

and consequently, above all things, protection against the unbridled arbitrariness of the mighty, whether exercised by violence, or attempted at law by means of numerous friends as compurgators. The Gilds do not appear however as associations for instituting a new law, but for maintaining the laws already existing, for supplementing a system of order as yet defective and only in course of development, and for guarding in common against the dangers attending a weak government.

The most detail-giving Statutes of Frith-Gilds which any country can show, are the Danish¹. The following statements² rest mainly on their Ordinances:—

If a Gild-brother has been slain by a stranger, the Gild appears as an ally of his relations for taking revenge, or for obtaining the *wergild* or blood money. But if a Gild-brother has slain a stranger, the Gild assists him in the atonement he must make for the manslaughter, by means of the *wergild*; or in his escape, if he has been outlawed for the crime. Even if one Gild-brother kills another, the case is chiefly considered as a matter for the family of the slain; and, having made atonement to it, the culprit may remain a member of the fraternity. Only in the case of malicious and wilful murder was he expelled as a worthless man (*niding*), and left to the mercy (that is, vengeance) of his victim's family. The Gild-brothers also rendered each other such assistance as was sanctioned by the laws and customs of the time, in prosecuting and supporting their rights in courts of law. But it was everywhere the first principle of the Gild to assist him only who had justice on his side. How strictly this principle was observed may be inferred from the universal esteem enjoyed by the Gild-brothers, so that their evidence was considered specially credible; and wherever twelve persons were required as jurors or compurgators, half the number of Gild-brothers, or even less, were deemed sufficient.

To maintain and carry out their Ordinances, the Gild required a special jurisdiction; and, in consequence of the necessary distrust by the citizens of that time of the tribunals of their masters, it was natural that quarrels of all kinds which arose between members after their admission were brought within the reach of the

¹ Gilds had probably been transplanted from England to Denmark under King Canute, about the middle of the eleventh century. They soon placed themselves under the special patronage of the three royal saints of the land, St. Canute the King, St. Canute the Duke, and St. Erich the King, and were called after them St. Canute's Gilds and St. Erich's Gilds. From that time the government got-up relations with them, and favoured them as associations for the maintenance of law, security, and order.

² Compare especially Wilda, pp. 116-144, and the Gild-Statutes contained in this volume.

Gild. Quarrels among members only came, as a rule, within the jurisdiction of the association; and it was only in consequence of the peculiar relation of some Gilds to the town that disputes between non-members had also to submit to the Gild. The limits of this jurisdiction varied according to time and place; but it was everywhere the rule that Gild-brothers, before going into the law-court, had to bring their case before the Gild for the sake of attempting, at least, reconciliation between them. But the Gild never assumed a right over the life and limbs of its members; compensation only, and fines, were used for punishments, the highest penalty being expulsion.

The same regulations as the Religious Gilds had with regard to helping Gild-brothers in every need, are to be found in the Frith-Gilds. On this point the Statutes of the Gilds of all countries are almost identical. If a brother falls into poverty, if he incurs losses by fire or shipwreck, if illness or mutilation renders him unable to work, the brothers contribute to his assistance. If a brother finds another in danger of life on sea or in captivity, he is bound to rescue him, even at the sacrifice of a part of his own goods; for which, however, he receives compensation from the brother assisted, or from the community. English Gild-Statutes frequently mention loans to be given to brothers carrying on trade, often with no other condition than the repayment of it when he should no longer need it. The sick brother found in his Gild aid and attendance; the dead was buried¹; for his soul prayers were offered, and services performed; and not unfrequently the Gild gave a dowry to his poor orphan daughter. The numerous provisions as to the poor, as to pilgrims, and other helpless people, in the Statutes of English Gilds, prove that non-members in want found help from them as well.

The regulations as to the payment of chaplains of the Gild, as to common service and prayers, as well as to common feastings, were equally general: and everywhere fines recur equally for the infringement of the agreed-to Ordinances, for unseemly behaviour, and for offending of members.

There was an alderman at the head of the Gild, and often stewards by his side as assistants. Other officials are also now and then to be met with. The reception of a member depended upon the whole association. If any one living in the country, or a foreigner, wished to become a member of the Gild, a citizen had to pledge himself for his honour. In an association so closely united, the honour of every single member was to a certain extent the honour of the whole body. Pure life and spotless

¹ See also especially Moke, vol. ii. p. 92.

reputation¹ must therefore appear as the condition of Gild-freedom. Besides this, the Gild-Statutes demand no other condition for admission. Everybody entering the Gild had to bind himself by oath to keep the Gild-Statutes.

Women also might become members of the Gild. They were, however, generally the wives or daughters of Gild-brothers. It is only an exception when in several of the Gilds women became free of the Gild in their own right. They, however, shared only in the advantages and burdens of the Gild, and never took part in its administration or its councils.

Many of the towns whose government was in the hands of such Gilds, especially those accessible by the sea, had been founded by merchants. Like the modern so-called "factories" in Asia and Africa, the old merchants fortified places from which they carried on trade with the surrounding people. But in all other towns also the great majority of the more respectable burghers lived by trade. "When the Normans approached the harbour of Tiel," says a writer of the eleventh century, "the population living on the Wahal fled, leaving behind all its goods, money excepted: for it consisted of merchants." He speaks besides of their common feasting, and says that they did not pronounce sentence according to the law of the land, but according to their own will, maintaining that the Emperor had granted and confirmed to them this right by charter². It is therefore evident that a Gild of merchants existed there, who governed the town. The excellent market of Antwerp is mentioned as early as 837, in which year the Normans put it to the flames; Gant (Ghent) is described as flourishing by trade and fishing; and the same may be said of a number of other Belgian and French towns. The magistrates of Paris are said to have been called

¹ A passage not yet sufficiently explained in the Sleswig Town-Statutes (Wilda, p. 83), appears to me to find its explanation from this fact. According to this passage, the Gild-brothers needed a less number of compurgators than a non-member of the Gild. If the latter was not married, however, he enjoyed the same privilege as a Gild-brother. But if he married, and was not a member of the Gild, he required the double number. People have justly sought for a special explanation of this Ordinance, by which the married was placed in a worse position than the unmarried. Now at that time the *civitas* and the *convivium conjuratum* were identical, it is true; nevertheless, the quality of a full-citizen did not give by itself the freedom of the Gild. A special admission was required. But every married full-citizen of unstained reputation was doubtless a member of the Gild; and if he were not, it was a sign that some stain on his honour excluded him, which justified in itself the requirement of a greater number of compurgators. But as long as a man was not married, he was not considered an adult; he could not therefore require to be a member of the Gild, and no one could wish to subject him to disadvantages at law for the simple reason that he was young. Compare also the regulations at Hamburg, Wilda, p. 268.

² Moke, vol. i. pp. 118, 120, 192.

nautæ in the times of the Romans¹; and in deeds of the twelfth century the words *burgenses* and *mercatores*, or *mercatores per aquam*, are used as synonymous. The corporation of the Paris merchants stood at the head of the town². It was the same with the towns in Germany. Of the foundation of Freiburg in Brisgau we are told, that when Berthold of Zähringen intended to found a free city, with the same liberties and laws as the men of Cologne had in their city, he first assembled a number of respected merchants, to whom he allotted ground for the building of houses on the place destined as the market-place. From their number he took also the consuls of the town. Lübeck was founded likewise on the basis of a free merchant community. And as it was in these towns, so it was in their prototypes. At Cologne, in the eleventh century, the terms "burghers" and "merchants" are alternately used as synonymous. At Spire the patrician families of the town, from whose ranks the council was taken, carried on trade. In like manner the leading families of Ratisbon consisted of merchants³. As to Denmark, the Danish word for town—*Kjøbsted* (bargain-place)—sufficiently denotes its character. In London also the Gild which was the base of its constitution, may have consisted chiefly of merchants. Wilda⁴ alleges, in proof of this conjecture, the early importance of London trade; the ordinance in the above mentioned *judicia*, that every merchant having made three long sea-voyages on his own account was to have the rank of a Thane; and lastly, the report, that in a national assembly at Oxford in the year 1036, the shipowners, as the most important burghers of London, were delegated to elect King Hardicanute. There is no doubt as to the mercantile character of the later Town-Gilds in England; they are even called there *gilda mercatoria*⁵; and the

¹ Moke, vol. i. pp. 114–123.

² Raynouard, tom. ii. livre iv. ch. i. § 9.

³ Wilda, pp. 231, 233, 236, 260, and 235.

⁴ Ibid. p. 249; see also Madox, *Firma Burgi*, p. 26.

⁵ One of these *gilda mercatoria* certainly existed at York in the time of Henry I. At this date the Gild at Beverley was constituted after its model. (See p. 151 of Mr. Smith's collection.) It became the general rule to confirm the Gild of a town by granting it all the liberties which another town already enjoyed. Wilda (p. 251) quotes from Madox, as towns which had received this confirmation under Henry II., Winchester, Shrewsbury, Andover, Southampton, Wallingford; under Richard I., Gloucester; under King John, Helleston and Dunwich; under Henry III., Hereford. Into the reign of the latter king falls also the rise of the Gild at Chesterfield. (See p. 165 of Mr. Smith's collection.) If the *gilda mercatoria* at Coventry (p. 226 of Mr. Smith's collection) was really a Town-Gild, its rise must belong to a much earlier time than its confirmation by Edward III. in 1340. Perhaps this confirmation was only a repetition of the sanction of the corporate rights, which might appear desirable to the merchants of Coventry, the better to protect their commerce, which, according to their complaints, suffered from their great distance from the sea. Besides, the Gild, as Mr. Toulmin Smith justly remarks,

words by which the king confirms their Gild to the burghers of a town, are often "quod habeant *gildam mercatoriam* ¹." In Scotland too the *gilda mercatoria* stood at the head of the towns ².

Security from external dangers, and the maintenance of peace in the interior of their towns, had been the original motives of the burghers in uniting themselves into these Gilds. But as almost all Gild-brothers carried on trade, the once existing organization was soon used for the furthering of the common trade interests; for it was in the nature of the Gild to provide generally for all wants which the family union was no longer sufficient to satisfy, and for the provisions for which the State was not yet developed and strong enough. To confederate in defence of liberty and right, was in itself the first requisite for the prosperity of trade and traffic. The regulations also that a Gild-brother who had incurred losses by shipwreck or undeserved misfortune, should receive compensation, may properly be referred to here; and, more still, the gratuitous loans given to the poor Gild-brother for carrying on his trade ³. Moreover, it was the special endeavour of the Gild to obtain privileges which would further trade, for instance, the right of coinage, staple-right, immunity from tolls, &c. ⁴ The Gild provided also for the regulation of industry, and for buying and selling (compare, for instance, the statutes of Berwick-upon-Tweed ⁵, and of the Gild of the Holy Trinity at Odensee ⁶); and for institutions such as the cloth-halls, with their severe control of wares, of which there existed one as early as 1060 at Valenciennes ⁷. The importance of these cloth-halls may be seen from the fact that the merchants of Novgorod, after having several times received defective pieces of cloth from other places, determined that no cloth but that from the hall at Bruges should be allowed entrance into the Baltic ports and the Eastern markets ⁸. The sooner a town became chiefly a commercial place,

might be erected without confirmation. At all events, the fourteenth century was no longer the time in which, on the foundation of Gild-Merchants, town-constitutions were formed. Moreover, earlier Gilds existed at Coventry; and the statutes contain nothing which characterizes the Gild as a Town-Gild. Perhaps also this Gild was nothing but a union for mere trade purposes. The Gild of the Holy Cross at Birmingham of the year 1392 was no *gilda mercatoria*, but appears much more like a Religious Gild. (See p. 239 of Mr. Smith's collection.)

¹ Madox, *Firma Burgi*, pp. 27, 132; *Hist. of the Exch.* vol. i. p. 412.

² Herbert, *Hist. of the Twelve Great Livery Companies of London*, 1837, vol. i. p. 22.

³ See pp. 176, 229, &c. of Mr. Smith's collection.

⁴ *Ibid.* pp. 151, 152.

⁵ Art. 22, 30, 36, 37, 38, 39, 41, 43. These Articles probably belonged to the various Gilds amalgamated in 1284.

⁶ See Wilda, p. 274.

⁷ Moke, vol. ii. pp. 52, 90, 102. See an account of English cloth-halls in the *Report and Minutes of Evidence on the State of the Woollen Manufacture of England*, 1806. See also p. clxxi, below.

⁸ *Ibid.* p. 103.

the sooner did the Gild there take the character of a Merchant-Gild. These Gilds had also the superintendence of the craftsmen, as I shall notice when I speak of the origin of the Craft-Gilds. The Gilds founded by the merchants of the same land, even of the same town, in foreign countries—perhaps the oldest, and the prototypes of all others—and their confederacies among each other and with the mother country, the Hanse, can only be mentioned here, as to enter into details would lead us too far.

Though the Merchant-Gilds consisted chiefly of merchants, yet from the first, craftsmen as such were not excluded from them on principle, if only such craftsmen possessed the full citizenship of the town, which citizenship—with its further development—depended upon the possession of estates of a certain value situated within the territory of the town. The strict separation which existed between the merchants and the crafts probably arose only by degrees. Originally the craftsmen, no doubt, traded in the raw materials which they worked with. Thus the London tailors were, even in the time of Edward III., the great importers of woollen cloth ¹; and as late as the sixteenth century the brewers of Hamburg were the principal corn-merchants ². The growth of wealth and of the number of the people necessarily called forth greater division of labour; the full citizens having become rich, only carried on trade, whilst the handicraft was left exclusively to the poor and the unfree. The poor were originally excluded from full citizenship and from the Gild by the want of a property qualification; and when, in consequence of the development which has just been explained, the poor and the craftsmen became identical ³, this led to the ordinance repeated in Danish, German, and Belgian Gild-statutes, that no one "with dirty hands," or "with blue nails," or "who hawked his wares in the streets," should become a member of the Gild, and that craftsmen, before being admitted, must have forsworn their trade for a year and a day ⁴. The statement in the Gild-Statutes of Skanör ⁵ of the year 1266, "that no baker should *henceforth* be accepted as a member of the Gild," belongs probably to the time of the transition just described; perhaps, indeed, the bakers there had formerly been corn-merchants too. Such a state of transition may also be inferred from Article 25 ⁶ of the statutes of Berwick, according to which no butcher, as long as he carried on his trade, was to deal in wool or hides, except he were ready to forswear his axe. The facts are, that the Gild of Berwick was a

¹ Herbert, vol. i. p. 29.

² Wilda, p. 117.

³ See also Wilda, p. 300.

⁴ Moke, vol. ii. pp. 89, 90, 106, 141; i. p. 193; Wilda, pp. 75, 223, 274, 284, 300.

⁵ Wilda, p. 111.

⁶ See p. 343 of Mr. Smith's collection.

decided Merchant-Gild, and that the members traded chiefly in wool or hides. Formerly this trade was undoubtedly carried on with that of the butchers. But after the craftsmen had been excluded from the Gild, the butchers were forbidden to carry on a trade practised by Gild members. A like case was when the old laws of Gant forbade, in favour of the Gild-Merchant there, that clothes should be dyed for craftsmen¹.

