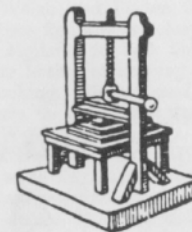


ON THE
HISTORY AND DEVELOPMENT OF GILDS
AND THE

ORIGIN OF TRADE-UNIONS

BY
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¹ Mr. Hensleigh Wedgwood's derivation of the word is as follows:—"GUILD. Danish *gilde*, feast, banquet, guild or corporation; Platt-Deutsch *gilde*, a company, corporation, society of burghers meeting on stated occasions for the purpose of feasting and merrymaking. The primary meaning is a feast, then the company assembled; and the same transference of signification will be observed in the word *company* itself, which, signifying in the first instance 'a number of persons eating together,' has come to be applied to an association for any purpose, and, in the case of the City Companies, to the very associations which were formerly denominated Guilds.

"It is a mistake to connect the word with the German *geld*, payment. The real derivation is to be found in Welsh *gwyl*, Breton *goel*, *gouil*, a feast or holiday, *gouelia*, to keep holiday; Gaelic (with the usual change from the Welsh *gw* to *f* initial), *feill*, a feast, holiday, fair or market; Manx *fealley*, festival, sacred, hallowed. The Irish *feil*, or *feighil*, is explained the vigil of a feast, sometimes the feast itself, leading to the supposition that the word is a mere corruption of the Latin *vigilia*. But the Welsh and Breton forms could hardly have been derived from that origin, and we find a satisfactory explanation in a native root, Welsh *gwyllo*, to watch, be vigilant, to look for; *gwyled*, to behold, to see; *gwylad*, keeping a festival, the notion of keeping or observing being commonly expressed by the figure of looking. Breton *gwel*, look, sight, action of seeing. In a similar manner, from *wake*, to be vigilant, to watch, we have the *wakes*, the festival of the patron saint; Welsh *gwyl-mabsant*, German *kirchweihe* (*weihen*, to consecrate), where the ideas of waking or keeping, and consecration or holiness, are connected together in the same way as in Manx *fealley*.

"The Dutch form *gulde*, a feast (populare convivium), also a guild or corporation, closely resembles the Gothic *dulths*, Bavarian *duld*, a feast: *Osterduld*, Easter. In modern times *duld* is applied to a fair or market, commonly kept on the saint's day of the place. *Dulden*, like Breton *goelia*, to solemnize. *Tuldan*, celebrate; *tultli*, solennis.—Kero in Schmeller." *English Etymology*, i. 191-2.—(F. J. F.)

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¹ See Note, p. lvii.

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I. THE ORIGIN OF GILDS.

THE oldest reliable and detailed accounts which we have of Gilds come from England; they consist of three Gild-statutes¹. According to the latest investigation² into the origin of Gilds, the drawing-up of all these statutes took place in the beginning of the eleventh century. In the case of one of these Gilds, there is no doubt whatever as to the accuracy of this date. This Gild was founded and richly endowed by Orey, a friend of Canute the Great, at Abbotsbury, in honour of God and St. Peter. Its object, according to the statutes, appears to have been the support and nursing of infirm Gild-brothers, the burial of the dead, and the performance of religious services, and the saying of prayers, for their souls. The association met every year, on the feast of St. Peter, for united worship in honour of their patron saint. Besides this, there was a common meal; and in order that the poor might also have their share in the joys of the festival, they received alms on the day of the feast; for which purpose the Gild-brothers were obliged to furnish, on the eve of the day, contributions of bread "well boulded and thoroughly baked." Guests were only admitted to the common meal by permission of the Master and Steward. Insults offered in a malignant spirit by one brother to another, were punished on the part of the Gild, and had also to be atoned for to the insulted. He who had undertaken an office, but had not properly discharged its duties, was severely punished.

The Exeter Gild, whose statutes have likewise been preserved, was of altogether the same character³. Here, however, association

¹ See these in Kemble's *The Saxons in England*, vol. i., Appendix D; and compare with them the translation in Eden's *State of the Poor*, vol. i. p. 591, &c.

² Hartwig, *Untersuchungen über die ersten Anfänge des Gildewesens*, in the *Forschungen zur deutschen Geschichte*, edited by Waitz, Göttingen, 1860, vol. i. p. 136.

³ See also the Introduction to Mr. Smith's *Gilds* by Miss L. T. Smith, p. xviii.

for the purpose of worship and prayer stands out more prominently as the object of the brotherhood than in the former case. Three times a year the Gild-brothers assembled to worship together for the well-being of their living and dead fellow-members. Here, also, every such service was followed by a meal in common. When any brother died, every member was obliged to perform special devotions for the departed soul. The mutual care of the Gild-brothers was, moreover, shown by money-contributions in case of death, and in the support of those who went on a journey, as well as of those who had suffered loss by fire. Punishments were decreed for insults offered by the Gild-brothers to each other, as well as for not fulfilling the duties imposed on them by the Gild.

The statutes of the Gild at Cambridge show that its main object was altogether different from that of the two already mentioned. At the very outset, in the oath which every member had to take on the relics of the patron Saint of the Gild, they swore faithful brotherhood towards each other, not only in religious, but also in secular matters; and though the statutes secured for the Gild-brothers the same support in case of sickness and death as those of Exeter and Abbotsbury—and, like those, contained regulations with reference to alms, divine worship and feasts—yet all these objects were but insignificant in comparison with the measures for the protection of the members of the Gild against criminals, and even against the evil consequences of their own wrongdoing. The following may be considered a first principle: "If one misdo, let all bear it; let all share the same lot;" and for carrying this out, a complete organization existed. If one of the Gild-brothers required the help of his fellow-members, the inferior officer of the Gild living nearest to him had to hasten to his aid; should the officer neglect this, he became liable to punishment, and in like manner the head of the society, should he be remiss in affording help. If a Gild-brother was robbed, the whole Gild had to assist him in obtaining compensation from the lawbreaker. So also every Gild-brother was obliged to help, if a member himself had to make atonement for killing a man. If, however, he had no justifiable motive for committing the act, if he had not been provoked to it in a quarrel, if he was not under an obligation to execute vengeance, but had slain the man merely from malice, he himself had to bear the consequences of the deed. If one Gild-brother killed another, he had first to reconcile himself with the kinsmen of the murdered man, and had moreover to pay eight pounds to all those belonging to his larger family, namely, the Gild; failing which, he was shut out of the society, and the

members of the Gild were forbidden to hold friendly intercourse of any kind with him. In like manner, an insult offered by one Gild-brother to another was severely punished. The solidarity of the society was even shown in the case of violence and damage to property, which one member might have suffered from the servant of another; the master of the servant was answerable for him, and was sued by the society for compensation. It was, moreover, a leading principle of the society, to which every member had to bind himself by oath, always to support him who had right on his side.

The essence of the manifold regulations of the statutes of these three Gilds appears to be the brotherly banding together into close unions between man and man, sometimes even established on and fortified by oath, for the purpose of mutual help and support. This essential characteristic is found in all the Gilds of every age, from those first known to us in detail, to their descendants of the present day, the Trade-Unions. According to the variety of wants and interests at various times, the aims, arrangements, and rules of these unions also varied. As a rule, the Gild-brothers periodically assembled together for common feasts.

The inquiry as to where these features of the Gilds are first met with in earlier times will, perhaps, also yield an answer to the inquiry into the origin of Gilds themselves. The Northern historians, in answer to the question, whence the Gilds sprang, refer above all to the feasts of the German tribes from Scandinavia, which were first called Gilds. Among the German tribes, every occurrence among the more nearly related members of the family required the active participation in it of them all. At births, marriages, and deaths, all the members of the family assembled. Banquets were prepared in celebration of the event, and these had sometimes even a legal signification, as in the case of funeral banquets, namely, that of entering on an inheritance; and, when they concerned kings, that of a coronation. Wilda narrates in detail the circumstances of a banquet of this kind, at which the son and heir, in the midst of his own and his father's companions, toasted his father's memory, and vowed to imitate his worthy deeds; the companions took similar vows upon themselves. Further, great social banquets took place on occasion of the sacrificial assemblies at the great anniversary festivals, which coincided with the national assemblies and legal assizes, and on occasion of important political events; and at the same time the common concerns of the community were deliberated on at these banquets. Moreover, they also furnished an opportunity for the conclusion of those alliances for purposes of plunder or war, of which we have accounts, especially in the case of Sweden

and Norway, as well as of those close unions of friends, in which, according to the Scandinavian Sagas, two warriors of antiquity were wont to confederate for life or death, for common enterprises and dangers, and for indiscriminate revenge when one of them should perish by a violent death¹. Every freeman was obliged to attend these feasts, and bring with him whatever food and drink he might require. Hence these feasts were also called Gilds; for "Gild" meant originally the sacrificial meal made up of the common contributions; then a sacrificial banquet in general; and lastly, a society. When in later times Christianity spread itself in the North, the sacrificial banquets, with all their customs and ceremonies, remained in existence, and Christ, the Virgin Mary, and other saints, stepped into the place of Odin and the rest of the gods².

Neither Wilda, the principal writer on Gilds, nor Hartwig, who has made the latest researches into their origin, is able to discover anything of the essential nature of Gilds, either in what has just been related about the old family and its banquets, or in the sacrificial assemblies; and it is only as to the one point of the custom of holding banquets on the occasion of anniversary festivals, that Wilda is inclined to derive the Gilds from them. But of the essence of the Gild, "the brotherly banding together in close union, which expressed itself in manifold ways in the mutual rendering of help and support," he finds no trace. "The banquets," he urges as his principal objection, "were either casual meetings to which every one, as he thought proper, invited his friends, or which several people prepared in common, and which did not produce any more intimate relationship than that already existing from the actual bond of the family, or state, or neighbourhood; or they were meetings in which every one of the nation was able, or was obliged, to take part. There appears in them nothing of any closer voluntary confederacy of the members within, or by the side of, the union caused by the State or religion³." Hartwig considers these objections of Wilda's conclusive, and believes that from the continued existence of pagan ceremonies even amongst the religious Gilds, and from the custom of holding feasts, nothing whatever can be deduced which is essential to the Gilds⁴.

Now these feasts cannot certainly be compared with the

¹ Münter's *Kirchengeschichte*, vol. i. p. 181, &c., quoted in Wilda's *Gildewesen im Mittelalter*, p. 29.

² Compare Wilda, *Das Gildewesen im Mittelalter*, Halle, 1831, p. 5, &c.; Waitz, *Deutsche Verfassungs-Geschichte*, vol. i. pp. 49-75, 2nd ed., Kiel, 1865; Hartwig, pp. 148, 149.

³ Wilda, p. 28.

