

A) Mechanisms of Urban Stability

Ye shall disturbe no mans right'. Oath-taking and Oath-breaking in Early Modern Bristol

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On Michaelmas day in fifteenth and sixteenth century Bristol the civic officers gathered at the guildhall to take their oaths of office. Robert Ricart, the town clerk of Bristol in the late fifteenth century, tells us that they took their oaths 'after the maner and forme conteyned in the rede boke, of olde tyme by the common counseil of Bristowe made, ordeigned, and to be kept for ever'.¹ The book referred to is the *Little Red Book of Bristol*, which in its early pages contains numerous oaths of office in the town dating from the fourteenth century. On the third day after Michaelmas, the sheriff took his oath 'after the forme and effect of a Cedula' sent from the king. At the same time the mayor of the Staple (usually the same as the mayor of the town) took his oath office along with the two constables of the Staple. On the fourth day after Michaelmas, the new mayor summoned all the town's chantry priests before him so hear them take their oaths. Ricart then specifies exactly how the chantry priests took their oaths, 'that is to seie, every of them to ley his lyfte hand on the boke, and his righte hande on his brests, making his othe per sancta evangelia and per verba sacerdotis'. Also on the fourth day after Michaelmas the mayor summoned before him the masters of the crafts in Bristol, then despatching them to their craft halls to elect their officials for the ensuing year, and then to return before him to take their oaths of office.

The events of Michaelmas time held a great deal of significance in Bristol. The mayor's oath-taking ceremony, for example, was extravagantly illustrated and entered into the town's most famous history, *The Maire of Bristowe Is Kalendar* begun by Robert Ricart in 1479. This paper will focus on the significance of the oaths of office which took such a prominent role in the events of Michaelmas time in Bristol during the course of the fifteenth, sixteenth and seventeenth centuries. Firstly, I will be considering the oaths themselves, and secondly the broader social and political significance of oaths in an urban environment such as Bristol. Specifically in the context of this session, I will question the extent that oaths of office can be viewed as upholding civic liberties, and I will attempt to examine the relationship between oaths and the maintenance of 'urban stability' in Bristol.

By the time that Ricart began his *Kalendar* in the late fifteenth century oaths had established themselves as part of the cultural fabric of English urban society. And it is probably not inaccurate to speculate that most early modern Englishmen would have either witnessed or participated in an oath-taking at some point in their lives. This was particularly the case in towns, where the extent of office-holding and officialdom created large numbers of oaths. For the sake of simplicity, the hierarchies of power in

¹ The following paragraph is based on *The Maire of Bristowe Is Kalendar* by Robert Ricart, ed. L. Toulmin Smith, *Camden Society*, New Series, vol. v (1872-3), pp. 75-8, hereafter cited as *Ricart's Kalendar*.

the English urban environment in the early modern period can be broadly divided into three main areas: parish, guild and civic government. At all three levels of power, the oath played a significant role. A cursory reading of the *Little Red Book* or *Ricart's Kalendar* highlights the wide variety of oaths active in all aspects of life in late medieval Bristol.² In the *Little Red Book* alone, 28 separate oaths are listed. These sources however, which were essentially inspired by the civic authorities and hence concerned mainly with matters of civic government, only account for a minority of the oaths taken in Bristol during this period. The survival of evidence from both parishes and guilds adds perhaps a further total 20 to 30 oaths of office. From the material that has survived therefore, we can estimate that there were somewhere between 50 to 60 separate oaths of office in use in Bristol. Further to this can be added oaths used for specific occasions and oaths formulated by central government which Bristol men were subject to from time to time. These are again voluminous and for the sake of conciseness they have not been studied in this brief paper. Here priority is given to oaths and oath-taking that in some way acted as a rite of passage.

