The borough governments of late medieval England intervened in and regulated many aspects of town life. Business activities such as trading hours, hiring practices, and pricing were closely supervised, as were social responsibilities such as waste disposal, peace keeping, and performance of public ceremonies. In general, borough regulations of social and economic activity had a threefold intent: protection of the producers, protection of the consumers, and maintenance of the prestige and general welfare of the town.

Several interest groups influenced the formulation of borough policies. The most influential group was the producers (the merchants and gildsmen). Indeed, the officers of the boroughs and the officers of the gilds were often identical; gild members were burgesses in “scot and lot” with the town, and town officials were liveried gildsmen. Despite this influence, the boroughs were not mere instruments of the gilds. Conflicts between the gilds fostered the power of the borough governments as separate adjudicating bodies. As one historian has noted, “it was the individual gild loyalties that saved the borough from becoming a mere ‘faineant’ sovereign.” In addition, the crown was concerned with the welfare of the realm and used its patent and judicial powers to influence the boroughs. Finally, public opinion influenced policy.

There are numerous sources for the study of borough policy. The fourteenth-century “Old Usages of the City of Winchester,” the “Ordinances of Worcester” compiled in 1467, the document entitled “The Office of the Mayor of Bristol,” and the compiled town and gild documents of Beverley illustrate the attitudes, policies, and intentions of borough regulations; but, like many medieval sources, these regulations may represent only the letter and not the practice of the law.

As was noted above, one concern of borough regulations was protection of the producer, the gildsman. The boroughs supported policies that required men who practiced trades either to be members of gilds or contributors to them. For example, the ordinances of the Beverley drapers, which were confirmed by the officers of the town, stated, “any burgess who carries on
the buying and selling of cloth by retail in the town of Beverley, shall be in brotherhood and livery with the said Drapers, on pain of forfeiture of £10 to the community aforesaid.” The ordinances added that any burgess who was not a member of the gild, but who retailed more than four marks of cloth a year, was required to make a yearly contribution of three shillings (s.), four pennies (d.) to the gild. The ordinance further stipulated that any man who was not a burgess or a brother, but who was judged eligible to be one and who would not join, should pay a yearly contribution of 3s.4d. to the drapers and 3s.4d. to the town of Beverley, “until he shall be a burgess and a brother.”

The regulations of the Beverley drapers concerning gild membership were not exceptional. The Beverley tanners required all masters practicing the art of tanning to become burgesses of the town and members of the gild; and all physicians, surgeons, toothdrawers, bloodletters, makers of wax tapers, candles, and images, and “common shavers” who came to Beverley were required to contribute to the barbers’ gild. In Worcester all strangers and foreigners who entered the city to practice their trades had to present themselves to the Warden of the craft they wished to practice and become members of or contributors to that craft. The ordinance applied not only to masters but also to journeymen. In Winchester no unenfranchised man was allowed to have a booth in the town market, and non-free brewers could brew ale to sell in the city only if they received permission to do so from the bailiffs of the town.

Local gildsmen were also defended against competition from foreigners. The term ‘foreigner’ was applied to anyone who was not a resident of the town making the regulations, and these people were closely watched by the boroughs. For example, in Worcester all foreigners who sold leather were required to do so in the town gild hall. In Beverley all peddlers were forbidden to set up their shops anywhere except in the marketplace under penalty of imprisonment and a fine of 6s.8d. to be paid to the community for non-compliance. The requirement was made because “there are many foreign peddlars called snarlers and hawkers wandering through the streets of Beverley, who often buy goods and jewels stolen in the town to the great damage and deceit of the common people.” The friction that existed between foreigners and local tradesmen is illustrated by an ordinance from Beverley. The ordinance required “that town butchers stand at one end of the lord’s market to be chosen by them, and strange butchers at the other end; so that the fish market may be between them on market day; so that the butchers do not intermeddle with each other.” Summing up this protective policy, the town of Bakewell issued in 1286 the following ordinance: “no foreign traders shall sell flesh or fish within the liberty of the town of Bakewell so long as the native traders can provide sufficient flesh and fish for those who come to market.”
Apprenticeship was strictly supervised by the boroughs because it provided entrance not only into the franchise of the gild but also into the franchise of the borough. This concern was illustrated in the ordinances of Beverley, which prohibited any merchant who was not a member of the mercers' gild from taking an apprentice, under penalty of a 10s. fine; similarly, other Beverley regulations required that masters pay fees whenever they hired an apprentice.\(^{11}\)