⁴ Hartwig, p. 153.

already perfectly-developed Gilds of Abbotsbury, Exeter, and Cambridge; but if we connect with them what historians relate about the family in those days, we may still recognize in them the germ from which in later times, at a certain stage of civilization, the Gild necessarily had to develop itself. The family was, according to these historians¹, a community of all-comprehending importance, and its care provided completely for nearly all the wants of the individual. This it was able to do in consequence of the then simplicity of life. The minor found in it his protection; the insulted, the natural friends who sympathized most keenly with him in every injury inflicted, and who helped him to procure satisfaction. He who would engage in those pursuits which alone in that age were worthy of a free man, and which at the same time promised riches and fame—in chase, feuds, and war—found in the family his natural allies. Naturally, he who fell into poverty, or sickness, or any other kind of distress, obtained from the family the necessary help; and it provided of course for the burial of the dead whose heir it was. These are indeed the first, and are even now-a-days the practical results of the family union. For the murdered, there arose from the midst of his family an avenger; to the robbed it gave the necessary help to prosecute and punish the thief, and to obtain restitution of the plunder. Further consequences of the nature of the family compact were, that the members were obliged to maintain peace amongst themselves; that they were not entitled to appear against each other in a court of justice; and, on the other hand, that they were called upon to punish members, especially women, who had violated the right of the family². Before the community too it became answerable for its members. The payment of the forfeited *wergild* was, in all cases of offence—which according to ancient usage and custom claimed revenge—the concern of the whole family. The family appeared as such an intimate union of its members, that this responsibility of the whole body for the individual member commended itself to the sense of justice of the people as a matter of course. But as it answered for the compensation, and took part in the payment thereof, and assisted the guilty in order that he might not forfeit life and limbs to his antagonist, so it supplied the accused also with compurgators from among its members to ward off an unjust condemnation. In former times this family bond comprehended all relatives without limitation of degree;

¹ To avoid further quotations I refer to Waitz, vol. i. pp. 49-75. With reference to the Anglo-Saxons in particular, see also Lappenberg's *Geschichte von England*, vol. i. 1834, p. 587.

² By unchastity, as wives or girls.

but in later days it became restricted to the nearer kinsfolk. Of course these members of the family met at oft-recurring banquets, at which, as was customary among the Germans, their interests were talked over and deliberated on, just as has been shown in the above-mentioned accounts of the Scandinavian writers (p. lxviii), who agree in this with Tacitus (*Germ.* cap. 22).

If we compare this description of the family, and the accounts of the above-mentioned banquets, with the statutes of the Gilds at Abbotsbury, Exeter, and Cambridge, the family appears as the original and pattern type, after which all the later Gilds were formed; and this will be proved still more clearly in the course of this treatise¹. The family meets us here as the closest possible union, consisting of real brothers, and so thoroughly animated with the spirit of brotherhood and of mutual assistance and support, that it brings all conceivable relations within its reach, and provides completely for nearly all those wants, the satisfying of which fell, in later times, partly to the State, and partly to the artificial societies which were formed for this very purpose. The essential nature of the Gild, as characterized by Wilda himself, is to be found in the family, and developed there even to the highest degree. We do not yet see, it is true, special associations by the side of this most intimate natural union, but neither is there room for the former, by reason of the activity of the latter. It is indeed astonishing that Wilda, who himself afterwards designates the Gilds as "imitators of the family²," should here altogether forget whence they were derived.

With the exception of political interests, for which the State provided, there remains only one relation for which we find no particular provision in the family, namely, Religion. Care for the interests of religion was the business of the whole nation. At the time from which our accounts come down to us, the German tribes had already taken possession of fixed habitations; the relations of neighbourhood and of living-together asserted themselves in public life, and it was natural that the interests which first after politics united neighbours for common action, were the religious ones. Families, though acting generally as independent individual bodies, and competing most keenly with each other in the pursuit of their material interests, yet united as soon as *that* interest was concerned, which—even in the times of the most barbarian arbitrariness and the most unbridled club-law, the times of the most unchecked pursuit of individual

¹ Compare especially Part III. of this Essay, pp. cii, ciii.

² Wilda, pp. 56-58, 130, 132, 134, 147, 153, 169, &c.

interest—was always considered as the great, the common, the social interest, the reconciliation of man with God. As if single individuals felt themselves too weak to solve this great problem, they have always, at all times, and in all religions, united for the worship of God,—frequently the whole nation, and later, in special sacrificial societies, as we see in the religious associations of the Romans¹, and still more perfectly in the religious Gilds and fraternities of the Middle Ages.

The circumstance, that we meet here, all neighbours united in one common society, and not yet that separation into closer and more restricted associations which is found in the later Gilds, can give rise to no difficulty. This is a phenomenon which appears always, as soon as a great interest unites men into a community, and which repeats itself in the rise of every separate kind of Gild down to that of our modern Trade-Unions. At first, as long as all belonging to one portion of mankind have an equally lively sense of want, as long as zeal is universal, and energy is equally effective in all, and as long as this zeal is still growing, *one* bond comprehends them all; but gradually, with the increase of number, and with the relaxation of the general interest, or with the appearance of various shades in that interest, they unite into closer societies, or close their circles; by the side of which then arise others of a similar nature². When, for instance—to make use of an example which Hartwig himself brings forward in a later passage of his inquiry—the Christian communions were formed, all the members contributed, according to their ability, to one common fund for the purpose of good works. With the extension of Christianity this general display of love abated; the contributions ceased, or were changed into regular and involuntary taxes; and the zealous separated into particular brotherhoods, &c. Further, the Gilds, from which in later times the town constitutions sprang, comprehended originally, as Wilda himself tells us, all full citizens, whose relations to each other were none but those given by local limits and the bonds of neighbourhood. To the first Gilds of the Kalenders, all the priests of a deanery belonged, and the first Trade-Unions took their origin in a manner thoroughly similar.

The essence of the Gild existed also in those associations for acquiring riches and fame, the sworn confederacies for plunder and heroic deeds referred to above, and mentioned

¹ Cf. Heineccius, *De collegiis et corporibus opificum*, in Heineccii opera omnia, tom. ii. p. 390, Genevæ, 1766; also Cicero *De Senectute*, cap. 13. Gaius, in l. 4 D. de coll. et corp. 47, 22, quotes a passage from Solon's legislation taken over into the twelve tables concerning *sacrorum sacramentales*.

² Compare Part III. pp. xevi, xevii.

by the Northern historians; and therefore, although from the natural scantiness of the sources, historical references to the direct derivation of the Gilds from them may be wanting, it does not appear that the attempt to bring them into connection with the Gilds ought to be rejected without further counter-proofs¹.

As to the positive opinion of the opponents of our view of the origin of Gilds:—Wilda allows that the later Gilds are derived from the old pagan ones, as regards the custom of assembling together at a common meal on various solemn occasions (a custom, however, which is certainly met with, not only among the Germans, but also in the Greek *ἐσπῶν* and the Roman *Collegia*²). The peculiar characteristic of the Gilds, says Wilda, first entered into them through the Christian principle of love for one's neighbour; and the Gilds themselves had their origin in the monasteries aggregated together on that principle to share in the benefits of their prayers and good works. These aggregations were joined afterwards by laymen³. Against this view, Hartwig shows the untenableness of the derivation of the Gilds from those monastic aggregations⁴, and then points to the Gild-like unions of the cultivated and classical nations of antiquity, especially to the Roman burial-societies, which Christianity, as it spread, found already existing on an extensive scale. He then mentions the common contributions of the first Christians for good works, as well as the later discontinuance of these voluntary acts of charity of the laity, when the Church acquired great independent wealth. But, in spite of the immense property of the Frankish Church, Hartwig yet infers, from the existence of a great proletariat in the Frankish realm at the end of the Roman dominion, that associations of clergy and laity for mutual support must have been formed in that empire. Though more exact information concerning these is wanting, yet the existence of associations amongst the clergy of the sixth century for anything but pious purposes,—as for instance for opposing superiors,—appears to Hartwig sufficient reason for inferring the existence of similar ones for charitable purposes. The laity would join themselves at a later period to those societies, whose offshoots he sees in the Gilds of the Kalenders⁵.

¹ Against this view, on wholly insufficient grounds, see Wilda, p. 29; and without stating any grounds, Hartwig, p. 154.

² Hartwig, p. 156. Varro speaks of the licentious banquets of the Roman *collegia*: "Immutabiles collegiorum cœnas intendere annonam." Cf. Heineccius, pp. 386, 399. As to the *ἐσπῶν*, see Becker's *Charikles*, vol. ii. p. 239, 2nd edition, 1854.

³ Wilda, p. 31 ff.

⁴ Hartwig, p. 152.

⁵ Hartwig, pp. 156–160. See, on the Gilds of the Kalenders, p. lxxxviii below.

It seems, however, difficult to agree with this learned and ingeniously asserted opinion. The development shows too many gaps, and the connection of the isolated facts with each other is too weak for us to erect with its scaffold the great and magnificent edifice of the Gilds.

The assumption that the Gild first obtained its essential character, and its true purport, from the Christian communions only, seems to me also very difficult to reconcile with the facts so prominently brought forward by Wilda and Hartwig, that the customs and ceremonies of the Gilds of that age were to such an extent those of the old pagan sacrificial banquets, that, for centuries, prohibitions and menaces of punishment were expressly needed in order to destroy this pagan character. If I may be allowed to form a conjecture in this case, I would rather say that the religious brotherhoods of the Middle Ages, and as they still exist in Catholic countries, have their origin in a connection with monasticism, and in an imitation of it on the part of men who, though wishing to accumulate the greatest possible amount of merits for the next world, yet would not renounce the present; and that this origin is to be sought in Southern lands, in which Christianity and monasticism were first propagated¹. When, therefore, these Southerners brought Christianity into the North, they found existing there these pagan sacrificial unions, with their attendant banquets; and an amalgamation of the Christian religious unions was effected with the sacrificial societies of the pagans, and their customs and rites, like the blending of the Christian festivals and ceremonies with those of the old pagans, which Wilda narrates in so excellent a way. But though this continued existence of the old customs was at first allowed in the interest of the more rapid propagation of Christian doctrine, yet in later times, when the dominion of the doctrine appeared to have been secured, a war was commenced against them by the spiritual authorities as well as the secular ones, who were animated with similar ideas. Undoubtedly, however, the spirit of association received then a mighty impulse, and the Gilds spread themselves rapidly under the influence of Christian doctrine; but, at any rate, as it

¹ It follows from ll. 42 and 43 *Cod. Theod. de Parabolanis*, lib. 16, tit. 2 (with which must be compared the commentary of Gothofredus on these passages, as well as Baronius, *Annales Ecclesiastici*, tom. v. p. 691, Romæ, 1595, and Stolberg's *Geschichte der Religion Jesu Christi*, vol. xv. p. 44, Hamburg, 1818), that already in the third century there existed at Alexandria a Christian brotherhood for nursing the sick. But about the year 416 it had so altered its character, and had so degenerated, as a religious institution, that Theodosius published a decree to prevent it from becoming too powerful, and from meddling with secular affairs.

seems to me, the essence of the Gild, the confederation in societies for mutual help, where the power of the individual appeared too weak to obtain the object desired, is already to be recognized in those old heathen sacrificial assemblies¹.

