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# Labour, law and training in early modern London: apprenticeship and the city's institutions

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## **ABSTRACT**

Successful apprenticeship is often explained by effective contract enforcement. But what happened when enforcement was weak? This paper reveals that within early modern London, England's dominant centre for training, the city's court provided apprentices with near automatic exits from their indentures, and allowed them to recover a share of their premium, reflecting faults and time served. Between 3 and 8 percent of apprentices received court discharges. Easy dissolution was a response to unstable contracts. By supplying a straightforward mechanism to cut legal ties, the city reduced the risks surrounding apprenticeship and facilitated London's rapid expansion.

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London's dramatic growth from marginal northern European city to global metropolis was one of the distinctive transitions in early modern history. The city's expansion was underpinned by a complex of factors, many of which were perceptively sketched out by Tony Wrigley several decades ago.<sup>2</sup> One of the most significant mechanisms facilitating the flow of people into the city was apprenticeship. London's field of attraction was vast. Between five and ten percent of English teenage males entered apprenticeships in the city in the seventeenth century.<sup>3</sup> Apprenticeship's demographic importance was matched by its economic significance in reproducing the skilled workforce of the nation's largest centre for manufacturing and trade.<sup>4</sup>

Yet apprenticeship in London, and England more generally, had a forbidding aspect that is easily overlooked. Youths entered much longer terms of service than their peers on the continent.<sup>5</sup> The minimum term of seven years allowed little adjustment for prior skills or ability. To enter the more profitable trades, apprentices often paid a substantial fee to their master.<sup>6</sup> Moreover, fewer than one in two of those who entered apprenticeships would become freemen of the city, able to establish businesses and take apprentices of their own.<sup>7</sup> For masters, the likelihood that apprentices would leave before completing their indentures presented its own problems: if apprentices quit masters could not offset any early investment in training and maintaining them against their skilled labour in the latter part of their term.<sup>8</sup> The high costs and substantial risks involved in apprenticeship were surely accentuated by the isolation and youth of the apprentices: most came from homes far from the city, and they rarely had prior ties of kinship or connection to their masters before entering service.<sup>9</sup>

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<sup>2</sup> E. A. Wrigley, "A Simple Model of London's Importance in Changing English Society and Economy, 1650-1750," *Past and Present* 37 (1967): 44-70.

<sup>3</sup> Chris Minns and Patrick Wallis, "Rules and Reality: Quantifying the Practice of Apprenticeship in Early Modern England," *The Economic History Review* (online early, 2011), 4.

<sup>4</sup> A. L. Beier, "Engine of Manufacture: The Trades of London," in *The Making of the Metropolis: Essays in the Social and Economic History of London, 1500-1700*, ed. A. L. Beier and Roger Finlay (London, 1986), 141-67.

<sup>5</sup> Bert De Munck, *Technologies of Learning: Apprenticeship in Antwerp Guilds from the 15th Century to the End of the Ancien Regime* (Turnhout, 2007), 60-68.

<sup>6</sup> Chris Minns and Patrick Wallis, "Contracting for Human Capital: Premiums and Apprenticeship Training in Pre-Industrial England," L.S.E Department of Economic History Working Papers, no. 154 (2011).

<sup>7</sup> Minns and Wallis, "Rules and Reality".

<sup>8</sup> Patrick Wallis, "Apprenticeship and Training in Premodern England," *Journal of Economic History* 68, no. 3 (2008): 836-38.

<sup>9</sup> Tim Leunig, Chris Minns, and Patrick Wallis, "Networks in the Premodern Economy: The Market for London Apprenticeships, 1600-1749," *The Journal of Economic History* 71, no. 2 (2011): 413-43; Patrick Wallis, Cliff Webb, and Chris Minns, "Leaving Home and Entering Service: The Age of Apprenticeship in Early Modern London," *Continuity and Change* 25, no. 03 (2010): 377-404.

That thousands of youths became apprentices each year makes it clear that these problems were overcome, but it does not explain how this success was achieved. For an explanation, some historians have emphasised the importance of contract enforcement mechanisms, both formal, notably guilds and city authorities, and informal, such as the reputational costs of quitting.<sup>10</sup> This approach is inspired by a wider literature on contractual problems in modern training. The uncertainties that beset early modern apprenticeship were an extreme example of the problems of asymmetric information and incomplete contracting observed in modern training, which are often overcome through additional incentives and monitoring.<sup>11</sup> Social historians of youth have drawn parallel conclusions. Faced by disorder in early modern households, the broad strategy of guild and city institutions was to 'heal the rift', as Griffiths puts it, returning master and apprentice to their appropriate place.<sup>12</sup>

This paper describes a very different, and entirely neglected, side of apprenticeship in London: the city's system of contract dissolution. I suggest easy dissolution played a vital role in sustaining apprenticeship in London, and was apparently echoed in a weaker form elsewhere in England. Dissolution was, it must be emphasised, normal. Metropolitan apprenticeship was fundamentally unstable. Many apprentices left their master after only a few years of service.<sup>13</sup> Premiums offered some compensation for the risk of departure: apprentices likely to leave paid

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<sup>10</sup> S. R Epstein, "Craft Guilds, Apprenticeship, and Technological Change in Preindustrial Europe," *Journal of Economic History* 58, no. 3 (1998): 684-713; Jane Humphries, "English Apprenticeship: A Neglected Factor in the First Industrial Revolution," in *The Economic Future in Historical Perspective*, ed. Paul A. David and Mark Thomas (Oxford, 2003), 81-91; Farley Grubb, "Does Bound Labor Have to Be Coerced Labor? The Case of Colonial Immigrant Servitude Versus Craft Apprenticeship and Life-Cycle Servitude-in-Husbandry," *Itinerario* 21, no. 1 (1997): 38-41. Although see Sheilagh Ogilvie, "Guilds, Efficiency, and Social Capital: Evidence from German Proto-Industry," *Economic History Review* 57, no. 2 (2004): 302-14.

