

# *Gilds in England before the Black Death*

by NATALIE FRYDE

The study of gilds has not been a prominent feature of either of the two most recent renaissances in the study of local history. The first of these, in the late nineteenth century, produced the famous series of Victoria County Histories and saw the founding of a large number of antiquarian societies and local history journals. The second, which has taken place in the last generation, has comprised a series of monographs on different towns and, to a lesser extent, more specialized studies of patriciates, merchants and urban records. It has accompanied, and been stimulated by, significant advances in research in medieval commercial history over the same period. I refer to the works of Postan and Carus-Wilson and, less well-known on the Continent, to more recent studies by Paul Harvey<sup>1)</sup> and Edward Miller<sup>2)</sup>. Continental scholarship – and the brilliant paper by Hektor Ammann on »Deutschland und die Tuchindustrie Nordwest-Europas« immediately springs to mind as a prominent example<sup>3)</sup> – has also enabled us to picture the changes in the English economy in the general setting of the economic developments taking place throughout western Europe in the late twelfth and thirteenth centuries. For none of these scholars have gilds been more than a sideline but they have provided new material and the basic revisions in our understanding of the commercial and urban background of the day, neither of which were available to the classic writers on gilds in the last century, Charles Gross<sup>4)</sup> and Toulmin Smith<sup>5)</sup>.

It is not merely a matter of having more material at our disposal than Gross and Toulmin Smith enjoyed. It is also a matter of different presuppositions. Gross was hamstrung by the favourite contemporary preoccupation with the question of whether the fundamental institutions of the High Middle Ages in England were Germanic or Romanist in origin. This was a theme which permeated many aspects of the constitutional and legal history of the end of the

1) P. D. A. HARVEY, *The English Trade in Wool and Cloth 1150–1250: some problems and suggestions*, in: *Produzione Commercio e Consumo dei Panni di Lana*, a cura di M. SPALLANZANI. *Atti della Seconda Settimana di Studio* (Istituto Internazionale di Storia Economica F. Datini, Firenze 1976), pp. 369–75.

2) E. MILLER, *The Fortunes of the English Textile Industry during the Thirteenth Century*, *Economic History Review*, 2nd ser. vol. XVIII, no. 1 (1965), pp. 64–82.

3) Hektor AMMANN, *Deutschland und die Tuchindustrie Nordwest-Europas im Mittelalter*, HG 72/1954, pp. 1–61.

4) Charles GROSS, *The Guild Merchant* (2 vols. Oxford, 1890).

5) Toulmin SMITH, *English Gilds* (London 1870).

nineteenth century. Toulmin Smith's book had a different slant although it was not so much the attitude of the original author as of the editor who completed the book after his death. This was the famous Frankfurt economist, Lujo Brentano. His interest in the study of guilds had been kindled by an on-the-spot survey of the English trade union movement which he had undertaken at the request of the Royal Statistical Bureau in Berlin in 1868. He was deeply influenced by early socialist ideas and his whole conception was inspired by the belief that the same spirit which had brought the trade unions into being so early in England had also been responsible for the inception of the guilds as early as the Anglo-Saxon period. The conclusion to his introduction attains a somewhat euphoric note: »So the era of the working classes comes first to development on English soil. And as in the earlier Middle Ages from the days of Charlemagne the Frith guilds, and in the thirteenth and fourteenth centuries the craft guilds, so now the Trade Unions will be the great engines for obtaining the sway«<sup>6)</sup>.

This thesis, as doubtful historically as it was prophetic, illustrates precisely how well guilds can serve as a subject to which prevailing social and economic dogma can particularly easily become attached. Nowadays, Marxist thinking and categories, in their comprehensive picture of patrician guilds of cloth merchants attempting to dominate their economic subordinates through the membership and rules of the *gilda mercatoria*, can clearly be seen behind the thinking of historians who would immediately disassociate themselves from Marxism. This conventional picture of employee weavers gradually falling victim to great capitalist cloth merchants through the latter's domination of the merchant guild (and the exclusion of the weavers from the guild) calls for considerable modification in the study of English guilds before 1350.

There have, however, also been important advances made in recent English historiography which contribute substantially to our understanding of guilds in medieval urban societies. Tait began this line of study in the *Medieval English Borough* as far back as 1936<sup>7)</sup>. He was the first to stress that in some towns the guild provided the first administration independent of the town lord, set up by the townsfolk themselves, regardless of whether the lord was the king, a nobleman or a great abbot. More recently, Professor Martin has confirmed the vital role of the guild organization as an alternative borough government in an article which explains that a large proportion of the so-called borough records which survive from the thirteenth century are, in fact, guild records<sup>8)</sup>. There were infinite varieties to the roles which the guild merchant organization played in the formation of urban governments. Some towns like Canterbury had extremely ancient guilds, possibly survivals from the Anglo-Saxon period, which fell into disuse at the end of the eleventh century and are totally insignificant in the twelfth<sup>9)</sup>. Other prominent

6) *IBID.* p. cxviii. The tendency to romanticize the English guilds is discussed by Eileen Power, *English Craft Guilds in the Middle Ages*, *History* 4 (1919–20), pp. 212–14.