Though in more ancient times the family connection was strong, and of importance in various ways, as in the maintenance of justice, in the formation of the nation, and in its first settlement, nevertheless, after this settlement had taken place, the relations which it called forth obtained the preponderance. The natural bond of the family became more and more relaxed with the increase of the number of relatives, and with the rise of special interests among the individual members; and would also lose its importance as regards the maintenance of justice. Moreover, the constantly increasing number of kinless people, and of strangers, would further the formation of new institutions; for the State alone was not at that time able to satisfy its members' claims for legal protection.

This change had, above all, to take place in the Anglo-Saxon States² through the intermixture of the people with Britons and Danes. Here, artificial alliances would take the place of the natural ones, and of the frankpledge³ founded thereon. Already, in passages of Ina's statutes which refer expressly to the legal protection of the stranger, mention is made of "*gegildan*" and "*gesið*," and strangers are the very people who, we are told, lived, later on, in societies or Gilds, to which probably a great antiquity must be ascribed⁴. A law of King Alfred declared, that when any one who had no paternal relatives, killed another, one-third of the fine should be paid by the maternal relatives, another third by the "*gegildan*," while for the remaining third the man himself was responsible. But if he was also without maternal relatives, the "*gegildan*" had to pay the half, and for the other half "let him flee." In a corresponding case, when such a man had been killed, the "*gegildan*" received half of his fine, the king the other half⁵. If now we consider that, amongst the members of the later Gilds, exactly similar obligations are met with⁶, the opinion will appear justified⁷, that here also, under the term "*gegildan*," Gild-members are understood.

¹ Both Waitz (vol. i. p. 85) and Lappenberg (vol. i. p. 609) appear to believe in this derivation of the Gilds.

² See Additional Notes, No. 1.

³ The mutual security which persons of the same tithing gave for each other's good conduct.

⁴ Waitz, vol. i. p. 437.

⁵ Ibid. p. 433.

⁶ Compare the Statutes of the Cambridge Gild on p. lxxvi of this Essay.

⁷ Hartwig, it is true, asserts (p. 136) that it is now universally acknowledged

An already far-advanced development of the Gilds is shown by the *Judicia Civitatis Lundoniæ*, the Statutes of the London Gilds, which were reduced to writing in the time of King Athelstan. From them, the Gilds in and about London appear to have united into *one* Gild, and to have framed common regulations for the better maintenance of peace, for the suppression of violence,—especially of theft, and the aggressions of the powerful families,—as well as for carrying out rigidly the ordinances enacted by the king for that purpose. Particularly comprehensive were the arrangements for prosecution against theft; one might call these Gilds "assurance companies against theft." Not only were the members obliged to pursue and track out the thief, even in other districts, but the injured person also received compensation for his loss from the common fund. The agreements which had been come to, and the obligation resulting therefrom, bound not only the members of the Gilds, but also all non-members living in the district in which the Gilds existed; and the non-members were for this purpose united into tithings under the lead of the Gild-brothers. Every month the members of the Gild assembled at a banquet, at which the common interests, the observance of the ordinances enacted, and similar matters, were inquired into and discussed. The remains of the viands were distributed amongst the poor. On the death of a member, every associate of the Gild had to offer a loaf of fine bread for the benefit of the soul of the departed, and had to sing fifty psalms, or to get them sung, within the space of a month. All who took part in this league were to be as the members of *one* Gild, in *one* friendship, and in *one* enmity; and every insult was to be avenged as a common one¹. The English Knighten Gild was perhaps one of these united Gilds². At Canterbury, a Gild following the same ends stood at that time at the head of the city, whilst two others existed by the side of it. There are also accounts of a Gild-hall at Dover, from which a Frith Gild may be inferred; and charters of a somewhat later time frequently mention many other Gilds besides these, as having been long in existence³.

The organization of the Gilds was thus in the eighth, ninth, and tenth centuries, not only completed, and probably already

(especially since Kemble), that the just-mentioned "*gegildan*" are not to be taken for Gild-members. Nevertheless Waitz, in the latest edition of his *Constitutional History* (1865), vol. i. p. 438, clings to the contrary opinion, and very justly, as appears to me. See in Waitz the various opinions and writings on this point.

¹ Cf. Wilda, p. 245, &c.; Lappenberg, p. 386; Waitz, vol. i. p. 434; Hartwig, p. 140.

² See below, Part III. of this Essay, p. xcix.

³ Lappenberg, vol. i. p. 610.

widely extended amongst the Anglo-Saxons, but even recognized, and their ordinances imitated, or at least sanctioned, in legislation; and the Gilds enjoyed already such authority in England, that their agreements bound even non-members; and town constitutions were already developing themselves from them. At the same time we see them forbidden and persecuted everywhere on the Continent by ecclesiastical as well as by secular authorities. A series of Capitularies of the Emperor Charlemagne and his successors¹ interfered with all kinds of combinations and unions, and especially with those which were confirmed by mutual oaths. Not only those which proposed directly unlawful objects were threatened with scourging, nose-slitting, banishment, and such-like punishments of their members, but even those whose object was protection against robbery and other deeds of violence². Unions were only to be tolerated for mutual assistance in fires, shipwrecks, and similar cases, and even then without the members confirming their obligations by an oath³. Under Louis le Debonaire, Gilds even amongst serfs are met with in Flanders, Menpiscus, and the other maritime districts, and their lords were called upon to suppress them, under the threat of being punished themselves⁴. The clergy too had their Gild meetings, as appears from the Capitularies of Archbishop Hincmar of Rheims. The wanton practices and heathen customs which prevailed at their banquets, as well as the exaction of the contributions and fines which, as in the London and Cambridge Statutes, were imposed for violation of the ordinances, gave Hincmar occasion for vehement complaints against these Gilds⁵. We see from these accusations that the despotic mediæval magnates of the Continent used the same weapons for attacking associations for the maintenance of freedom, as their modern antagonists in free England, the enemies of Trade-Unions.

¹ The passages referring to this matter are to be found in Pertz, *Monumenta Germanie Historica*, Legum, tomus i. p. 37, cap. 16; p. 59, cap. 29; p. 68, cap. 10; p. 74, cap. 31; p. 133, cap. 10; p. 230, cap. 7; p. 232, cap. 4; p. 352, cap. 10; p. 553, cap. 14.

² *Capit. Theod.* 805, cap. 10; *Const. Olonn.* 823, cap. 4; *Capit. Wormat.* 829, cap. 10, in Pertz, l. c., pp. 133, 232, 352.

³ *Capit.* 779, cap. 16, in Pertz, l. c., p. 37.

⁴ "De conjunctionibus servorum quæ fiunt in Flandris et Menpiscus et in cæteris maritimis locis, volumus ut per missos nostros indicetur dominis servorum illorum, ut constringant eos, ne ultra tales conjunctiones facere præsumant. Et ut sciant ipsi eorundem servorum domini, quod cujuscunque servi hujuscemodi conjunctionem facere præsumpserint postquam eis hæc nostra jussio fuerit indicata, bannum nostrum, id est sexaginta solidos, ipse dominus persolvere debeat."—*Capit. Theod.* 821, cap. 7, in Pertz, l. c., p. 230. Compare with this, *Capit. Vern.* 884, cap. 14, in Pertz, l. c., p. 553.

⁵ Cf. Wilda, pp. 22, 35, 41; Hartwig, pp. 138-141, 150.

There is no doubt that these "Gildoniæ" of the Frankish Empire are the same as the Gilds of the Anglo-Saxons, such as those of London and Cambridge¹. The more developed constitution of these appears merely as a consequence of the later times from which the documents on them have been preserved for us, as well as of the freedom from those restrictions which necessarily hindered their prosperity on the Continent. As the unions themselves owed their origin to social and political changes, in like manner the reasons of these prohibitions lay probably in political and social considerations. All the various kinds of Gilds—as will further appear in the course of this inquiry—always arose in times of transition; and especially when we consider the origin of Trade-Unions we shall show how, in every single trade, the Gilds came into existence at the time when each trade was changing from small to great industry. When these Gilds arose, both England and the Frankish Empire were likewise in such a stage of transition. The frankpledges of those belonging to one family became less efficient. Lappenberg relates, that in England² the landed proprietor, the feudal lord, took all his serfs under the same protection as in earlier times was afforded by their kinsmen. This relation could not however satisfy the want of the great numbers of those who had maintained their freedom, and did not belong to any connection of this kind. Amongst these freemen, therefore, we forthwith meet the same contrast which now-a-days separates Economists and Socialists. The freemen of rank and large possessions, who felt themselves powerful enough for their own protection, found, as the strong are ever wont to do, their interest more in a system of mutual feuds, that is, of free competition amongst themselves, than in associations and mutual pledges. But the less powerful, the small freemen, sought, as the weak always do, protection for themselves in confederating into close unions, and formed the Gilds for that purpose.

The mighty efforts of the Emperor Charlemagne to form one central State, transformed all existing relations. His legislation caused especially a considerable diminution of the old freemen. With the pressure which the violent dukes and counts exercised on the people, the number of the latter shrank more and more, exactly as the number of small master-craftsmen and tradesmen dwindled away in consequence of the centralization of trade into the great workshops in the eighteenth and nineteenth

¹ Cf. Hartwig, pp. 138-142, who also, together with Marquardsen, maintains against Kemble the real identity of the London brotherhoods with the remaining Anglo-Saxon Gilds.

² Lappenberg, vol. i. p. 587, &c.

centuries in England. Just as here the artisans could only avoid being pressed down to a slavlike condition by leaguering together into unions, so in like manner the old freemen of Charles's time were only able to maintain their liberties wherever the fact of their dwelling together in larger numbers rendered a confederacy into Gilds possible, or wherever they were secured against the persecution of their oppressors by the peculiar natural conditions of their abode. Although, later on, Charles himself endeavoured in vain to counteract the diminution of the old freemen—so far as it was possible without injuring his system—yet the action of an organization like the Gilds would have made breaches in it; moreover, these stirrings of self-help might have become dangerous to the system of personal government of the arbitrarily ruling Cæsar.

But the universal insecurity after the death of Charles, and especially the devastating incursions of the Normans, were the causes that brought about the association of the people into Gilds, even more than the fear of losing their inherited freedom. But here too it was the same dread that caused self-help to be forbidden; and this was certainly also the cause of the prohibition of the associations amongst serfs against thieves and robbers. The crime of the serfs in their unions consisted in their endeavouring to provide redress for their grievances without making use of the intervention of their masters¹, whose powers over them such interventions always increased. Even when the poor people who were without protection against the inroads of the Normans, leagued themselves into sworn brotherhoods, and in this manner offered firm resistance to the robbers, they were cut down by the Frankish nobles, as a reward for their bravery².

