

Mr. Thomas Stamfords Opinion of the 10th of October 1744 in relation to
Brading Charter, about the Victuallers &c.

Viewed into the Charter of Edward the Sixth which is only a grant of a Market
to be held weekly on Wednesday, and of two Fairs in a year, but takes no notice of any
Fee Farm payable to the Crown or of any charge on the inhabitants of Brading towards
discharging the Fee Farm Rent. There must therefore be another Charter granted to this
corporation or Brading must be a corporation by prescription which supposes a Grant
originally, but in either case I fear the Bayliffs of that Borough ^{can} must compel the
Victuallers of the Town to pay Six shillings and eight pence for selling beer. For a prescription
to charge them must have been fixed certain and invariable, and could admit of no
alteration, and must be involuntary and not by agreement, but this has been from
time to time altered as an Agreement could be made. In that account of the Ancient
Custom of the Town ~~you~~ left with me, the Victuallers are charged but 3/4, so that even that
account if evidence at all, would be evidence against the Bayliffs of the Town in
their claim of 6/8, though I think this can't be evidence of a prescription, because without
date and by the Title the origin of this custom goes no farther back than Edward the
Sixth time, and the account itself appears to be only a copy. In 1610 the Victuallers
were charged 3/ each. In 1611 30/ amongst them, the same again in 1612. In
1613 5/ each, 1614 5/ each. In 1616 5/ each. After this it appears that was paid under
an Agreement with the Bayliffs yearly, and so lately as the year 1701 it appears that
some of the Victuallers paid 6/8 and some of them but 5/ so that I think there is no
probability of supporting this Prescription therefore I can't advise the Bayliffs to make
a Distress or bring any action for recovery of this yearly charge of 6/8 on the Victuallers.
But I think the Bayliffs may well support a distress on Duke James for the Rent he pays
out of the lands or they may maintain an action of debt against him for that Rent
and may by their ancient rent rolls prove the charge on these lands.

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