<sup>11</sup> James M. Malcomson, James W. Maw, and Barry McCormick, "General Training by Firms, Apprentice Contracts, and Public Policy," *European Economic Review* 47, no. 2 (2003): 197-227; Wendy Smits and Thorsten Stromback. *The Economics of the Apprenticeship System* (Cheltenham, 2000).

<sup>12</sup> Paul Griffiths, *Youth and Authority: Formative Experiences in England, 1560-1640* (Oxford, 1996), 298-324, quote 322. See also: Joan Lane, *Apprenticeship in England, 1600-1914* (London, 1996), 2-4; Olive Dunlop and Richard Denman, *English Apprenticeship & Child Labour* (London, 1912). More generally: Gwenda Morgan and Peter Rushton, "The Magistrate, the Community and the Maintenance of an Orderly Society in Eighteenth-Century England," *Historical Research* 76, no. 191 (2003): 62-65; Steve Rappaport, *Worlds within Worlds: Structures of Life in Sixteenth-Century London* (Cambridge, 1989), 234-7.

<sup>13</sup> Minns and Wallis, "Rules". See also: Griffiths, *Youth*, 330-334; Ilana Krausman Ben-Amos, "Failure to Become Freeman: Urban Apprentices in Early Modern England," *Social History* 16 (1991): 155-72; Steve Rappaport, "Social Structure and Mobility in Sixteenth-Century London," *London Journal* 10, no. 2 (1983): 116-117.

more.<sup>14</sup> Even without premiums, masters could avoid losses by balancing apprentices' work and training.<sup>15</sup> But alongside these private solutions ran a public system. As I show, the city of London provided a formal institutional process, in the Lord Mayor's Court, which gave apprentices a simple, cheap and effective means to cancel contracts, and a means to recover a proportion of their financial investment in training. The activities of the Court rebalanced the asymmetries of power involved in apprenticeship. It reduced the risks involved in entering weakly enforced training contracts in which prospective masters and apprentices had limited information about each other or about future conditions that might affect their capacity to work or train.

Explaining the success of early modern apprenticeship through its mechanism for exiting contracts may seem perverse. Histories of labour and contract generally focus on the relative unfreedom of labour, not its agency, before the late nineteenth century. Apprenticeship was regulated by the Statute of Artificers, which was the foundation of a relatively rigid and exploitative labour market that later statutes intensified.<sup>16</sup> Its rules tied labour into subordinate positions. Legally, service was requisite for many occupations. Masters could use the law to arrest apprentices who broke contracts, and they applied these remedies heavy-handedly to apprentices and other employees in the early nineteenth century.<sup>17</sup>

Yet the applicability of an oppositional model based on domination and subordination to pre-industrial non-pauper apprenticeship is unclear. Before the nineteenth century, apprentices

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<sup>14</sup> Minns & Wallis, "Contracting".

<sup>15</sup> Wallis, "Apprenticeship and Training".

<sup>16</sup> Simon Deakin, "The Contract of Employment: A Study in Legal Evolution," *Historical Studies in Industrial Relations*, no. 11 (2001), 17-29; Robert J. Steinfeld, *Coercion, Contract, and Free Labor in the Nineteenth Century* (Cambridge, 2001), 39-47; Douglas Hay and Paul Craven, "Introduction", in *Masters, Servants, and Magistrates in Britain and the Empire, 1562-1955*, ed. Douglas Hay and Paul Craven (Chapel Hill, 2004); Christopher Frank, *Master and Servant Law: Chartists, Trade Unions, Radical Lawyers and the Magistracy in England, 1840-1865* (Farnham, 2010).

<sup>17</sup> Douglas Hay, "England, 1562-1875: The Law and Its Uses," in *Masters, Servants, and Magistrates in Britain and the Empire, 1562-1955*, ed. Douglas Hay and Paul Craven (Chapel Hill, 2004), 59-116; Marc Steinberg, "Unfree Labor, Apprenticeship and the Rise of the Victorian Hull Fishing Industry: An Example of the Importance of Law and the Local State in British Economic Change," *international Review of Social History* 51, no. 2 (2006): 243-76; Richard J. Soderlund, "Resistance from the Margins: The Yorkshire Worsted Spinners, Policing, and the Transformation of Work in the Early Industrial Revolution," *international Review of Social History* 51, no. 2 (2006): 217-42.

and servants found a more balanced audience among Justices of the Peace.<sup>18</sup> London apprenticeship in particular had distinctive characteristics that suggest an alternative interplay of power and influence. Apprentices were often from gentry or wealthy families and represented substantial investments.<sup>19</sup> They were the sons of their masters' peers, sometimes of their social superiors. Although formally subject to their master's patriarchal authority, they and their families possessed voice and agency.<sup>20</sup> If we sought a modern parallel for early modern metropolitan apprenticeship, it would be in mass higher education, not blue-collar apprenticeship. And like today's university students, apprentices sometimes discovered they had made bad choices and demanded an alternative. While this realisation might be motivated by anything from the appearance of a more attractive alternative, such as marriage, to a violent clash with their master, the outcome converged towards two pathways. If they and their master agreed satisfactory terms, the indenture could end privately. If not, then they could turn to the Lord Mayor's Court.

# I

The hub of London's system for apprenticeship dissolution was the Lord Mayor's Court. Held in the outer chamber of the Guildhall, with the City Recorder officiating, the Mayor's Court had both a common law and an equitable jurisdiction. Among the city's courts, it was the main court for cases involving city customs. In particular, it oversaw the discharge of apprentices from their contracts, as Justices of the Peace did elsewhere, hearing 'any cause... between a master and his apprentice, bound according to the custom of the city of London, which intitles the apprentice to his discharge.'<sup>21</sup> Under statute, it also heard suits from any mariner's apprentice.<sup>22</sup> Above it stood the Court of Aldermen. Until the 1640s, some apprenticeship suits

<sup>18</sup> Peter King, "The Summary Courts and Social Relations in Eighteenth-Century England," *Past & Present* 183, no. 1 (2004): 142, 148.