The assumption, that these serfs had also confederated together against their lords for the improvement of their very miserable condition, does not appear to be necessarily excluded by the threat in the Capitulary of Louis, that the lords themselves should be punished if they did not suppress the unions³. At least, the Mayor and Aldermen of London, in the year 1415, made, in like manner, the Wardens of the Tailors' Gild responsible for the existence of associations of journeymen tailors,

¹ The *Capit. Vern.* 884, cap. 14 (Pertz, l. c., p. 553) says: "Volumus, ut presbyteri et ministri comitis villanis præcipiant, ne collectam faciant quam vulgo Geldam vocant contra illos qui aliquid rapuerint. Sed causam suam ad illum presbyterum referant qui episcopi missus est, et ad illos qui in illis locis ministri comitis super hoc existunt, ut omnia prudenter et rationabiliter corrigantur."

² Hartwig, p. 145. Compare him for the rest of these historical statements in general, p. 161, &c.

³ Waitz (vol. iv. p. 364) and Hartwig (p. 145) draw this inference.

which however were directed against the masters themselves¹. As these journeymen stood under the rule of the Wardens of the Tailors' Gild, so stood the serfs to their lords in a relation of protection like the earlier one of the family-members to their family; the lords were responsible for the offences of their slaves in general, and especially for those committed by "collecta," as that same Capitulary of Louis le Debonaire attests². The interest in the maintenance of the existing order of things made it as much a special duty of the lords in the Carolingian times, as of the masters in the fifteenth century, to take care that such order should not be disturbed by any kind of revolutionary movements of the governed class. The suppression of those stirrings of self-dependence appeared a matter of public importance. Heineccius³ already, *apropos* of the interdiction of the Roman *collegia* by Tarquinius Superbus, refers to the opinion of Aristotle (*Polit.* lib. v. cap. ii.): "The means already indicated to maintain the mastery as long as possible, consist in this especially, to suffer neither common banquets nor political unions, nor education in common, nor anything else of the same kind; but to guard against everything which can excite in the people these two qualities—self-consciousness and mutual confidence." If these associations of serfs were also directed against their lords, we have indeed in that Capitulary the first record of a combination of labourers against their masters.

The forbiddance of Gilds in the Frankish Empire could also be justified from religious motives, in consequence of the gluttony and pagan customs always associated with them. But from England we hear nothing whatever of any evil influence of the Gilds. It appears that Englishmen at all times knew better than Continentals how to maintain their right of free and independent action; and their Government seems to have known even at that time how to make use, in an excellent manner and in the interest of public order, of organizations freely created by the people. In Germany a better estimation of the Gilds seems to have commenced under Henry I., who in order to raise the towns, ordered the Gilds to hold their councils, their meetings, and their banquets in them. The same thing was decreed for Norway nearly a century and a half later by Olaf Kirre, the

¹ Cf. Riley, *Memorials of London and London Life in the Thirteenth, Fourteenth and Fifteenth Centuries*, p. 609. London, 1868.

² *Capit. Theod.* 821, cap. 1 (Pertz, l. c., p. 230): "Si servi per contumaciam collecta multitudine alicui vim intulerint, id est aut homicidium aut incendium aut qualiumcunque rerum direptiones fecerint, domini quorum negligentia hoc evenit, pro eo, quod eos constringere noluerunt, ut talia facere non auderent, bannum nostrum, id est sexaginta solidos, solvere cogantur."

³ Heineccius, l. c., p. 379.

founder of Bergen, and the enlarger of several towns. He also caused houses to be built for this purpose, as for instance at Trondjem.

There remains, in conclusion, to state briefly the chief result of this inquiry. The family appears as the first Gild, or at least as an archetype of the Gilds. Originally, its providing care satisfies all existing wants; and for other societies there is therefore no room. As soon however as wants arise which the family can no longer satisfy—whether on account of their peculiar nature or in consequence of their increase, or because its own activity grows feeble—closer artificial alliances immediately spring forth to provide for them, in so far as the State does not do it. Infinitely varied as are the wants which call them forth, so are naturally the objects of these alliances. Yet the basis on which they all rest is the same: all are unions between man and man, not mere associations of capital like our modern societies and companies. The cement which holds their members together is the feeling of solidarity, the esteem for each other as men, the honour and virtue of the associates and the faith in them—not an arithmetical rule of probabilities, indifferent to all good and bad personal qualities. The support which the community affords a member is adjusted according to his wants—not according to his money-stake, or to a jealous debtor and creditor account; and in like manner the contributions of the members vary according to the wants of the society, and it therefore never incurs the danger of bankruptcy, for it possesses an inexhaustible reserve fund in the infinitely elastic productive powers of its members. In short, whatever and however diverse may be their aims, the Gilds take over from the family the spirit which held it together and guided it: they are its faithful image, though only for special and definite objects.

The first societies formed on these principles were the sacrificial unions, from which, later on, the Religious Gilds were developed for association in prayer and good works. Then, as soon as the family could no longer satisfy the need for legal protection, unions of artificial-family members were formed for this purpose, as the State was not able to afford the needful help in this respect. These Gilds however had their origin in direct imitation of the family. Most certainly, none were developed from an earlier religious union: as little as were the Roman *collegia opificum* from the Roman sacrificial societies, or the Craft-Gilds from the Gild-Merchants, or any Trade-Unions from a Craft-Gild.

II. THE RELIGIOUS (OR SOCIAL) GILDS.

AFTER the German tribes had settled in fixed abodes, the families dwelling in a certain district united themselves into common sacrificial assemblies. As a rule, common meals were connected with them, to which every one taking part had to bring what he wanted of food and drink. From this these unions were called *Gilds*. When Christianity, together with its religious fraternities, came to the North, the latter amalgamated with the heathen sacrificial societies which they found there, and from this union arose the Religious Gilds of the Middle Ages.

This is the opinion on the origin of the Religious Gilds already expounded in the foregoing part of this Essay. In the above cited statutes of the Gilds at Abbotsbury and Exeter, of the eleventh century (p. lxxv), we see the organization of these Gilds already completely developed. But much earlier, though less detailed, information is afforded by the Capitularies of Archbishop Hincmar of Rheims, of the year 858.

We find, already distinct, in these Capitularies, the two kinds which must be distinguished among the Religious Gilds. The one exists among laymen; and it alone is called "*Geldonia*." It alone, too, bears already the complete character of the Religious Gilds as it existed during the whole of the Middle Ages. The other kind of Gild exists among the clergy.

In the Capitulary¹ relating to the Gilds among laymen, Hincmar gives instructions to his clergy as to their allowed sphere

¹ Labbei Concilia, ed. Coleti, t. x. cap. 16. p. 4: "De confratris, earumque conventibus, quomodo celebrari debeant.—Ut de collectis, quas geldonias vel confratrias vulgo vocant, sicut jam verbis monuimus, et nunc scriptis expresse precipimus, tantum fiat, quantum ad auctoritatem, et utilitatem, atque rationem pertinet: ultra autem nemo, neque sacerdos, neque fidelis quisquam, in parochia nostra progredi audeat. Id est in omni obsequio religionis conjungantur: videlicet in oblatione, in luminaribus, in oblationibus mutuis, in exequiis defunctorum, in elemosynis, et ceteris pietatis officiis: ita ut qui candelam offerre voluerint, sive specialiter, sive generaliter, aut ante missam, aut inter missam, antequam evangelium legatur, ad altare deferant. Oblationem autem, unam tantummodo oblatam, et offertorium, pro se suisque omnibus conjunctis et familiaribus offerat. Si

of action, and as to the solemnities to be held at their meetings. He first tells them quite in general, that only that should be done which was required by dignity, utility, and reason; but he immediately defines this somewhat more precisely: "They shall unite for every exercise of religion: that is to say,"—and now follows, as a more detailed statement of the duties involved therein, the enumeration of all the objects which are again met with in the later Gild-statutes,—“they shall unite for offerings (especially of candles), for mutual assistance, for funeral services for the dead, for alms, and other deeds of piety.” On the other hand, Hincmar forbids, what other Capitularies term “*diabolicum*” (which must be translated here by “heathenisms”), namely, feasting and drinking-bouts, because they led to drunkenness, gave occasion for unjust exactions, for sordid merriments, and inane raileries, and ended often even with quarrels, hatred, and manslaughter. If it was the priest of the Gild or any other clergyman who acted against this prohibition, he was to be degraded, but if it was a layman or a woman, he or she was to be excluded until satisfaction was given. If it became necessary to call a meeting of the brothers, as, for instance, for the arrangement of differences which might have arisen among them, they were to assemble after divine service; and after the necessary admonitions, every one who liked was to obtain from the priest a piece of consecrated bread and a goblet of wine; and then he was to go home with the blessing of God.

These fraternities were spread in the Middle Ages, in great numbers, over all countries under the sway of the Roman-Catholic religion, and they exist even now in such countries. As the Gild Statutes contained in this collection—and they are but waifs and strays of large flocks—show, these brotherhoods existed in considerable numbers in every town; thus there were twelve in Norwich, as many in Lynn, in Bishop’s Lynn nine,

plus de vino voluerit in butticula vel canna, aut plures oblatas, aut ante missam, aut post missam, presbytero vel ministro illius tribuat, unde populus in eleemosyna et benedictione illius eulogias accipiat, vel presbyter supplementum aliquod habeat. Pastos autem et comessationes, quas divina auctoritas vetat, ubi et gravedines, et indebitæ exactiones, et turpes ac inanes letitiæ et rixæ, sæpe etiam, sicut experti sumus usque ad homicidia, et odia, et dissensiones accidere solent, adeo penitus interdiximus, ut qui de cetero hoc agere præsumperit, si presbyter fuerit, vel quilibet clericus, gradu privetur, si laicus, vel femina, usque ad satisfactionem separetur. Conventus autem talium confratrum, si necesse fuerit ut simul conveniant, ut si forte aliquis contra parem suum discordiam habuerit, quem reconciliari necesse sit, et sine conventu presbyteri et ceterorum esse non possit, post peracta illa quæ Dei sunt, et Christianæ religioni conveniunt, et post debitas admonitiones, qui voluerint eulogias a presbytero accipiant: et panem tantum frangentes, singuli singulos biberes accipiant, et nihil amplius contingere præsumant, et sic unusquisque ad sua cum benedictione domini redeat.”

¹ See Hartwig, pp. 142, 153.

while abroad, Gallienus counts even eighty in Cologne, Melle about seventy at Lübeck, and Staphorst more than a hundred at Hamburg¹. But their objects and organizations were so identical everywhere, and remained so essentially unchanged during successive centuries, that a comparison of them in various countries and at various times could only lead to repetitions. I will therefore simply state their objects and their organization. What is described here, prevailed in all countries alike².

With regard to the objects of these Gilds, Hincmar defines them completely, when he says, “in omni obsequio religionis conjungantur,” they shall unite in every exercise of religion. By this were meant, before all things, the associations for the veneration of certain religious mysteries, and in honour of saints³. Accordingly, these Gilds were everywhere⁴ under the patronage of the Holy Trinity, or of certain Saints, or of the Holy Cross, or of the Holy Sacrament, or of some other religious mystery. In honour of these patrons they stuck candles on their altars and before their images; in some statutes this appears even as the only object of the Gild⁵. Wilda⁶ narrates also how the setting up of such a candle became the origin of an entire Gild. Once, towards the end of the fourteenth century, says he, several merchants and shopmen of Flensburg were sitting drinking together, and having paid their score, six shillings (standard of Lübeck) remained over. What should be done with these, was now the question. At length they resolved to order a candle to be made, which was to burn before the image of the Virgin Mary on the altar of our Lady. This fraternity, so insignificantly begun, increased rapidly

¹ See Wilda, p. 346.