The mutual protection of craft and borough interests is further illustrated by the special restrictions placed on those involved in the building trades. In Worcester, for example, tilers were prohibited from organizing themselves into a gild to insure that "every tiler be free to come and go to work with every man and citizen." The tilers were also required to put their trade-marks upon their tiles.\(^{12}\) In Beverley the carpenters and tilers were not allowed to hire workmen to assist them without the agreement of the man who had commissioned the work. The regulation stipulated that "the aforesaid carpenter or bricklayer shall take no part of the wages of any hired labourer working with him under penalty of 6s.8d. to be paid by the offender to the community." In addition, work hours were strictly regulated in the town ordinances, and tilers, carpenters, and others engaged in construction could not refuse a commission unless they were already employed; if they refused a commission, they were to be fined 6s.8d., payable to the community.\(^{13}\) Sylvia L. Thrupp has explained why these regulations were unusually harsh. She notes that the municipal governors, being substantial property owners, were intent upon controlling the costs of construction; thus, construction gilds were suppressed.\(^{14}\)

Public transactions and open business practices also protected the producer. Public transactions, easily subject to supervision, helped to prevent producers' undercutting each other. Equitable business practices could be ensured by the establishment of regular market hours and fixed business locations. For example, in Worcester, it was decreed that wool could not be sold in the gild hall until "10 of the bell, and that then it be lawful for every citizen for to buy, and that no stranger there buy no wool till 11 of the bell."\(^{15}\) In Winchester, fish and poultry could not be bought wholesale for later retail trading until nine o'clock in the morning, and in Beverley the hours of the corn market were regulated.\(^{16}\) The ordinances of Beverley also regulated the location of the cobblers' shops; shoemakers were required to set up their shops in the Shoemarket, "as of old they used to do on market and fair days, and in no other place in the same town."\(^{17}\)

Supervision of gildsmens' travels and business dealings further protected producers. A regulation of the Beverley butchers required the butchers to inform the alderman of their gild if they were going outside of the town. If they left without informing the alderman, they were to be discharged from the gild and were "never after to be taken but as a contributor."\(^{18}\) A regula-
tion of the carpenters' gild of Worcester required any carpenter who bought wood to share up to one-third of the wood with his fellows. If the carpenter refused to sell to his brothers, he was to be fined 20s. 19

The encroachment of one gild into the sphere of another was a problem that plagued the English gilds. To cope with this problem, boroughs enacted regulations that prohibited men from engaging in more than one trade; in other instances, men practicing more than one trade were required to contribute to both crafts. The "Ordinances of Worcester" prohibited butchers from engaging in the cooking craft. If a butcher did engage in the cooking trade, he was to be fined 13s. 4d., half of which was to be paid to the bailiffs and half to the commons. 20 The regulations of the Beverley mercers, written in 1572, required all drapers and smiths who sold unworked items to make a yearly contribution both to the mercers and to the town. 21

The struggle between the drapers and tailors of Beverley is an example of disputes that arose between the gilds. In 1492, an ordinance of the drapers' gild allowed drapers to sew hose without making a contribution to the tailors' gild, but prohibited them from making any other clothing. In 1494, because a dispute between the drapers and the tailors had been submitted to them for adjudication, the twelve keepers of the town issued an order requiring all tailors who bought or sold more than four marks of cloth to contribute to the drapers' gild. The order allowed the drapers to "make round hose, stockings for women and socks without payment of any contribution to the ... tailors." In return any draper who made cloth hose or any other clothing was required to contribute to the tailors' gild. Finally, in 1561 a new order stipulated that drapers were not to make any apparel except for their personal use and that tailors were not to engage in the cloth trade. 22

Masters were protected against loss of their investment in an apprentice: the regulations of the bakers' gild at Exeter stated that masters were neither to entice apprentices or servants away from another master nor to keep servants who had left their masters. The fine for non-compliance was 40d. 23

The boroughs used varied methods to supervise the gilds. Gilds, for example, were required to register their ordinances with the government. A statute of the Beverley barbers stated, "[it is ordered] that they do not make or cause to be made any constitution or order amongst themselves, unless it is reasonable and has been shown to the keepers of the community for the time being, and admitted and granted by them to be registered with the present orders." 24 Similarly, the mercers of Beverley were ordered not to make any statutes without the consent of the twelve keepers of the town. 25

Another method of supervision was the use of "searchers." Searchers were usually men appointed by the gilds to supervise their own crafts, but in certain instances a town appointed its searchers. For example, the regulations of the bakers of Exeter stipulated that the Wardens of the craft and a city
official were to assure that standard measures for bread were being maintained.  