<sup>19</sup> C. W Brooks, "Apprenticeship, Social Mobility and the Middling Sort, 1550-1800," in *The Middling Sort of People: Culture, Society and Politics in England, 1550-1800*, ed. Jonathan Barry and C. W. Brooks (Basingstoke, 1994), 52-83; Patrick Wallis and Cliff Webb, "The Education and Training of Gentry Sons in Early Modern England," *Social History* 36, no. 1 (2011): 36-53.

<sup>20</sup> Ilana Krausman Ben-Amos, "Service and the Coming of Age of Young Men in Seventeenth-Century England," *Continuity and Change* 3, no. 01 (1988): 41-64; Griffiths, *Youth*, 74-79, 221-232; Rushton, "Matter", 94.

<sup>21</sup> Thomas Emerson, *A Concise Treatise on the Courts of Law of the City of London* (London, 1794), 66. See also: Stephanie R. Hovland, "Apprenticeship in Later Medieval London, c.1300-c.1530," (Unpublished Ph.D. Thesis, Royal Holloway College, University of London, 2007), 24-5; Penny Tucker, "London's Courts of Law in the Fifteenth Century: The Litigant's Perspective," in *Communities and Courts in Britain, 1150-1900*, ed. Christopher W. Brooks and Michael Lobban (London, 1997), 25-42

<sup>22</sup> Mariners' apprentices were bound under the custom of London and needed to be enrolled in the town the apprentice lived or the next corporate town: 5 Eliz. I, c.5, s. 12.

appeared there, occasionally to halt proceedings in the Mayor's court or to deal with equity issues. The approach of the Court of Aldermen echoed that of the Mayor's Court, however.<sup>23</sup>

At first sight, we might expect the Mayor's Court to serve as a backstop, settling hard cases but shielded from most disputes. As Griffiths describes, powerful pressures for reconciliation operated through various agencies.<sup>24</sup> Both apprentices and masters could turn to family and friends. William Palmer's mother paid £14 to his master for fabric and rings he had stolen so he could re-enter service.<sup>25</sup> In 1656 Edward Munday's father travelled 150 miles to London to persuade his master to keep him.<sup>26</sup> Private arbitration was widely used, with each side nominating a representative.<sup>27</sup> Livery Companies also arbitrated disputes and chastised masters or apprentices. The City Chamberlain heard complaints by masters and apprentices in his court at 3 shillings a time, as did Justices of the Peace outside the city.<sup>28</sup> The Chamberlain had often been involved in disputes before they reached the Mayor's Court, generally urging reconciliation.<sup>29</sup>

If apprentices and masters reached an agreement to end their contract they would avoid the Mayor's court. Ending an apprenticeship consensually required no external agency. Consensual departures are occasionally described in later suits. For example, Nicholas Greene described his apprentice asking to leave his service: for 'mere Love' Greene 'did then deliver up ... his parte of the said indentures' - although they later fought over returning the premium.<sup>30</sup>

However, the potential for private resolution needs to be set against the centrifugal forces stressing apprenticeships. In the close confines of early modern houses, masters, their families and apprentices interacted constantly, with few opportunities to escape observation. Apprentices had little control over their situation: food, lodging and leisure were at their master's discretion. While the contract endured, masters too were constrained to accommodate

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<sup>23</sup> I am grateful to Michael Scott for allowing me to review a sample of petitions to the Court of Aldermen from his ongoing research. See also: Griffiths, *Youth*, 304-4. The Sheriff's Court may have had a role, but its records are lost and it was mentioned in just one suit (an apprentice arrested for damages): London Metropolitan Archive (LMA), CLA/024/07/01 (Stratford v Sewell).

<sup>24</sup> Griffiths, *Youth*, 298, 302-307

<sup>25</sup> LMA, CLA/024/07/62 (Palmer v Brett).

<sup>26</sup> LMA, CLA/024/07/02 (Munday v Browne)

<sup>27</sup> See: LMA, MC6/505A, MC6/506A.

<sup>28</sup> Hovland, "Apprenticeship", 24; Betty R. Masters, *The Chamberlain of the City of London, 1237-1987* (London, 1988). On the fee: John Greene, *The Privileges of the Lord Mayor and Aldermen of the City* (London, 1708), 208. For JPs, LMA, MC6/479B, MC6/480A.

<sup>29</sup> See: LMA, CLA/024/07/01 (Wright v Barber), CLA/024/07/02 (Smart v Woodstock), MC6/257B.

<sup>30</sup> LMA, CLA/024/07/63 (Audley v Greene).



a youth whose idleness, incompetence or venality they might punish but not prevent. Sickness could make a promising apprentice a burden.<sup>31</sup> Both faced incentives to break their agreement. Masters could duck difficult training or profit from apprentice's premiums. Apprentices might prefer to earn a wage or serve a different master. A lucky few even inherited the wealth to live on; according to his master, Richard Nest's inheritance had allowed him to 'leave the city and settle himself in the country.'<sup>32</sup> Emotion and opportunism could preclude negotiation.<sup>33</sup>

It was in this atmosphere, when apprenticeships collapsed without agreement over the contract, apprentices turned to the Lord Mayor's Court. There, indentures could be cancelled. And they were in their hundreds each year.