² Compare, for what is said in the following, the Gild Statutes contained in Mr. Smith’s collection, (see Mr. Smith’s collection, p. 168), seems to me to be that this Gild does not, in the account given of it, appear any more as an independent Gild, but simply as a subdivision of the Gild of the Holy Cross of the Merchants of Chesterfield. Before it joined the latter, it had been likewise under the patronage of the Holy Cross, as is proved by the members “worshipping before the greater cross in the nave of the church of All Saints,” and by the “lights to be burnt before the cross on the days named.” But after it had become a mere subdivision of a Gild under the same patronage, a special mention of the patron was no more required, and, for the sake of discriminating it from the rest, it was simply called the Gild of the Smiths.

³ The modern representative of this is the march of the members of the English village Benefit-Societies to morning service at their church before the midday dinner, the cricket-match and games of the afternoon, and the evening dance.—F. J. F.

⁴ The reason why there is no patron saint mentioned in the case of the Gild of the Smiths of Chesterfield (see Mr. Smith’s collection, p. 168), seems to me to be that this Gild does not, in the account given of it, appear any more as an independent Gild, but simply as a subdivision of the Gild of the Holy Cross of the Merchants of Chesterfield. Before it joined the latter, it had been likewise under the patronage of the Holy Cross, as is proved by the members “worshipping before the greater cross in the nave of the church of All Saints,” and by the “lights to be burnt before the cross on the days named.” But after it had become a mere subdivision of a Gild under the same patronage, a special mention of the patron was no more required, and, for the sake of discriminating it from the rest, it was simply called the Gild of the Smiths.

⁵ See, for instance, p. 14 of Mr. Smith’s collection.

⁶ Wilda, p. 347.

in members and in income; the Gild-brothers therefore resolved to adopt a regular constitution, to elect aldermen, to begin a Gild-book, &c. Besides for the setting-up of candles, the members united also for special devotions to their patrons; and amongst these Gilds must be named, above all, the fraternities of the Rosary, as those widest spread since the days of St. Dominic. Further, the Gilds got masses said in honour of their patrons, and went in solemn procession to their churches on the days of their feasts. Conventions like that between the fraternity of London Sadlers, and the neighbouring Canons of St. Martin-le-Grand, by which the Sadlers were admitted into brotherhood and partnership of masses, orisons, and other good deeds, with the canons, were common with these religious Gilds. They further obliged their members to engage in devotions and divine services for the souls of their departed brethren, and often, also, to aid pilgrims and pilgrimages¹, especially to some most revered places, as, for instance, to the Holy Land, to the tombs of the apostles Peter and Paul, or of St. James (of Compostella), to Loretto and other places.

But, as Hincmar pointed out, the "*obsequium religionis*" included not only devotions and orisons, but also every exercise of Christian charity, and therefore, above all things, mutual assistance of the Gild-brothers in every exigency, especially in old age, in sickness, in cases of impoverishment,—if not brought on by their own folly,—and of wrongful imprisonment, in losses by fire, water, or shipwreck, aid by loans, provision of work, and, lastly, the burial of the dead. It included, further, the assistance of the poor and sick, and the visitation and comfort of prisoners not belonging to the Gild. And, as in the Middle Ages instruction and education were entirely supplied by the Church, and were considered a religious duty, we find among the objects of religious Gilds also the aid of poor scholars, the maintenance of schools, and the payment of schoolmasters.

No Gild pursued all these objects together; in each separate Gild one object or the other predominated, and, besides it, the Gild pursued several others. But often, too, we find Gilds for the fulfilment of quite a concrete and merely local task, as, for

¹ Mr. Ludlow's suggestion (*Fortnightly Review*, vol. vi., N. S., p. 399), that the assistance of pilgrims "is probably the original of what is now termed 'donation' to 'travellers,' or 'tramps,' or sometimes simply 'tramp-money'—i.e. relief to members going in search of work," can hardly be serious. Craftsmen travelling in search of work were at least not usual in England in the fourteenth century, and perhaps even never as long as the old system of industry prevailed; whilst a glance at some ordinances relating to the relief of pilgrims, even among the statutes of Craft-Gilds (such as, for instance, on pp. 180, 182 and others of Mr. Smith's collection) might convince Mr. Ludlow of the real nature of these pilgrims. (The 12 Richard II. cap. 3, requiring a Letter-Patent from wandering labourers, evidently refers to agricultural labourers only.) See Additional Notes, No. 4.

instance, the Gild of Corpus Christi at York. I am obliged on this account to make some observations against Mr. Toulmin Smith, though I do it with extreme unwillingness; for nobody can acknowledge Mr. Smith's great merits in making this collection with greater thanks than myself, and I am most keenly alive to the fact that it becomes me, least of all, to enter into controversy against a man of such learning, especially in this place. But Mr. Smith has so strangely misconceived the character of this Gild¹, that I think it absolutely necessary to correct him.

The case with this York Gild is simply this. In all Roman-Catholic countries the consecrated host is carried every year on the day of Corpus Christi, by the priest of highest rank in the place, in solemn procession, in the towns through the streets, and in the country over the fields. This is one of the greatest feasts of the Roman-Catholic Church. To heighten its solemnity, all the pomp which the Church can command is brought together. With this intention the clergy of York founded a special Gild, of which the sole object was to provide the ceremonies and pomp of this festival. As the solemnities of one of the greatest ecclesiastical feasts were in question, it can easily be understood that those who were at the head of the Gild were priests. Moreover, the reason why the many crafts of York joined so generally in this procession, was neither "the love of show and pageant which it gratified," nor was it "the departure from the narrow spirit of the original ordinances," but simply that the taking part in this procession was considered as a profession of faith in transubstantiation. I have myself seen at Munich, the King, the Ministers, the whole body of clergy, the University, all the Trades with their banners and emblems, all the Religious Fraternities, the Schools, and even the Army, taking part in a like procession; and that at Vienna is renowned for still greater pomp.

As there were Gilds for conducting this procession, so there were also Gilds for the representation of religious plays, which were common in the Middle Ages in all countries, and which are still performed in some places, for instance, every tenth year at Oberammergau in Southern Bavaria. Such were the Gild of the Lord's Prayer at York, and the Gilds of St. Elene, of St. Mary, and of Corpus Christi, at Beverley². The performance of secular plays was also the object of some Gilds, for instance, of the Gild at Stamford³, and of the *Confrérie des Conards* at Rouen⁴.

¹ See pp. 140–143 of Mr. Smith's collection.

² See also Blomefield's account of the Gild of the Holy Cross at Abingdon, in his *History of Norfolk*, iii. p. 494.

³ See p. 192 of Mr. Smith's collection.

⁴ Oudin-Lacroix, p. 493.

Moreover, all objects of common interest for which now-a-days special societies and associations provide,—for instance, the various insurance companies,—in the Middle Ages caused all who were interested in them to unite themselves to religious Gilds; the motive and the principles only were other than those of to-day, namely, Christian charity, instead of profit. Thus there were not only Gilds like the "*Fraternitas ad Edificandum Capellam St. Gertrudis*"¹, but also those for the repair of bridges and highways². The National Life-Boat Institution of to-day would undoubtedly have been a Religious Gild in the Middle Ages; to be convinced of it one need only look at the statutes of the Gild of the Holy Trinity, Wygnale, Norfolk³. Even at the present time I know of societies similar to these Gilds among the Catholics. The Roman-Catholic Bishops of Germany founded, a few years ago, the association of St. Catherine all over Germany, with a great number of local branches, for the foundation of a Roman-Catholic University. Every member is bound to a minimum contribution and to certain devotions. The Bishop of Hippo and Tagaste founded, especially in France, but with branches extending to other countries, an association under the same obligations for the erection of orphan-houses in Africa; and similar to these there exists still now an infinite number of associations in the Roman-Catholic Church. Like these last-named examples of to-day, the mediæval Gilds always connected special devotions and good deeds with the pursuit of their principal object.

When the Frith-Gilds originated, after the family had ceased to afford its members necessary protection, they also, as well as the Craft-Gilds in later times, connected with the pursuit of their political and industrial objects certain devotions and good deeds; and it has therefore been justly observed, "that it was not till the times subsequent to the Reformation that these fraternities could be regarded as strictly secular." These religious provisions in all kinds of Gilds were probably the reason why Mr. Toulmin Smith has given the name of Social Gilds to those which provide for other common interests besides the political and industrial ones, instead of terming them "Religious Gilds," as was usual till now. His name for them is undoubtedly a just one, but it comprehends the political and industrial Gilds as much as the one used hitherto; for the bases on which these Gilds rested were the same social principles as those by which the rest were guided. It distinguishes the two kinds even less; for though there were religious provisions in the political and

¹ Wilda, p. 349. ² See p. 249 of Mr. Smith's collection. ³ See p. 110, *ibid*.

industrial Gilds, yet these were always only of less importance, whilst the other Gilds pursued regularly as principal objects things, the provision for which was considered in the Middle Ages as an essential religious duty and task of the Church¹. Though I acknowledge the justness of Mr. Smith's appellation, I prefer the one which Madox uses, and which is also in use in all other countries.

People of all ranks took part in these Religious Gilds. Now and then, however, people out of a certain class were not to be admitted². The same person might take part in several religious Gilds. The members had often a special livery, as is still now the case with some fraternities at Rome. These liveries were worn on their ecclesiastical festivals, and probably also at the great feastings and drinking-bouts which were always connected with them. Notwithstanding all the prohibitions against the latter, since the days of Hincmar, they seem to have so pushed themselves into the foreground, that sometimes special references were needed in the Gild statutes, that "not eating and drinking, but mutual assistance and justice were the principal objects of the Gild"³.

The expenses to be defrayed for attaining the objects of the Gild were provided for by the entrance-fees, the contributions, the gifts and the legacies of members. The contributions were sometimes fixed, but sometimes, especially in earlier times, they varied according to the wants of the Gild. The account of the Gild of the Smiths at Chesterfield is the only one in which there are no contributions mentioned⁴; it had its own property, from which all its expenses were to be defrayed; it had, however, to pay with bankruptcy for this deviation from Gild principles. The organization of the Religious (or Social) Gilds was the same as that of all Gilds up to the time of our modern Trade-Unions: a meeting, and officers elected in it, with fines for not accepting office when chosen to it. Often the members had, on their entrance, to declare by oath that they would fulfil their obligations. Persons of ill repute were not to be admitted; and mem-

¹ As I discussed this subject a little with Mr. Toulmin Smith,—I think we settled the name together,—I may say that he looked at the *main object* of the Gilds he was dealing with, those of A.D. 1389; and as that was unquestionably social, like that of our modern Benefit-Societies, he gave these Gilds their right name. To have called them "Religious," because of their ornament of a saint's name, would have seemed to him and me a monstrous contradiction, in the days of Chaucer and Wycliffe, of William who had the Vision of Piers the Plowman, and others who have left us records of what Romanism, with its monks and friars, practically then was in England.—F. J. FURNIVALL. See Additional Notes, No. 2.