Besides producer protection, consumer protection and maintenance of the general welfare were additional goals of municipal regulations. Consumers could be protected, for instance, by maintenance of standard weights and measures. Even the royal government was concerned with the problems of uniform weights and measures. Henry III and Edward I stated in their confirmations of the Magna Carta that

One measure of wine shall be through our realm, and one measure of ale, and one measure of corn, that is to say, the quarter of London; and one breadth of dyed cloth, russets, and haberjects, that is to say, two yards within the lists. And it shall be of weights as it is of measures.

Local governments usually set the assize (or measure) for bread and for ale on a weekly basis. The ordinances of Worcester required that the public ale measure be kept by the bailiffs; the ordinances of Beverley ordered “that every brewster shall sell beer with a measure sealed by the lord’s mark.” Standard weights and measures were also maintained for such commodities as wool and coal, and in Winchester the lengths and measures of blankets were regulated.

Maintenance of adequate food supplies was a primary concern of the boroughs. One of the duties of the mayor of Bristol was to insure that there was an adequate supply of wheat for the bakers; the mayor had to solicit the bakers for information concerning their supplies, “that the Bakers lack no stuff, in especial against the feast of Christmas, and at such times as many strangers resort to the town.” The ordinances of Winchester stated, “[it is ordered that] none manner of victuals that come into town to sell, be not out of the town again bore unsold, not without leave of the bailiffs, before the time that it be once set to sale, to the pain to lose that good.” Victualling was a major concern; indeed, Thrupp has noted that “it was in respect of the basic victualling trades that the public authorities were most responsive to anti-gild sentiment.”

Not only were the measures and supplies of goods controlled but also the prices. For example, the mayor of Bristol set the price of wood each quarter; the regulation stipulated that, “no wood . . . be sold until the price be set upon it by the said mayor.” In Winchester the price of small ale was set by the bailiffs at 1d. for three gallons; in Beverley the regulations concerning beer prices stated:

[it is ordered] that a gallon of beer be sold for 1½d. in a measured measure, and not dearer so long as a quarter of malt be sold at 6s.8d., and less down to 5s. And if anyone offer 1½d. for a gallon of beer anywhere in Beverley and the alewife will not take it, that the purchaser come to the Gild Hall and complain of the brewster, and a remedy shall be found.

Quality control also concerned the boroughs. One of the primary tasks
of the searchers was the inspection of goods put up for sale. On election
day, the town of Worcester elected two ale-conners whose job it was “to
see that the ale be good and set,” and the Worcester fish searchers were
required to see “that all such victual be able and set for man’s body.”
The regulations concerning fish supplies and quality were especially detailed
because, with the exception of bread, fish was the most important item in
the diet. The butchers of Beverley must have been serious offenders of
quality standards, for in 1356 an order was issued in Beverley against the
sale of rotten meat, and an ordinance of 1370 required the butchers either
to sell or salt meat within four days.

If a consumer had a complaint about the quality of a product, his first
recourse was to the gild itself. In Exeter, a certain Robert Ryden commis-
sioned the tailor John Rowter to make a gown from four yards of broad
blue cloth and then, upon receiving the garment, claimed that the cloth
had been wasted. The gild masters examined the pattern and found that
the cloth had not been wasted. Disputes, however, often ended in the
reimbursement of the customer.

The boroughs guaranteed local consumers certain advantages over out-
siders. For example, the regulations of Worcester stated that wool could
not be sent outside of the city to be worked, “in hindering of the poor
commonality of the same, where they be persons enough and people to
the same, to dye, card, or spin, weave, or clothwalk, within the said
city.” The regulation further required that the wool laborers be paid in
coin and not in kind as “hath grown to great hurt by all the said artificers,
laborers and of the poor comynality.”