The specific wording of oaths in Bristol varied widely both individually within the offices of parish, guild and civic office, and also as a group between these three tiers. Ignoring the specific charges relevant to individual offices however, there are a number of similarities between many of the Bristol oaths in this period. Most oaths begin by swearing allegiance to the monarch. The mayor expresses this with a special sensitivity reflecting the fact that he is the king's lieutenant, describing how 'trewly with all my power I shall save and kepe this his Toune of Bristow, to hym and to his heires and to his successours'.³ In the mayor's oath there is also a notable emphasis on his charge to maintain order in the town. 'I shall kepe and meyntene the peas ... I shall reprove and chastice the misrewlers and mysdoers'. However, in common with many other Bristol oaths, the mayor also vows that he 'shall trewly, and with right, trete the people of my bailly, and do every man right, as wel to the poer as to the riche ... And nouthur for ghifte, nor for love, affeccion, promesse, nor for hate, I shall do no man wronge, nor destourbe no mannes right'. The sheriff's oath mirrors the mayor's with the simple instruction, 'ye shall disturbe noe mans right'.⁴ In saying these words, both the sheriff's and the mayor's oath present us with the perennial 'problem and solution' of late medieval and early modern urban government. The primary aim of both their offices, as leaders of a provincial urban government, was to ensure peace and stability in the monarch's town. And their oaths reveal some of the ways, perhaps the most important ways, in which they proposed to achieve this.

To fully appreciate the significance of the oaths of these civic officials, they must be set in the context of the political and social world of the early modern town. The mayors and sheriffs of Bristol formed the apex of the civic elite in the town. These were men who had risen up the social order of the town, occupying positions in parish and guild administration before progressing to take their first steps as civic officers. As a group, mayors and sheriffs, past and present, formed something of a 'community'. And this was perhaps especially the case in Bristol, where the town's wealthier merchants controlled the vast majority of high official posts. In a variety of ways therefore, these men, who had benefited greatly from the town's system of

² *The Little Red Book of Bristol vol. I*, ed. F.B. Bickley (Bristol, 1900), pp. 45-56, *Ricart's Kalendar*, pp. 72-7, 87-90.

³ *Ricart's Kalendar*, p. 72.

⁴ *Ricart's Kalendar*, p. 89.

government, formed a clearly distinct economic, social and political group within the town. Their reputation as such was reinforced by many of their oaths containing clauses invoking the swearer to keep secret discussions they might be involved in about town business. With reference to the common councillor's oath, David Harris Sacks has suggested this 'gave relations among the councillors a special intimacy which reinforced the sense of common purpose the oath was intended to instill'.⁵ It is perhaps unsurprising therefore, that these men should share a common interest in maintaining good order within the town.

The oaths of other officials also share the mayor and sheriff's concern with the maintenance of good order in the town. The recorder, the town's principal legal adviser and 'good friend' at court, swore in his oath to give 'the best counsell I can, without any partyalty, love, favour or hate'. He also promised not to give counsel to anyone acting against the interests of the city, as well as 'any person of Common Counsell ... against any other of the same counsell'.⁶ At parish level, the clerk of All Saints' church, Bristol, (probably written in 1488), swore 'to bear no tales between the vicar and his brethren, nor between him and his parishioners, nor between neighbour and neighbour, whereby any occasion of strife or debate should grow in time to come.'⁷ The fact that the clerk's oath made mention of the possibility of bearing tales and thus of engendering discord and disharmony in the parish stresses the importance of his oath as a means of both bonding the parish community together, and of ensuring the maintenance of good order.

At all levels of government and administration in early modern Bristol therefore, there was a clear concern, perhaps one might say a preoccupation, with the concept of achieving and maintaining peace within the town. One of the fundamental questions urban historians have been wrestling with in recent years however, is to what extent there may be said to have been a disparity between the theory and practice of urban stability. If oaths can be said to reflect the aspirations and ideals of civic officeholding, how in reality did they take effect? How significant were oaths in helping to ensure the maintenance of good order in towns such as Bristol?

Some tentative answers to this can be suggested based on the evidence of cases of oath-breaking. Firstly however, it is important to establish how oaths were regarded both by the people taking them, and by the people witnessing them. As has already been mentioned, oaths were regarded by contemporaries as a rite of passage. Commonly, they marked the point when a person became a member of a new 'group' within the town. In many ways, they may be regarded as sureties of good behaviour, as an agreement to abide by this new group's rules and regulations, and as a touchstone with which to gauge a person's suitability for membership. The Ironmongers gild of Bristol for example, established an *Apprentices' Book of Oaths* which required apprentices to prove their writing skill by writing in the book, and all Bristol apprentices were to take their oath before the master craftsmen and the mayor

⁵ D.H. Sacks, 'Trade, Society and Politics in Bristol, 1500-1640', (Harvard University PhD thesis, 1977), p. 101.