² See p. 179 of Mr. Smith's collection. See also Wilda, p. 361.

³ See Wilda, p. 33. ⁴ p. 168 sqq. of Mr. Smith's collection.

bers were to be excluded for misconduct. Moreover, the same rules are to be found with regard to proper behaviour and decent dress at the Gild-meetings, as recur in all kinds of Gilds to our day. Disputes among members were to be decided by the Gild. The disclosing of the affairs of the Gild was to be severely punished. In those places in which the Gild had no special hall, its meetings were often held in the Town-hall¹. The fraternities must accordingly have enjoyed high consideration.

As to the Gilds among the clergy, the Capitularies of Hincmar—which, as said above, related to them²—contain ordinances against the extravagances of the priests at funeral meals, and at the feastings which used to follow their meetings, especially those of the priests of a deanery (or diaconasia), on the first of each month. No priest was to get drunk at them, nor was he to empty goblets to the health of saints or of the soul of the deceased; nor was he to force others to drink, nor get drunk himself at the desire of others. The priests were not to burst out into indecent noise or roaring laughter; they were not to sing vain songs nor tell inane jokes; nor were they to allow scandalous performances of bears or female dancers to be made before them, nor delight in other mummeries, “because this was heathenish, and forbidden by Canon law.” Nor were they on every occasion to provoke each other, or anybody else, to passion and quarrels, and still less to fighting and murder; nor was he who was provoked to assail at once his provoker. On the contrary, the priests were to breakfast with honesty and fear of God; holy stories and admonitions were to be read, and hymns sung, and every one was to go home in good time. Exactly the same ordinances are contained in the Capitularies of Bishop Walter of Orleans³, which likewise bear date in the year 858.

These passages do not, however, contain anything from which the existence of a Gild amongst these priests can be inferred; for the extravagances mentioned might be connected with any kind of meeting. In later times, however, the clergymen assembled on the first day of each month to deliberate on their interests, were united in special fraternities, which, from their meeting-day on the Kalends of each month, were called “*Gilds of the Kalenders*.” It is generally inferred from this, that probably even in Hincmar’s time the priests bound each other by mutual agreement to pray for their salvation, and to observe certain

¹ See Wilda, p. 348.

² Labbei Concilia, ed. Coleti, t. x. cap. 14, p. 4: “Quomodo in conviviis defunctorum, aliarumve collectarum gerere se debeant.” Cap. 15: “Quid cavendum sit presbyteris, quando per Kalendas inter se conveniunt.”

³ Ibid. cap. 17, p. 73: “Quomodo in consortiis-et conviviis gerere se debeant.”

rules with respect to their meetings; and these meetings are accordingly believed to have been Gild-meetings of the clergy. This is nothing but a mere conjecture, it is true. But it is also true that, in later time, the members of the Gilds of the Kalenders used to assemble on the Kalends of each month for divine service, for deliberation on their interests, and for common meals, like the priests in the time of Hincmar. In a deed of the fifteenth century they are still called “*fratres in calendis missas celebrantes*.” In any case, therefore, the name “Gilds of the Kalenders” seems to be derived from these monthly meetings.

In later times the objects of these Gilds were extended to the exercise of any good works, especially towards the Gild-brothers themselves,—as for instance, the distribution of loaves among them,—and also to the assistance of the poor, the furnishing of church-attire; and these Gilds, as is shown by the Statutes of the Gilds of the Kalenders at Bristol², employed themselves even in the keeping of old records, and in the maintenance of schools. Now and then the Statutes of these Gilds remind their members expressly, that their fraternity was erected “*non solum pro commodis presentibus, et lucris temporalibus inhiantis, sed magis pro beneficiis celestibus et perpetuis*”³; and especially with regard to the great feastings of these Gilds, such admonitions may not have been out of place. Most of the Statutes of the Gilds of Kalenders have, for the regulation of their feasts, a special bill of fare, as an appendix⁴. In some Gilds there were special stewards to provide for these meals, and then the expenses were defrayed by common contributions; in others, some of the brethren and sisters, each in their turn, had to prepare the meal from their own means.

These fraternities existed originally only among the clergy. In later times laymen too took part in them; and then the only distinction of these Gilds from the other religious fraternities was, that the clergy prevailed in them, whilst proportionally only few clergymen belonged to the others, and were even sometimes expressly excluded from all offices⁵. The only account of a Gild of Kalenders contained in the present collection of Mr. Smith, that of the Gild of the Kalenders of Bristol, belongs to this later time. Often the number of members was limited in these Gilds, sometimes to the number of the twelve apostles, sometimes to twenty-four. In this case the number of lay members was always fixed in proportion to that of the clerical members. Thus the Gild of St. Canute at Flensburg consisted,

¹ Wilda, p. 352.

² Wilda, p. 356.

³ Ibid. p. 365.

⁴ See p. 287 of Mr. Smith’s collection.

⁵ See p. 264 of Mr. Smith’s collection.

according to its Statutes from the year 1382, of twenty-four priests; but whenever this number could not be filled up, laymen might be admitted, but only to the number of eight, at the outside. The wives of laymen were, however, excluded from the meetings till the year 1422. In this year, the Gild-book narates, the ecclesiastical brothers were moved by the prayers of the lay brothers, repeated for several years, to grant the admission of their wives to the meals after the general meetings. There was, however, to be one condition: the wife of the lay brother, whose turn it was, was obliged to provide the meal, and to wait at table. The mayor and his wife were to have the first turn¹.

The laymen, however, always remained in a subordinate position. At the meals they had seats separate from those of the priests,—probably because the latter talked over their affairs at table,—and in the deliberations the laymen had no vote. As among the other Religious Gilds, there were special ones for various classes and ranks, so there existed also Gilds for the higher and the lower clergy, the so-called Major and Minor Gilds of the Kalenders. One Gild of Kalenders existed in almost every town; in the larger towns even more. The organization of the Gild of Kalenders was the same as in other Gilds. Often the president was called Dean—perhaps a remnant of the origin of these Gilds.—Often, too, the Gilds of the Kalenders had halls like the other Gilds; and, as in the lay Gilds, the brothers of the ecclesiastical Gilds used to go there daily “to beer and to wine.”

The Reformation shook the whole system of Gilds to its foundation; and this was especially the case with the Religious Gilds of the laity, and the Gilds of the Kalenders. “In England,” says Madox², “these Religious Gilds have been judged to be founded in superstition;” and it was the same in all countries in which the Reformation gained ground. The Gilds were therefore abolished in all Protestant countries; but not on the Continent as in England, in favour of the private purse of the King and his courtiers³; on the contrary, we see in Northern Germany and in Denmark, the property and income of these Gilds delivered everywhere, according to the intention of the founders, to the common treasure for the poor, to poor-houses, hospitals, and schools⁴. It is very interesting to see that the regular conventions of priests are found in Denmark even in the sixteenth century, after the introduction of the Reformation⁵. They were still called by the same name, “Gilds of the Kalen-

¹ Wilda, p. 359.

² *Firma Burgi*, p. 27.

³ By Act 37 Henry VIII. cap. 4, and Act 1 Edw. VI. cap. 14. See Miss Lucy Toulmin Smith's Introduction, p. xlii.

⁴ Wilda, pp. 372, 373.

⁵ *Ibid.* p. 353.

ders,” though they were held no more every month, but only once (or several times) a year. The synod at Rothschild ordered, that they should also take place in those provostships in which they had not existed till then, that the ministers might remain united in doctrine and ceremony. Nobody was, however, to be burdened with the preparation of a meal; and no stranger to the place, and no foreigner, was to be admitted a member of the Gild. The conclusion of another synod says: “When a priest goes to the meeting, he shall not be armed. During dinner they shall abstain from scandalous talk, drunkenness, and unseemly disputes; four dishes and no more are to be served; and towards evening everybody is to go home.” A former synod, of the year 1562, had already forbidden the abuse of prolonging these conventions for two or three days. Pontoppidan¹ describes these conventions as they took place in the age after the Reformation, as follows: “The priests, together with their wives, heard a sermon in the church of the brother whose turn it was; they then proceeded round the altar, deposited there an offering on behalf of the poor scholars of the next town; the conclusions and proceedings of the foregoing provincial synod were then recited, and their other affairs talked over and put in order. After this they, together with their whole families, went to the parsonage, where they indulged a little at dinner, ‘in bona charitate’ sang certain songs at meals, and made themselves merry in other wise; but sometimes quarrelled also scandalously, and made a great uproar.” The resemblance of the synodal precepts mentioned above on this page to those which Hincmar of Rheims gave earlier in the ninth century to the “*presbyteris, qui per calendas conveniunt*” is striking. It shows clearly that after so many centuries these meetings were still held in the same way, and that the same abuses² had to be opposed.

When the zeal against everything connected with Catholicism, inflamed by the Reformation³, had cooled down a little, the old

¹ Pontoppidan, *Ann. Eccl. Dan.* iii. p. 47.

² In the year 1598, a parson at Ewerdrup had to prepare the meal at the meeting of the Kalenders. What was wasted there is to be found minutely in Pontoppidan, *Ann. Eccl.* ii. p. 47. There were consumed, among other things, one head of cattle (at the price of 18 marks), six lambs (12 marks), two fat swine (20 marks), seven geese (7 marks), ten pairs of fowls (3 marks 12 shillings), three tuns of beer of Rostock (33 marks), and two tuns of homebrewed beer (10 marks). The whole meal cost 156 marks 1 shilling.

³ Compare excellent Parson Harrison: “Our holie and festiuall daies are verie well reduced also vnto a lesse number; for whereas (not long since) we had vnder the pope foure score and fiftene, called festiuall, and thirtie *Profesti*, beside the sundaies, they are all brought vnto seauen and twentie: and with them the superfluous numbers of idle wakes, GILDS, FRATERNITIES, church-ales, helpe-ales, and soule-ales, called also dirge-ales, with the heathenish rioting at bride-ales, are

associates felt painfully the want of their former convivial gatherings. Gilds were therefore re-established for social purposes, and from this probably originated our clubs and casinos of to-day. Of the essential nature of the old Gilds there is, however, no other trace to be found in these modern representatives.