7) *The Medieval English Borough* (Manchester 1936).

8) G. H. MARTIN, *The English Borough in the Thirteenth Century*, *Transactions of the Royal Historical Society*, 5th ser. 13 (1963), p. 131.

9) William URRY, *Canterbury under the Angevin Kings* (London 1967), pp. 124–32.

towns like Northampton do not appear to have developed a gild merchant at all until the fourteenth century. In Oxford the gild merchant served as the town government throughout the Middle Ages. In Stratford-on-Avon »it acted as a sort of shadow government behind the official screen of the portmoot«<sup>10</sup>. In Leicester the gild administration developed along parallel lines to the borough administration, had some of the same personnel and really served as something like an »economic committee«<sup>11</sup>. London's gild merchant remains a mysterious body and apparently only one single reference to it occurs in the thirteenth century. This reference, in a charter granting an Italian merchant membership of the gild, has been regarded by most historians as a slip of the pen<sup>12</sup>. Those familiar with medieval charters of privilege will appreciate how seldom slips of the pen occur in what are extremely carefully drafted documents and although a single reference reflects the minor role which this gild must have played, it should not be taken to preclude its existence.

The role of the guilds in the development of urban government is not one which I wish to develop much today, for it has been more than adequately treated elsewhere. In general, I want to look at them in their social and economic scene and, in particular, I want to show how their development reflects differing commercial and industrial developments from town to town. We cannot, however, avoid beginning by discussing the well-worn theme of their origins and whether they survived the Norman Conquest of 1066. The Anglo-Saxon guilds appear in many centres in southern and south-eastern England in the pre-Norman period. This implies that they cannot be associated with any one particular kingdom. They fulfilled such obvious social, religious and commercial needs that their spontaneous appearance in different regions, and in different parts of Europe for that matter, is probable. They do not appear in the Celtic lands. Since urban life was by no means totally excluded from the Celtic lands, despite their predominantly rural character, we must look for the crucial element in their appearance elsewhere. The implication of their absence from Scotland, Ireland and Wales may be that the fundamental purpose of the guilds was social and legal rather than religious since the Celtic lands had, of course, been converted to Christianity before the Anglo-Saxon kingdoms. Their need for a guild system was much less pressing than in England since elaborate kinship customs which served the same social and peace-keeping functions as the guilds served in England remained effective longer. Giraldus Cambrensis, although himself of partly Norman descent, shared his Welsh countrymen's puzzlement at the English institution of the gildhall in the late twelfth century and ironically identified it with the local tavern<sup>13</sup>. Drinking and feasting, the important

10) R. H. HILTON, *The Small Town as Part of Peasant Society, The English Peasantry in the Later Middle Ages* (Oxford 1975), p. 93.

11) Mary BATESON, *Records of the Borough of Leicester* (London 1899), pp. xlvi-xlvii.

12) C. G. CRUMP, *London and the Gild Merchant*, *English Historical Review*, XVIII (1903), p. 315. W. PAGE, *London, its Origins and Early Development* (London 1929), pp. 101-2.

13) Giraldi CAMBRENSIS, *Gemma Ecclesiastica*, D. II. Opera, (ed.) J. S. BREWER, *Rolls ser.* (1862) II, p. 258.

celebratory side to the gild's activities earned the more outspoken displeasure of St. Anselm who wrote: »in gilda aut in conventu eorum qui ad inebriendum solum conveniunt bibere audeant«<sup>14</sup>.

This festive, ritualistic side reflected the fact that gilds were an entirely artificial device created by society as a substitute for the social and peace-keeping functions exercised in more primitive times by the kinship groups. When the strong government of the Norman kings established itself and the need for the gild as a peace-keeping body faded, the gild assumed some of the powers which those rulers neglected, especially economic regulations, for instance tolls, weights and measures. From the time of the Angevins onwards, a dynasty keen to impose its own economic regulations, the role of the gilds in England began to be curtailed. Measures like Richard I's unification of weights and measures, controls on the export of foodstuffs and even regulations on retailing like those demanding that all goods on sale should be clearly and openly displayed so that customers could see what they were buying, removed the ground from under the feet of the gild merchant. This extension of royal control over commercial regulations developed further in the thirteenth and fourteenth centuries and, by the time that Richard II inaugurated an enquiry into them in 1388, the function of most gilds was primarily social and religious<sup>15</sup>. The latter side of their activities had been greatly strengthened by the Black Death when the horrors of the Plague led to an astounding increase in popular piety and a new wave of religious foundations including gilds.

If we see the gild as society's response to its need for self-regulation, it is no surprise to find that early gilds are not solely urban institutions in England, a country which remained predominantly rural throughout the Middle Ages. Naturally, gilds appear most often in towns where the bonds of kin and protection were loosest and the need for economic regulation greatest but, by the late eleventh century, the abbey town of Battle had two gild halls, for the tenants of the abbey within the town and a third »ad opus rusticorum qui sunt extra villam«<sup>16</sup>. The chronicler of Battle Abbey describes them as communal brewing and drinking centres and corporate peace-keeping bodies. In this, it has been suggested that they were filling the same function as the tithing gild in Athelstan's laws. The latter assembled once a month over a drink to see that the town's customs were being fulfilled. This would seem to provide an interesting instance of the adoption of an Anglo-Saxon institution by a purely Norman settlement such as Battle, the very abbey set up by William the Conqueror to celebrate and commemorate the victory at Hastings. Even in the more developed England of the thirteenth century, we still find rural gilds: a tiny village like Binham in Norfolk had a husbandmen's gild with a shrine in the local church at the end of the thirteenth century<sup>17</sup>.