⁶ *Ricart's Kalendar*, p. 87.

⁷ *The Pre-Reformation Records of All Saints': Bristol: Part 1*, ed. Clive Burgess (Bristol Record Society, vol. xlvi, 1995), p. 2.

prior to admittance to their craft.⁸ Oaths were therefore an essential prerequisite for acceptance by these new groups, and as such many bodies at all levels of government within the town, insisted that their oaths be taken before admittance. From a group perspective, an unwillingness to take an oath was a clear indication of the inappropriateness of an individual for membership. Hence the Taylors' guild of Bristol ordained early in the fifteenth century that all persons entering the craft should 'take a corporall othe upon the hollye evangeliste of God before the master and companye ... And if anye shall refuse so to take his othe then he shall not be admitted into the saide craft nor shalbe suffred to worke therein but accepted as straunger and foreyner'.⁹

Just as oaths may have been used as a filtering mechanism, for want of a better phrase, by groups wishing to restrict access to, and maintain standards in, their community, so individuals themselves were able to gauge their suitability for a particular office with reference to its oath. On some occasions, the demands of an oath and the obligations that it carried persuaded an individual not to bind himself to it. The texts of oaths were by no means empty words. In late fifteenth century Coventry for example, Thomas Kebell, a prospective candidate for the office of the town's recorder, was handed a copy of the recorder's oath of office to gauge his suitability for the role.¹⁰ One of the reasons Kebell gave for eventually declining the post was that he believed himself incapable of guaranteeing his presence at the assizes and the sessions of the peace as demanded by the recorder's oath.

As Robert Tittler has argued, oaths were clearly taken very seriously indeed, cementing the loyalty and identity of the individual to the larger community. By combining both secular and sacred elements, ie. by swearing to carry out one's duty to the community and perhaps by implication, one's duty to God, early modern oaths established a spiritual as well as a legal obligation to fulfil its terms. And failure to honour these terms therefore implied both sacrilege and perjury.¹¹ In London for example, excerpts from the holy evangelists were transcribed in the oath books of the city and its companies, and it was upon these books that solemn vows were made.¹² As the Bristol recorder took his oath by swearing on the *Little Red Book* he asked for divine assistance and venerated the contents of the volume by declaring, 'so helpe me God and the holly contents of this booke'.¹³

The importance of the oath to the stability of the community sanctified the oath in secular terms also. The secrecy pervading the work of the civic elite and of the crafts who jealously guarded the right to monopolise their work, meant that the oath acted as a covenant.¹⁴ In September 1492, for example, the master of the guild of London tailors came before the governors of the craft, the court of assistants, and claimed that the councils and secrets of the craft had been disclosed and discovered outside the

⁸ B.A. Hanawalt, 'The Childe of Bristowe', and the making of Middle-Class Adolescence' in B.A. Hanawalt and David Wallace (eds.), *Bodies and Disciplines: Intersections of Literature and History in Fifteenth Century England* (University of Minnesota Press, London, 1996), p. 158.

⁹ F.F. Fox (ed.), *Some Account of the Ancient Fraternity of the Merchant Taylors of Bristol with transcripts of ordinances and other documents*, (Bristol, 1880), p. 48.

¹⁰ *The Coventry Leet Books*, ed. M.D. Harris, *Early English Text Society* (1907-13), pp. 524-5.

¹¹ Robert Tittler, *The Reformation and the Towns in England*, (OUP, 1998), pp. 202-3.

¹² Susan Brigden, *London and the Reformation* (OUP, 1989), p. 27.

¹³ *Ricart's Kalendar*, p. 88.