But the craftsman was not only excluded from the Gild, he was governed, and even oppressed, by it. Before, however, entering further upon this question, a short review of the foregoing investigation may be permitted. I have shown above, how after the protection afforded by the old family had been weakened, the common want of protection called forth in neighbours a feeling of family solidarity, and unity of interests of all who were menaced, and how the weakness of them all caused a feeling of general equality and brotherly love; how this led to the entering upon close fraternities, or Gilds, in imitation of the family; how these Gilds were developed, especially in towns; how in their further growth they shut themselves up in their own doors; and how this caused the formation of similar associations among the excluded full-citizens; how, lastly, these associations amalgamated again with the highest Gild at a later period, or obtained a share in the government of the town. Great are the thanks, as Kemble² justly and emphatically says, which we owe to these oldest defenders of the dignity of man against feudal arbitrariness: "in the times of the densest seignorial darkness, they offered a noble resistance to episcopal and baronial tyranny, and formed the nursery cradles of popular liberty."

Yet before this liberty attained a wider expansion, many a hard struggle had to be fought with those who had been its midwives. Independence being obtained, the old spirit departed from the citizens³. The older the Gild-Statutes, the more favourable are

¹ Moke, vol. ii. p. 89.

² *The Saxons in England*, vol. ii. p. 312.

³ A writer of the twelfth century describes the degeneration of the citizens as follows: "Igitur in initio communis federationis fuit grata quia optimi viri eam tum sanxere, vita quorum justa, simplex, innocens fuit, ac sine cupiditate agitata; sua cuique satis honeste placebant, jus bonum apud ipsos valebat, concordia maxima, minima avaritia inerat. Civis civem honorabat, dives minorem non exprobrabat. . . . Postquam vero cives paulatim cœpere torpescere et alter in alterum insurrexere, scelera sceleratorum multa (inulta) reliquere, quisque sua dishoneste dilatare; . . . sic gradatim vi, mendacio, perjurio inferiores quoque opprimere cœpere; jus æquum, urbis bonum sic evanuit, corrui etiam dominium." (*Chron. Aubertinum*, ad annum 1138; *Hist. Fr.* vol. xiii. p. 499, quoted by Moke, vol. ii. p. 12.) See also Moke, vol. ii. p. 92 sqq. The victory of the Liège citizens over the Duke of Brabant at Steppes in 1213 was followed by a bitter oppression of the craftsmen by the ruling families, carried almost to slavery. The craft organizations were abolished, and the presidents removed; the patricians

they to the man of low rank. Though the citizens were modest and benignant towards the poor, as long as freedom was to be obtained, yet the possession of it rendered them insolent and hard. By the enjoyment of power the descendants of the old simple associates of the Frith-Gilds became proud, ambitious, and tyrannical. The freer and more independent the burghers became, and the less they needed assistance from the general body of the crafts for the defence of liberties acquired and the obtaining of fresh ones, the greater was the degree in which this degeneration of the original noble spirit seems to have taken place. At least it appears to me that the greater dependence on a strong executive power, in which the towns remained in England and Denmark, was one of the causes why we find there no patrician order, whilst the ruling class in the Belgian and German towns, which had grown into small, and almost independent, republics, formed itself into an exclusive aristocracy. This aristocracy consisted chiefly of the descendants of the old merchant families, and partly of the offspring of the noble possessors of the surrounding estates, and of the officials originally appointed by the princes for the government of the towns.

The accumulation of riches helped to widen this ever-increasing breach between the feelings and interests of the different classes. Riches acquired by trade and employed in the purchase of estates and lucrative privileges, and the like, enabled the Gild-brothers to remain idle. Idleness became a matter of rank and of honour¹, and a part only of the Gild-members carried on wholesale trade. Even the laws of the land make the distinction between the patrician and the man "without hearth and honour, who lives by his labour," and the former might with impunity box the ears of the latter for not showing him sufficient respect². As ever, the ruling class, these patricians, also threw the chief burden of the taxes upon the governed. Frequent raisings of these taxes made them always more oppressive, while the income which they afforded, as well as the corporation property and the revenues it yielded, were employed for the private uses of the ruling families³. Besides this, the law was partially administered, or redress entirely refused to the unprivileged; and the worst oppressions

went even so far as to forbid the craftsmen to drink wine, except in case of sickness (Moke, vol. ii. p. 69).

¹ Arnold, vol. ii. p. 195; Wilda, p. 201.

² Thus the municipal law of Brussels of the year 1229 (Moke, vol. ii. p. 115).

³ Arnold, vol. i. pp. 418, 419, vol. ii. pp. 299, 343, 377; Moke, vol. ii. pp. 13, 25, &c. Lacomblet, *Urkundenbuch des Niederrheins*, vol. ii. p. 245, Düsseldorf, 1840: "Quod quociens placet maioribus ciuitatis, ipsi faciunt . . . noua exactionum statuta, quarum exactionum onus portant fraternitates et alii populares, qui communitas appellantur et sic depauperantur," etc.

in consequence of the *mundium*¹ led to the fear that a new serfdom might arise. As many of the craftsmen had once stood in the *mundium* of the bishop or the burgrave, as long as these ruled over the towns, so, after the patricians had got the dominion, a *mundium* of these over the lower classes came into existence, and those "who struck the lion down, had to pay the wolves homage." The mundmen were obliged to swear an oath (*fidelitas*) and to agree to services and taxes, for which the mundmasters promised them protection and assistance. This relation was particularly rigid at Strasburg; some of the ruling families there extorted in this way from the craftsmen a yearly rent of from 300 to 400 quarters of oats. In Cologne the craftsmen were almost the serfs of the patricians. Had the dominion of the patricians lasted longer, this dependence would certainly have become hereditary².

The general deep hatred of the governed towards their oppressors seems therefore only too just; and the one idea which animated the souls of the craftsmen of the thirteenth and fourteenth centuries³, the abolition of the patriciate, seems only too easily to be understood. It was not seldom that they were aided in this endeavour by the degeneration of the patricians themselves. The principles of association, of brotherly love and unity of interests, under which the patricians had grown free and strong, must have hindered the rivalries of the strong in all their endeavours; and in free competition they fought for superiority in the towns in which a patriciate was most predominant. I need only recall to mind the fights between the Overstolzen and the Weissen at Cologne, between the Zornen and the Mülheimer at Strasburg, between the Starbearers and the Popinjays at Basle, the strifes of the Auer with the rest of the patricians at Ratisbon, and the similar differences among the ruling families at Spire⁴. But the more the interests of the strong differed, the closer were the confederations of the weak. Already in the thirteenth century in all these towns the most violent struggles broke out between the craftsmen, united in the most brotherly way into Craft-Gilds, and the hated patricians. Tournai, Gant, Bruges, Brussels, Louvain, Huy, Liège, Cologne, Frankfort-on-Main,

¹ Protection given by a noble or rich man to a poorer, for services to be rendered, and assessments paid by the latter.

² Arnold, vol. i. p. 425; vol. ii. pp. 192, 193; Moke, vol. ii. p. 69; Lacomblet, vol. ii. p. 245.

³ Moke, vol. ii. p. 127, says: "L'histoire du 14 siècle n'a rien de plus extraordinaire que la persistance des tisserands et des foulons de Brabant à rêver encore leur cité détruite, comme jadis les Hébreux captifs songeaient à la reconstruction de Jérusalem."

⁴ Arnold, vol. i. pp. 352, 366; vol. ii. pp. 297, 396.

Spire, Strasburg, Bâle, Augsburg, Magdeburg, Halle, and all other towns, however named, were witnesses of the changing fortune of their contests. Towards the end of the fourteenth century the victory was almost everywhere on the side of the Craft-Gilds.

Fierce¹ as the civil war had been, the people were moderate and generous in their victory². Their idea was that of equality of political rights and of justice. Notwithstanding their hatred against their tyrants, the multitude did not wish violence to put its stamp on their laws; they did not wish to oppress those who for former merits might have a right to participate in the government of the towns, and who by education were their superiors³. Mixed governing bodies were formed, consisting of patricians and craftsmen; and often even a majority of one vote was left to the former⁴. In some places, it is true, the craftsmen compelled the patricians to enter their fraternities if they wished to take part in the government of the towns⁵; but even then the great soon got such paramount influence, that new laws had to provide that the "small folk" should form half of the council of the Craft-Gild⁶. The craftsmen did not, however, in the long run remain at the head of the town; but the political equality which their efforts had obtained was maintained in principle; the old Gild constitution was replaced by that of the "commune."

In England the same change of the town constitution went on at the same time. The ordinance of the London citizens in Edward the Second's time, that no person, whether an inhabitant of the City or otherwise, should be admitted to the freedom of the City unless he were a member of one of the trades or mysteries⁷, shows clearly the preponderance of the craftsmen. But the completion of their triumph may be seen by the account, that "In the 49th Edward III. an enactment passed the whole assembled commonalty of the City, by which the right of election of all City dignitaries and officers, including members of parliament, was transferred from the ward-representatives to the trading-com-

¹ Thus, for instance, at Magdeburg in the year 1301 ten aldermen of the Craft-Gilds were burnt alive in the market-place. After the Cologne weavers had lost, in 1371, the "Weavers' Battle" against the ruling families, thirty-three weavers were executed on November 21, 1371; on the day after also houses, churches, and monasteries were searched; all who were found were murdered; lastly, 1800 of them were exiled, with their wives and children, and their hall, "a palace," was demolished. The exiled found a reception at Aix-la-Chapelle, where they helped considerably to raise their trade. Further examples could easily be enumerated.

² Compare the generous treatment of the South by the North after the close of the late civil war in the United States.

³ See Arnold, vol. ii. p. 191.

⁴ Moke, vol. ii. p. 131.

⁵ See Moke, vol. ii. p. 80. The same happened at Cologne.

⁶ See Moke, vol. ii. p. 159.

⁷ Herbert, vol. i. p. 27.

panies¹." In the year following, the number of the companies which took part in this election was increased from thirty-two to forty-eight². Nevertheless here also the power remained ultimately in the hands of the old burghers. When, after the ordinance under Edward II., all citizens of London were obliged to belong to the Trade-Gilds, the old burghers probably entered, as in a similar case the old ruling families of Cologne did³, into some of the better Trade-Gilds, from which in later days sprang the so-called twelve great companies; and they pursued under new shapes their old political and industrial interests. Already, towards the end of the reign of Edward III., the separation of these richer companies from the poorer ones may be observed. They gained paramount influence in the Common Council; and from this time dates the still-existing custom of choosing the Mayor of London exclusively from them⁴. The Grocers—merchants who, according to Herbert⁵, received their name from the engrossing (buying up wholesale) "all manner of merchandize vendible"—were particularly powerful. Not less than sixteen aldermen belonged to their Gild, and in 1385 they carried the election of Sir Nicholas Brembre as Mayor for two successive years against the rest of the citizens⁶. As regards industry, the rule remained however for centuries, as will be shown further on, to the principle of small capital (see pp. cxiii, cxiv).

In the time of King Henry VI. the victory of the crafts was general in England; for about that time the kings, as Madox⁷ tells us, began generally to recognize the constitution and liberties of towns in other terms than by confirming their Gilds. "They granted to the men of a town or burgh that they should be a *communitas perpetua et corporata*, a corporate and perpetual community." The Craft-Gilds, whose rise the old city authorities had endeavoured till now also here to suppress, obtained the victory⁸ about the same time as their brethren on the Continent did. A more detailed account of the transition is wanting. Nevertheless in England there is nothing to be found of the severe struggles of the German and Belgian companies against the patriciate. The latter never attained a similar development on British soil; probably because, as has been stated, the rich did not obtain a similar independent dominion in the towns, which were less independent of the sovereign; and because

¹ Quoted by Herbert, vol. i. p. 32, from Norton's *Commentaries on London*.

² Herbert, vol. i. p. 33.

³ Herbert, vol. i. p. 36 sqq.

⁴ Ib. pp. 38, 39.

⁵ See Delpit, *Collection générale des documents français qui se trouvent en Angleterre*, tom. i. p. lxxx. Paris, 1847.

⁶ See Wilda, p. 259.

⁷ Ib. p. 29.

⁸ *Firma Burgi*, p. 27.

there is not in the English aristocracy in general that caste-like seclusion which characterizes the Continental nobility. Greater freedom of the lower classes, as well as the gradual formation of political institutions according to the relative amount of the social power of different classes, which is so characteristic of England, perhaps contributed in this case too—as under similar circumstances of later times—to ward off a bloody revolution.

In the Danish towns also no real exclusive rule of special families seems to have sprung from the Gilds. The towns in Denmark were smaller, and therefore the Gild did not appear, in proportion to the entire population, as a close circle of families. Commerce was there of less importance, and so no very great difference arose between merchants and craftsmen in point of fortune. To this must be added the less independence of the towns in general as already mentioned. For these reasons also the Gild existed in Denmark until the time of the Reformation, which shook vehemently the whole system of Gilds, and wrought the fall of most of them, on account of their connection with the Roman Catholic service. At a later period, it is true, Gilds were carried on or re-established in Flensburg, Copenhagen, and other places. But after the political as well as the religious objects of the Gilds had disappeared, there remained of their old essence nothing but social purposes. Shooting at the popinjay was an old exercise handed down from the glorious times of the burghers, when they combated kings and made them responsible for wrongs committed on Gild-brothers. This became now their chief object. The old St. Canute-Gilds changed everywhere into Archer-Gilds; kings sometimes became members of them; and the degenerated descendants of the Hezlagh of Sleswig, instead of, like their forefathers, defending their old liberties and privileges against sovereigns with the bow, shot in common with them at the popinjay¹.

In Germany too these Gilds, where they went on, and sometimes—as the House Limpurg in Frankfort-on-Main—still exist, sank into the same political insignificance; and the only advantage which the Gild now affords is the right of receiving assistance from its funds in certain emergencies of life.

¹ Wilda, pp. 156 sqq., 161 sqq., 283 sqq.

IV. THE CRAFT-GILDS.

THE origin of the Craft-Gilds—which everywhere in the fourteenth and fifteenth century, as has just been shown, either snatched the government of the towns from the hands of the Old-burgher Gilds, or at least obtained a share in it by the side of those Gilds—has been the subject of considerable controversy. In spite of the absolutely independent origin and development of the handicrafts in the Germanic states of the Middle Ages, and in spite of their character being entirely different to that of the Romans, some authors, finding in the Roman *collegia opificum* institutions which may in some degree be compared to the Craft-Gilds, have derived from them the unions of the handicraftsmen that sprung up with the handicrafts. But this view needs rather to be proved historically by its adherents, than to be refuted by its opponents. It would be much more probable that the Craft-Gilds descended from the companies into which, in episcopal and royal towns, the bond-handicraftsmen of the same trade were ranged under the superintendence of an official, or that they took their origin from a common subjection to police control or from common obligations to pay certain imposts. But even these views deserve no further consideration after Wilda's striking refutation. "The Craft-Gilds," as Wilda says, "did not spring from subjection and dependence; they originated in the freedom of the handicraft class¹."

The population of the towns, at least of those on the Continent, consisted, as late as the eleventh century, of officials, old freemen, and bondmen². To the last belonged the greater part of the handicraftsmen, who, obliged to pay certain taxes and to perform certain feudal services and labours for their lords, were subjected to officers appointed by them. But besides, there were free handicraftsmen, who in earlier times probably belonged to the body of the full citizens; for the expulsion of craftsmen as

such from the full-citizens' Gilds, took place only at a later period of their development, as has been already stated in Part III. As long as one part of the handicraftsmen remained in the organized state of bondage just described, whilst the other part belonged to the full-citizens' Gilds, there was neither want nor room for a further free organization of that class, similar to that of the later Craft-Gilds. The former stood, in all trade matters, entirely under the orders of the lords of the town, whether these were bishops, burgraves, or citizens; and as to legal protection, they were their clients. But the handicraftsmen who were full-citizens received from the full-citizens' Gild on the one hand legal protection, and on the other hand by far greater advantages in matters of trade than even from the later Craft-Gilds; for as full-citizens¹, these handicraftsmen enjoyed perfect freedom of trade in the towns, whilst the foreign handicraftsmen, and those who were not full-citizens, had to buy from the lords of the town the right of carrying on trade, and had to purchase, by various burdens and imposts, the privilege of using the market-halls and other institutions established for buying and selling.