While the Court's records have been explored for evidence about apprentices' lives, its wider role has not been recognised.<sup>34</sup> Apprenticeship provided much business to the common law side of the Court, although debt suits dominated. Unfortunately, the Courts records are extensive, partial and fragmented. Nonetheless, samples from its surviving files suggest that from the 1610s to the 1720s, at least three to eight percent of London apprentices entered Bills (table 1).<sup>35</sup> The apparent increase in the proportion may reflect the limits of the estimates. However, the broad outline is clear: given that only around 40 percent of apprentices remained with their original masters, and another 10 percent would die, at least 10 percent of apprentices who left their original master used the Court.<sup>36</sup> Formal legal institutions played an important role in ending apprenticeships in the city.

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<sup>31</sup> See in particular, Margaret Pelling, "Apprenticeship, Health and Social Cohesion in Early Modern London," *History Workshop Journal* no. 37 (Spring 1994): 33-56.

<sup>32</sup> LMA, CLA/024/07/62 (Nest v Barrow)

<sup>33</sup> Griffiths, *Youth*, 295-98

<sup>34</sup> Peter Earle, *The Making of the English Middle Class: Business, Society and Family Life in London, 1660-1730* (London, 1989); Pelling, "Child Health".

<sup>35</sup> I took five samples of Bills from the 1580s, 1610s, 1650s, 1690s and 1720s: 813 Bills were abstracted in detail, 231 in part, and counts of Bills were made for sample years described in Table 1. The 1580 sample was too fragmented to be used for counts. Michael Scott generously supplied abstracts of another 491 Bills. The sample available for the different statistics given below varies due to partial survival, and some differences between Scott's abstract and my own. 65 cases brought by mariners' apprentices have been excluded from these and subsequent statistics.

<sup>36</sup> Persistence rate: Minns & Wallis, "Rules"; Mortality rate: Leonard Schwarz, "London Apprentices in the Seventeenth Century: Some Problems," *Local Population Studies* 38 (1987): 18-22. Cf. Brooks, "Apprenticeship", 75.

The Court saw a fairly representative cross-section of London's apprentices.<sup>37</sup> When compared to a matched sample of city apprentices, those entering Bills were no more likely to be locals or citizen's children, as one would expect if social capital mattered in the Court.<sup>38</sup> Female apprentices were rare, but did appear.<sup>39</sup> Apprentice's entered pleas throughout their terms (Figure 1), with a peak in the middle years when they were most likely to depart. Apprentices from wealthy backgrounds were somewhat over-represented. As table 2 shows, gentlemen's sons appeared more often, and relatively poorer husbandmen's sons less, than their share of the population of apprentices would predict. However, the Court was certainly not the preserve of the rich. Tailor, butcher and weaver were among the ten most common parental occupations reported in Bills; shoemaker and labourer were among the twenty most common.

Apprentices came to the Court from a wide cross-section of Livery Companies, in numbers that generally matched their share of apprentices more generally.<sup>40</sup> By the end of the seventeenth century, apprentices from the larger, prestigious and politically important, but less occupationally homogenous, 'Great Twelve' Companies were under-represented: regulation may have been weakening faster in these Companies, something also apparent in non-completion rates.<sup>41</sup> The Court was heavily used by youths learning relatively low-status trades. Wealthy merchant apprentices did appear frequently, bringing three percent of cases. However, the most common four occupations mentioned by apprentices were relatively menial: tailor, weaver, joiner and vintner.<sup>42</sup> These were not trades associated with large premiums or high incomes.

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<sup>37</sup> The comparisons below use a sample of apprentices from surviving Company registers: Cliff Webb, *London Livery Company Apprenticeship Registers* (London, 1994-2011). The 'All apprentices' sample contains apprentices from each decade in which a Company's records survive for 7+ years. Discharge Bills are filtered to match these Companies. Because stratification by Company shrinks the Discharge sample, I cluster Bills into two periods: 1610-60 (n=381) and 1689-1723 (n=239). For these periods, 'All apprentices' contains 51,878 apprentices from 30 Companies for 1610-60 and 34,177 from 56 Companies for 1690-1720.

<sup>38</sup> Citizens sons: Discharge Bills, 7% in 1610-60, 11% in 1690-1720; All, 7% and 15%. London & Middlesex origins: Discharge Bills, 7% in 1610-60, 15% in 1690-1720; All, 7% and 12%. None of these differences are statistically significant at a 10% level.

<sup>39</sup> 9 of 1,304 Bills.

<sup>40</sup> Testing the distributions statistically is difficult given the small numbers of Bills from most Companies.

<sup>41</sup> Great Twelve Companies: 1610-50, Discharge Bills, 48%; All, 51%. 1690-1710, Discharge Bills, 24%; All, 31% (difference significant at the 95% level on a two sample Z-test). The declining share entering the Great Twelve is due to changes in composition of the All Apprentices sample.

<sup>42</sup> Apprentices often reported both their master's occupation and Company. Some may have reported their Company's nominal trade. To address this we can restrict our sample to apprentices

The volume of apprenticeship suits, and their social depth, fits with evidence of intensive litigation over debt and other civil causes in this period.<sup>43</sup> Apprenticeships ended in the Court to an extent we would expect from such a litigious society. This turn to formal institutions was eased by the low costs involved. Entering a plea in the Court cost just 4d, and a case could be brought to trial for 30s within a fortnight.<sup>44</sup>

In certain respects, however, apprenticeship cases were unusual. The plea was itself distinctive. Written in French except during the Commonwealth, the apprentice petitioned the 'right honourable mayor and aldermen' informing them that his master had breached the city's customs. The apprentice sought to be discharged and committed to another freeman for the residue of his term - the new master was almost never specified and may have never existed. Discharge petitions were brought only by apprentices: Emerson stated as a rule that application was 'always at the instance of the apprentice' in his treatise on City law. Apprentices could cite a number of causes. Emerson cited nine 'usual' causes: breaches of city rules (apprentices bound under fourteen years old; for fewer than seven years; and not enrolled before the Chamberlain), and breaches of apprentice contracts, particularly mistreatment ('unreasonable' chastisement; lack of food or necessities; being turned out) and poor training (masters leaving trades; failing to instruct; or quitting the city).<sup>45</sup> However, four out of five pleas alleged the same cause: non-enrolment.<sup>46</sup> Failure to train was alleged by six percent, but only three percent of apprentices complained they had been turned out, lacked subsistence, or were bound under age. Even fewer alleged excessive punishment or other causes.

