

**STUDIES IN HISTORY, ECONOMICS AND
PUBLIC LAW. VOL. XXIII, NUMBER 4.
THE ENGLISH CRAFT GILDS AND THE
GOVERNMENT: AN EXAMINATION OF
THE ACCEPTED THEORY REGARDING THE
DACAY OF THE CRAFT GILDS**

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[Number 4

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AN EXAMINATION OF THE ACCEPTED THEORY REGARDING THE
DECAY OF THE CRAFT GILDS

BY

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**THE ENGLISH CRAFT GILDS AND THE
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**AN EXAMINATION OF THE ACCEPTED THEORY REGARDING THE
DECAY OF THE CRAFT GILDS**

INTRODUCTION

DR. STUBBS has doubtless testified for all time to the value and great interest which the history of institutions has for those who, as he puts it, "have courage to work upon it."¹ Of no institution, perhaps, can this be more truly affirmed than of English craft guilds. In its broadest conception a study of those organizations involves the entire social history of England. In a stricter sense it narrows itself into a survey of the development of burghal interests and ambitions after the Norman Conquest, since it was in its boroughs that England's commercial and industrial life centered.

That the Norman duke realized to the very fullest degree the worth of his "conquest," Domesday Survey testifies; especially when it shows that, with the exception of the towns bestowed upon his favorite nobles or influential clergy, he had retained as his particular dominion the cities and boroughs of England.² But he lost no time in showing his willingness to propitiate the most royal of all his boroughs when he granted London a charter confirming her citizens in all the law whereof

¹ *Constitutional History*, vol. i, Preface.

² Jenks calls attention to the fact that the "conquest" places property much more at the disposal of its master than the heritage or office. *Law and Politics in the Middle Ages*, p. 39. Maitland classifies Domesday boroughs as royal and mediatised. *Domesday Book and Beyond*, pp. 212-218. See Ballard, *Domesday Boroughs*, pp. 9-10, for a list of Domesday boroughs.

they had been worthy in King Edward's day.² To the series of Anglo-Norman charters, through which from that time burgesses gradually obtained the privileges they desired and emancipated themselves from feudal control, we owe our knowledge of the growth of English towns.³ During this process their political and commercial influence, keeping pace with the amount of corporate unity developed within their borders, gradually gained from the ruling powers the recognition that the boroughs were distinct forces in the land, and as such worthy of especial attention and privilege. What these privileges were, and how they became one by one chartered rights, by either royal or baronial favor, extant records amply testify.

One of the earliest of borough privileges thus recorded was the concession to burgesses in various towns of their gild merchant.⁴ The significance of such an article in a twelfth century charter is not really apparent until we later see the institution in full operation. Then we appreciate the worth of the grant to the townsmen of the right to bind themselves in an association which

² For William's sole surviving charter, see Norton, *Commentaries*, p. 257.

³ According to Miss Bateson, *Mediaeval England*, p. 271, the privileges chiefly sought were "liberty to manage their own finance, their own judicature, their own trade, freedom from the interference of the king's officers; and out of them the towns began to develop their councils, their courts, and powers of self-government of every kind."

⁴ Henry II's charter to Oxford reads as follows: "Sciatis me concessisse et confirmasse civibus meis in Oxenforde omnes libertates et consuetudines et leges et quietantias quas habuerunt tempore regis Henrici avi mei, nominatim gildam suam mercatoriam cum omnibus libertatibus et consuetudinibus in terris et in silvis, pasturis, et aliis pertinentiis, ita quod aliquis qui non sit de gildhalla aliquam mercaturam non faciet in civitate vel suburbiis nisi sicut solebat tempore regis Henrici, avi mei . . ." Stubbs, *Select Charters*, p. 167.