14) E. COORNAERT, *Les Ghilds medievals*, *Revue Historique*, vol. 199 (1948) p. 40.

15) This emerges clearly from the returns to the commission published by Toulmin SMITH.

16) Eleanor SEARLE, *Lordship and Community. Battle Abbey and its Banlieu 1066-1538* (Toronto 1974), p. 85.

17) C. HOMANS, *The English Villager in the Thirteenth Century* (New York 1960), p. 456 n. 17.

The burthen of other recent monographs has been to fix the dates of the beginnings of the Norman guilds to a point so near the Norman Conquest as to suggest that they are, in some cases, survivals from Anglo-Saxon times. The invasion and conquest of England by the Normans dealt a terrible blow to Anglo-Saxon urban life, with a large number of houses in most towns being demolished to make way for a royal or seignorial castle whose ruins often still dominate the town today<sup>18</sup>). However, institutions have a way of surviving better than the buildings which house them. If we accept literally the evidence of certain charters of confirmation, then the merchant guilds of Lincoln and Winchester date from the period of Edward the Confessor. There is an understandable tendency amongst historians nowadays to regard all claims of origin for medieval institutions or foundations back to the Anglo-Saxon period with a high degree of suspicion. There is no real reason to suspect, however that the Anglo-Norman burgesses in some towns had anything in particular to gain by claiming mythical antecedents for their guilds, especially as their counterparts in other towns did not do so.

The clearest case of continuity in the existence of a gild from Anglo-Saxon times through the Norman period comes from London. The evidence only became available after the classic monograph on guilds appeared: the *Regesta Anglo-Normannorum*<sup>19</sup>) shows that the London gild, like the pre-conquest bodies in Cambridge and Canterbury, was known as the *Cnihtengild*, a name which should not, of course, be narrowly translated as knight but which represents a generic term for a moderately wealthy landowner. In 1126 Henry I, a very legalistic monarch notified the bishop of London that he had confirmed to the canons of Holy Trinity the *soc* of the English *Cnihtengild* and the land pertaining to it together with the church of St. Botolph, to be held according to the same terms which the men of the gild had enjoyed at the time of Edward the Confessor and which William I and William II had then bestowed by writ. The charter is genuine and confirms a number of features which were characteristic of another well-known early *Cnihtengild*, that of Canterbury. Firstly, it was a semi-religious organization and associated with a particular church. Secondly, it was a landowning body. Thirdly, it had revenue collecting rights and fourthly, from the post-Norman period, it held these rights by grant from the Crown. These four principles remain fundamental to both merchant and craft guilds down to the time of the Reformation. The earliest post Conquest merchant guilds appear in Winchester, Dover, Lewes and Chichester. All of them are recorded by 1100. Oxford and Burford joined them not much later.

Craft guilds have proven antecedents almost as old. They first appear in Oxford, Winchester and London rendering dues in the first surviving Pipe Roll of 1130. This brings us to one of the fundamental distinctions between merchant and craft guilds. A royal charter of privilege was

18) Economic Institutions in the Towns of Medieval England, La Ville. Recueils de la Société Jean Bodin. Institutions économiques et sociales VII (Bruxelles 1955), p. 537.

19) Charles JOHNSON and H. A. CRONNE (eds.), *Regesta Anglo-Normannorum 1066-1154*, vol. II (Oxford 1956), no. 663, p. 36. J. H. ROUND, *The Commune of London and other Studies* (London 1899), pp. 102-110.

sufficient to legalize a merchant gild for once and for all. Craft gilds, on the contrary, paid an annual fee to confirm their right of existence.

The privileges bestowed by the grant of gild merchant were fairly uniform: retail trade within the town was restricted to gild members as was, in some cases, the right to keep a tavern. Wholesale trade between non gild members was forbidden and even the purchase from gild members of certain vital commodities like wool, cloth, hides and corn was restricted. Outsiders might enter and leave the town for purposes of wholesale trading only and for only a limited number of days, varying from place to place to between 14 and 40. Members of the gild were freed from all local tolls and dues. The only outsiders to be excepted from tolls were »King's Merchants«. In some places gild membership was hereditary and occasionally people also left the gild voluntarily and presumably began to pay tolls. These gild regulations were imposed and administered in the court known as the *morganspreche*. When we are considering the possible antecedents of the gild, it is worth noting that although most legal and administrative terminology in England rapidly became Anglo-Norman after the Conquest, the term of the court, like that of the institution itself, remained Anglo-Saxon.