Apprentices' actions were also vastly more likely to reach a conclusion than other civil suits. Judgements were reached in four-fifths of cases, compared to three percent of debt suits in borough courts and twelve percent of business and debt suits at Chancery.<sup>47</sup> Moreover, in nearly every case, the apprentice obtained their discharge. A substantial minority of cases never

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learning different trades (eg: tailors in the Drapers' Company). Then the most common trades are: tailor, weaver, joiner, merchant and haberdasher (in that order).

<sup>43</sup> C. W Brooks, "Interpersonal Conflict and Social Tension: Civil Litigation in England, 1640-1830," in *The First Modern Society: Essays in Honour of Lawrence Stone*, ed. A. L. Beier, David Cannadine and James M. Rosenheim (Cambridge, 1989), 357-99; Craig Muldrew, *The Economy of Obligation: The Culture of Credit and Social Relations in Early Modern England* (Basingstoke, 1998), 216-242.

<sup>44</sup> *Lex Londinensis; or the City Law* (London, 1680), 5-6.

<sup>45</sup> Emerson, *Concise Treatise*, 66-67.

<sup>46</sup> 924 of 1,172 Bills recording cause.

<sup>47</sup> 826 of 994 cases (process was not recorded for all bills in Scott's sample). See: Muldrew, *Economy*, 255; Henry Horwitz and Patrick Polden, "Continuity or Change in the Court of Chancery in the Seventeenth and Eighteenth Centuries?" *Journal of British Studies* 35, no. 1 (1996), 54 tab 18.

reached judgement, but cases were dismissed only twice, and only twice did the court limit the discharge by specifying to whom the apprentice was committed.

The Court's process can appear monotonically dominated by apprentices. But their masters did sometimes defend themselves. The nature of Court records clouds our understanding of this area: where a suit stops with the original plea, arbitration and negotiation may have been involved, but so could many other factors. For most Bills, however, the master's response, even just their lack of response, is recorded. Masters who chose not to defend themselves simply ignored the Court summons. The apprentice was then discharged immediately. If a master wished to defend themselves, they would appear in Court. But even then, most never went beyond appointing an attorney or entering an answer. Few cases – only 30 of 944 in the sample - reached the final stage of empanelling a jury.

In almost three quarters of cases, masters simply failed to appear in Court. However, their response depended on the cause: masters accused of non-enrolment, of leaving their trade or the city rarely appeared in Court to defend themselves (table 3, panel A). But masters accused of excessive chastisement, turning away apprentices, or binding youths under age often contested bills.<sup>48</sup> Accusations of excessive chastisement, in particular, led masters to fight vigorously: although cited by barely one percent of Bills, they led to thirteen percent of jury trials. As table 3 panel B also shows, these cases were also far less likely to reach a judgement, presumably as a result of the masters' resistance. Whereas 86 percent of cases citing non-enrolment produced a discharge, just 54 percent of cases alleging excessive chastisement did. Cases citing a lack of necessities or training were also less conclusive.

No master's defence ever changed the Court's standard decision: judgements were inevitably discharges, even in jury trials. By contesting Bills, masters won time to respond to, and perhaps halt, the complaint outside the Court, presumably by negotiation. Time was a tool in disputes: as William Palmer later suggested, his master's opposition to his suit was 'upon purpose to vex and delay.'<sup>49</sup> For the master, a successful defence ended with the Bill left stationary in the Court's files. We might thus regard a fair proportion of the fifth of cases that did not end in a discharge as instances where apprentices were reconciled with their masters, or reached some private arrangement. That masters defended themselves most vigorously when

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<sup>48</sup> Physical abuse cases were also less often discharged in Northern Quarter Sessions: Rushton, "Variance", 99.

<sup>49</sup> LMA, CLA/024/07/62 (Palmer v Brett).

they were accused of mistreatment or bad training surely indicates an underlying concern with reputation.

The lack of successful defences by masters does not imply they made no effort to maintain apprenticeships. As in debt cases, these suits often came late in a longer process.<sup>50</sup> Apprentices generally entered Bills after leaving their master. However, their contracts had often broken down gradually. Apprentices and masters regularly attempted to overcome problems informally. Numerous cases mention masters accepting runaway apprentices back after parental intervention, or negotiating compensation for embezzlements. For example, one master's witnesses described how, when his apprentice returned after absenting himself, he 'did receive him kindly... in hope thereby to oblige him to be the more diligent in his business for the future.'<sup>51</sup>

While the Court showed much consistency over this period, there were changes. In the causes cited, non-enrolment fell from 100 percent of late sixteenth century Bills to 62 percent of early eighteenth century Bills. A cluster of causes centred on training emerged alongside it, with Bills citing instruction directly or implicitly in citing being turned out or a master quitting the trade.<sup>52</sup> More tellingly, the proportion of cases reaching a judgement fell substantially: from more than nine-tenths of Bills in the early seventeenth century, to less than two-thirds at the end.<sup>53</sup> Where obtained, the judgement itself remained unchanged. Whether this reflects a shift in regulation, court practice or apprenticeship itself is uncertain. But both developments might plausibly be consequences of the increasing demand for premiums by masters: this might increase concern among apprentices over training quality, and gave masters a greater incentive to negotiate over their exit, as they might be expected to return part of the money.<sup>54</sup>

The peculiarities of the Court bear re-emphasis. For apprentices, a Bill provided a near certain discharge from their indentures. When they cited non-enrolment, no defence existed. Even when citing other causes, they were still generally discharged, although the process might be slower. That the Court discharged apprentices on a technicality meant it was not itself a contract enforcement mechanism, as it might have been if it examined contractual performance. Rather, the apparent certainties of apprenticeship indentures were unravelled by

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<sup>50</sup> Muldrew, *Economy*, 199-203.

