour of our Lord the King, and of his law, as in contradiction of the records of his city’.\textsuperscript{36}

There was also a sense that, when things did go wrong, public action should be taken in order to appease the Crown and show that the civic authorities were in control of the situation. In another document forgery case, prosecuted in London in 1377, the offender was sentenced to the pillory ‘in order that great and other persons resorting to the City might not see forgery, so detestable, and so horrible, unpunished; and also, that those who


\textsuperscript{34} Barron, \textit{London Government and People}, pp. 23-4.


came after might beware of such forgery’. Meanwhile, in an undated prosecution in Leicester, involving the use of bad yarn, reference was made to ‘the falsity which people speak of’ and the two offenders were made swear, after a session on the pillory, to be ‘loyal henceforth to the King and to my lord of Lancaster and to my lord of Derby and to their craft’. 

The income from tolls and markets was important to the Crown, as were the customs duties that arose from international trade. As with the town’s population, then, the reputation of town was also important to the Crown as forgery by international merchants affected the customs duties paid to the Crown, while forgery committed against these merchants may have deterred them from returning to the country to trade. It was also in the interests of the town to obey royal legislation in general, otherwise the town risked being taken over by the Crown, as occurred in both Norwich and London during this period.

In some towns certain concerns may have had the edge over others. In Leicester, for example, offences committed by citizens against outsiders in the wool and cloth appears


to have been taken especially seriously, while in London, emphasis seems to have been placed on prosecuting the forgery of imported items. In Norwich and Colchester there were frequent prosecutions for forgery involving staple goods and second-hand goods, and for failing to use the standard weights and measures in local trade. In Nottingham, staple goods, luxury goods and some commodities that do not appear in the other towns, namely water and tiles, were involved in the prosecutions. By contrast, in Yarmouth, no forgery cases have so far been found. Of course it is possible that these characteristics are related to the jurisdiction of the courts involved, but they also suggest that the trading characteristics of towns did have some bearing on the regulation of trade within them. Yet, despite these emphases, there were also over-arching concerns across towns and between the civic authorities and the Crown.

Forgery prosecutions can inform on some of the pressures that occurred within towns, both competition over the control of trade, and competition over resources. However corresponding cases across towns and decades also suggests the presence of some unifying concerns among the civic authorities. Four concerns can be seen in the prosecution of forgery cases by the civic authorities: a comprehensive system of justice for the purchase of a range of commodities, the welfare of the most vulnerable citizens, the reputation of the town and the town’s relationship with the Crown. These concerns were unifying both in the sense that they occurred across towns, and because they often represented co-ordination and co-operation between the different groups involved in the regulation of trade. They were, however, more intense at certain periods, and in some towns more than others. Looking across the towns and decades, there is an indication that
during periods of national crisis, enquiries into forgery were more intense than at other
times, while in towns with a strong international trade enquiries focused on the detection
of persistent forgery in the manufacture and trade of their main export commodity.