After the free handicraftsmen had been expelled from the full-citizens' Gilds, their relation to the old-burghers was similar to that of the ancient freemen at the time when they confederated into Gilds for protection against the aggressions of the great. On the one hand, the citizens endeavoured to suppress the handicraftsmen into a kind of subjection, and on the other, as, after the expulsion of the royal and episcopal officers, they had the police in market and trade matters in their hands, it was in their power to take measures injurious to the craftsmen. The old-burghers must have felt a great temptation to subject the handicraftsmen, sprung from the free families, to the same imposts as those paid by the bondmen. The right also to allow foreigners, on payment of entrance fees, to carry on trade, could not but endanger the interests of the native craftsmen. Just as in earlier times the maintenance of the personal liberty and the preservation of the small freeholds of the old freemen were concerned, so the question was now to protect the independence of the craftsmen and their earnings, which depended on their stock

¹ Wilda, p. 302. Legal advice of the sheriffs of Magdeburg, in the beginning of the thirteenth century, to Duke Henry the Bearded, for his town Goldberg: "Noveritis vestre nobilitatis benignitas, quod quilibet burgensis, aut propriam habens domum vel aream quarumcunque rerum venalitatem habuerit, eas in domo propria libere vendere potest aut pro aliis rebus commutari. De domo quoque, quam ad augmentandum censum vestrum in communi foro frequentari et per singulas mansiunculas inhabitari statuistis, scire debetis indubitanter, quod si dominus noster Archiepiscopus hoc in nostra civitate attemptaret penitus deaceret."

² Wilda, p. 307. Compare also Arnold, vol. i. pp. 250-258.

³ See Additional Notes, No. 3.

and labour. Isolated, they must have succumbed to the difficulty of their circumstances; hence these of necessity called forth the same free organization of free craftsmen, as that of the old freemen in earlier times. The constitution of the old Guilds evidently served as the model of the Craft-Gilds, and it appears to have been altered only in so far as a change was rendered necessary by the peculiar wants of the craftsmen which made them confederate into Guilds, namely, protection of the industry of the freemen.

Foremost amongst the free handicraftsmen were the Weavers. They formed a kind of middle class between the patricians and the bond craftsmen. The fact that whilst the other crafts worked to supply mere local demands, the Weavers' manufactures found markets in the most distant countries, naturally invested them with greater importance. They were distinguished above all others by wealth, self-respect, and a sense of freedom. Their unions enjoyed of old the greatest independence. In all towns they stood at the head of the craftsmen; and the contests of the handicraft class with the patricians for political emancipation, and its victories, were, above all, the struggles and victories of the Weavers¹.

Accordingly, in all the manufacturing countries of that time, in England, Flanders and Brabant, as well as in the Rhenish towns, the most ancient Guilds were those of the Weavers. The Guild of the London Weavers was chartered by Henry I.², and so was that of the Oxford Weavers. In the reign of Henry II. Weavers' Guilds, confirmed by the king, existed at Nottingham, York, Huntingdon, Lincoln, and Winchester³. In Germany the Wool-weavers' Guild of Cologne arose as early as the eleventh century⁴. And in like manner the oldest German charter⁵ referring undoubtedly to a Craft-Gild⁶ is that of a Cologne Weavers' Guild. In the year 1149 the *textores culcitrarum pulvinarium* (weavers of pillowcases) formed a fraternity with the consent of the judges, sheriffs, and aldermen; and thenceforth all who wished to carry on the trade within the town were obliged to join the fraternity and to submit to its rules. The record proves that a union of these handicraftsmen had existed long before the year 1149, and

¹ Arnold, vol. ii. p. 208, and Moke, vol. ii. passim.

² Delpit, vol. i. p. lxxxiii.

³ Arnold, vol. i. p. 254.

⁴ Lacomblet, vol. i. p. 251. See below (p. cxix, note 1).

⁵ The record of the appointment of twenty-three men as fishers at Worms by Bishop Adalbert circa annum 1106 (Schannat in *Cod. Probat. Hist. Wormat.* Num. ii. p. 62), seems to speak rather of the creation of one of those companies among bond-handicraftsmen, mentioned in the text, than of a free Craft-Gild. It is utterly unlike the manner in which all other Craft-Gilds have been chartered.

⁶ Wilda, p. 314.

that it was merely confirmed in the said year. At Spire the Guild of the Wool-weavers existed at the beginning of the twelfth century. At Mayence the Weavers are mentioned as early as 1099; at Worms in 1114. At Frankfort-on-Main also, wool-weaving ranked first among the crafts¹. It was, however, in the first manufacturing country of the Middle Ages, in Flanders and Brabant, that the influence of the Wool-weavers' Guild was the most prominent: it appears there as almost the sole leader in all the revolutions of the handicraft class. And when we consider the early flourishing state of the Belgian woollen manufactures—for as early as the first century the clothes of coarse wool woven in Belgium found a greedy market in Rome²; also, that the necessity of defending their coasts against the inroads of the sea and of pirates³ always kept most keenly alive in the minds of the people the fundamental idea of all Guilds, the brotherly solidarity and community of interests; lastly, the bold spirit of independence which led even serfs here to confederate into Guilds⁴,—we may infer that here, among these extremely industrious and stubborn weavers of Flanders and Brabant, did the first Craft-Gild originate.

Although the Craft-Gilds arose first among the most eminent of the handicraft class, among those who were free,—just as in earlier times the most ancient Guilds originated among the old freemen, and later on the Trade-Unions among the best situated working men and ci-devant small masters,—to stop the deterioration of their condition and encroachments on their rights and interests, yet this new organization was also soon made use of by the lower members of their class as a means of elevation. With the liberation of the bond handicraftsmen from bondage proper, many of the companies into which they had been ranged passed gradually over into the number of free Craft-Gilds. The latter appear, therefore, everywhere in greater number about the time when the last traces of bondage disappear. Craft-Gilds of this kind, when obtaining their privileges, were frequently put under obligation to pay certain fixed imposts in return for their greater independence in labour and trade, and for the remission of the fines on inheriting property⁵, to which their

¹ Arnold, vol. i. p. 254, &c.

² Moke, vol. i. p. 58.

³ Ibid. p. 51.

⁴ See Part I. of this Essay, pp. lxxvi, lxxviii, lxxix.

⁵ I find in the *Vita Gebhardi Episcopi Constantiensis* (Pertz, *Scriptores*, vol. x. p. 588, lines 32-59: "Post hæc convocatis servis suis elegit ex eis optimos quosque, et constituit ex eis coquos et pistores, caupones et fullones, sutores et hortulanos, carpentarios et singularum artium magistros, et constituit eis, ut eo die, quo fratribus deservirent, de annona quoque fratrum in patre reficerentur, quia dignus est operarius cibo suo. Ut autem bono animo suis ministrarent dominis, huiusmodi donario ipsos cumulavit, scilicet ut cum quis præsentium vel

episcopal or lay lords were entitled, as well as for other matters. And in proportion to the degree of independence which they obtained according to circumstances, these imposts were greater or smaller. Such, for instance, was the case at Bâle, Constance, &c. Everywhere, however, these societies were changed after the model of the Gilds of those farther advanced craftsmen which have been spoken of. The latter impregnated them with an altogether different spirit and a new life. A similar process may have taken place, in certain cases¹, in fraternities originally religious, which, after the origin of Craft-Gilds, framed trade regulations after the latter's example, and—as in later times certain friendly societies changed into Trade-Unions—so gradually transformed themselves into Craft-Gilds. The time of the origin of Craft-Gilds in general may be said to extend from the beginning of the eleventh to the middle of the thirteenth century². The origin of certain Craft-Gilds depended of course on the gradual rise of the various trades in a town.

The organization of the free craftsmen into Gilds, we thus see, was called forth by their want of protection against the abuse of power on the part of the lords of the town, who tried to reduce the free to the dependence of the unfree, and, by imposts and otherwise, to encroach on the freemen's earnings. Being organized, the Craft-Gildmen provided for the maintenance of the customs of their Craft, framed further ordinances for its regulation, saw these ordinances properly executed, and punished the Gild-brothers who infringed them. The maintenance of their independence against the city authorities, and the possibility of carrying out and making efficient their trade-rules, depended, however, on the condition that all who carried on the trade should belong to the Gild. And though the first Gilds, at their formation, included doubtless all men of the trade, yet in course of time some one or more craftsmen must have turned up, who, unwilling to submit to the rules framed for insuring good work and for protecting the interests of the trade, would carry on his trade without belonging to the Gild. It was impossible either to check this, and prevent detriment arising from it, or to enforce their

eorum successorum, qui de progenie illorum esset, moreretur, exuvie de eo non sumerentur, sed hæredes relictam hæreditatem indivisam possiderent; si vero de alia progenie aliquis accessisset, ab hoc donativo alienus exstisset." For the bond-handicraftsmen in towns and their societies, see Additional Notes, No. 3.

¹ Perhaps the many religious regulations, and the many relations to the cathedral, of some of the Gilds at Bâle (compare, for instance, Berlepsch, vol. ii. pp. 18, 19), as well as of the Fullers at Lincoln (compare Mr. T. Smith's collection, p. 179), refer to such a process, though it seems rather doubtful to me. But see also Mr. Ludlow in the *Fortnightly Review*, October, 1869, p. 393.

² Compare Arnold, l. c.

regulation of the trade in a legitimate manner, unless the Gild had been previously acknowledged by the lord of the town or the body of citizens. And thus, though the Craft-Gilds as voluntary societies did not need confirmation by the authorities at their birth, yet this confirmation became afterwards of the greatest importance when these Gilds wanted to be recognized as special and independent associations, which were thenceforth to regulate the trade instead of the authorities of the town. This once obtained, all further protective measures would follow as a matter of course.

This transfer of all trade concerns to the management and jurisdiction of the Craft-Gild was generally accomplished by a confirmation of their ordinance, that every one carrying on the trade within the town or a certain district, should join and belong to the Gild¹. And in return for this privilege the Gild was yearly to pay certain taxes². In London these taxes went to the king. Thus, under Henry I. (A.D. 1100–33) and every succeeding king, the London Weavers paid to the crown a rent or ferme for their Gild; and Madox³ enumerates eighteen Gilds which, under Henry II. (A.D. 1154–89), were amerced as adulterine, for neglecting to pay this tax. But as, in consequence of these privileges of the Craft-Gilds, the citizens no longer enjoyed undivided sway in the towns, they showed themselves everywhere extremely jealous of the jurisdiction which had thus sprung up in their midst, to their own detriment. They therefore opposed with all their might the establishment of Craft-Gilds; and the whole history of these Gilds, till they obtained the mastery in the fourteenth and fifteenth centuries, appears as nothing else than one continual struggle of the handicraftsmen with the town for these privileges. The Norman kings however, equally ready to make the most of both these clashing interests

¹ Lacomblet, vol. i. p. 251. Record of the confirmation of the Gild of the *textores culcitrarum pulvinarium* at Cologne in 1149: "fraternitatem . . . confirmatam suscepisse, hac videlicet ratione, ut omnes textorici operis cultores (scilicet culcitrarum pulvinarium), qui infra urbis ambitum continentur, sive indigene sive alienigene huic fraternitati quo jure a supra memoratis fratribus constat disposita sponte subiciantur. Ei vero aliqua enormitate obviantes et subire non coacti nolentes, judiciaria severitate refrenati, cum rerum suarum detrimento, subire et obsecundari tandem compellantur." For the London Weavers see note 1, p. cxx. In the charter of the Oxford Weavers in Madox's *History of the Exch.* vol. i. p. 339, we read: "nemo operaretur de ministerio eorum infra quinque leucatas circa Burgum Oxoniæ." See also below, p. cxxi, note 7, the charter of the Magdeburg Shoemakers. That this ordinance merely enforced a custom which already existed in the craft before the confirmation, may be seen there in the passage beginning, "Cum enim jus et distinctio, que inter eos est," etc.; as well as in the passage in Italics in this note.

² Compare also, below, the charter of the Magdeburg Shoemakers, p. cxxi, note 7.

³ *History of the Exch.* vol. i. pp. 390, 391.

for the benefit of their exchequer, seem to have put up to auction the confirmation and the suppression of these Gilds.

The contest of the Weavers with the City of London furnishes us with a very striking example of this struggle between the rising Craft-Gilds and the body of the old citizens. The Weavers had obtained from Henry I. the privilege that "nobody, except by them (i.e. by becoming a member of their Gild), shall introduce himself, within the City, into their mystery, and nobody within Southwark or other places belonging to London, except he be a member of their Gild¹;" and these privileges were confirmed to them by Henry II. Exemption from the jurisdiction of the City excited the jealousy of the citizens to such a degree, that the Weavers' Gild had to maintain the most violent struggles with them for its privileges and property. King John had to promise the citizens, in answer to their prayer, "that the Gild of Weavers shall not from henceforth be in the City of London, neither shall be at all maintained;" but as the Gild had been accustomed to pay the king eighteen marks per annum, the citizens "should pay twenty marks in money for a gift" instead. It appears, however, that this suppression of the Craft-Gilds was as ineffective here as in the like case in Belgium and Germany; for as early as the sixth year of Henry III. (A.D. 1221-22) we find the Weavers and the City again at strife; and "the Weavers of London," as Madox relates, "fearing lest the mayor and citizens of London should extort from them their charter and liberties granted to them by King Henry II., delivered that charter into the Exchequer, to be kept in the treasury there, and to be delivered to them again when they should want it, and afterwards to be laid up in the treasury." Even in the fourteenth year of Edward II. (A.D. 1320-1) the privileges of the Weavers remained still a point of contention between them and the town; but in this case it was before a court of justice. On occasion, as it appears, of a complaint for transgression and abuse of their privileges, the Weavers had to prove their right to have a Gild, as well as the legality of every single ordinance framed by them for the regulation of their trade. Their privileges could not, however, be impugned as a whole, but several regulations were pointed out which had crept in after the grant of their charter². Among the documents contained in Mr. Toulmin Smith's collection, those referring to the Tailors' Gild at Exeter

¹ Madox, *Firma Burgi*, p. 286: "nullus nisi per illos se intromittat infra civitatem de eorum ministerio et nisi sit in eorum Gilda neque in Sudwore neque in aliis locis Londoniæ pertinentibus." The words "ministerium" or "officium" were used in medieval Latin for mystery, trade, craft-gild.

² Compare Madox, *Firma Burgi*, p. 192, &c.; Herbert, vol. i. pp. 17, 24.

show even in the fifteenth century the existence of the same struggle between this Gild and the authorities of the town¹. Sometimes, as in the case of the Bakers' Gild at Bâle, these conflicts, which the new organization of the handicraftsmen called forth between their wardens and the police authorities of the towns, were the chief cause of fixing the rights of the Craft-Gild in a charter².