The great analogy between the modern Friendly Societies and the old Religious or Social Gilds, has been already pointed out by Sir Frederick Eden¹. He also pronounces the opinion, that "notwithstanding the unjustifiable confiscation of the property of the Gilds under Henry VIII. and Edward VI., there is every reason to suppose that private associations, on a more contracted scale than the ancient Gilds, continued to exist in various parts of England," and "that it is extremely probable, that many of these Societies [i.e. the Gilds], even after the confiscation of their lands at the dissolution, continued their stated meetings in the common room, or hall, for the purposes either of charity, or of conviviality²." An able article in the *Quarterly Review* for October, 1864, on "Workmen's Benefit Societies" (p. 318), refers also to their analogy with the Gilds. The latest comparison between both has been drawn, with reference to the Gild-statutes contained in Mr. Toulmin Smith's collection, by Mr. J. M. Ludlow, in the *Fortnightly Review* for October, 1869.

well diminished and laid aside."—Harrison's *Description of England*, A.D. 1577-87, in Holinshed, vol. i. p. 138, col. 2. (On Wakes and Church-ales, see Stubbes's *Anatomic of Abuses*, pp. 177, 173 of the 1836 reprint of the fifth edition.) F. J. F.

¹ *State of the Poor*, vol. i. ch. iii.

² *Ibid.* p. 597.

III. THE GILD-MERCHANTS.

THOSE sworn fraternities for the protection of right, and the preservation of liberty, of which mention has already been made in Part I., arose independently of the towns. Yet in the towns, the necessity of protecting liberty, property, and trade, against the violence of neighbouring nobles, the arbitrary aggressions of the bishops or the burgrave, or the bold onsets of robbers, or—as in the case of towns which sprang from the settlements of traders in foreign countries—against the onslaughts of the surrounding and often still barbarian inhabitants,—often too the feeling of insecurity within the towns themselves,—must have specially moved the small freemen to the formation of the societies above referred to. These inhabitants of the towns were old free landed proprietors; partly of the neighbouring estates, but chiefly of land within the territory of the towns themselves. Most of them carried on trade; some probably also handicrafts. But the possession of town-land is the distinguishing mark of these earliest burghers. To this possession alone was full citizenship everywhere attached in the first movements of civic life. Hence, whilst the dangers just mentioned as threatening liberty and property made it necessary to provide means of protection, and whilst the possession of soil in the same small territory—indeed, within the walls of the same town,—together with the similarity of occupations, increased the community of interests, close vicinity of residence made easy the conclusion of alliances. Naturally therefore, the whole body of full citizens, that is, of the possessors of portions of the town-lands of a certain value, the "*civitas*," united itself everywhere into one Gild, "*convivium conjuratum*;" the citizens and the Gild became identical; and what was Gild-law became the law of the town.

Such Gilds existed in England even in Anglo-Saxon times, as the formerly-mentioned Gilds of Dover, of the Thaness at Canterbury, as well as perhaps the Gild-Merchant at London¹, together

¹ Wilda, p. 244; *Firma Burgi*, p. 26.

with many others, of which only later accounts are extant. Such also were the Gild-Merchant of York¹, the great Gild of St. John at Beverley, of the Hanshouse of Beverley, as well as that of the Blessed Mary of Chesterfield, though these were of a somewhat later period². The Old Usages of Winchester, too, contain many intimations of a former relationship of this kind between the Gild of Merchants there and the whole body of the citizens³; and the same is true of the Ordinances of Worcester⁴. One of the documents relating to these Gilds contained in this volume, contains the grants of liberties, and of a Gild, to the townsmen of Beverley, similar to the grant of civic constitutions to several German towns,—as, for example to Lübeck, according to the municipal laws of Soest, to Freiburg according to those of Cologne⁵,—and to the grant of communal rights to the people of Rheims, “*ad modum communie Laudunensis*”⁶ (Laon), by Louis VII. of France. By this document, on p. 151 below, Thurstan, Archbishop of York, grants to the townsmen of Beverley, a Gild, and “all liberties, with the same laws that the men of York have in their city.” King Henry I., as well as Thurstan’s successors, confirmed this Beverley grant; and there is even a document, stating its confirmation by Pope Lucius III. From this kind of Gild sprang, in England, the method of recognizing the citizens as an independent body, by confirming their Gild⁷.

The same relationship between the Gild and the town community existed in France. In Paris, the government of the town lay in the hands of the *mercatores aquæ*, who formed the municipal⁸ body. In the eleventh and twelfth centuries, especially in the North of France, appear unions of the free

¹ Wilda, p. 250.

² *English Gilds*, pp. 151 and 165. (By the quotation *English Gilds* is always meant the Statutes contained in Mr. Toulmin Smith’s collection.)

³ Cf. *ibid.* p. 357. The Usages date from a time in which the commonalty of Winchester enjoyed already a share in the government of the town. Yet the members of the old Gild of Merchants appear still as its governors; it is from amongst them (“the meste gode men,”—an expression which occurs frequently also in Germany and Belgium for the patrician families) that the Council of the Mayor, and the twenty-four sworn men, are taken; and these exercise a vast influence at the election of the Mayor, and on other occasions. (Cf. *English Gilds*, p. 349.)

⁴ *English Gilds*, p. 369.

⁵ Cf. Wilda, p. 221, &c., and p. 231, &c.

⁶ Raynouard, *Histoire du Droit Municipal en France*, tom. ii. livre iv. ch. i. § 10 (Paris, 1829).

⁷ Madox, *Firma Burgi*, p. 27: “Peradventure, from these Secular Gilds, or in imitation of them, sprang the method or practice of gildating and embodying whole towns.”

⁸ Raynouard, tom. ii. livre iv. ch. i. § 9. See also Wilda, pp. 239–244.

townsmen, in order to protect themselves against the oppressions of the powerful, and the better to defend their rights¹. So, in 1070, the citizens of Mans established a sworn confederacy, which they called *commune*², in order to oppose the oppressions of Godfrey of Mayenne. The people of Cambrai did the same against their bishop in 1076, during his absence; and as he, on his return, refused to recognize their confederacy, they shut the gates of the town against him. An affair of the same kind had taken place there already in 957³. These instances might be multiplied. The numerous grants of communal rights to French towns from the eleventh to the thirteenth century, are nothing but the recognition by the king of such Frith-Gilds as had been previously in existence for a longer or shorter period. Kings, even when they did not favour Gilds upon their own demesnes, generally did so upon those of the nobility, whose power they wished to break⁴. But everywhere then, as in later times upon the formation of trade-unions, many transitory confederations, many unsuccessful attempts, and a great expenditure of courage, magnanimity and energy, preceded the permanent establishment of the communes.

Thus, in 1188, Count Philip of Flanders confirmed to the town of Aire in Artois, its laws and customs, such as his predecessors had already granted and recognized to the citizens, in order to secure them from the attacks of “wicked men”⁵. These customs were those of the *Amicitia*, the Gild of citizens, which had been established by them probably even before the time of their first recognition, for protection against attacks from without, and for securing peace within. What the *Amicitia* was for Aire, the so-called *Vroedschapen* were for the towns of the Netherlands⁶, the *Hezlagh* for Sleswig⁷, and apparently the *St. Canute-Gild* for Flensburg⁸. There are hardly any records bearing reference to Gilds in Germany in the tenth and eleventh centuries; probably because they had disappeared from public notice in consequence of the measures taken against them by princes and bishops; yet the relations existing at a later period between the “highest Gild” and the town, leaves no doubt that

¹ See the account of the grounds of ratification in the Charters of the French Kings. Raynouard, tom. ii. livre iv. ch. 7.

² In Belgium and Germany it was only the unions of the lower classes which were called communes.

³ Cf. Moke, *Mœurs, Usages, Fêtes et Solennités des Belges*, Bruxelles, ii. p. 6.

⁴ Raynouard, tom. ii. livre iv. ch. 7, 8; Wilda, p. 152.

⁵ D’Achery, *Spicilegium* (ed. Paris, 1723), tom. iii. p. 553: “Quas ob injurias hominum perversorum propulsandas . . . eis indulserunt.” See also Wilda, pp. 147–151.

⁶ Wilda, p. 151.

⁷ *Ibid.* pp. 77, 152–158.

⁸ *Ibid.* p. 158, &c.

here too the Gild was the germ of the town-constitutions¹. "But the enigma, that many towns in France (as even Paris, and almost in like manner in England, London) had municipal constitutions, without such a commune or Gild ever having been granted to them, finds its solution in the fact, that the Gilds existed there before German municipalism had come into being, and that the latter had developed itself unnoticed out of the former²." This may also be said of the great towns of Flanders³. Of London, more anon⁴.

The earliest notice of such a Town-Gild upon the Continent, of that in Sleswig, contains a noble instance of a daring fulfilment of the duties imposed upon the Gild-brothers. Magnus, the son of King Nicholas of Denmark, had slain the Duke Canute Lavard, the Alderman and protector of the Sleswig Gild. When King Nicholas, in 1130, came to Hetheby (that is, Sleswig), his followers advised him (as an old Danish chronicle relates) not to enter the town, for the townsmen put in force the law with extreme severity within their Gild, called *Hezlagh*, and did not suffer any one to remain unpunished who had killed or even injured one of their brethren. But the king despised the warning, saying, "What should I fear from these tanners (pelipers) and shoemakers?" Scarcely, however, had he entered the town, when the gates were closed, and at the sound of the Gild-bell the citizens mustered, seized upon the king, and killed him, with all who tried to defend him⁵. Thus, even at the beginning of the twelfth century, the Gilds enjoyed in Denmark such respect, that the lord of the land, Duke Canute, was pleased to become their Alderman: and they had such power that they could venture to revenge, even upon a king, any violation of the law committed on a member of their great family.

The Sleswig Gild was called *Hezlagh*, that is, either sworn Gild, *convivium conjuratum*, or highest Gild, *summum convivium*⁶. If the latter, other Gilds must have existed besides it. Although the body of citizens and the Gild originally included the same persons, yet the quality of being a full-citizen did not of itself include the fellowship of the Sworn-Gild; for this a special acceptance was required. Now, as the towns flourished and increased in well-being, material differences in property must have arisen among the full-citizens — partly through the failure of individuals in the race for wealth, partly through the settlement of new poor families in the town—which could not but have a lowering effect on their occupations⁷. This led to

¹ Wilda, p. 170. Compare also Arnold's *Verfassungs-Geschichte der deutschen Freistaedte*, 1854, i. p. 401.

² Wilda, p. 152.

³ Moke, i. 191.

⁴ See pp. xcvi, xcix of this work.

⁵ Wilda, p. 71.

⁶ Ibid. p. 72.

⁷ Arnold, ii. p. 208; Moke, i. p. 179, ii. 107.

closing the old Gild which hitherto had existed alone in a town; by the side of which others then formed themselves with the same or similar ends. But the oldest Gild maintained a very natural precedence over the others, and was even called the "higher" or "highest¹ Gild." Gradually, some system of hereditary transmission of the freedom of the Gild came into existence *de facto*, in that the son generally entered the fraternity to which his father belonged: the sons of Gild-brothers were naturally more willingly accepted than other new members, and, later on, the conditions of entry were rendered more easy for them. Thus originated a certain circle of families which from generation to generation belonged to the highest Gild, and continuously constituted its stock. The oldest Gild remained no longer equivalent to the whole body of citizens; the Full-burghers Gild became the Old-burghers Gild, and according to place and time its development became more or less aristocratic².

