

CHAPTER VI

De Lamerie's admission to the livery of the Goldsmiths' Company; his lawsuit; his apprentices; his fire insurance; his second mark; his trade sign

TO resume the personal events recorded in the life of the goldsmith, we find, five months after his marriage, the following entry in the records of the Goldsmiths' Company:

"July 18, 1717. At a Court of Wardens appeared, according to summons, Mr Paul Lamerie, and being discoursed with by ye Wardens about his admission into the Livery, he accepted thereof."

This is evidence of the esteem in which he was already held in his Company, and shows him about to enter into a new sphere of higher service, which was to bring him eventually to within reach of the highest post that could be offered to him by the Company, that of the Prime Wardenship.

After a lapse of a few years, in which I have found nothing to record, but during which his business must have been growing considerably, I come to a most extraordinary incident in his career, which was to bring him into a different sphere of fame, although quite unintentionally and unexpectedly on his part. He was suddenly drawn within the meshes of the law, and the resulting civil suit in which he was the defendant was to become one of the leading cases of the law of the land and to be known afterwards as ruling the law as to 'trover.' I take the following particulars from the standard work, Smith's 'Leading Cases.' The suit is entitled 'Armory v. Delamirie: Hilary, 8 G. I. (1722): In Middlesex, coram Pratt, C. J.'

There is an entry in reference to this suit to be found at the Public Record Office in Ind. 9629, Hilary 8 George I (1722), p. 5, where the names of the parties are set out as 'John [or Joseph] Armory' and 'Paul Delamerie.' At some early time or other the latter name was transcribed as 'Delamirie,' and ever since it has appeared in the legal text-books and been known to lawyers by that mode of spelling and, consequently, pronunciation. There is no question that the defendant was Paul De Lamerie the goldsmith himself.

The case is reported 1 Strange 505, and the details are as follow:

"The finder of a jewel may maintain trover for a conversion thereof by a wrong-doer.

A master is answerable for the loss of a customer's property intrusted to his servant in the course of his business as a tradesman.

Where a person who has wrongfully converted property will not produce it, it shall be presumed, as against him, to be of the best description."

"The plaintiff, being a chimney-sweeper's boy, found a jewel, and carried it to the defendant's shop (who was a goldsmith) to know what it was, and delivered it into the hands of the apprentice, who, under a pretence of weighing it, took out the stones, and calling to the master to let him know it came to three half-pence, the master offered the boy the money, who refused to take it, and insisted to have the thing again: whereupon the apprentice delivered him back the socket without the stones. And now in trover against the master these points were ruled:

1. That the finder of a jewel, though he does not by such finding acquire an absolute property or ownership, yet he has such a property as will enable him to keep it against all but the rightful owner, and consequently may maintain trover.
2. That the action well lay against the master, who gives a credit to his apprentice, and is answerable for his neglect.
3. As to the value of the jewels, several of the trade were examined to prove what a jewel of the finest water that would fit the socket would be worth; and the Chief Justice directed the jury, that unless the defendant did produce the jewel, and show it not to be of the finest water, they should presume the strongest against him, and make the value of the best jewels the measure of their damages, which they accordingly did."