To the complete independence of the Craft-Gilds, it was indispensable that they should have the right of freely electing a warden for regulating their trade and for managing the Gild. In England this freedom was never restricted; at least, I know nothing to the contrary from the accounts of English Craft-Gilds³. But on the Continent the right of appointing the warden of a Craft-Gild varied according to the nature of the origin of the Gild, or the degree of independence which the particular handicraft enjoyed at the time when its Gild was recognized. Thus the Craft-Gilds which the free handicraftsmen formed amongst themselves possessed, of old, absolute independence in the election of their warden, as, for instance, the Weavers' Gild at Cologne⁴, and the Craft-Gilds in Flanders⁵. At Bâle, on the contrary, where the Craft-Gilds sprang from the companies of bondmen above-mentioned (p. cxiv), the bishop appointed the warden, according to the oldest charters, and in the probably less important trades (*Spinnwettern* and Butchers, 1248); whilst in 1260 the Tailors (who were at the same time cloth-merchants) elected their own warden⁶. In 1157 Archbishop Wichmann of Magdeburg had, from truly generous motives, granted to the Shoemakers the right of free election of their warden. This instance was, however, probably as unique, as the disposition was rare⁷. In Paris, the provost in the thirteenth century appointed

¹ Mr. Toulmin Smith's collection, pp. 299-316.

² Compare Wilda, p. 310.

³ The governor, however, of the fraternity of the Porters in London, constituted in 1646, is always an alderman, whose appointment is vested in the Court of Aldermen. (Allen's *History and Antiquities of London*, vol. ii. p. 412.)

⁴ Lacomblet, vol. ii. p. 250. Award of arbitration between the archbishop and the town of Cologne, &c., 1258: "Quod ab antiquo consuetudine fraternitates eligunt sibi quosdam, qui magistri fraternitatum dicuntur, per quos insolentes fraternitatum compescuntur," &c.

⁵ Moke, vol. ii. p. 95.

⁶ Berlepsch, *Chronik der Gewerke*, St. Gall (no date), vol. ix. p. 19, vol. v. p. 18, vol. ii. p. 18.

⁷ The charter runs thus: "In omnibus actibus nostris, in quibus aliquid de honore et utilitate Magdeburgensis ecclesie agere studuimus, libertatem matrem actionis nostre esse volumus, ut, cum honor et utilitas in disputatione nostra accurrerit, libertas suprema semper existeret, quia honor et utilitas sine libertate vilis servitus estimatur. Notum itaque esse volumus universis tam futuris quam presentibus, quod officia civitatis nostre magna sive parva, quodlibet in suo honore secundum jus suum integrum esse volentes, jus et magisterium sutorum ita consistere volumus, ut nullus magistratum super eos habeat, nisi quem ipsi ex communi consensu magistrum sibi eligerint. Cum enim jus et distinctio, que inter

and deposed, as he pleased, the wardens of the *Cordiers* (rope-makers), and the *Poulaillers* (poulterers); but the *Étuvistes* (bath-keepers) elected freely and independently three *preud'hommes* for regulating their trade¹. Free election then became the rule in all trades, till Charles IV. of France (1321-1328) deprived the Parisian craftsmen of the right of freely electing their wardens². Charles VI. in the year 1408, whilst confirming the statutes of a Craft-Gild, actually appointed one of his valets to the wardenship³. In other countries, even in the thirteenth century, it became the rule for Craft-Gilds to elect their wardens themselves; and it was only during the contests between the crafts and the hereditary ruling families in the German and Belgian towns that the craftsmen had to acquiesce in the appointment of their wardens by the patricians. But this of course changed at once with the triumph of the handicraftsmen.

This triumph, as has been shown in Part III., was won everywhere in the fourteenth and fifteenth centuries, though sooner or later, according to circumstances. In London the Craft-Gilds appear in full possession of the mastery in the reign of Edward III. The privileges which they had till then exercised only on sufferance, or on payment of their *fermes*, were now for the first time generally confirmed to them by charter by Edward III.; the authorities of the City of London, who had in former times contended with all their might against the Craft-Gilds, now approved of their statutes; and in the fourteenth century a large majority of the trades appeared before the mayor and aldermen to get their ordinances enrolled. At the same time they adopted a particular livery, and were hence called Livery Companies. Edward III. himself actually became a member of one of them, that of the Linen-armourers, and his example found numerous imitators amongst his successors and the nobility of the kingdom⁴.

eos est, eos, qui eo jure participare non debent, ita excludat, quod opus operatum alienigene infra jus communis fori vendere non debeant, constituimus, ne alienigene opus suum operatum ad forum non deferant, nisi cum omnium eorum voluntate, qui jure illo quod Inninge appellatur, participes existunt. Itaque ad recognoscendum se annuatim Magdeburgensi archiepiscopo duo talenta solvent, que magister eorum presentabit, prout archiepiscopus mandavit," &c. (Berlepsi, vol. v. p. 30.)

¹ Ouin-Lacroix, *Histoire des Anciennes Corporations d'Arts et Métiers, &c. de la Capitale de la Normandie*, Rouen, 1850; *Statuts des Cordiers de Paris*, art. 10, (p. 738); *Statuts des Poulaillers de Paris*, art. 11 (p. 747); *Statuts des Étuvistes de Paris*, art. 5 (p. 739).

² Wilda, p. 324.

³ Ouin-Lacroix, p. 734—*Statuts des Barbiers de Tours en 1408*, art. 1: "Notre premier barbier et varlet de chambre est et sera garde du dict mestier, auquel tous devront obéir."

⁴ Compare Herbert, vol. i. pp. 28, 29; Delpit, p. lxxx., and the numerous ratifications of ordinances by the City authorities from 1344-1418 in Riley's *Memorials*.

Though political power, as has been already stated, did not continue everywhere in the hands of the handicraftsmen, they yet retained everywhere the independent government and jurisdiction over their trade; and everywhere the fundamental principle of their trade-policy prevailed, namely, the protection to live freely and independently on an industry based on small capital and labour. This was shown in England by the Act 37 Edward III. c. 5 (A.D. 1363). In the nineteenth year of Edward III. (A.D. 1345), a part of the Pepperers had separated themselves from their old Gild and had formed a society of their own. The account¹ of what took place at the formation of this society,—how "twenty-two persons, carrying on the business of Pepperers, agree to meet together at a dinner" (for defraying the expense of which each had to pay twelve pence), "and commit the particulars of their formation into a trading society to writing," and then immediately after the meal elect their warden, and decide on their periodical contributions,—shows great similarity with the proceedings at the formation of modern working-men's associations; as, for instance, those of the Bookbinders' Trade Society, according to Dunning's excellent account². But these twenty-two Pepperers—altogether unlike their Bookbinder imitators—were the richest of their trade³, and had probably belonged formerly to the old-citizen class, and had, like all citizens under Edward II., been obliged to join a Trade-Gild. Well, these seceding Pepperers now formed themselves into a separate society, exercised still *de facto* the freedom of trade which had formerly belonged to them as full citizens, and thus threatened to crush, by their riches, the numerous other Trade-Gilds. At least a petition brought against them in the 36th Edward III. complains "that great mischiefs had newly arisen, as well to the king as to the great men and commons, from the merchants called Grocers (grossers), who engrossed all manner of merchandize vendible, and who suddenly raised the prices of such merchandize within the realm; putting to sale by covin, and by ordinances made amongst themselves, in their own society, which they call 'the Fraternity and Gild of Merchants,' such merchandizes as were most dear, and keeping in stores the others until times of dearth and scarcity." In consequence of this, the Act 37th Edward III. c. 5 decreed "that all artificers and people of mysteries shall each choose his own

¹ See the detailed account of the proceedings in Herbert, vol. i. pp. 43-45, also pp. 304-308.

² *Trades' Societies and Strikes. Report of the Committee on Trades' Societies appointed by the Social Science Association*, p. 93, &c. London, 1860.

³ Compare Herbert, vol. i. pp. 304-308.

mystery before the next Candlemass; and that having so chosen it, he shall henceforth use no other¹." This was a legal recognition of the principle of the trade-policy of the craftsmen, namely, that provision should be made to enable every one, with a small capital and his labour, to earn his daily bread in his trade freely and independently, in opposition to the principle of the rich, "freedom of trade." In like manner this principle became prevalent in all the Craft-Gilds on the Continent, and we find it formulated with special clearness in the Emperor Sigismund's extremely original "Secular Reformation" of 1434².

This period of development of the Craft-Gilds was followed by a further extension of them in the beginning of the fourteenth century, and soon afterwards by their degeneration. But before I enter upon this question, and upon the abuses which undisputed possession of their privileges and the full sway in all trade matters produced in them, I wish to speak more fully of the constitution of the Craft-Gilds during the first stage of their growth³. This constitution was but the perfect expression of the wants which called forth the Craft-Gilds, and of the task which they had to perform. Their fundamental principle was the same as that of the Frith-Gilds, that is, of those artificial unions which sprang up to replace the natural family compact, and to secure the protection which the latter afforded to their members in former times (see Part I.). The Craft-Gilds themselves first sprang up amongst the free craftsmen, when they were excluded from the fraternities which had taken the place of the family unions, and later among the bondmen, when they ceased to belong to the *familia* of their lord. Like those Frith-Gilds, the object of the early Craft-Gilds was to create relations as if among brothers; and above all things, to grant to their members that assistance which the member of a family

¹ Herbert, vol. i. pp. 29, 30.

² Goldasti, *Constitutiones Imperiales*, tom. iv. p. 189, Francof. 1713. After much complaining "that one person carries on more trades than belong to him," it is said in cap. v., "Will you hear however what is ordained by Imperial law? Our forefathers have not been fools. The crafts have been devised for this purpose, that everybody by them should earn his daily bread, and nobody shall interfere with the craft of another. By this the world gets rid of its misery, and every one may find his livelihood. If there be one who is a wineman, he shall have to do with this (i. e. the wine trade), and shall not practise another thing besides. Is he a bread-baker, the same, &c., no craft excepted. And it is to be prevented on Imperial command, and to be fined with forty marks of gold, where it is heard that the Imperial towns do not attend to this, that nobody of any trade whatever shall interfere with the craft of another," &c. Compare also cap. viii.

³ For the sake of completeness, and to avoid repetitions, I have sometimes also availed myself in the following statements of Gild-Statutes of the fourteenth century, except as to such points of course in which the degeneration had already begun in the fourteenth century.

might expect from that family. As men's wants had become different, this assistance no longer concerned the protection of life, limbs, and property, for this was provided for by the Frith-Gilds, now recognized as the legitimate authority; but the principal object of the Craft-Gilds was to secure their members in the independent, unimpaired, and regular earning of their daily bread by means of their craft. When then the Craft-Gilds, like the earlier Gilds for the maintenance of justice (Part I. pp. lxxiv, lxxv), were legally recognized, and were brought into the State organism as special associations for the regulation of their trade, a new fundamental element, namely, their quality as a police authority, was added to the element common to all Gilds.

Both these elements are to be found in the Craft-Gilds of all countries; indeed, in all they attained a development so similar, even in details, that whosoever knows the Gild-Statutes of one country, knows those of all. Only in certain concrete regulations do we find deviations which I will point out in the course of this treatise¹.

The very soul of the Craft-Gild was its meetings, which brought all the Gild-brothers together every week or quarter. These meetings were always held with certain ceremonies, for the sake of greater solemnity. The box, having several locks like that of the Trade-Unions, and containing the charters of the Gild, the statutes, the money, and other valuable articles, was opened on such occasions, and all present had to uncover their heads. These meetings possessed all the rights which they themselves had not chosen to delegate. They elected the Presidents (originally called Aldermen, afterwards Masters and Wardens) and other officials, except in those cases already mentioned, in which the master was appointed by the king, the bishop, or the authorities of the town. As a rule, the Gilds were free to choose their masters, either from their own members, or from men of higher rank, though they were sometimes limited in their choice to the former². Did the election fall on a member who would not accept it, he was subjected to fines. Of a council,

¹ In order not to have to cite repeatedly the same sources for every individual statement, I refer here in general to Herbert, vol. i. pp. 40-102; also to the Ordinances in Riley's *Memorials*, and to Mr. Toulmin Smith's collection, especially to pp. 179, 181, 184, 208, 284, 312, 331, 334. Further, to the Gild-Statutes contained in Berlepsch, vols. ii-ix, and to the rich collection of Ouin-Lacroix; also to Orloff, *Das Recht der Handwerker*, Erlangen, 1818, to Schönberg's article in Hildebrand's *Jahrbücher für Nationalökonomie und Statistik*, vol. ix. pp. i. &c., 97 &c., as well as to Hunter's *History of Sheffield*, p. 119, London, 1819.

² There was a contest on that account at Cologne in the year 1258 between the Archbishop and the Craft-Gilds. Lacomblet, vol. ii. p. 247; compare also Wilda, p. 324. See also Mr. T. Smith's collection, p. 305.

which (like that of the Court of Assistants of later times) stood by the side of the masters, we find in early days at most but a trace, in the quorum of members which had to co-operate with the master on various occasions, as, for instance, in the exercise of jurisdiction. In Germany we find something similar in the council of six or eight men of some Gilds at Bâle and Vienna¹ earlier than in England, where we first notice in 1397, in the records of the Grocers, that six persons of that company were chosen to aid the wardens in the discharge of their duties. These cases excepted, assistants are first met with in the sixteenth century. We also find in the Grocers, as early as 1348, four auditors "to superintend the accounts and delivery of the wardens."

The wardens summoned and presided at the meetings, with their consent enacted ordinances for the regulation of the trade, saw these ordinances properly executed, and watched over the maintenance of the customs of the craft. They had the right to examine all manufactures, and a right of search for all unlawful tools and products. They formed, with the assistance of a quorum of Gild-brothers, the highest authority in all the concerns of the Gild. No Gild-member could be arraigned about trade-matters before any other judge. We have still numerous documentary proofs² of the severity and justice with which the wardens exercised their juridical duties. Whenever they held a court, it was under special forms and solemnities: thus, for instance, in 1275 the chief warden of the Masons building Strasburg Cathedral held a court sitting under a canopy. The local trades of the towns continued under a certain amount of control by the town authorities even after the Craft-Gilds had obtained power. The elected wardens had to be brought every year before the mayor, and had to swear "faithfully to execute their offices." The mayor also decided disputes between the several Gilds, and could fine and imprison the wardens of companies at his pleasure. The control of the sale of the most necessary provisions, such as bread, meat, drink, and fuel, was the special care of the town authorities, in order to prevent adulteration and overcharges³.

The punishments which the Craft-Gilds decreed consisted in the payment of fines, or, in earlier times, of certain quantities of wax, or of beer or wine to be drunk at their feasts. In case

¹ See the Gardeners of Bâle (Wilda, p. 325), the *Spinnwetter* at Bâle 1271 (Berlepsch, vol. ix. p. 20), the Tailors of Vienna 1340 (Berlepsch, vol. ii. p. 226).

² Compare, for instance, Mr. T. Smith's collection, p. 321; Herbert, vol. i. p. 47, &c.