In Sleswig, when King Nicholas was slain there in 1130, the Gild still included the whole body of the citizens. The Chronicle at least speaks of the citizens in general, who mustered at the call of the Gild-bell (the town-bell)³. On the other hand, in Germany, at a somewhat later period, the government of the town is everywhere found in the hands of a "highest Gild." In Cologne the *Richerzerecht*, or Gild of the rich, *summum convivium*, occupied the municipal offices. In the eleventh century, during the struggle of the Cologne people against their bishop, Hanno, there was still only one Gild, which included the whole of the citizens:—at least, there is no mention of patrician families. But by the end of the twelfth century this Gild had become a *summum convivium*⁴. The government of the town rested exclusively with a "patrician-aristocracy," the *Richerzerecht*, which had already grown insolent, exercised an oppressive sway, and looked upon power as a lucrative monopoly. This led, in the thirteenth century, to violent revolts of the craftsmen, particularly the weavers, who were especially thriving there. They were no longer willing to bear alone the burdens of the Commonwealth, but desired a share in the administration, at least in what concerned the management of the city household, and especially as the "Old-burghers" contributed least to the payment of the taxes. Several times, indeed, we see the weavers allied with the bishops of Cologne against the

¹ Wilda, p. 170, quotes the Statutes of Dortmund: "Si vero percussor est confrater maioris gylde nostræ amam vini superaddat burgensibus pro emenda." The members of the highest Gild enjoyed also the privilege of a less number of sworn brethren being required. Cf. Wilda, pp. 75–86.

² Cf. Wilda, pp. 77, 78; Arnold, vol. i. p. 246.

³ Wilda, p. 77.

⁴ See also Arnold, vol. i. p. 401 &c.

ruling families. The like often happened in those days—as for example, at Liège, Huy, and Bâle—and also in the earlier alliances of the French communes with the kings against the nobility, as well as in the modern alliances between the working-classes and Tories, or Cæsars. But the men of Cologne did not succeed in their object, in the overthrow of the patricians, until the second half of the fourteenth century. Contemporary with the *Richerzechheit* there existed in the town other Gilds of merchants; but information as to their participation in the government of the town is wanting¹. Traces of the same or some similar development are to be found in Spire, Strasburg, Frankfort-on-Main, as well as in Freiburg and Lübeck, and in several other towns². The frequently recurring repetitions, by the town-hating Hohenstauffen, of Charlemagne's prohibition of conjurations (societies bound by mutual oaths), are shown by this to have been nothing but abortive attempts to annihilate the Gilds, whose existence was peremptorily required by the circumstances of the time. These prohibitions however affected the highest Gilds less than the others; at least, Frederick II.'s prohibition of the Gilds of Goslar in A.D. 1219, specially excepts the Gild of Coiners³, which in the free towns was regularly identical with the highest Gild, as in Cologne, Spire⁴, and other places.

In England, where the Gilds were far in advance of those of any other country, there were highest Gilds of the kind described, even in Anglo-Saxon times. There, according to Lappenberg⁵, the landed proprietors on or near whose estates the towns were built, for a long time exercised great influence in them, and constituted their aristocracy. Thus, in Canterbury, the condition of becoming an alderman was the possession of an alienable estate (*soca*), the possessors of which were united with other landed proprietors to the there-existing old Gild of the Thanes. But as there were at Canterbury two other Gilds besides, this Gild of the Thanes was probably the *summum convivium* of that city⁶.

With a much higher degree of development we have however to deal, as I believe, in the before-mentioned union of the Frith-Gilds of London, the like of which recurs at a later period at Berwick-upon-Tweed, and in a less degree of perfection in the German towns. The fact of London preceding other places in this development, presents no difficulty, since England must be regarded as the birthplace of Gilds⁶, and London perhaps as their

¹ Wilda, pp. 176-194, 235 &c. 257 &c.; Arnold, vol. i. pp. 418, 419, 425, 433.

² Wilda, p. 169.

³ Lappenberg, vol. i. pp. 610-612.

⁴ Wilda, pp. 194-228, 231.

⁵ Ibid. p. 195.

⁶ See Additional Notes, No. 1.

cradle. At least there is documentary evidence that the constitution of the City was based upon a Gild; and it served as a model for other English towns¹. According to the *Judicia Civitatis Londoniæ* of the time of King Athelstan, the Frith-Gilds of London united to form one Gild that they might carry out their aims the more vigorously. This united Gild governed the town; as is proved by the fact that their regulations bound even non-members. The occasion of this union was, perhaps, that here, as afterwards in other places, other Gilds had gradually formed by the side of the original sole Gild, and rivalries between the old and the new prejudiced the attainment of the aim of the Gilds—the protection of freedom and of right. Possibly the English *Knighten Gild* was this original one. According to Madox², the alderman of the Knighten Gild was the alderman of the Merchant Gild of the City. Nor is our conjecture contradicted by Stow's statement³ as to the date of the origin of this Gild; for this was probably only a sanction for the Gild's possession of landed property which it had received from King Edgar. It would not of course require royal permission to come into existence. The Knighten Gild had possession and jurisdiction both within and without the City, and its lands afterwards formed a quarter of London, whose name "Portsoken" shows also that it was formed from a territory situated originally without the city gates⁴. It was thus probably a Gild like that of the Thanes of Canterbury.

A similar union took place three centuries later at Berwick-upon-Tweed. In the years 1283 and 1284 the townsmen of Berwick agreed upon the statutes⁵ of a single united Gild: "that where many bodies are found side by side in one place, they may become one, and have one will, and, in the dealings of one toward another, have a strong and hearty love." Article I. therefore provides that "all separate Gilds heretofore existing in the borough shall be brought to an end," and that "no other Gild shall be allowed in the borough." All formerly existing Gilds were to hand over to this one Gild the goods rightfully belonging to them, and "all shall be as members having one head; one in counsel, one body strong and friendly." The way in which this statute was drawn up shows clearly that "citizen" and "Gild-brother" were considered identical. It also contains a series of regulations concerning the administration of the

¹ Wilda, p. 248. See also Hüllman, *Städtewesen*, vol. iii. p. 73.

² *Firma Burgi*, p. 30.

³ Stow's *Survey of London* (ed. 1720), bk. ii. p. 3 &c.

⁴ Lappenberg, vol. i. p. 614; cf. also Wilda, p. 247.

⁵ *English Gilds*, p. 338, &c.

town, the police of the markets, and various other points of municipal interest¹. The words of the preamble and of the first article show that, before the union of the various Gilds, rivalries detrimental to the body of the citizens had sprung up. The succeeding articles make it clear that only the better inhabitants, the merchants, were Gild-brethren and citizens²: and several of the articles point out that at least one of the consolidated Gilds had been a Frith-Gild³, which originally coincided with the whole body of citizens⁴. It may be that this first Gild included—as was the case in Canterbury—the old families, the original possessors of the soil in and around the town, who either then or afterwards carried on trade; or that it acquired with the growth of the town an aristocratic family character, as was the case in many German towns; or that it limited, for other reasons, the number of its members. Then new Gilds arose, whose members were but little, or not at all, behind those of the first, either in rank, social consideration, or wealth, and who therefore strove for an equal share in the government of the town. This led, in Berwick, to the above-noticed amalgamation of the Gilds, and in the German cities to a participation in the Town-Councils. Thus it was with Spire and Frankfort; thus also with Lübeck and Strasburg, and probably also with Cologne. In London this process was going on perhaps as early as the tenth century. The admission of these new Gilds formed the transition from the Gild constitution of the town to that of the “commune,” which was often further developed under violent storms, when the patricians withstood the ever-increasing struggles for power of those inhabitants who were excluded from political rights. The history of the German and Belgian towns furnishes abundant proof of this being the case.

A peculiar union of Gilds must be inferred from an article in the Gild-Statutes of Malmoe in Denmark⁵. According to this article a confederation existed among the Gilds of various places, and had general assemblies of the Gild-brothers at Skanör. Perhaps its condition was analogous to that of the Flemish Hanse, or of the confederacies of the German towns, or of Edinburgh, Stirling, Berwick, and Roxburgh, united to a general

¹ Articles 2, 15, 16, 19, 22, 23, 24, 26, 27, 28, 29, also 30; further 33, 34, 35, 40, 42, 43, 44, 45, 46. *English Gilds*, p. 338, &c.

² Articles 18, 25 (as to the last see p. cvii), 20, 21, 30, and others.

³ Articles 12, 13, 31, 32.

⁴ Cf. Article 14.

⁵ Wilda, p. 100: “Qui vero in aliquo convivio contumax inventus fuerit vel satisfacere noluerit, si legitime citatus fuerit ad synodum generalem in Skanör, si ibidem respondere contemserit, ex tunc a dicto convivio excludatur.” The drawing-up of this statute took place towards the end of the thirteenth century. See Wilda, p. 115.

Scottish Trade-Gild. It reminds one also strongly of the organization of the English Trade-Unions at the time of their change from local into national societies, when they united a great number of towns all over the country.

It may not be out of place here to dwell for a moment on the confederations among the German towns in the thirteenth century which I have just mentioned. They, too, originated from circumstances similar to those which called forth the first Frith-Gilds; they were emanations from the same spirit, were founded on the same principles, and had rules similar to theirs; they were Gilds with corporations as members. The most important among these unions was that of the Rhenish towns. At the time of the interregnum, that is, at the very moment when Germany was left utterly without a ruler, when there was no power to check the princes in the unlimited extension of their rights, when they levied tolls at their pleasure, and ground the poor to the bone by exorbitant taxes; when knights and nobles lived by highway robbery, waylaid streets and passes, and plundered and murdered the merchants; when the strong oppressed the weak, unpunished, and might was right;—in that classical age of club-law, when there was no supreme power in the empire, the union of the Rhenish towns stepped for a time into its place. This union was no mere offensive and defensive alliance; its object was the maintenance of an entire system of order and law, and of the authority of the Empire. It forced even princes and nobles to join it. Like the Gild-brothers of Cambridge, the towns entered upon mutual obligations by oath; and the measures which they adopted for the protection of their members, and for the chastisement of the breakers of their peace, were similar to the Cambridge ones. A special clause insured common protection to the poor and little as well as to the mighty and great, whether they were lay or cleric, Christian or Jew¹.

A short examination of the Statutes of the Town-Gilds will justify our claim for these confederations of towns to be shoots from the same root, fruits from the same tree, and higher stages of the same development from which the Frith-Gilds sprang. From the time when these Frith-Gilds stood at the head of the towns, their Statutes show, without a particle of change, the essential nature of the Gilds as disclosed by the Gild-Statutes of Cambridge. These Gilds appear as an enlarged great family, whose object is to afford such assistance to their members in all circumstances of life as one brother might expect from another,

¹ See Arnold, vol. ii. p. 66 sqq.; Barthold, *Geschichte der deutschen Städte und des deutschen Bürgerthums*, vol. ii. p. 200 sqq. Leipzig, 1850.