The boroughs made other attempts to protect the poor. For example,
an ordinance from Worcester stated that no local fishmonger was to buy
fish from a foreign fishmonger until the common people had been served;
and the ordinances of Bristol required that sufficient wood always be left
by the woodsellers on the river landing for the poor people, especially in
the autumn.

Forestalling and regrating (the hoarding of goods bound for market)
were serious problems which had to be regulated; indeed the establishment
of such personal monopolies was an offense at Common Law. The ordi-
nances of Winchester listed a punishment of forty days in the king’s prison
for anyone who left the town to engross merchandise, and the ordinances
of Worcester prohibited the forestalling of fish and other victuals.

Engrossers and regraters were naturally an object of hatred: a statute called
“The Assize of Bread and Ale,” issued in the reign of Henry III, stated
that a forestaller was “an open oppressor of poor people and of all the
commonalty, and an enemy of the whole shire and country”; the statute
listed a series of punishments suitable to the number of convictions, rang-
ing from fines for the first offense to abjuring of the town for the fourth
offense.
A catalogue of fraudulent business practices is presented in the fourteenth-century poem *Piers Plowman* in which the allegorical figure Covetous makes his confession. Covetous confesses:

I began as an apprentice under Sim-at-the-Stile, and I had to make his business pay. I learnt to lie in a small way to begin with, and my first lesson was in giving false weights. Then my master would send me to the fairs at Weyhill and Winchester, with all kinds of wares; and God knows they would still be unsold to this day, but for the grace of Guile which crept amongst them!

Then I went to school with the drapers, and was shown how to stretch the selvedge and make the cloth look longer. My chief lesson was with the best, striped stuff—how to pierce it with pack-needles and join the strips together and lay them in a press, till ten or eleven yards were stretched into thirteen.

My wife was a weaver of woolen cloth. She employed spinners to spin it out for her, and paid them by the pound. But if truth be known, the pound weight she used weighed a quarter more than my own steelyard.

Then I bought her some barley-malt and she took to brewing beer for retail. She would mix a little good ale with a lot of small beer, and put this brew on one side for poor laborers and common folk. But the best she always had away in the parlor or in my bedroom; and if anyone took a swig at that, he paid for it through the nose—four bob a pint at least, and that's God's truth. Even so, she would measure it out in cupfuls—she was a crafty old girl!

They called her Rose the Racketeer, and she's been a regular huckster all her life.44

The methods of enforcing regulations that protected the producers against fraudulent practices also protected the consumers. The use of searchers and recourse to the gild or city government were the common forms of enforcement. An interesting innovation by the town of Beverley in 1561 was the appointment of two keepers of the market whose job it was not only to oversee the market but also to oversee the searchers.45

The municipal authorities were concerned with many matters regarding the general welfare. For example, fires were a concern. In the city of Winchester the Bitters (or water bucket carriers) were required to be ready to serve at any time; the city also advised that all inflammable objects be carefully supervised and that fire hooks be stationed in three sections of the city.46

Free wandering animals presented another problem. Worcester prohibited horses from standing in the market on market days, under penalty of a fine, and required that swine be kept from going about at large. Beverley also prohibited the free roaming of swine but permitted sheep to be free, "as they have anciently and hitherto been accustomed to be."47

Many regulations dealt with the problems of waste disposal and pollution. Beverley fined men for littering the streets unless the refuse was removed weekly, and the city of Worcester had provisions for the cleansing of blood pits. Worcester also prohibited saddlers, butchers, bakers, glovers, and others from fouling the waters near Severn Bridge.48 The towns strove to maintain sound walls and sturdy bridges. The ordinances of Worcester were especially detailed with regard to these problems, and regulated against those
who carted off stones from the city walls. The ordinances of Beverley prohibited the building of brick kilns within the town because “of the stink and the badness of the air”; a fine of 100s. could be incurred for non-compliance.