The records of these *morganspreche* are very disappointing from the point of view of reflecting commercial realities, being rather desultory records preoccupied with membership and with the failure of people to appear at meetings<sup>20</sup>. One thing, however, emerges clearly. They are far from revealing assemblies of active merchants or from reflecting controls imposed by an oligarchic merchant elite. They are extremely comprehensive in membership, include inhabitants from the villages around the towns, some of them modest folk and they are quite the reverse of being exclusive. On the contrary, they reveal the preoccupation with people taking up membership and contributing to the gild funds through the fee which membership entailed. As a result, the gild became a huge body: Wallingford gild had 180 members and Dublin 275 in the early thirteenth century, Shrewsbury had 326 members in 1219 and Leicester even more. In the latter, membership of the gild merchant, like knighthood in feudal society, was imposed upon all those owning goods worth more than a certain amount per annum. In Bury St Edmunds, almost every adult male, including mere servants of the abbey, was a member of the gild merchant. It is therefore not surprising that the great twelfth century legal work composed before 1199 and associated with the name of Ranulf Glanville should associate membership of the gild merchant with membership of the commune of a town or with citizenship<sup>22</sup>.

There were both general political and particular economic reasons for this very wide membership. Firstly, strong royal and seignorial authority meant that the merchant gild in

20) Gross, cit supra, pp. 4–12 (Andover), pp. 136–45 (Leicester), Calendar of the Shrewsbury Borough Records, in: Transactions of the Shropshire Archaeological and Natural History Society, 2nd ser. VIII (1896), pp. 21–43.

21) M. D. LOBEL, The Borough of Bury St. Edmunds (Oxford 1935), pp. 72–3.

22) G. D. G. HALL (ed.), The Treatise on the Laws and Customs of the Realm of England called Glanville (London 1965), p. 58. »Item si quis natus per unum annum et diem in aliqua villa privilegiata manseat ita quod in eorum communem scilicet gildam tanquam civis receptus fuerit eo ipso a villenagio liberatur.«

England served as the townsmen's own communal organization. Secondly, clear absence of interest by the aforesaid lords in the mundane but necessary duties of keeping the town walls in good repair and undertaking the upkeep of roads and bridges meant that the gild, as the only alternative authority, assumed responsibility for such affairs. The heavy charges which this entailed brought an understandable desire to widen membership so that the burden of expense could be distributed more broadly: in Leicester and Bristol for instance, the gild was responsible for road, bridge and wall building and the gild chest fulfilled the role of a town treasury. There is no evidence that guilds became more exclusive in the fourteenth century; rather the reverse. In Kings Lynn, it came to include members of the aristocracy. That of Coventry, founded as late as 1340 and uniting the town in its membership for the first time, »included members from practically all parts of England and even abroad and included men and women of all but the lowest rank«<sup>23</sup>. The wide nature of membership must have had the effect of making many of the originally exclusive privileges of the gild merchant meaningless. It is this erosion which may explain its very early disappearance from important commercial centres like Canterbury and London where its existence had become irrelevant. In conclusion, it is clear that in many cases the gild was far from being either an exclusive or an oligarchic institution.

The peculiar situation in which the guilds developed in England deserves a more thorough explanation. After William the Conqueror overran England, the English towns were placed in an entirely different position from their continental counterparts. William regarded the whole land as his personal fief which he could, and did, apportion at will amongst his followers in return for certain feudal obligations. He retained important strategic centres like London, York and Oxford but granted to his barons many important commercial and industrial centres. By descent or regnant, these remained in the hands of the nobility: to give a few notable instances: Leicester belonged consecutively to the Beaumont and Montfort earls and then passed to the house of Lancaster; Boston, the favoured port of the Hanse, belonged to the earls of Richmond while Stamford was granted to Earl Warenne at the beginning of the thirteenth century in recompense for lands which he had lost in Normandy. These lords were as reluctant as the king to release their hold over the town. It was not until a later date that even relatively important towns obtained the right to collect the revenue due to the Crown free from control by royal officials. London obtained this right in 1130 but this was exemptional. Otherwise, the practice did not become widespread until the notoriously efficient revenue collector, Richard I, became anxious to speed the flow of money into his Treasury to finance the Third Crusade<sup>24</sup>. By 1189 only five towns, London, Lincoln, Cambridge, Northampton and Shrewsbury had obtained it. Thereafter, the process grew apace.

The third alternative authority controlling the town, if not the King or a great lay magnate, was a great ecclesiastic whether a bishop or an abbot. If anything, control by literate and

23) Levi Fox, *The Early History of Coventry*, History XXX (1945), pp. 30–1; Calendar of Patent Rolls (1266–72), pp. 278–9 (9 March 1268).

24) A. L. POOLE, *From Domesday Book to Magna Carta* (Oxford 1950–1), pp. 350–1.

dynamic ecclesiastics or by conservative religious corporations was even more stringent. Nevertheless, in the case of a co-operative lord interested in promoting the prosperity of the town, it could be extremely beneficial economically. The examples of St. Albans and Bury St. Edmunds, abbatial towns which became major commercial and industrial centres, are excellent examples of this. Another is St. Ives, converted by the abbey of Ramsey from the unpromising manor with the perhaps appropriate name of Slepe into the formidable cloth centre and international fair town of St. Ives<sup>25</sup>. When the burgesses in these abbatial towns later came to resent the control of their overlords and sought vigorously, often with bloody results, to free themselves, the gild merchant became the medium of protest and almost every townsman became a member.