<sup>51</sup> LMA, MC6/495A.

<sup>52</sup> In 1690-1720, training was cited by 10%, turning out by 7%, leaving trade by 7% (N=303).

<sup>53</sup> 91% in 1570-1650; 59% in 1690-1720. This shift is not the effect of the shift in causes.

<sup>54</sup> On premiums, Brooks, "Apprenticeship", 70-71.

the Lord Mayor's Court: there, London gave institutional recognition to the fact that many apprenticeships would fail.

## II

While the outline of the city's dissolution mechanism is clear, it leaves us with several questions. Non-enrolment demands explanation in particular. Why did masters not enrol apprentices when this allowed them to quit on a technicality? Moreover, did masters really have so little agency? Was the power to exit indentures distributed as asymmetrically as it seems? Finally, how could apprenticeship survive – even prosper – if contracts were so easily abandoned?

The questions of non-enrolment and masters' agency are interconnected. Enrolment was a master's responsibility.<sup>55</sup> City custom required apprentices' indenture to be enrolled by the City's Chamberlain in his registers within a year of binding.<sup>56</sup> The freeman's oath included swearing to enrol apprentices.<sup>57</sup> Company registration was a separate, prior process. The enrolment fee was low: 2s 6d, plus 4d to the clerk, as it had been since the 1500s. Any saving needed to be set against the fine of 9s 2d imposed when an apprentice who was not enrolled became a freeman.<sup>58</sup>

Yet non-enrolment was widespread. The loss of the city's apprenticeship records makes impossible to establish actual rates of enrolment, but estimates can be obtained from the fines paid by new freemen: between one quarter and a half of apprentices who became freemen had not been enrolled from the mid-sixteenth to the early eighteenth centuries, with signs of a decline in the rate of enrolment over time.<sup>59</sup> An alternative measure is available for the 1730s and 1760s, when the Chamberlain's accounts indicate that apprentices were enrolled in only

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<sup>55</sup> If the apprentice refused to attend, the master could enrol indentures on his own: Greene, *Privileges*, 305.

<sup>56</sup> On the development of apprenticeship customs: Hovland, "Apprenticeship", 151-183.

<sup>57</sup> *Some Rules for the Conduct of Life* (London, nd), 22-23.

<sup>58</sup> Fee level for 1680 recorded in *Lex Londinensis*, 42. This remained the same in the 1830s: *Second Report of the Commissioners Appointed to Enquire into the Municipal Corporations in England and Wales: London and Southwark: London Companies*, House of Commons, Parliamentary Papers, c.239, vol. 25 (1837), 59.

<sup>59</sup> Enrolment rates derived from freedom fines reflect practices around 10 years earlier. Percentage enrolled: 1550s, 76% (196 of 257); 1660s, 56% (123 of 215); 1681, 64% (196 of 307); 1699, 60% (56 of 93); 1711, 63% (147 of 234). Sources: 1550s, Charles Welch, *Register of Freemen of the City of London in the Reigns of Henry VIII and Edward VI*, Middlesex Archaeological Society (London, 1908), 2-40; 1660s, LMA, COL/CHD/FR/01/003, 245-280; 1680-1700, LMA, COL/CHD/FR/02/04-05 (Dec 1681-Jan 1682), COL/CHD/FR/02/141 (May 1699), COL/CHD/FR/02/279-281 (March-May 1711).

slightly higher numbers than freemen were freed.<sup>60</sup> As around half of apprentices would become freemen, this also suggests that only around half of apprentices were enrolled.

This breach of city regulations was repeatedly condemned by city officials.<sup>61</sup> The capacity non-enrolment gave an apprentice to escape their contract was cited as a major problem, leading to:

‘the Ruin of Hundreds of them; for being sensible that it is entirely in their Power to leave their Service whenever they please, they too often presume upon it to behave in an unbecoming Manner to their Masters, to neglect their Business, and to take ... bad Courses.’<sup>62</sup> This prospect of misbehaviour should, one imagines, have encouraged masters to enrol apprentices. Yet officials attributed masters’ inaction to a mistaken belief that, by not enrolling apprentices, ‘they have it in their Power to part with them if they should prove disorderly.’<sup>63</sup> Certainly, there is every sign of complicity. Non-enrolment had one key consequence: facilitating discharge. The obvious beneficiary was the apprentice, who initiated any suit and was freed by the judgement. Perhaps unsurprisingly, several masters asserted that it was the apprentice who had been ‘unwilling to be inrolled.’<sup>64</sup> But apprentices only obtained this contractual break-point through their master’s inaction, and the frequency of non-enrolment suggests many were willing facilitators.

Why would masters agree not to enrol an apprentice? Apprentices’ families may have bargained for non-enrolment before binding if they considered premature departure likely and wished to avoid any difficulties. Non-enrolment may thus parallel with the practice in the King’s Bench of borrowers confessing judgements in advance so that lenders could ‘take uncontested legal action in case of default.’<sup>65</sup> There is some evidence for this. The odds of discharge seemingly increased among apprentices who were not enrolled: four-fifths of actions alleged non-enrolment, yet around half or more of apprentices were enrolled.<sup>66</sup> Non-enrolment would be more useful where a premium was at stake, as it strengthened the apprentice’s hand in negotiating a transfer and quickened access to the equity side where they could recover some

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<sup>60</sup> In 1729-30, the city registered an average of 1304 freemen and 1330 apprentices, in 1759-60, the numbers were 878 freemen and 1059 apprentices: LMA, COL/CHD/FR/10/1/6, COL/CHD/FR/10/1/9.