¹⁴ A theme which in seventeenth century England would form accusations held against so-called secret societies such as the Jesuits.

craft. In order to prevent any further disclosures, all members of the court, it is recorded, were required to appear at the company's hall to swear their oaths of office again.¹⁵

Cases of oath-breaking were therefore regarded as serious offences, and as such, carried severe punishments. In the early sixteenth century, Sheriff William Dale complained to both the Bristol authorities and the court of Star Chamber, of the excessive financial burden of his office. His complaint was met with a cold reply from the mayor of Bristol, who, retorting by quoting the terms of his oath back at him, reminded him that when men are made burgesses and common councillors in the town, 'they ought to submytt them selfe and to accepte the same, and to be sworne upon the holy Evangelistes for to supporte and menteign the franchises, liberties, ordynaunces and landable customs and usages of the same Towne, and also to be obedient to the Maior of the said Towne and mynysters of the same'. Dale was subsequently condemned in vitriolic language for his 'malicious high and presumptuous mynd' and for conspiring 'with dyvers others ill disposed persons ... to Infrynge and breake the auncient and landable usages customs and orders of the ... Towne and to the perilous example of other lyke offenders and contrary to his and their othese'.¹⁶

The worst punishment for oath-breaking in the civic sphere was loss of one's freedom, denial of one's civic liberties. In 1667 a Bristol cook, John Walter, lost his freedom of the city (was discommuned) for colouring strangers' goods, an offence 'contrary to the oath of a free burgesse of this citty'. The implication of this was very serious indeed. It was ordained that 'He shalbe taken and reputed to all intents and purposes as a foreigner, and in all respects to be dealt withal accordingly. Furthermore, the town chamberlain was instructed 'forthwith to shutt downe his shop windowes', and the Bellman was instructed to 'publish the same up and downe the citty and particularly att the doore of the said John Walter'.¹⁷

The device of the oath and the practice of oath-taking posed a threat to the maintenance of good order in the local community itself when it was placed in the wrong hands by those wishing to subvert local authority. In early seventeenth century Norfolk, it was complained that Richard Sheepheard often came home drunk and beat his wife and children. It was further claimed that he refused to pay the rent for his town house, and abused the churchwardens and other inhabitants with 'such fearful blasphemies, oaths, reproached and threatnings' that his neighbours were afraid he would set fire to their homes'.¹⁸ Similarly in 1479, Thomas Norton, a prominent Bristolian, accused the mayor of the town, William Spenser, of high treason. Part of the mayor's defence included the allegation that Norton had 'reteigned diverse riotous misgoverned and idell peronns dwelling in Bristowe ... some by gevinge of livery some by Othe and promys'.¹⁹

¹⁵ Matthew Davies, *The Merchant Taylors' Company of London: Court Minutes 1486-93* (Richard III Society, 2000), pp. 1, 203-4.

¹⁶ *The Great White Book of Bristol*, ed. E. Ralph, (Bristol Record Society, vol. xxxii, 1979), pp. 79-80.

¹⁷ *Ordinances of Bristol, 1506-1598*, ed. M. Stanford (Bristol Record Society, vol. xli, 1990), p. 109.

¹⁸ S.D. Amussen, 'Gender, Family and the Social Order, 1560-1725', in Anthony Fletcher and John Stevenson (eds.), *Order and Disorder in Early Modern England* (CUP, 1985), p. 211, citing Norfolk Record Office, C/S3/26.

¹⁹ *The Great Red Book of Bristol Part IV*, ed. E.W.W. Veale (Bristol Record Society, vol. xvii, 1953), p. 62.

That oaths were extremely powerful devices, with intricate and telling resonances cannot be doubted. The inspiring harmonious qualities of oaths portrayed by Charles Phythian-Adams in Coventry which he claims, were indicative of the tight organisation of the town's community, and which he says, helped Coventry to become 'a society bound together by oaths at each step in the citizen's life-cycle', can also be seen in the evidence presented here.²⁰ However, as has been suggested here, oaths and oath-taking could also be highly contentious touchstones; points at which the demarcation between the socially, politically and economically 'included' and the 'excluded' became patently clear. In this sense, oaths it could be argued, were as disruptive and potentially divisive as they were congealing. For every man portrayed by Robert Ricart who was privy to the mayor's oath-taking in Bristol, there were hundreds of others outside the Guildhall who were not. The promise of the Bristol mayor and sheriffs to 'disturbe no mans right' was a self-serving dictum. Ostensibly representing the civic ideal of the 'free-man', in reality it was designed less to uphold civic liberties or for the benefit of the commonweal, and perhaps more to assist the ruling elites in the maintenance of the town's good order.

²⁰ Charles Phythian-Adams, *Desolation of a City, Coventry and the Urban Crisis of the Late Middle Ages*, (CUP, 1979), p. 180-1.