Relations between the lords of the towns and gild merchant within them reveal enormous variations according to personalities, local conditions and commercial considerations. In Leicester they were good. In Bury St. Edmunds, as we have already mentioned, they became extremely bad and the abbot bitterly resented that so many townspeople were free from tolls through membership of the gild merchant, especially as the gild became an organ of opposition to the abbot's authority<sup>26</sup>. In Coventry, where lordship of the town was divided between the Prior of Coventry and the Earl of Chester, when the Prior and Convent obtained a licence to set up a gild merchant in 1267, the earl's townspeople who saw the gild as a threat to their own organization, rose in rebellion, attacked the prior's men and destroyed the royal charter<sup>27</sup>. Opposition here had a great deal to do with hatred of the prior and little to do with commercial considerations since the grant would almost certainly have been beneficial to the town. In contrast, Alan Basset lord of Wycombe tried to do precisely the opposite and attempted to get rid of the gild merchant and allow free trade in hides and wool in the town. The burgesses, in this case synonymous with the gild, brought an action against him in the King's Court (*Curia Regis*) claiming that they had their gild merchant by charter from King John<sup>28</sup>. In another recorded case, however, we find that the lord could be more restrictive than the town: in Totnes in Devon, the merchant gild had actually taken it upon itself to remove tolls on outsiders in order to attract traders to the town. The lord, in this case William de la Zouche, brought an action against the gild for loss of tolls<sup>29</sup>. Thus, we can see gild policy regarded in two entirely different lights and its attitude being determined by different commercial conditions in the various towns. At Wycombe, lying very favourably in Buckinghamshire not far north-west of London at the edge of an important wool-producing area and at the junction of several roads, the town was a natural focus for merchants whose competition for the purchase of wool and cloth posed a

25) W. DUNN MACRAY (ed.), *Chronicon Abbatiae Ramesiensis* (London 1886), pp. 24–5.

26) LOBEL, *cit. supra*.

27) LEVI FOX, *cit. supra*.

28) *Curia Regis Rolls of the Reign of Henry III*, vol. XI, 7–9 Henry III (London 1955), p. 415, no. 2055.

29) HUGH R. WATKIN, *The History of Totnes Priory and Medieval Town*, vol. I (Torquay 1914), pp. 198–9.



threat to the local traders. This attitude also appears in Leicester. Totnes, in remote Devon, had the contrary problem, that of attracting merchants to the south-west where there was no particularly attractive commodity to buy (except for tin and lead with which Totnes was not associated). One could cite many other diverse needs which the gild merchant served according to local needs: Northampton pleaded for a gild in the middle of the thirteenth century »because the town is so far from the sea«. Berwick wanted one at the end of the century to prevent outsiders from shipping wool from the town. To some extent the gild was regarded as an economic cure-all.

Local commercial factors were only one element which influenced the development of the gild merchant. Another was the influence of the Crown. The unusual capacity of the English Crown to exert its authority effectively limited the development of the gild merchant in all sorts of ways. The comprehensive jurisdiction of the royal courts, which recognize no difference between people save between men and women or between villein and freeman limited the gild merchants' possible role as a peace-keeping and legal institution. Gilds, in fact, tried to make rules which threatened the monopoly of the royal court and sought to create legal enclaves within the town. This can be clearly seen in the enactment of the Winchester citizens in early Henry III's reign that no member of the gild merchant should be impleaded outside the city walls on any plea save to do with tenurial problems outside the walls, excepting those who were moneyers or royal officials<sup>30</sup>. The Crown was rightly suspicious of the legal and semi-legal pretensions of the gilds. This was exacerbated when the religious aspects of gild membership were used as an occasion for members to exclude themselves from royal jurisdiction and to place themselves under ecclesiastical authority, as we shall see in a striking case in 1299.

The Crown's suspicion of gilds was amply manifested in the occasional royal enquiries into them. In 1179 Henry II made an enquiry into illegal gilds and found eighteen in London alone<sup>31</sup>. Many had a purely religious purpose but early craft gilds of clothworkers and pepperers also appear among those uncovered. Bodmin, Barnstaple and Axbridge were also discovered to have illegal gilds. Richard and John continued to exercise tight control over adulterine gilds operating without royal charter or annual permission and thereby depriving the Crown of revenue. Successive monarchs made good this loss of revenue with heavy fines which gave these illegal gilds an uneasy existence. Lords other than the King joined the Crown in exacting a fee for permission to have a gild, even in the case of a religious gild on the lands of the abbey of Ramsey<sup>32</sup>.

This is documented by two cases from the reign of Edward I, a king peculiarly sensitive to threats to his authority. In 1299 a group of London metalworkers, apparently craftsmen in iron since they were manufacturers of spurs, were brought before the mayoral court and accused of

30) *Curia Regis Rolls of the Reign of Henry III*, vol. XIII, 11-14 Henry III (London 1955), p. 242, no. 1112.

31) POOLE, cit. supra.