³ Mr. T. Smith's collection—The Office of the Mayor of Bristol, art. 14, 25, 26, 27, 28 (pp. 416, 420, &c.); Herbert, vol. i. p. 55, &c.; Arnold, vol. ii. p. 282, &c.; Quin-Lacroix, p. 735; Wilda, p. 319; Riley, pp. 156-162, 174, &c.

of more serious offences, such as perjury, persistent disobedience, &c., exclusion from the Gild was the consequence; and this was accompanied with loss of the right to carry on the craft¹. Princes, churches, and city authorities frequently received a share in the fines, as well as in the entrance-fees and contributions of the members. This was especially the case in France², where permission to carry on a trade had often to be purchased direct from the king. For enforcing payment of entrance-fees, contributions towards paying the *fermes* (dues), as well as of fines, the Craft-Gilds made use of the very means so much talked of in the case of the Sheffield Trade-Unions, namely, *rattening*, that is, they took away the tools of their debtors³. It is true that they, as their claims were legally recognized, could sell the tools and take what was due to them out of the proceeds, whilst the want of such recognition compelled the Trade-Unions to enforce payment of arrears by hiding and detaining the objects seized upon. This coercive measure existed unchanged even in the seventeenth century⁴; so that this rat-

¹ The *Constitutions of Masonry* published by Mr. Halliwell are very explicit as to the punishment of disobedient members. The 12th *Punctus* says that they shall be taken in charge by the lords, sheriff, mayor, and knights, &c. present (with the master and other masons) at the assembly where the ordinances are made; and the 15th *Punctus* says that if they will not make amends for their disobedience, they shall be turned out of the craft and not allowed to carry it on, and

"The scheref schal come hem sone to,
And putte here bodyes yn duppe prison,
For the trespasse that they hau y-don,
And take here goodes and here cattelle
Ynto the kynges hond, every delle,
And lete hem dwelle here ful styлле,
Tyl hyt be oure lege kynges wyлле."

(l. 463-70.)—F. J. F.

² For instance, Quin-Lacroix, p. 746—*Statuts des Poulailleurs de Paris* (thirteenth century), art. 1: "Nus ne puet estre poulaillier à Paris, se il n'achate le mestier du roy, et le vent cil qu'il l'a acheté du roy, à l'un plus à l'autre mains, si comme il semble bon."

³ Compare Herbert, vol. i. p. 18. "Why the working implements of such of the mystery as were in arrears for their *fermes* might be distrained by the bailiffs of the Gild, to the amount it was computed they owed, and such distresses sold to pay the same? . . . why on non-payment of a member's share of the king's *ferme*, his working tools to the amount should be sold, or detained in the custody of the bailiffs; and also that any member offending against the liberties of the Gild, should be adjudged in like manner to have his working implements seized and disposed of? . . . also if any withheld from another of the Gild his proper wages, and would not pay him, the Gild had power by their bailiffs to distrain. . . ."

⁴ Compare Herbert, vol. i. pp. 191, 192. "If anie member, of his froward disposition or otherwise, refuse to pay quarterage, penalties, arrearsages, or other amerciements, the master and wardens, with their officers, shall have power at lawful times to enter such member's shop, and distrain the same." The same measures, seizure of tools and closing a member's shop, were also the means of coercion and punishment in the German Craft-Gilds, the so-called "*Handwerk-legen*" (i. e. stopping of the craft of a member). Compare Pölitz und Bülow, *Neue Jahrbücher der Geschichte und Politik*, 1843, vol. i. p. 359, &c.

tening, which called forth such pharisaical indignation from the united employers' press, probably enjoys an uninterrupted descent from employers' associations up to the time of Edward II. But it is even far older. It is the old right of distraint of the creditor against the debtor, which occurs in the earliest laws of all German tribes, and was lawfully exercised in Germany up to the sixteenth century¹.

As the object of the association of craftsmen was the regulation of their trade, it was a necessary condition of the efficient working of their rules, that all who carried on the trade should belong to it. This was a matter of course, when they had been legally recognized as a special authority for lawful purposes. Hence it is altogether wrong to represent the constantly recurring ordinance, that every one carrying on the trade should join the Gild, as a consequence of the monopolistic tendencies of the Craft-Gilds. There was, on the contrary, no question whatever of a monopoly in that time. It was not then as it was at the time of the degeneration of the Craft-Gilds, when, as corporations with a limited number of members, they prohibited all non-members of the Gild from carrying on the trade. On the contrary, every person was at first permitted to carry on the trade, if only he joined and submitted himself to the organism created for the purpose of regulating it, that is, if he entered the Craft-Gild; and then, as a member entitled to vote, he exercised influence on its decisions. The yearly *fermes* (dues) too, which the craftsmen had to pay for their privileges, sufficiently explain their wish to draw into their society all the men of their trade, in order to secure increased contributions; and when Edward III. granted a special Gild to the Flemish Weavers, the indignation of the London Weavers may be easily understood, as well as their effort to make the Flemish men participate in the payment of their *fermes*².

The income of the Craft-Gilds consisted of small entrance-fees, of wax for the churches, and of taxes which were levied for special purposes as they occurred; for instance, on the death, impoverishment, pilgrimage, &c. of a member. Regular periodical contributions are only met with at a later stage.

The rules laid down by the Gilds, and to which all men of the trade had to submit, had reference (1) partly to securing the good quality of the work, and (2) partly, like all Gild-Statutes, to the temporal and eternal welfare of their members. Both kinds of

¹ See Walter's *Deutsche Rechtsgeschichte*, Bonn, 1853, § 538, and Bluntschli's *Deutsches Privatrecht*, § 102, No. 3.

² Compare Herbert, vol. i. p. 20, note; Madox, *Firma Burgi*, pp. 194, 195.

rules were consequences of the fundamental principle of all Gilds, namely, care for the common interest by means of association. In the first kind, however, the function of the Gild, as a police authority on behalf of the public, possibly prevailed. But even in them the idea was present that by these measures they protected themselves against loss of the honour and good repute of the trade, as well as against loss of custom. The latter motive may be especially attributed to those craftsmen who, like the Weavers, worked for a more extensive market.

Wherever the Craft-Gilds were legally acknowledged, we find foremost, that the right to exercise their craft, and sell their manufactures, depended upon the freedom of their city, a fact which is sufficiently explained by the political tendencies of the Craft-Gilds. It is an exception when we find, as in the case of the Fullers of Lincoln, that strangers also were admitted on payment of special taxes to the Gild. On the Continent, after the fourteenth century, a system of reciprocity was frequently established between the several towns, as for instance in 1365 at Tournay¹.

No one was admitted to any trade, even to the lowest, or tolerated in it, whose moral conduct and honour were not stainless; no one, also, who had not proved himself a proper workman; and, therefore, no one who had not served a regular apprenticeship. The duration of this apprenticeship differed in various trades. In England it generally lasted seven years, in France from three to four, sometimes six; in Germany from two to four years. The admission of an apprentice was an act of special solemnity, corresponding to the important legal consequences it involved. As it was the beginning of a kind of novitiate to citizenship, it generally took place in the Town-hall, in the presence of the town authorities (in London, even in the present day², it is performed in the Guildhall by the Chamberlain of the City), or in solemn meeting of the Craft-Gild. On this occasion the apprentice was specially instructed in his duties, both as to his moral conduct and the trade. At last, a record of the act—the indenture—was drawn up, which also contained the special conditions under which the apprentice was placed with his master. By this admission the apprentice became a member of the family of his master, who instructed him in his trade, and who, like a

¹ Ouin-Lacroix, p. 749—*Statuts des Tisserands de Tournay en 1365*, art. vi.: "Ceux qui ne sont pas de Tournay ne pourront y exercer ce métier, que dans le cas où les habitants de cette ville pourront exercer le même métier, dans celles d'où ces étrangers sont originaires."

² Compare Arundell's *Reminiscences of the City of London and its Livery Companies*, p. 162, London, 1869. For the instructions to apprentices from the sixteenth century, see Stow's *Survey of London*, Edit. 1720, p. 328. Compare too Moke, vol. i. p. 195, Berlepsch *passim*, for instance, vol. ix. p. 29.

father, had to watch over his morals, as well as his work, during his apprenticeship. At the expiration of his apprenticeship the lad (then a man) was received into the Gild again with special forms and solemnities, and became thereby a citizen of the town. On both occasions a fee had to be paid: in London it was 2s. 6d. on becoming an apprentice, and 3s. 4d. on becoming a member of the Gild.

After the care for skilful workmen, the next concern of the Gild was for the use of proper tools, and the application of well-adapted processes of manufacture. No member of the Gild was allowed to possess tools "unless the same were testified to be good and honest;" and the statutes contained directions and prohibitions, entering into the most minute details, with reference to the method of working. It was specially forbidden, in the strongest terms, to mix inferior materials with a better sort, to the detriment of the buyer, or to sell patched-up articles as new. Measures were also taken to protect the public against the spoiling of materials entrusted to the craftsmen for manufacture. Thus, the statutes of the Whittawers¹ directed the Gild-brothers to assist a member who did not know how to go on with his work, in order that it might not be spoiled. Such directions are specially frequent among the Masons², from whom customers received special guarantees for the proper completion of their work. We also find sanitary regulations with regard to the observance of cleanliness in carrying on the craft. Subject to these measures of supervision, all Gild associates were allowed to sell all articles of the trade within the town, and without any other control than that of the Gild.

Nominally, to insure the good quality of their wares, the Gild-Statutes always ordain that no one "shall work longer than from the beginning of the day until curfew," nor "at night by candle-light." But doubtless the real ground for this ordinance was rather regard for the well-being of the Gild-brothers; it was the wish to give them leisure for fulfilling their domestic and political duties, and to prevent the collective body from being forced to over-exertions by the competition of a few too zealous for gain, and from being thus deprived of every enjoyment of life. Similar considerations were also sometimes the cause of

¹ Riley's *Memorials*, p. 232. See also *English Gilds*, pp. 321 &c., 331.

² Riley's *Memorials*, pp. 280-282—Regulations for the trade of Masons. According to them, he "who wishes to undertake work in gross" has to bring forward four ancient men of his trade as security for the proper execution of the work; and they, in the event of his not fulfilling his duty, have to execute the work themselves. Compare also the Code of the Rochlitz Stonemasons of 1462, art. 3-7 (Berlepsch, vol. viii. p. 196).

long holidays; as for instance of the prohibition of the London Weavers¹ to work between Christmas and Purification-day (Feb. 2). The same considerations, supported by religious motives, caused the strict prohibition of work on Sundays and festivals, and "on Saturday or the eve of a double feast, after noon has been rung." This last ordinance, forbidding work on the last-mentioned afternoons, was common to all countries, and had its origin in a custom of the Roman-Catholic Church to solemnize the eve of festivals and Sundays by religious services². Hence it was lost at the Reformation; and it was not till lately that English workmen were able to regain their lost holiday. There were also other measures arising from this general tendency to prevent a ruinous competition amongst Gild-brothers, as contrary to the spirit of brotherhood. Their ordinances were framed for the "better relief and comodytie of the porer sorte." No Gild-associate was to entice away a brother's customers nor a brother's servant. We frequently also meet with restrictions in the number of servants and apprentices which an individual member was allowed to have. And at an early period regulations as to prices, under the supervision of the town authorities, became common. The Gild-Statutes further forbade working for a customer who was still indebted to a brother. Any member becoming poor from "adventures on the sea, or the advanced price of merchandise, or by borrowing and pledging, or by any other misfortunes," might claim to be relieved in proportion to the fraternity's funds. Even in 1723 the bye-laws of the Gild of the Joiners and Carpenters of Worcester ordained, "that where-ever any freeman buys any parcel of timber or boards coming to the city to be sold, and fit for the crafts, every freeman may have a share therein, not exceeding a third, at cost price, on request, and paying ready money, under penalty of 20s. for refusing to share³." As long as members of the Gild were out of

¹ Herbert, vol. i. p. 19. The acts and ordinances of the Company of Cutlers and makers of knives in Hallamshire prescribe in art. i. that no manufacturer, whether master, servant, or apprentice, shall perform "any work apperteyninge to the said science and mysterye of Cutlers" for twenty-eight days next ensuing the 8th day of August in each year, nor from Christmas to the 23rd of January; and in Art. iv., "No person occupying any wheel for the grinding of knives to allow of any work being done there during the holiday months. Penalty as before." (Hunter's *History of Sheffield*, p. 119.)

² See, on the Saturday half-holiday in England in A.D. 1303, Robert of Brunne's *Handlyng Synne*, ed. 1862. (Note by F. J. F.)

³ *English Gilds*, p. 210. Mr. Ludlow (*The Fortnightly Review*, Oct. 1869, p. 405) very truly observes: "The spirit of this rule, as well as of that of the Berwick Gild as to sharing a load of herrings with one's neighbours, is exactly the same as that of the rules of the Amalgamated Society of Engineers, requiring members who take piecework to share equally any surplus made with all members working on the job."

work, no member was to work with non-members. On the other hand, a member was always allowed to employ his wife, children, and maid in work; for the whole household of a Gild-brother belonged to the Gild¹. This led unfortunately in later times to many easings to the sons of Gild-brothers in learning the trade and acquiring the freedom of the Gild, as well as to the degeneration of the Gilds into family coteries. Another consequence of these laws was, that after the death of a Gild-brother, his widow could carry on his trade, and could remain a member of the Gild. Even if she married again a man of the same trade who was not free of the Gild, she generally² conferred on her second husband that freedom by marrying him. If, on the other hand, she married a man who did not belong to the same trade, she was excluded from the Gild during that wedlock. The same brotherly spirit gave rise also to laws forbidding insults and ill-usage among Gild-brothers; to the prohibition to appear before a court of justice for disputes about debts and other matters, unless every transaction had first been examined by the Gild-wardens, and every compromise proved impossible; and also to a series of other rules referring to their domestic conduct³ among each other, and the prevention of unneighbourly tricks. The Gild-Statutes also, in conformity with the spirit of the times, often contain sumptuary laws for the members, and especially with reference to apprentices. As the Craft-Gilds did duty also as divisions of the military forces of the town, we find in their statutes many articles⁴ referring to this matter; and

¹ This answers too the question of Mr. Toulmin Smith: "Why is he (a fuller of Lincoln) not to work at the bar in company with an ordinary woman, while he may do so with a master's wife or her handmaid?" (Note on p. 180 of his collection.) In Riley's *Memorials*, too, the rule is frequent, "that no one of the trade shall set any woman to work, other than his wedded wife and daughter" (for instance, pp. 216, 277, 547, &c.). Compare too Wilda, p. 329.

² The only exception known to me is art. vi. in the *Statuts des Poulailleurs de Paris*: "The wife of a poulterer may carry on the said mystery after the death of her husband, quite as freely as if her sire was alive; and if she marries a man not of the mystery, and wishes to carry it on, she must buy the (right of carrying on the) mystery, in the above described manner; as she would be obliged to buy the mystery, if her husband was of the mystery, and had not yet bought it; for the husband is not in the dominion of the wife, but the wife is in the dominion of the husband" ("quar li homme n'est pas en la seigneurie à la fame, mès la fame est en la seigneurie à l'home").—Ouin-Lacroix, p. 747.

³ For instance, "that no man of the fraternite take his neyghbor's house y^t is of the same fraternite, or enhaunce the rent against the will of the foresaid neighbor."—Herbert, vol. i. p. 49; compare also Berlepsch, vol. v. p. 18, vol. ix. p. 21.

⁴ Wilda, p. 340. The Statutes of the *Débiteurs de bois* of Gant declare: "Tout membre qui ne se rend pas en armes sous la bannière du métier, quand les bonnes gens de Gand se réunissent en équipage de guerre, forfaira le prix de plusieurs jours de travail pour chaque fois."—Moke, vol. i. p. 196. Compare also the Statutes of the "Spinnwetter" at Bâle, 1271, Berlepsch, vol. ix. p. 21.

brilliant were the victories which some of the Gilds gained under their trade banners¹. Naturally enough, the Craft-Gilds were not deficient in that element essential to all Gilds, the common meal, which in later times was held in their sometimes magnificent hall².