The boroughs also attempted to maintain the king’s peace and to maintain order in the streets. Worcester regulated against bawds and other disturbers of the peace and warned all citizens against harboring pillors, Robbers, dispoilers, oppressors of people, manslayers, felons, Outlaws, Ravishers of women, unlawful hunters of forests, Parks, or Wareyns, open misdoers, or any openly named or famed for such offences, till the truth be well known and tried. Worcester also prohibited the carrying of arms and required that royal officers be obeyed. Maintenance of the city watch provided one means for preventing disturbances. The citizens of Bristol, Worcester, and Beverley were required to render watch service. Finally, in order to maintain the peace, an ordinance of Worcester ordered “that no manner person play at the palm or at tennis, within the gild hall of the said city.”

Observance of the Sabbath and performance of the gilds’ social obligations were closely supervised by the boroughs. Beverley, for example, established the Sunday hours during which the butchers could engage in their trade. In one instance the Archbishop of Canterbury appealed to the Mayor of London, asking him to fine the barbers of London for working on Sunday, saying that it seemed that only “such a fine [was] likely to have a great effect upon them [rather] than the penalty of excommunication.”

The craft gilds often had three religious functions to perform: the maintenance of candles, the presentation of plays, and the erection of “castles” or platforms from which the plays could be performed. The ordinances of Worcester stated that the pageant obligations of the gilds ought to be kept more strictly. The Corpus Christi procession, which was the most important religious pageant in Beverley, provoked a number of ordinances from the city government, including regulations about the order of the procession and other technical problems. One order required the hairers (the makers of haircloth) to perform yearly the play entitled “Paradise.” The regulation listed the props which were to be used in the play: they included “1 car, 8 hasps, 2 visors, 2 angel’s wings, 1 deal pole, 1 snake, 2 pairs of linen stockings, 2 pairs of shirts, 1 sword.”

In sum, borough regulations of economic and social activity were intended to promote the needs of the community as a whole. Promotion of the general welfare rather than of special interests was the primary concern. The regulations of the Exeter bakers testify to this spirit of mutual benefit. The regulations contain a proviso which states that the rules are to be observed “provided always, that all these articles nor none of them be in any way derogatory, prejudicial, or contrary unto the liberties and customs of the said City, and the common wealth of the same.”

In order to protect the general welfare, borough governments circum-
scribed in law the bounds of proper behavior. Law was the vehicle through which the boroughs hoped to achieve their goals. Daniel Waley has said of the medieval Italian cities that government intervention “in every aspect of social and economic activity” was an unconscious and accepted “pre-supposition” of government. The same was true of the English boroughs.

NOTES


4. Ibid., pp. 122 and 113.
6. Ibid., p. 355.
7. Ibid., p. 384.
8. Leach, Beverley Town Documents, p. 42.
9. Ibid., p. 29.

11. Leach, Beverley Town Documents, pp. 93 and 109. On the importance of apprenticeship as a means of entry into the franchise of the borough, see Erwin F. Meyer, “English Craft Gilds and Borough Governments of the Later Middle Ages, I,” The University of Colorado Studies 16 (February 1929): 344.

17. Leach, Beverley Town Documents, p. 30.
18. Ibid., p. 127.
20. Ibid., p. 405.
22. Ibid., pp. 100-106.
23. See the orders of the gild of bakers of Exeter, in Smith, English Gilds, p. 336.
24. Leach, Beverley Town Documents, p. 110.
25. Ibid., p. 78.
27. Ibid., p. 364.
30. Ibid., p. 424.
31. Ibid., p. 353.
34. Ibid., pp. 381-382; Leach, Beverley Town Documents, p. 41.
35. Smith, English Gilds, pp. 382 and 397.
37. Leach, Beverley Town Documents, pp. 28-29.
40. Ibid., pp. 396 and 425.
41. Ibid., p. 353.
42. Ibid., pp. 353 and 396.
43. Ibid., pp. 368-369.
45. Leach, Beverley Town Documents, p. 73.
46. Smith, English Gilds, pp. 382-383 and 385-386.
47. Ibid., pp. 384 and 398; Leach, Beverley Town Documents, p. 19.
48. Leach, Beverley Town Documents, pp. 4-5; Smith, English Gilds, pp. 385 and 396.
49. Smith, English Gilds, pp. 397-398.
50. Leach, Beverley Town Documents, p. 58.
52. Ibid., pp. 428 and 388; Leach, Beverley Town Documents, p. 15.
56. Leach, Beverley Town Documents, pp. 33-37.
57. Smith, English Gilds, p. 337.