32) *Chronicon Abbatiae Ramesiensis* cit. supra, p. 237.

assuming virtual royal powers, a charge which came close to treason<sup>33</sup>). Their accuser claimed that »whereas no parliament can take place dealing with the affairs of the realm without the King and Council, nevertheless the defendants secretly made a corporate oath and held a »parliament« and confederacy and the confederacy was such that if anyone offended against any citizen the others would support him and that none was allowed to work with any others but themselves and that they had a chest for contributions«. The crux of the whole prosecution case was that they had impleaded persons who had offended against them before the ecclesiastical courts in lay pleas and had drawn up an agreement to enforce these practices. Their regulations, incidently, included a number of industrial clauses including the stipulation that members should not use sea-coal at night »propter putridem carbonis marine«. Any extension of the power of ecclesiastical courts had been a delicate issue since the violent conflict between Henry II and Becket and was hardly likely to pass without opposition from Edward I. The defendant who brought the case to light had actually even been excommunicated by the Archdeacon's court in London at the behest of the smiths.

In 1306 the same King Edward I actually intervened himself in a case brought before the justices itinerant at York<sup>34</sup>). A group of citizens, led by Andrew Bolingbroke sometime mayor, was prosecuted by another for forming an association, bound by sworn oath, to ensure that all members of this sworn confraternity paid a minimum of taxes at the expense of the community in general. The guild was also combining to aid members in legal actions regardless of right and wrong and was trying all cases between members itself, keeping the revenue from the fines and by-passing the royal courts. The defendants pleaded that they had only sought to establish a religious and charitable organization but this did not deter the King from imposing the mammoth fine of £ 120 on them. The case was actually concluded in London because, as soon as it had come to royal ears, the king's advocate himself had been despatched to pursue it on behalf of the king as well as of the aggrieved citizens. The same preoccupation directed other royal enquiries into guilds for the rest of the Middle Ages: in 1321 the Eyre of London attacked the weaver's guild for holding an illegal court which the justices claimed was infringing royal jurisdiction<sup>35</sup>). In 1387 an enquiry uncovered a large illegal guild in Chipping Camden whose members, both townsmen and countrymen, had allegedly combined to organize and perpetrate crimes of violence against the neighbouring wool-producing towns of Northleach and Winchcombe. Their activity apparently had a commercial bias, for one Richard Dunning, merchant of Northleach claimed that he was being prevented by threats from travelling to the fairs and markets in the region<sup>36</sup>). This is certainly an example of the dark side of guild activities.

33) A. H. THOMAS, *Illustrations of the Medieval Municipal History of London from the Guildhall Records, Transactions of the Royal Historical Society*, fourth ser. (London 1921), p. 91.

34) G. O. SAYLES, *The Dissolution of a guild in York in 1306*, *EHR LV* (1940), pp. 83–103.

35) H. CAM, *The Eyre of London 1321, vol. I* (Selden Society, vol. 85), pp. 166–8. Natalie FRYDE, *The Tyranny and Fall of Edward II* (Cambridge 1979), pp. 169–72.

36) R. H. HILTON, *The English Peasantry in the Later Middle Ages* (Oxford 1975), pp. 92–3.

The underlying danger of subversion of royal authority, tendency to protectionism and criminality occasioned a massive investigation of guilds in 1388, of which unfortunately the returns of the commercial and industrial guilds do not survive<sup>35</sup>). It was the arch-despots, the Tudors, who finally took the ground from under the feet of the guilds, firstly by confiscating their lands as part of the seizure of chantry lands during the Reformation and secondly by severely restricting their control over their apprentices.

Strong royal authority limited not only the jurisdictional pretensions of the guilds but even their economic and commercial power. Part of the *raison d'être* of the guilds was the regulation of trading and production by their members. As far as commerce was concerned, this authority was assumed by the Crown from the time of Henry II. The chief right implied in the gild merchant was to limit retail and wholesale trade within a town to members and to free them from tolls but royal charters of exemption to foreign merchants, especially Germans and to favoured English towns removed whole categories of merchants from such restrictions and undermined the privileges of merchant guilds. The wide range of exemptions must have made the operation of the privilege extremely difficult, as we can see from the case of Coventry since it appears that many Englishmen could not distinguish between a German (who enjoyed extensive privileges) and a Fleming who did not, a merchant of Bristol who had wide rights of freedom from tolls throughout the realm from one of Taunton who did not.

The Crown also made ordinances about weights and measures, for foodstuffs like bread and ale which, on the Continent, were controlled by the towns themselves. Richard I apparently first created a uniform system of weights and measures<sup>37</sup>), an action which in itself would have limited local controls and he also attempted to »clean up« retail trading in cloth by making shopkeepers put goods on display. John, who inaugurated a customs system, made even more detailed provisions about the price of cloth, even imposing on Winchester the price which might be asked for its black and white cloth. Henry III revised the assize of cloth and introduced a close official scrutiny of fairs by bailiffs<sup>38</sup>). Temporary regulations further limited the freedom of action of merchants, for example restrictions on the export of corn, arms, horses and wool. This royal economic policy developed even further in the fourteenth century when wool became almost as important as dynastic marriage as an instrument of royal foreign policy.