<sup>61</sup> See for example: *Lex Londinensis*, 43-44; *Some Rules for the Conduct of Life*; Greene, *Priviledges*, 28-30; *The Freemen of London's Necessary and Useful Companion* (London, n.d.), 50-52.

<sup>62</sup> *Some Rules for the Conduct of Life*, 23.

<sup>63</sup> *Some Rules for the Conduct of Life*, 23. See also: *The Pocket Remembrancer; or a Concise History of the City of London* (London, 1750), 152.

<sup>64</sup> LMA, CLA/024/07/62 (Sutton v Woodrow). See also: LMA CLA/024/08/84 (26 Mar 1687), MC6/518.

<sup>65</sup> Brooks, “Interpersonal conflict”, 359, n. 9

<sup>66</sup> Conversely, easier exit may also have encouraged departure, as the City warned.

of their money. Non-enrolment increased over time, as did the use of premiums (although the weakening economic influence of the City may have also lessened masters' concern in the same period). And there is evidence that non-enrolment was associated with larger premiums, implying that apprentices' families sought to protect larger investments.<sup>67</sup>

Masters may have also valued non-enrolment for their own reasons. This might seem perverse, given that it weakened their position. However, where masters worried that an apprentice might be unsatisfactory, by avoiding enrolment they provided the apprentice with a means for discharge if they ejected them. This may seem over-complicated. But in later cases, apprentices repeatedly mention friends advising them to cite non-enrolment, even when they claimed the master had turned them out.<sup>68</sup> Non-enrolment brooked no opposition for the apprentice, and, for the master, it also preserved their reputation from public accusations of fault.

Apprentices regularly offered a darker version of this analysis: masters avoided enrolment to encourage apprentices to quit in order to obtain their premium. Richard Nest, for example, said his master neglected enrolment 'on purpose to give your orator ... occasion to sue forth his indentures thereby intending to keepe himself ye sd fifty pounds.'<sup>69</sup> Worse, apprentices such as Joel Burford described his master beating him 'to force [him]... to quit his service but also to keep to his own use the said Thirty pounds.'<sup>70</sup> William Browne claimed his master had 'purposefully and wifully ommitted and neglected to inroll' him. Having falsely accused him of embezzlement, Browne's master extorted a bond from his guardian, threatening to turn him out 'saying that your orator was not enrolled.'<sup>71</sup> Masters themselves explained non-enrolment by ignorance, 'mere forgetfulness', or the press of business, just as some apprentices, perhaps

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<sup>67</sup> Premiums are only available for Equity cases (see below): this omits apprentices without premiums and biases the sample to apprentices with large premiums. The mean premium in Equity cases citing non-enrolment was £83 against £69 for other causes (n = 243). However, the difference is not statistically significant at the 10% level (t = 1.25).

<sup>68</sup> See, eg: LMA, CLA/024/07/88 (Chamberlain v Jennings), no instruction; CLA/024/07/88 (Prouting v Lawford) turned out; CLA/024/07/88 (Steventon v Houlditch) subsistence.

<sup>69</sup> LMA, CLA/024/07/62 (nest). See also CLA/024/07/62 (Tayler v Spicer), CLA/024/07/63 (Anderton v Fountain), CLA/024/07/63 (Audley v Greene), CLA/024/07/63 (Hatt v Botley), CLA/024/07/63 (Thornecomb v Taylor); CLA/024/07/88 (Prouting v Lawford), CLA/024/07/89 (Abbingdon v Peacocke); CLA/024/07/01 (Richards v Blanchard), CLA/024/07/02 (Smart v Woodstock). See also: Griffiths, *Youth*, 317

<sup>70</sup> LMA, CLA/024/07/88 (Burford v Apleford). Similar charges are common, eg: CLA/024/07/02 (Chapman v Roberts). CLA/024/07/02 (Power v Foster), MC6/502, MC6/504B.

<sup>71</sup> LMA, CLA/024/07/62 (Browne v Brerewood). Similar charges in CLA/024/07/62 (Palmer v Brett), CLA/024/07/63 (Giles v Rogers).



occasionally with good reason, claimed they had not known about enrolment's importance.<sup>72</sup> However, widespread ignorance is scarcely credible given the scale of the Court's business.

Even if masters saw some advantages in non-enrolment, the apparent autonomy over exit this gave to apprentices is hard to reconcile with standard accounts of apprenticeship. Indeed, the ease of discharge in the Court seems to leave masters with remarkably little control. However, the apprentices' role in Court process did not mean masters' had no agency. Masters could themselves terminate contracts unilaterally by physically turning their apprentice away and refusing to receive them again. As Robert Fary reportedly told one apprentice's father, he would not keep his son any longer and 'if he did not take care of him... he would immediately turne him out of doors.'<sup>73</sup> Masters' theoretical obligation to provide for apprentices appears to have carried little weight. Informal arbitration could not force masters to take back an apprentice against their will. As later Equity cases indicated, turned out apprentices had little option but to sue for discharge in the Court to prevent their 'further ruin': that pleas were always entered by apprentices did not mean that dissolution was always their decision. Masters therefore even avoided the legal costs of terminating apprenticeships.

Masters also had greater disciplinary powers over apprentices while they remained in their service. As well as being able to punish apprentices themselves, they were supported by other institutions. As Hay noted, the Chamberlain's Court, which provided a venue for apprentices and masters to complain about misbehaviour, was substantially biased in process and practice, as were provincial Justices of the Peace.<sup>74</sup> Masters appealed to the Chamberlain more often than apprentices. Where the Chamberlain might admonish an unsatisfactory master, a recalcitrant apprentice risked committal to Bridewell. By the 1830s, there had 'been no committal of a master for a century and a half.'<sup>75</sup> The Chamberlain's records before the late eighteenth century are lost, but as table 4 shows, in the 1780s and 1830s, the Court was primarily a resource for masters, and regularly imprisoned apprentices.

