

THE FIRST REPORTED TRADES UNION CASE.

As is well-known, the workmen of the various trades in older England were accustomed to form themselves into Gilds (Associations, Fraternities, Lodges, Unions, we would call them), all the members of which were workers at the particular trade. Some of these Gilds were—or claimed to be—of very early origin, for example, the Masons confidently asserted that their Gild dated back at least to Athelstan, the son of Alfred the Great. Others of these Gilds owed their existence to Royal Grants or Charters from the King.

The later history of these organisations is interesting. Take, for example, the Masons again: they, at least as early as the time of Henry VIII began to admit, as what may be called Honorary Members, persons who were not Masons. They were ultimately called "speculative" Masons, in contradistinction from operative or actual working Masons. The numbers of these increased until before the end of the seventeenth century, the "Freemasons' Lodge" was practically composed of them—they took possession of the "Order", and real Masons no longer appeared. (Why the American Freemason is generally F. & A.M., while his Canadian Brother is A.F. & A.M. is "another story".) The story of the London Gilds is substantially the same—a member of the Goldsmiths' Gild was of old a goldsmith, but now he probably is not. I am personally acquainted with one of His Majesty's Justices, who is an office-holder in one of the London Trade Gilds.

In the fifteenth century, however, a Mason was a mason; a Taylor, a tailor; a Goldsmith, a goldsmith.

On November 17, 1466, King Edward IV granted, by letters-patent, to his liege subjects of the "mystery of tailors" in the City of Exeter, the power to establish a Gild or Fraternity in the worship of St. John the Baptist, who was the Patron Saint of Tailors and is still venerated, *sub modo*, by the Merchant Taylors' Company of London. This Gild was given very extensive powers of supervision over and correction of tailors in Exeter and its suburbs—"they shall have full scrutiny of the mistery within the city and suburbs," the Charter read.

The City had serious objections to this charter: it claimed that the charter derogated from the rights of the Bishop, Dean and Chapter as well as being contrary to the customs, liberties and usages of the City from ancient times. It had, as was claimed, long been a body corporate with Mayor, Bailiffs and Commonalty; and this new corporation was granted powers which trespassed on its rights. Nevertheless the Gild became a reality, and the Master and Wardens

exercised an arbitrary power over all those of the "mystery" of Tailoring, keeping a close scrutiny at all times.

Matters came to a sort of head in 1475 in the case of two recalcitrant tailors. In 1477, a Bill of Complaint was presented to "the Kyng our Soueraine lord." King Edward IV, by his "trew liegemen and Subgettes the Mayre Bailiffs and comynaltie of your Cite of Excestre . . . greuously compleynynge" of the acts of certain "Tayllours", amongst them, John Stoddon (or Stoden—little regard was then or for two centuries later, paid to orthography, even in proper names) and Richard Turnour (or Tournour—we would say Turner).

In the theory of the Common Law of England, it was the right and the duty of the King, the Father of his people, to see to it that all his subjects had justice and that peace should be preserved throughout the realm. Within historic times, at least, the King did not perform these duties in person. He did not sit at the gate, or under a tree, and personally adjudicate or command; he selected a number of his subjects—occasionally, a foreigner—as a Council, in later times called the Privy Council, who, sometimes with him, sometimes without him, exercised the Royal function. Consequently, while not infrequently, the complaint was addressed to the King alone, the Council dealt with it. After the erection of the Court of Star Chamber, in 1487, by the Act, 3 Hen. VII, cap. 1, that body performed this duty as a rule, but the Privy Council never gave up jurisdiction and occasionally exercised it until the Court of Star Chamber was abolished and the wings of the Privy Council clipped by the famous Star Chamber Act of 1641, 16 Car. I, cap. 10.

The complaint in this case was that the persons named had with force and arms, assaulted and ill-treated one Thomas Davy, and menaced him so that in fear of his life he dared not remain in the City. Nor was this all—shortly after this outrage, the same persons, "mysdoers and riotours", had come to the house of one Richard Longe and there assaulted him, menacing him that he "wold be of their confederacy or els departe oute of the seid Cite and dwell not withyn it". The misdoers did such acts under colour of the King's Letters Patent "for theym and others of the seid mystere opteigned contrarie to the old liberties customes and lawful vsages of the seid Cite had and vsed. . . ." "The Bill of Complaint went on to say that those complained of "accompaigneth theym with many evyll disposed and nasty persones and makyth dayly dyuers conuenticles, confederacions and vnlauffull assembles . . ."

The menace to Longe plainly shows the secret of the whole disturbance—Davy and Longe would not join the Union, and steps

were taken to compel them to do so or leave the City—the Union then, as now, had a strong objection to non-Union labour.

Stoden and Tournour filed their "Aunswere": they set up the Letters Patent and the jurisdiction of the Gild over the Craft in City and suburbs: Stoden was Master, Tournour, one of the Wardens of the Gild; "the seid Thomas Dauy and Richard Longe occupied the seid mistere, and were not of connyng (i.e., knowledge or skill) nor able to vse the seid mistere and also mysse vsed (misused) the same to the gret hurte of the kynges Liege peple". So for the "welt", the benefit, of the people, they went to the houses of the two offenders and on the King's behalf charged them that they should occupy and exercise the "mistere", "soo that the kynges Liege people were not by them desceyved. . ." It was the Mayor and Bailiffs who gathered the crowd and caused the disturbance—the multitude assaulted Stoden and Tournour, and they dare not abide and dwell in the City for fear of their lives. Accordingly they "counterclaim", and ask for a command to be given these persons to cease interfering with the rights and powers duly vested in the Gild by the Letters Patent.

The Replication starts off with a demurrer, denies the assault on Stoden and Tournour, repeats some of the allegations of the Bill of Complaint, and prays judgment.

While these proceedings are filed among the papers of the old Court of Star Chamber, it is quite clear that they antedated the erection of that Court and that the proceedings were in the King's Council.

Very considerable expense was gone to in taking witnesses up to Westminster, etc. The judgment was a compromise: it decreed that "The saide Master, Wardens, and their successors shall make no suche ordynaunces . . . that shalbe prejudiciall or derogatyve to the lyberties, franchises, right and lafull customes of bisshop, Deane and chapter, Mayer, bayliffs and communalte, nor to any of their successors".

This did not, in fact, put an end to the disturbances. The Unionists harassed tailors that would not join their Gild: the Mayor and Bailiffs harassed the regular Unionist: this continued until in 1482 the Charter of 1466 was annulled by the King, Edward IV. The Gild, however, did not dissolve; it continued in existence until 1825.

Practically all the above facts are set out at length in Volume XVI of the splendid publications of the Selden Society, a series which should be read by everyone interested in the history of our Law.

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