The appropriation of so many aspects of the legal and commercial control of trade by the Crown inevitably emasculated the guilds. It is not surprising, therefore, that the proceedings of the *morganspreche*, as I have indicated, are rather pathetic documents written in the simplest Latin in the thirteenth century, providing evidence that there was difficulty in obtaining attendance of members at meetings. As the Middle Ages wore on and the gild merchant

37) W. STUBBS (ed.), *Chronicles and Memorials of the Reign of Richard I*, vol. I, *Itinerarium Regis Ricardi* (Rolls ser. London 1864), pp. 448.

38) W. R. POWELL, *English Administrative Families in the Twelfth and Thirteenth Centuries with special reference to the Cornhill Family* (Thesis submitted for the degree of B. Litt. of the University of Oxford 1952). T. H. LLOYD, *The English Wool Trade in the Middle Ages* (Cambridge 1977), pp. 7–14.

established the right of its members to enjoy freedom from tolls and monopoly in the retail trade, the interest of the more prosperous folk who ran the gild turned to other important and pressing problems of urban life. In England, this tended to revolve around their relationship with the crown and with its local officials. It included dealing with royal demands for military service, tallages, taxation and parliamentary representation. This direct relationship with an effective royal central authority is in great contrast to the Continent where towns retained far greater autonomous powers and where demands for taxation were fewer and mostly ineffective.

London was an exception to this rule. It developed as a monstrous urban growth in the south-east of a predominantly rural land. As I have noted, its gild merchant receives only one mention in thirteenth century sources and the antecedents of the Gildhall, whether in the ancient Cnihtengild, the gild merchant or one of the craft companies are uncertain. Despite its exceptionally early urban development, its earliest recognizable patrician class had its origin in the surrounding countryside rather than anyone group of merchants within the city or identification with any particular gild<sup>39</sup>). Any notion of a patrician group of cloth merchants dominating London's government as it did that of the Flemish cities would be quite anachronistic. The earliest known mayor, Henry fitzAilwin, had no obvious connexions with any gild<sup>40</sup>). His successors in the thirteenth century belonged either to the goldsmiths' gild, one of the oldest in the city or to the fishmongers gild but early on, the gild system in London ceased to have an easily defined meaning except in the retail trade. Every citizen of London could deal freely in certain basic commodities such as corn, wool, metals and, in practice, wine. The provenance of mayors is difficult to gauge and, later on, people often belonged to a number of different gilds at the same time. The political importance of London makes the history of its leading commercial gilds into something unique but a closer study would exceed the limits of this paper. The city did strive to control the craft gilds but without much obvious success. In 1202 an attempt to abolish the weavers' gild, clearly a very prosperous one and rendering an annual fee equivalent to the rent of a good manor, was thwarted by King John<sup>41</sup>). He refused to permit its abolition by the city unless the authorities paid the equivalent of its annual fee, which the city was not prepared to do. It was probably also for financial reasons that Henry III again intervened on behalf of the weavers' gild in 1249 when he took their charter of liberties, threatened by the mayor, into the Exchequer for safe-keeping<sup>42</sup>). In both cases, the struggle was based less on commercial considerations than on the city's authority's dislike of the powerful enclave of weavers concentrated in Southwark belonging to the bishop of Winchester outside the city's jurisdiction. The Crown apparently regarded the gild as a useful counterbalance to the city authorities with whom they periodically came into bitter conflict.

39) S. REYNOLDS, *The Rulers of London in the Twelfth Century*, History vol. LVII (1972), pp. 337–57.

40) Christopher BROOKE, *London 800–1216* (London 1975), p. 24.

41) POOLE, *cit. supra*, p. 87.

42) Public Record Office, *Lord Treasurer's Remembrancer's Memoranda Roll* (transcript, Round Room) 6 Henry III, p. 112.

The same caution needs to be employed in reviewing the struggle between the gild of weavers and the burellers which recurrently troubled the city in the reign of Edward I. The burellers were no more great cloth merchants than were the city authorities, rather were they middlemen supplying the weavers not only with wool but also with dyes and tools for their work. They also collected cloth from them for sale to the big clothiers. Their speciality was the rough, dark cloth, burel in which London specialized. When the dispute between the two was brought to the royal court in 1300 the burellers criticized the weavers for their restrictive practices, for reducing productivity, taking long holidays after Christmas when trade was slack and also, in this case, for holding a special court<sup>43</sup>. The weavers were found guilty but fined only the tiny sum of £5. 6s. 8d. The final victory was clearly theirs because, by the next generation, the burellers' gild had disappeared.

Evidence about the status and functioning of the craft gilds outside London in the twelfth century is scanty. The same crafts organized themselves into gilds early on in different towns, for example the goldsmiths, cordwainers and weavers and, to judge by the annual fees which they paid to the Crown for the privilege of functioning, they were extremely prosperous institutions. Of these gilds, the weavers are the only group about which evidence permits us to say more.

Pressure by the gilds has been used as an explanation for the movement of the weavers to the countryside and relocation of the cloth industry. This was seen as an attempt to avoid the stifling regulations imposed by merchant and craft gilds and the burdensome gild dues. The development of fulling mills in the clean streams of the countryside is also stated to have been a basic cause for this shift. This, in turn, is thought to have brought about a decline in the textile gilds who could no longer afford to meet their financial obligations to the Crown. Hence, on the Pipe Rolls we find arrears of their annual fee mounting up in such prominent cloth towns as Lincoln, Beverley and Northampton. This thesis needs careful reexamination. Since it involves a basic recapitulation of much work on thirteenth century commercial history, obviously we can do little more here than make a few suggestive criticisms of it.