The Gild, which, as we have shown, stood like a loving mother, providing and assisting, at the side of her sons in every circumstance of life, cared for her children even after death; and the ordinances as to this last act breathe the same spirit of equality among her sons on which all her regulations were founded, and which constituted her strength. In cases of insolvency at death, the funerals of poor members were to be equally respected with those of the rich.

Besides being brotherhoods for the care of the temporal welfare of their members, the Craft-Gilds were, like the rest of the Gilds, at the same time religious fraternities. In the account of the origin of the Company of Grocers³ it is mentioned that, at the very first meeting, they fixed a stipend for the priest, who had to conduct their religious services, and to pray for their dead. In this respect the Craft-Gilds of all countries are alike; and in reading their statutes, one might fancy sometimes that the old craftsmen cared only for the well-being of their souls. All had particular saints for patrons, after whom the society was frequently called; and where it was possible, they chose one who had some relation to their trade⁴. They founded masses, altars, and painted windows in cathedrals; and even at the present day their coats of arms and their gifts range proudly by the side of those of kings and barons. Sometimes individual Craft-Gilds appear to have stood in special relations to a particular church⁵, by virtue of which they had to perform special services, and received in return a special share in all the prayers of the clergy of that church. In later times the Craft-Gilds frequently went in solemn procession to their churches. We find innumerable

¹ For instance, the Journeymen-Bakers of Munich at Ampfing, 1322 (Berlepsch, vol. vi. p. 151), the Butchers of Liège at Steppes, 1213 (Moke, vol. ii. p. 66), the Furriers of Brussels at the siege of Malines, 1303 (Ibid. p. 124), above all, the Flemish Weavers at Courtrai, 1302 (Ibid. p. 146), &c. &c.

² We have an account of the Tailors' Hall in London existing already in the time of Edward III. (Herbert, vol. i. p. 87).

³ Herbert, vol. i. pp. 43-45.

⁴ For the names of the saints in certain trades, see Brand's *Popular Antiquities*, vol. i. p. 202, ed. 1841. (Note of F. J. F.)

⁵ Compare the London Saddlers (Herbert, vol. i. p. 16); but their Gild was probably a purely religious one; see also the Fullers of Lincoln and their relation to the deanery of that city (Mr. T. Smith's collection, p. 179); and the Craft-Gilds at Bâle and their relation to the cathedral (Berlepsch, vol. ii. p. 18, vol. v. p. 18, vol. ix. p. 19).

ordinances also as to the support of the sick and poor; and to afford a settled asylum for distress, the London Companies early built dwellings near their halls. The chief care however of the Gildmen was always directed to the welfare of the souls of the dead. Every year a requiem was sung for all departed Gild-brothers, when they were all mentioned by name; and on the death of any member, special services were held for his soul, and distribution of alms was made to the poor, who in return had to offer up prayers for the dead, as is still the custom in Roman-Catholic countries¹.

Sometimes we find in one and the same place a single trade, or kindred trades, organized into several Craft-Gilds; as for instance in London, two Gilds of Tanners, one without Newgate and one without Cripplegate²; and the four Weaver Gilds at Cologne in the thirteenth century³; just as is still the case with the Trade-Unions. And like the amalgamations of Trade-Unions, which are always becoming more frequent in the present day, these different old Craft-Gilds frequently amalgamated in later times; as for instance the above-mentioned four Weaver Gilds at Cologne in 1396, and the Fullers and Shearmen of London in 1527⁴. Like the Trade-Societies embracing all England, and even more, and like the early German Town-Confederations, these Gild-Unions in some trades were extended over whole countries. Thus we gather from the charter of the Tailors of Schweidnitz in 1361, that they formed a union of the tailoring trade in twenty-five Silesian towns⁵. And in the middle of the fourteenth century the various Cutlers' Gilds in Germany were united into four great fraternities, at Augsburg, Munich, Heidelberg, and Bâle, by whom all great differences, which could not be settled by the separate Gilds or their presidents, were legally decided⁶. But the most renowned of these confederations was that of the various building-lodges of Germany. It was brought about in 1452 by Dolzinger, chief-master at the building of Strasburg Cathedral; and in 1454 common statutes were discussed and passed at a general meeting at Ratisbon, and were revised and confirmed on several other lodge days. In accordance

¹ Thus, for instance, in the Statutes of the Fullers of Lincoln it is said (*English Gilds*, p. 180): "When any of the bretheren and susteren dies, the rest shall give a halfpenny each to buy bread to be given to the poor, for the soul's sake of the dead." These alms, in order that the poor should pray for the dead, sprang from the same belief as the causing masses to be said for the souls of the departed, and there is therefore no room for Mr. Toulmin Smith's doubts and questions in his note on p. 181.

² Herbert, vol. i. p. 31.

³ Herbert, vol. ii. p. 654.

⁴ Berlepsch, vol. vii. p. 123.

⁵ Arnold, vol. i. p. 254, &c.

⁶ Berlepsch, vol. ii. p. 230.

with these statutes, four central lodges were created, Strasburg, Cologne, Vienna, and Zurich, each with a separate district. Strasburg, however, had the precedence. The overseer of the cathedral works was Grand-Master of the Stonemasons' fraternity, and according to its code, confirmed by the Emperor Matthias in 1613, he was even then still considered as "chief judge of stone-work." Even in the eighteenth century the Masters of the Stonemasons' lodge at Strasburg demanded a goldfinch from the lodge at Rochlitz as a token of its dependence¹. And as late as 1789, the Vienna lodge administered justice throughout the whole of its district, awarded punishment, and so forth. This union of the workmen in the building trades was followed by others amongst kindred or technically-identical crafts, especially amongst those which, on account of the trifling demand for their wares, could not exist in small towns at all, and only in limited numbers in large towns, as for instance the Locksmiths and Sword-cutlers². The central societies were in the capitals, the branches in the small towns. Three masters in any one of the confederated towns formed a corporation, whose acts, if they were in conformity with the acts and statutes of the central society, were legally recognized by the other confederated societies. As the branch societies were subordinated to the central one, they were always obliged to send a couple of deputies to the meetings which took place at the abode of the central society; and to give there the accounts of their branches. At these meetings the common good of the Gild was discussed; and all concerns which could not be regulated by the branches were settled. Sometimes even the branches and central societies divided their money proportionately amongst themselves. The central societies of several crafts were at Nürnberg; and masters from all parts of Germany—and even from Courland and Livonia—there purchased freedom and master's credentials, and got their apprentices enrolled; as, for instance, the Combmakers, File-cutters, Brushmakers, Coppersmiths, &c.³ I would not enter into all these details, were it not for their great similarity to the circumstances of some Trade-Unions of the present day, for instance, the Amalgamated Engineers.

Though in the preceding paragraph I have spoken partly of very late times, yet one relation, namely, that between workmen and masters *before* the degeneration of the Craft-Gilds, has not yet been touched on at all. The facts recorded concerning it, before the

¹ Berlepsch, vol. viii. pp. 186, 187.

² Pölitx and Bülow, 1842, vol. ii. pp. 341-343.

³ Ortloff, *Recht der Handwerker*, pp. 82, 83.

middle of the fourteenth century, are extremely meagre. They consist entirely of prohibitions against engaging the servant of another before the expiration of his servitude, or so long as his former master had a claim on him; of regulations as to the number of servants allowed to a master; of punishments incurred by masters who kept back their servants' wages; and lastly, of the ordinance that all disputes between masters and servants should be decided by the wardens of the Gild. Servants' wages also were probably at that time fixed by the wardens. This slight notice of servants in the accounts of the early Craft-Gilds may however be sufficiently explained by the character of handicrafts in that age. They were for the most part merely local trades, and were mostly, if not entirely, carried on by natives of the towns, as many Gild-Statutes expressly declare. A great influx of labour, and an overstocking of the trade with hands, were therefore impossible. Moreover, the Gilds were not yet close corporations, and in the then state of handicraft a large capital to carry it on as a master was not required. And if we consider, finally, that from the frequently recurring restriction of a master to only one servant¹, a very insignificant number of them must be inferred, and that many Gild-Statutes do not even mention servants at all, but only apprentices, it appears very probable that the majority of apprentices would, as soon as their apprenticeship had expired, practise their handicraft on their own account, and that only a few would work as servants, and these merely for a time. Of a real working-class, with separate interests and ideas, there was therefore at that time no question at all. We meet with an exception to this rule only in the cloth manufactures of the Belgian towns, which were carried on on a larger scale and for an extended market. Here servants took part, as delegates of their class, even in the supervision of labour², gave their consent to the ordinances for regulating the trade, and received their pay in a definite proportion to that of their masters. In some places, as at Bruges, the servants received a real share in their masters' profits³. Even where the supervision of woollen

¹ For instance, *Statuts des Chandeliers de Rouen, rédigés en 1360*, Ouin-Lacroix, p. 589.

² Moke, vol. ii. p. 108: "A Ypres, nous voyons les valets admis à partager la surveillance du travail. Ce dernier règlement, qui date de 1280, divise ainsi les inspecteurs: il y aura dans la ville d'Ypres deux voies (c'est-à-dire deux inspections), l'inspection du nord et l'inspection du sud. Dans chacune six maîtres et trois valets."

³ Moke, vol. ii. p. 99, says, speaking of the "Anciennes Ordonnances d'Ypres" of 1280: "Voici dans quelles proportions s'y trouvent calculés les salaires du maître et du valet dans le métier des tondeurs:—

manufactures was entirely in the hands of patricians, no regulations were framed without the servants having been previously heard¹.

Such harmonious relations, however, cannot be inferred from the accounts we have after the middle of the fourteenth century; and this, it appears to me, was in consequence of the degeneration of the Craft-Gilds, which in certain places and in certain trades commenced with the fourteenth century. We must not forget that these Gilds were not unions of labourers in the present sense of the word, but of persons who, with the help of some stock, carried on their craft on their own account. The Gild contests were, consequently, not contests for acquiring political equality for labour and property, but for the recognition of political equality of trade-stock and real property in the towns. These contests, therefore, nowhere led to a participation of the masses in the government; but in the place of an oligarchy of landed proprietors, an oligarchy of capitalists stepped in². If originally the capital required for carrying on a craft was but insignificant, and was possessed by the majority of the lower classes of the townsmen, so that the possession of small capital did not characterize the Gild in a higher degree than labour, yet this state of things was changed with the advance and flourishing of trade, and the increase of riches amongst craftsmen. But in proportion as a trade advanced and acquired wider markets, it afforded greater opportunities for the employment of capital; and in the same proportion the Craft-Gild changed from a society for the protection of labour, into an opportunity for the investment of capital. But at the same time this rise in the money-power of the Gilds—and especially of the cloth manufactures—drew the villeins in masses into the towns and into the trades³. Concern for the productiveness of their investments aroused the spirit of monopoly in the craftsmen, and called forth a mul-

Le Maître.	Le Valet.
12	8
10	8
6	5
26	22
54	43

Les règlements du métier des Tisserands à Bruges (p. 14) ordonnent que de cinq deniers le maître en ait trois, le valet deux (or le maître fournissait le métier et le local).

"Plusieurs ordonnances réglementaires portent pour clause, 'du consentement des maîtres et des valets.'"

¹ Thus at Brussels, see Moke, vol. ii. p. 108.

² Arnold, vol. ii. p. 292, &c.

³ Compare Eden, *State of the Poor*, vol. i. pp. 30, 43, 57, 61.

titude of restrictions on the competition of the new aspiring families. The entrance-fees were raised; and on the Continent arose the custom of requiring a costly masterpiece from every outsider who wanted leave to carry on a craft on his own account, whilst entrance was made easy to the sons and sons-in-law of members, as well as to those who married a widow belonging to a Gild¹. At Bremen, where, it appears, shoes were made for a larger market, as early as A.D. 1300, the membership of the Gild among the Shoemakers was inherited by both sons and daughters; and every one who became master had to pay a quarter of a mark. In 1308 it was decreed in that town that whoever was not born in the Gild, must before entering it be possessed of a fortune of eight marks free of debt². At Tournay³ it became necessary as early as 1365 to forbid usurers carrying on the Weavers' trade. The capitalist character of the Gild became preponderant to such an extent, that proof of the possession of capital, or of a house in which the trade was to be carried on⁴, was frequently made a requisite for a candidate's admission. Often we find a forbiddance to carry on trade with borrowed capital⁵; and hence, even where the practice of inheriting the freedom of the Gild had not been established by the Gild-Statutes⁶, the freedom became practically hereditary on account of the difficulty of complying with the conditions for entrance. Even the requisite of spotless honour for admission was abused by the Gild-meetings in order to keep off competition, for they had the right of refusing admittance to anybody. Whole classes of persons were denied admission, as in Germany, all born out of wedlock, the sons of peasants, &c.⁷ In England also legitimate birth was a requisite of admission⁸. Besides,

¹ Quin-Lacroix, p. 651—*Statuts des Éperonniers de Rouen en 1358*, art. xi. p. 655; *Statuts des Filassiers et Filassières de Rouen*, 1358 et 1394, art. xvi., &c.

² Berlepsch, vol. iv. pp. 32, 34.

³ Quin-Lacroix, p. 749—*Statuts des Tisserands de Tournay en 1365*, art. ii.: "Un usurier ne pourra exercer le métier de tisserand."

⁴ Berlepsch, vol. vi. pp. 126, 127.

⁵ Berlepsch, vol. ii. p. 229—*Charter of the Vienna Tailors*, 1340.

⁶ Quin-Lacroix, p. 740—*Statuts des Forgerons d'entre les rivières d'Orne et Aure en Normandie en 1405*, art. i.: "Nul ne forgera s'il n'est fils d'un ferron ou mari d'une de ses filles."

⁷ Berlepsch, vol. iv. p. 33; Pölitx and Bülow, 1841, vol. ii., Stock's article on *Gilds*.

⁸ See the *Constitutions of Masonry*, printed by Mr. Halliwell from the MS. Bibl. Reg. 17. A. 1, fol. 32, in the British Museum, second edition, 1844. Though these recognize the keeping of concubines by Masons, telling one,

'Thou schal not . . . ly . . . by thy felows concubyne,
No more thou woldest he dede by thyne,'—(l. 324-328)—

yet by *Articulus quintus* the apprentice is evidently to be of lawful birth:—

in this country in the fourteenth century every citizen had to swear, when he received the freedom of the City, that he would take no apprentice "but if he be free-born, (that is to say) no bondsman's son¹;" and if after he was made free of the Gild and the City, it was known that he was of servile condition, he lost his freedom². In short, in the fourteenth century commenced the transformation of the trades into entails of a limited number of families,—though this number may have been large; and the narrow-minded spirit of capital, petty rivalries, and hateful egotism began to take the place of the great idea of association and solidarity under which the Craft-Gilds grew up and flourished. Sometimes the richer craftsmen withdrew from their poorer brethren into separate Gilds, as, for instance, the Shoemakers from the Cobblers, the Tanners from the Shoemakers³; and we frequently hear of disputes among the Craft-Gilds concerning what belonged to their trade⁴. The Emperor Sigismund also complains, in 1434, in his *Secular Reformation*⁵, that membership of the Gilds had then to be "grossly bought," that in the town council the crafts followed with partiality their own advantage only, to the public detriment; and he believes that the only remedy would be their abolition. Similar abuses of the craftsmen perhaps contributed to the ordinance requiring returns as to the aims, constitution, statutes and means of the Gilds,

"The fyfthe artycul ys swythe good,
So that the prentes be of lawful blod."—(l. 147-8.)

And the apprentice of higher degree is evidently also legally born:—

"By olde tyme wryten y finde,
That the prentes schulde be of gentyl kynde;
And so sumtyme grete lordys blod
Toke thys gemetry, that ys ful good."—(l. 143-6. F. J. F.)

¹ Compare the well-known passage in the *Constitutions of Masonry* (MS. of the fifteenth century), ed. Halliwell, p. 16, *Articulus quartus*:—

"The fowrthe artycul thys moste be,
That the mayster hym wel bese
That he no bondemon prentys make,
Ny for no covetyse do hym take;
For the lord that he ys bonde to,
May fache the prentes whersever he go.
3ef yn the logge [note the early use of the word lodge] he
were ytake,
Muche desese hyt my3th ther make,
And suche case hyt my3th befall,
That hyt my3th greve summe or alle."—(l. 127-136. F. J. F.)

² Stow's *Survey of London*, p. 328, where examples are produced of citizens losing the freedom of the City in later times on account of their being born as bondsmen.

³ Berlepsch, vol. iv. p. 41, &c.; Quin-Lacroix, p. 748—*Tanneurs de Sens*, 1375, art. x.

⁴ Berlepsch, *ibid.*; Riley, *Memorials*, pp. 156-162; Herbert, vol. i. p. 104.

⁵ Goldasti, *Constitutiones Imperiales*, vol. iv. p. 189, cap. iv.

in 12 Richard II., to which we are indebted for most of the documents contained in Mr. Smith's collection. At least, complaints against the Gilds were at other times the occasion for such inquiries. Thus, in the case of the London Weavers in 14 Edward II., and later in 1437, 15 Henry VI., on a petition¹ of the Commons to the king declaring that the Craft-Gilds abused the privileges granted to them by enacting ordinances hurtful to the common profit of the people; and in our time also we have seen, from the same cause, something similar in the Royal Commission on Trade-Unions. The Act which followed in consequence of the petition in 1437, the 15th Henry VI. c. 6, 7, ordained, besides the returns just mentioned, "that they [the Gilds] should not make or use any ordinance in disparity or diminution of the franchises of the king or others, or against the common profit of the people, nor allow any other ordinances without their being first approved and enrolled before such Justices of the Peace, and that the same should be by them afterwards revoked and recalled, if not found to be wholly loyal and reasonable," &c.

The last-mentioned restrictions in the Craft-Gilds at a time—the middle of the fourteenth century—when the villeins were rushing in great numbers into the towns to take up trades, must have prevented a great number, and in several trades the majority, of workmen, from themselves becoming independent masters; and thus there arose a real working-class, with separate views and interests. Whilst the statutes before the fourteenth century frequently do not even mention the workmen, after the middle of the fourteenth century it became absolutely necessary to regulate their relations to their masters. Above all things, the provisions for the settlement of disputes between masters and workmen which recur in all countries, are striking, as well as the care that both masters and workmen should fulfil their obligations to each other. The deciding authorities were here always the wardens of the Gild. Masters who withheld from the workmen the wages to which they were entitled were compelled to pay by the Gild authorities². On the other hand, "if any serving man shall

¹ Herbert, vol. i. pp. 106, 107.

² Riley, *Memorials*, p. 306—Articles of the Alien Weavers, 1362: "If any workman has served his alien master by the day or by the week, and the said master will not pay the workman for his work, according as they shall have agreed, the good folks who shall be ordained or sworn to keep and rule the said trade, shall have power to forbid the said master to be so daring as to work at the said trade until he shall have paid his workman what he is bound to pay him. And if he shall do the contrary, and be convicted thereof, let him pay to the chamber the penalty that is underwritten." See also *Ibid.* p. 512—Ordinances of the Founders, 1389, and others. The Gild-Statutes of the Continent show the same fact, for

conduct himself in any other manner than properly towards his master, and act rebelliously towards him, no one of the trade shall set him to work until he shall have made amends before the mayor and aldermen, and before them such misprision shall be redressed¹." In the case of the Tailors of Vienna the rule became necessary that "no workman shall be allowed to leave his master fourteen days before a festival," that is, at a time when there would be the greatest demand for work². Among the Tailors of Silesia we find that in 1361 the system of journeymen travelling in search of work was already completely organized³. Some of the Continental statutes—probably with the object of restricting competition—made it a requisite of mastership that every one should have worked as a journeyman for a certain number of years⁴. Moreover, all journeymen were strictly forbidden to work on their own account⁵; and, where they were allowed to marry, their wives were forbidden to work⁶. These workmen had also frequently to become members of the Gild, and had to pay contributions⁷. But a great difference was evidently made between the workman who had no prospect of becoming a master, and the apprentice who took to the trade with that view⁸. Besides also, we meet with beneficent regulations in favour of the workmen. Thus, for instance, the articles of the Braelers⁹ decree: "If any serving man of the said trade, who has behaved himself well and loyally towards his masters whom he has served, shall fall sick, or be unable to help or maintain himself, he shall be found by the good folks of the said trade until he shall have recovered and be able to help and maintain himself."

instance, Ouin-Lacroix, p. 748—*Statuts des Tailleurs de Montpellier en 1351*, art. xi.: "Si quelque maître ne faisait pas justice à ses ouvriers en leur refusant leur salaire, il sera tenu de les satisfaire à l'arbitrage des maîtres." Art. xii.: "Si quelque ouvrier obligé envers quelqu'un des maîtres, ne voulait s'acquitter à l'arbitrage des autres maîtres, nul des maîtres ne lui donnera plus d'emploi." See also *Ibid.* p. 740—*Statuts des Forgerons, &c., en Normandie, 1405*, art. i., and many other Gild-Statutes.

¹ See Riley's *Memorials*—Ordinances of the Whittawers, 1346 (p. 232); Braelers, 1355 (p. 277); Founders, 1389 (p. 512); Brasiers, 1416 (p. 624), &c.

² Berlepsch, vol. ii. p. 229.

³ *Ibid.* pp. 230-233.

⁴ See, for instance, Ouin-Lacroix, p. 735—*Statuts des Boulangers d'Arras en 1372*, art. i.

⁵ See, for instance, Ouin-Lacroix, p. 748—*Tailleurs de Montpellier en 1351*, art. xiii.

⁶ For instance, Ouin-Lacroix, p. 584—*Cardiers de Rouen en 1397*, art. xii. p. 675; *Gatniers de Rouen en 1402*, art. xiii.

⁷ See Riley's *Memorials*, p. 547—Articles of the Leathersellers, 1398; Ouin-Lacroix, *Tailleurs de Montpellier en 1351*, art. ii.

⁸ For instance, Riley's *Memorials*, p. 570—Articles of the Bladesmiths, 1408: "And that no one of the said trade shall teach his journeymen the secret of his trade, as he would his apprentice, on the pain aforesaid."

⁹ Riley's *Memorials*, p. 277.

The plague of 1348, and the consequent depopulation, brought the opposition between the interests of the working-class and the employers for the first time on a large scale to a crisis. As the clergy took advantage of the small number of those who could say masses and prayers in conformity with the intentions of the faithful in order to increase their fees, and as merchants and tradesmen took advantage of the small supply of wares to raise their prices, in like manner the workmen endeavoured to use, for a general rise in wages, the distress into which the propertied class had been plunged through the universal dearth of labour. The consequences of this were the notorious Statutes of Labourers (23 and 25 Edward III.), in which it was ordained for workmen in general, but especially for agricultural labourers and those employed in the building trades, that no workman should take more, and no employer should give more, than had been customary before the plague. It has become the fashion in our time to represent these wage-regulations as a policy contrived for the oppression of the labourer, and this especially in explanations to working-men asking for legal regulations of wages,—as they frequently did towards the end of the last century and in the beginning of the present,—of the superior value of modern legislation for the working-class. To give such a character to these statutes is however, in my judgment, a complete misrepresentation of the real state of the case. These regulations of wages were but the expression of the general policy of the Middle Ages, which considered that the first duty of the State was to protect the weak against the strong, which not only knew of rights, but also of duties of the individual towards society, and condemned as usury every attempt to take unseemly advantage of the temporary distress of one's neighbour¹. According to Knighton, there existed at the time of the plague such distress and such general loosening of the bonds of society as is only to be found in the descriptions of earthquakes in South America. Whole villages died out; houses fell into ruins; nobody would work except for enormous wages. In consequence of this, whole flocks perished for want of herdsmen, and the corn-crops, which were unusually rich that year, perished on the ground, as no reapers could be found. All existing relations threatened to become dissolved. To this was added an incursion of the Scots; and then the king, in order to bring something like order into the chaos, and to save the State and society from destruction, issued the ordinance which compelled the labourers to

¹ From this policy sprang indeed all mediæval price-regulations of wares, and especially of provisions, as well as the severe punishments and the frequent and well-meant, though mistaken, prohibitions of the engrossing of goods to re-sell them at higher prices in times of dearth.

work for fixed wages. In order to have something like a fixed standard, he naturally reverted to the scale of wages which existed before the plague. But ordinances of this kind were by no means directed against the labourers alone, for similar measures struck at all who in a similar spirit of usury would enrich themselves from the general misery, like those clergy who claimed larger fees for their prayers and masses, and like those merchants and tradesmen who raised the price of their goods. The purpose of the law, to protect especially the weak, may also be seen in the punishments which the rich incurred who paid higher wages, thereby raising the general rate, and thus preventing poorer men from hiring labourers¹. However much this policy must be condemned as unwise from an economical point of view, yet surely to render it suspected, as is the pharisaical wont in our days, is miserable; for at all events its basis is more moral than ours, when we give up our workmen without protection to their employers, and they have to choose only between the conditions of their masters and the workhouse or starvation.

In the towns the plague produced the same consequences as in the country, and accordingly, in 1350, we meet with a regulation by the mayor of London, of wages and prices in all trades in the City². Likewise, in the ordinances of the Craft-Gilds agreed upon after the plague, we invariably find the rule that nobody "shall take for working in the said trade more than they were wont heretofore³." And when, in the year 1362, a tempest caused fearful ravages amongst the roofs of houses, there was issued a "Royal order, that materials for roofing, and the wages of tilers, shall not be enhanced *by reason* of the damage done by the late tempest⁴;" an order whose title alone confirms my statement as to the motives of these laws. These endeavours of the labourers to raise wages of course showed themselves first and most strongly in the trades in which, as in the cloth manufactures⁵, the new development had progressed the farthest, and in which there existed a large working-class. Thus we find, in the year 1350, a petition⁶ from the Master-Shearmen to the City authorities of London, in which they complain that they could no longer have journeymen at the same rate of wages as formerly; that "now the men will not work otherwise than by

¹ See Knighton's Chronicle in *Historiæ Anglicanæ Scriptores decem*, pp. 2599-2601. Londini, 1652.—Consult generally on the Black Death of 1348, Mr. Seebohm's excellent series of articles in the *Fortnightly Review* about two years ago.—F.

² Riley's *Memorials*, p. 253.

³ For instance, Riley, pp. 245, 292, 330, &c.

⁴ *Ibid.* p. 308.

⁵ In later times a Truck Act was also first required for the cloth manufacture, that of 4th Edward IV. c. 1 (1464-5).

⁶ Riley, p. 251.

the cloth, and then so greatly hurry over the same, that they do great damage to the folks to whom such cloths belong;" and that therefore the old customs should be re-established under penalties. One of their ordinances in the same year¹ shows that the journeymen in disputes between a master and his workmen had "heretofore" already availed themselves generally of strikes as a means of procuring satisfaction for their fellow-workers; it was therefore "ordained that from henceforth, if there be any dispute moved between any master and his man in the said trade, such dispute shall be settled by the warden of the trade." If the workman did not submit to the warden, he was "to be punished by the mayor and aldermen at their discretion." The statutes of the Alien Weavers of 1362² contain the same enactment verbatim.

Accounts at that time of strikes in the building-trade are particularly numerous; and this is easily explained by the peculiar circumstances of this trade, which differed from all others. The trade appears to have been of a twofold kind. When cathedrals and palaces were built, there was but one master—the architect of the present day. Between him and the workmen there were masters and foremen answering to the masters and foremen of modern factories³. The "lodge"⁴ itself of the architect was very similar to our factories; it consisted of one or more workshops in which the workmen worked together; and the part of the Code of the Rochlitz Stonemasons referring to the workmen, bears a perfect resemblance, *mutatis mutandis*, to our factory rules⁵. In the building of dwelling-houses, however, it appears to me that the owner himself conducted the work, that he engaged both masters and workmen, and that the masters stood to him in the same intermediate position as the foremen above mentioned. Hence we find in the legal regulation about wages, special directions how much wages the masters in the

¹ Riley, p. 247.

² Ibid. p. 306.

³ See in Berlepsch, vol. viii. pp. 194–209, the Code of the Rochlitz Stonemasons of 1462, which was formed after that of Strasburg; also Ouin-Lacroix, p. 227, &c.

⁴ The German word is "Hütte." It meant as well the workshop as the place of meeting, which in those days were identical.—The seemingly different meaning of the word *lodge* in early (as in modern) England has been noticed above, p. cxxxix, note 1. Compare too from the same *Constitutions of Masonry*, p. 22, of the apprentice's duty:—

"The prevystye of the chamber telle he no mon,
Ny yn the logge whatsoever they done;
Whatever thou heryst, or syste hem do,
Tell hyt no mon, whersever thou go."—(l. 279–282. F. J. F.)

⁵ Berlepsch, vol. viii. pp. 204–209.

building trades were to receive¹; and it was frequently defined how much the master might retain of the wages which were paid to him for the workmen², or that he should deduct nothing for himself³. Sometimes also they undertook such buildings in gross, i. e. by contract⁴, as is proved by the statutes of the London Masons of 1356. Thus these old building-trades show a great similarity in their institutions to those of our modern Great-Industry; there were fewer persons who carried on the trade on their own account, and a greater number of dependent workmen, than in the other trades; and the last-mentioned ordinances point to relations, such as are still greatly abhorred by workmen of the present day. Naturally, those relations led then to the same differences between workmen and their employers as they lead now. Thus in England the "Royal mandate as to the workmen who have withdrawn from the works at the Palace of Westminster"⁵ tells us of a strike amongst the workmen in the building-trades; and the two laws enacted there in the Middle Ages against combinations, congregations, and chapters of workmen, the 34th Edward III. c. 9 and 3rd Henry VI. c. 1, were directed against workmen in the building-trades only⁶. Moreover, the peculiar position of these trades is indicated by the fact that all the legal regulations of wages in the Middle Ages which are cited by Eden⁷, refer—by the side of agricultural labourers—exclusively to the workmen in the building-trades. About this time also there sprung up in the building-trades in France the "compagnonnage," and for centuries it existed among workmen only employed in these trades⁸.

Though the combinations and Trade-Unions in the building-trades of that age may be explained by the altogether peculiar circumstances of these trades, and though they must therefore be considered as an exceptional phenomenon, yet, on the other hand, the rise of a class of journeymen with special interests and views must have necessitated and called forth an organization of

¹ See Riley, p. 253—Wage-regulations of the City of London; also the 25th Edward III. c. 2, as well as the 34th Edward III. c. 9.

² Berlepsch, vol. viii. p. 171.