In the first place, evidence has suggested that the merchant gilds had difficulty in enforcing membership of the gild and payment of dues and attendance at the morganspreche. It is not improbable that the failure of the craft gilds to meet their obligations to the crown lay partly in a crisis in the power of the craft gilds as well as in the textile industry in general. Secondly, we do not have to look to gild control to explain the flight from towns like Lincoln, Beverley and Northampton of the cloth industry. There were other positive and negative reasons for this. The positive reason includes the establishment by great lay and ecclesiastical lords of fulling mills on their land and the encouragement of industry which this brought. A point which has escaped notice is that such great lords could offer effective protection which the towns ceased to be able to do in the second half of the thirteenth century. Many of the major towns, especially Northampton, Lincoln and Winchester were hard hit by the decline in governmental control

43) A. H. THOMAS, *Municipal History*, cit. supra, p. 93.

before the actual Civil War of 1258–65, then by the Civil War itself and its aftermath which included ravaging of parts of the country by bands of freebooting »disinherited« rebels and their followers. Statements in chronicles and figures showing declining income from fairs reflect this<sup>43</sup>).

Secondly, there is another reason for the decline of the weavers' guild which has nothing to do with rigid regulations. This was competition from the Flemings<sup>44</sup>. Such competition can be best understood if we compare it with the competition which the present day western European textile industry faces from the factories of the Far East. Their success made them the object of hatred in England and attacks on Flemings remained a feature of English life until they culminated in the massacres of Flemings in London during the Peasants' Revolt of 1381.

Evidence that weavers were suffering from grave restrictions placed upon them by capitalist clothiers or by merchant guilds is far harder to find. Perhaps the picture has been too much influenced by the situation in Flanders and Italy. English weavers could not be controlled in the way that their continental counterparts were, since the English weaver was not dependent on the import of wool by any great capitalist but could himself buy it from a merchant in the town or from a farmer in the countryside if he so desired. We must remember that there is no English guild ordinance which prohibits the retail purchase of wool by a weaver or indeed, in many places, the wholesale purchase of wool if the weaver's needs are sufficiently great. It is very significant that all legal actions brought by weavers in the Curia Regis (and weavers seem to have been a litigious group) are disputes about land with no echo of a relationship with an employer. This may well have been because the relationship with the cloth merchant in England was rather a loose one. Stamford cloths may have been exported in the thirteenth century to Venice, Genoa and beyond but we have very little idea of the quantities involved and even less of the industrial organization which produced them. The greatest capitalist operating in England in the pre-Plague era, it is worth remembering, were wool exporters and not cloth merchants whether one thinks of William Cade of Saint-Omer in the twelfth century, Terricus of Cologne, Laurence of Ludlow or the Florentines in the thirteenth or William de La Pole of Hull or Tidmann Limburg of Dortmund-Cologne in the fourteenth century. In the case of Terricus, a prominent wool exporter and cloth merchant of the mid-thirteenth century about whose activities a surprising amount of information survives, there is evidence of his organization of the final processes of cloth production the stretching and dyeing but nothing to show control over a group of weavers<sup>45</sup>. When we look at the basis of the fame of English cloth in the thirteenth century, then we find that it was colour not quality of weaving which determined price differences and it is in the dyeing processes, dependent on the import of expensive raw materials like woad and

44) E. MILLER, *The Fortunes of the English Textile Industry during the Thirteenth Century*, *Economic History Review*, vol. XVIII, no. 1 (1965), pp. 71–4. P. HARVEY, *cit. supra*, p. 374.

45) See my forthcoming book *Großkapital und Fernhandel in Nordwesteuropa unter den ersten vier Plantagenets: Terricus von Köln, königlicher Hoflieferant und Großkaufmann in Stamford 1223–1247*.

grain, that we find big businessmen of the cloth industry functioning. Repeated legislation about the size of cloth also suggests a rather loose control over weavers and an industrial organization which was not very effective.

All the evidence therefore suggests that in England royal authority was exceptionally effective in restricting the development of guilds whose financial and legal pretensions it suspected. How far royal ability to exact annual renders from guilds or fines from illegal guilds actually prevented the development of formal organizations is unanswerable but is notable that in crisis situations, for example the destruction of the Flemish looms in Northampton, the guild organization is not mentioned as being the motivating force. Similarly in the attack on foreign cap makers in Fleet Street in London in 1319, there is no evidence that any particular guild lay behind the attack<sup>46</sup>). The necessity to pay gild dues to the Crown may have led to the establishment of more informal organizations and *ad hoc* groups when it came to real issues rather than the gradual consolidation of formal organizations. Paucity of evidence about the actual functioning of guilds is quite remarkable as is their failure to use the royal courts. In conclusion, far from exercising a strangle-hold, surviving evidence suggests that they played a rather limited role in England before the Plague.

46) CAM, Eyre of London, cit supra, pp. 166-8.