³ Ibid. p. 197, art. 9.

⁴ Riley, p. 281.

⁵ Ibid. p. 271.

⁶ Compare, too, the Ordinances of Worcester, art. 57 (Mr. Toulmin Smith's collection, p. 397). The Act of Henry VI. (A.D. 1424–5) mentions "the yearly congregations and confederacies made by the Masons in their general chapters assembled."

⁷ Eden, *State of the Poor*, vol. i. See also Riley, *Liber Albus*, pp. 251, 288.

⁸ See Simon, *Étude historique et morale sur le Compagnonnage*, Paris, 1853, p. 90, and others. This term meant originally, says the *Dict. de l'Académie*, "the time during which a young man who had finished his apprenticeship worked at his master's before he could set up for himself. It is used now for the union of artisans in different associations." The latter is the sense in which it is employed in the text.

them. Accordingly, we meet on the Continent about this time with special fraternities of journeymen, which were formed after the model of the fraternities of craftsmen, just as the Craft-Gilds were after that of the Town-Gilds. Their statutes refer to common divine service at stated times, to common meals—with a multitude of directions about maintaining order on these occasions and at other meetings—to burials, to support and nursing of the sick, to entrance-fees, contributions, &c. Every journeyman of the trade in a town had to belong to it. We also find directions for the journeymen to do their duty faithfully to their masters, and inculcations of the rules of the Craft-Gild, as, for instance, that no one should summon another before a court of justice until a compromise had been first attempted, before the wardens of their own journeymen's fraternity, and next before those of the Masters' Gild. For these fraternities appear generally as supplements to the Masters' Gilds, providing only especially for the social and religious wants of their fellow-members of the journeyman class. They were therefore recognized by the Masters' Gilds, and even established by their consent. Thus the Journeymen-Bakers of Copenhagen¹ founded, in 1403, a Gild in honour of St. Catherine; and we have still the ordinances of the Journeymen-Bakers at Hamburg from 1481². Many others, no doubt, existed besides. In London also the same wants led the journeymen to form the same organizations. But here the City authorities were evidently afraid of the workmen abusing their unions as a means of raising wages. At least, in 1383 they issued a proclamation³ forbidding all congregations, covins, and conspiracies of workmen in general; and when, in 1387, three journeymen cordwainers, wishing to found a fraternity, combined with a Friar Preacher, in order that he might obtain for them a confirmation from the Pope, and thus secure them against the last-mentioned prohibition of the City, they were pounced down on, and carried off to Newgate, under the powers of the said proclamation; before their plan could be carried out⁴. A record of 1396 shows the existence of a religious fraternity of the serving-men of the Saddlers, "called yomen"⁵. They had their

¹ Wilda, p. 343.

² Riley's *Memorials*, p. 480.

³ Mr. Riley observes in a note to this word, that "it possibly may have been intended as an abbreviation of the words 'young man,' equivalent to *garcio*, and *valettus*." I have no doubt that this is the right explanation of the word. The 20th Richard II. s. 1 speaks of "varlets called yeomen." The word is identical with the German: *Geselle*, *Junggeselle*. *Junggeselle* means bachelor, a word which was very often used for yeoman; see, for instance, Herbert, vol. ii. p. 652. The reason for calling the journeymen of the craft yeomen and bachelors, was probably that they were at that time in England, as was the case in Germany, not allowed

⁴ Berlepsch, vol. vi. p. 125.

⁵ *Ibid.* p. 495.

own livery, and six governors; and had, in 1396, existed thirteen years. But as the Masters were of opinion that this fraternity might be made the means of raising wages, it was, at the Masters' request, suppressed by the City authorities¹. The same fate befell, in 1415, the brotherhood of "yomen tailours," who in like manner wore a livery, had their meetings and religious services, and lived in houses in common². However, in spite of this attempt at suppression, the brotherhood continued to exist; for in 1417 they petitioned the City authorities to allow them to hold religious services for the souls of their departed fellow-members on the feast of the Beheading of St. John the Baptist (August 29), and "to do other things which theretofore they had been wont to do." We have no account as to the result of this petition, but it was most probably refused.

As a substitute for these attempts to form an independent organization of the journeymen class, the City authorities always decreed, as in the above-mentioned case of the Shearmen, "that the serving-men in the trade aforesaid should in future be under the governance and rule of the masters of such trade, the same as the serving-men in other trades in the same city are wont, and of right bound, to be." To this was added, for their protection, this precept, "that the said masters must properly treat and govern their serving-men in the trade, in such manner as the serving-men in like trades in the city have been wont to be properly treated and governed;" and at the same time the means of appeal against the decisions of the Gild-masters is given to the workmen; for it is ordained: "And that if any serving-man should in future wish to make complaint to the Mayor and Aldermen, for the time being, as to any grievance unduly inflicted upon him by the masters aforesaid, such Mayor and Aldermen would give to him his due and speedy meed of justice as to the same³."

From the wording of these decisions, as well as of the regulations referring to workmen in the above-mentioned ordinances of the Shearmen, one might infer that the workmen in the just-named trades had not yet been under the control of the Gild-masters. But this is contradicted by the fact that in other cases the workmen were at that time generally subject to their authority; as well as by the fact that the City authorities in the year 1415 expressly reproached the wardens of the Tailors' Gild that societies

to marry before they were masters. (On the other hand, we must recollect that Spelman, and Wedgwood after him, hold the true derivation of *yeo-* to be the Gothic *gavi*, Fris. *gao*, *gae*, a district, county, village, whence Fris. *gaeman*, a villager.—F.)

¹ Riley's *Memorials*, p. 542.

² *Ibid.* p. 609.

³ *Ibid.* p. 542.

existed among their workmen, though those workmen were subjected to the wardens' control. It is possible, however, that in certain trades, and especially in those trades in which—as in the cloth-manufacture—there was a large working-class, the workmen, who themselves had no prospect of ever becoming masters, had up to that time not become apprentices, and did not therefore belong to the Gild; and that they were now for the first time subjected to the authority of the Gild-masters. Perhaps the following enactment of the Leathersellers refers to this: “That *from henceforth* no one shall set any man, child or woman, to work in the same trade, *if such person be not first bound apprentice, and enrolled in the trade*; their wives and children only excepted¹.”

It appears, however, that the way in which the affairs of the yeomen were regulated by the masters of the Craft-Gild, to which the yeomen now belonged as freemen on the expiration of their apprenticeship, satisfied their wants on the whole; for from thenceforth we know of no further accounts of such fraternities in London. From two laws of Richard II. one may infer that fraternities of this kind existed in other parts of England; for one of these laws enacts, “that no varlets called yeomen” should wear liveries; the other, “that no livery should be given under colour of a Gild or fraternity, or of any other association, whether of gentry or *servants*, or of commonalty².” The ordinances of the Gild of the Tailors at Exeter in the time of Edward IV. show, moreover, that the *servants* there belonged to the Gild; but the ordinances speak also of a “fleshypp of the Bachelerys³,” which was probably a fraternity like that of the Journeymen-Bakers at Copenhagen, which we have already referred to; and it probably stood in the same relations to the Craft-Gild. But to this fellowship there belonged also “schoppe-holders,” probably such as had become masters and had not yet married. One instance that masters and wardens of Gilds really protected workmen against their masters, is furnished by the “Examples of the Control by the Gild⁴” contained in Mr. Toulmin Smith's collection. In the Gild of the Cordwainers of Exeter a certain number of wardens was even regularly taken from the journeymen⁵.

The degeneration of Craft-Gilds—which began, as has already been shown, so soon after they had obtained independence and authority in trade matters in the towns—progressed, after it had

¹ Riley's *Memorials*, p. 547—Ordinances of the Leathersellers, 1398.

² Herbert, vol. i. p. 60. Compare also Eden's *State of the Poor*, vol. i. p. 597, note.

³ Mr. Toulmin Smith's collection, p. 313.

⁴ *Ibid.* p. 322, No. 6.

⁵ *Ibid.* p. 332.

once begun, with increasing rapidity. In the fifteenth century the capitalist quality of the craftsmen becomes more and more prevalent among the requisites for obtaining membership; and ever more numerous become the restrictions by which they endeavoured to seclude themselves, and thus to make the handicrafts the monopolies of a few families. But this was even more the case in the following centuries, and therefore Lord Bacon, speaking of these Gilds, justly describes them as “fraternities in evil.”

Accordingly we find in 1503, in 19 Henry VII. cap. 7, a repetition of the restrictions on the “masters and wardens from making any new bye-laws or ordinances concerning the prices of wares and other things, for their own singular profit, until first examined and approved of by the Lord Chancellor, Lord Treasurer, or King's Justices,” restrictions which had been attempted in vain, as it appears, by 15 Henry VI. cap. 6. But as the corporations, again acting contrary to this law, arbitrarily raised the entrance-fee of apprentices to 40s., the Act 22 Henry VIII. cap. 40 (A.D. 1530) fixed it again at 2s. 6d. on becoming an apprentice, and at 3s. 4d. on obtaining the freedom of the Gild. In 1536 it became even necessary to pass a law (28 Henry VIII. cap. 5) forbidding the masters of the corporations to take an oath from the apprentices that they should not carry on the trade on their own account without the masters' consent; and also forbidding them to exact sums of money for granting the freedom of the Gild. How little these laws availed against the selfish endeavours of the Craft-Gilds to prevent apprentices from becoming masters, and thus diminish competition, is shown in the account by Stow (edition of 1720, p. 329): “It was a great matter in former times to give £10 to bind a youth apprentice; but in King James I.'s time they gave £20, £40, £60, and sometimes £100 with an apprentice. But now these prices are vastly enhanced to £500, or £600, or £800.” In agreement with this is the account that Cromwell granted the Grocers a charter, by which they were empowered to levy a fine of £30 on a member at his admission¹. The ordinances of the Cutlers of Hallamshire², of the sixteenth century, and of the Framework-knitters³, of the seventeenth, show moreover, in the privileges enjoyed by the children of Gild-members, the same tendency to make the trade hereditary which prevailed among the Craft-Gilds on the Continent.

Though the last sums mentioned by Stow probably merely refer to the twelve great companies, yet the general laws under

¹ Herbert, vol. i. p. 183.

² Hunter's *History of Sheffield*, p. 119.

³ *Journals of the House of Commons*, vol. xxvi. pp. 790-794.

Henry VIII., which have been quoted, point to such great difficulties hindering apprentices in all trades from becoming masters, that we can easily understand why they were so exasperated against strangers, who, specially allured and favoured by kings, could carry on their crafts without these hindrances. This exasperation led to repeated insurrections of the apprentices, the first on Evil May-day 1517; another in 1586, against those foreign tradespeople who for the sake of religion had sought refuge in England¹; and in 1641 it gave rise to a petition from the apprentices to Parliament for measures against the strangers, who took away all their prospects of independent settlement, whilst they themselves had to struggle with so many hindrances².

In Germany also, after the sixteenth century, ordinances against the abuses of the Craft-Gildmen are met with regularly in the laws of the Empire³, and especially against the exclusion of whole classes of persons from the Craft-Gilds on account of pretended infamy of birth. On admission to the Craft-Gild, real proofs of nobility—just as in the case of collegiate chapters—had to be furnished at the examination whether a candidate was worthy by his birth of the Gild or not⁴. In the ordinances of individual German States we meet with similar enactments against the heavy expenses on the admission of apprentices as we do in England, and which were followed by similar results⁵. As the apprenticeship did not last seven years, as in England, but only from two to four years, the Craft-Gilds, in order to diminish competition, laid the journeymen under the obligation of travelling, sometimes for five years⁶. Moreover, after the end of the fifteenth century, the making of a masterpiece became a requisite for the right of the independent exercise of a craft. This was a very costly article, and, after all, unsaleable, as the things required

¹ Stow, ed. 1720, p. 333.

² *The Apprentices of London Petition presented to the Honourable Court of Parliament*, 1641 (British Museum): "And first we beseech your honours to take into consideration the intolerable abuse of our apprenticeship: for where we by coercion are necessarily compelled to serve seven or eight years at least, before we can have the immunity and freedom of this city to trade in: those which are mere strangers do snatch this freedom from us, and pull the trades out of our hands, so that by these means, when our times are fully expired, we do then begin in a manner to suffer a second apprenticeship to them, who do thus domineer over us in our own trades," &c.

³ *Reformation guter Polizei zu Augsburg*, 1530, tit. 39; 1548, tit. 36, 37; *Recessus Imperii*, 1551, §§ 83, 84; 1559, §§ 75-80; 1566, § 178; 1570, § 152; *Reichspolizeiordnung*, 1577, tit. 15, 37, 38; *Recessus Imperii*, 1594, §§ 125-127; 1654, § 106; *Conclusum Imperii*, 1731.

⁴ See Stock's article on Gilds in Pölitx and Bülow, vol. ii. 1841.

⁵ See Berlepsch, vol. ii. p. 235.

⁶ *Ibid.* vol. vi. p. 119.

were frequently altogether useless¹. Moreover, in spite of ordinances of individual German States to the contrary, the most luxurious inaugural dinners² were required, so that the few who found it possible to become masters, generally commenced business in debt. The sons of masters, however, were exempt from all these restrictions, from the appointed term of apprenticeship and the travelling, as well as the masterpiece. Indeed, the tyranny of these family-clubs extended itself to the most intimate relations. Whilst the journeymen were generally forbidden to marry³, the masters were required to be married⁴; and sometimes the candidate for the mastership was even obliged to point out an "honourable and virtuous" maiden as his future wife⁵. The descent of the bride or wife was then subjected to the same examination as that of the craftsman himself; but if the latter resolved to marry the daughter or widow of a master, special favours were in store for him. Corporations frequently traded with their freedom⁶, and the latter was often attached to particular houses. Stock says very justly indeed: "A merchant's shop, a brew- or bake-house, a stall in the shambles, the workshop of a smith or shoemaker, resembled a prebend; they were only more difficult to obtain; but they were also worth more than the latter, because they were hereditary⁷." In France also the Craft-Gilds, after the middle of the fifteenth century, hardened into the same narrow-mindedness as in England and Germany, with the same favours to the sons of masters as regards the term of apprenticeship and of travelling, entrance-fees and masterpieces, so that as early as 1614 the Third Estate desired the suppression of these Gilds.

The transformation of the Craft-Gilds into societies of capitalists, exercised of course also an influence on their government; and it appears altogether natural when, in the sixteenth century, we see that government entirely transferred into the hands of the richer Gild-Members. The Gild-Members were at that time in England divided into three classes: the livery, to which the richer masters were admitted; the householders, to which the rest of the masters belonged; and the journeymen belonging to the Gild, who were simply called "freemen," sometimes also "yeomanry" or "bachelors." Instead of the former sovereign meeting of all Gild-Associates, there now appeared a "Court of Assistants," who governed the Gild and enacted its ordinances.

¹ Pölitx and Bülow, vol. ii. p. 121 (1841); Berlepsch, vol. ii. p. 239. In England also masterpieces were sometimes required; see, for instance, the bye-laws of the Company of Framework-knitters; *Journals of the House of Commons*, vol. xxvi. pp. 790-794.

² Berlepsch, vol. vi. p. 128.

³ *Ibid.* vol. iv. p. 77.

⁴ *Ibid.*

⁵ *Ibid.* vol. iv. p. 52.

⁶ Pölitx and Bülow, vol. ii. p. 125 (1841).

⁷ *Ibid.*

⁸ *Ibid.* p. 127.