By contrast, apprentices lacked an equivalent mechanism for secure informal exits and had a weaker position within negotiations. If they departed without permission they were in theory vulnerable to pursuit and punishment. Their indentures put them at risk of being pursued at law if they entered another contract, whether of apprenticeship or service. Moreover, any bond given for their honesty might be actioned by their master, and any

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<sup>72</sup> Forgetfulness: LMA, CLA/024/07/62 (Phelps).

<sup>73</sup> LMA, MC6/499A (deposition for the master).

<sup>74</sup> Hay, "England", 82, 94.

<sup>75</sup> *Second Report of the Commissioners*, 101.

premium forfeit. However, once discharged, they were free to find a new master or leave the city.<sup>76</sup> The liberties the Mayor's Court gave apprentices were thus at best a rebalancing of a basic inequity in apprenticeship contracts.

### III

Relatively easy dissolution raises its own problems for apprenticeship. Apprentices and masters both invested in training. Apprentices' families, in particular, often gave large sums to masters to obtain positions, as well as supplying valuable sets of clothing. Premiums have sometimes been interpreted as contract enforcement mechanisms.<sup>77</sup> If they were lost when apprentices defaulted, they might operate as such: without money, apprentices struggled to fund a premium for a replacement master. However, the abundance of discharges, and other evidence of apprentices departing early, suggests that this constraint was generally overcome. In practice, instead of being forfeit, premiums were, in part, repaid to apprentices who left early.

In consensual departures, informal negotiation could cover premiums. Charles Bathurst's father even included this in the negotiation over binding his son: if his son left, two pre-selected referees were to redistribute his £200 premium.<sup>78</sup> Where negotiation failed, the solution lay in the Equity side of the Lord Mayor's Court. Obtaining a discharge judgement allowed apprentices to petition for repayment of their premium and other expenses. The Court had exclusive jurisdiction in such cases.

The archives of the Equity side of the Court have attracted historians' attention because of the detailed narratives about apprenticeship recorded in its 'interrogatories', its sets of witness depositions. However, to appreciate the function of these suits we need to turn to a

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<sup>76</sup> Apprentices entering discharge bills could later become freemen. Searching the freedom records for four companies suggests discharged apprentices became freemen in comparable numbers to all apprentices: Apothecaries, 35% (n=17) discharged apprentices vs 38% of all apprentices; Clothworkers, 24-31% (n=66) vs 34%; Stationers, 37% (n=27) vs 41%; Merchant Taylors, 13-35% (n=132) vs 23%. Ranges for Clothworkers and Stationers are good matches (by both apprentice and master name) and possible matches (just apprentice name). Sources: Apothecaries, Guildhall Library, MS8200/1-4; Clothworkers, Institute of Historical Research, 'Clothworkers' Membership Database'; Stationers, Michael Turner, *London Book Trades Database* (2006), <http://sas-space.sas.ac.uk/290/> (accessed 30 August 2011); Merchant Taylors, *Merchant Taylors Membership Index, 1530-1928*, Docklands Ancestors (London, 2009).

<sup>77</sup> Epstein, "Guilds", 691.

<sup>78</sup> LMA, CLA/024/08/72 (7 Apr 1668). See also: MC6/503B (redistribution on apprentice's death)

different set of the Court's records: the 'decrees' which record its judgements.<sup>79</sup> Decrees summarise Court business, and are noted on single sheets each covering a day. For apprenticeship suits, they name the plaintiff and defendant and summarise the case, noting the contract terms and why the apprenticeship failed. They then give the court's judgement, indicating what share of the premium should be restored, and any allowances for costs or other issues, such as embezzlements.

These records are not complete: the surviving decrees contain 245 apprenticeship cases from 1668 to 1707, with eight per year on average. The most from a single year is eighteen. Unfortunately, none of the Equity records are coherent series that provide a measure of activity in the Court. Between six and eleven 'Questions' (Bills initiating suits) survive from each year. Around half can be linked to decrees, suggesting around 16 cases a year. Linking decrees and interrogatories indicates that around 12 to 14 actions each year obtained interrogatories in the 1670s and 1680s. With no way to estimate how often both Bill and decree have been lost, these are no more than rough minima. But with 200 or more discharge Bills in the Court each year, surely only a minority resulted in an Equity case. As the credible threat of an Equity case might allow private negotiation to succeed, it is nonetheless possible that many discharge Bills were entered with some anticipation of an Equity Case. Certainly Equity cases occasionally mention previous deals. Nicholas Hanbury, for example, had already returned £17 of the £80 he had received with his apprentice Humphrey Babington.<sup>80</sup> While James Netherwood's mother protested that if his former master had ever 'offered any reasonable satisfaccion or proposalls' about the premium, she 'would have been very ready to have accepted of the same.'<sup>81</sup>

Not all discharges would have led to an Equity case though. Equity cases were relatively expensive: costs were often awarded, but not always, and at around six pounds were substantial.<sup>82</sup> Thus, Equity cases were brought by apprentices with large premiums: 53 percent paid £50 or more, compared to 13 percent of London apprentices in 1711-21 (figure 2). Apprentices who paid large premiums were a distinctive group. If we compare the social characteristics of plaintiffs in Equity cases to those seeking discharges, apprentices bringing

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<sup>79</sup> LMA, CLA/024/08/072-100.

<sup>80</sup> LMA, CLA/024/07/89 (Babington v Hanbury). See also CLA/024/07/01 (Okeover v Withers), CLA/024/07/02 (Smart v Woodcock), MC6/525B, CLA/024/05/016 (Edmonds v Braylsford), MC6/494, MC6/478A.

<sup>81</sup> LMA, MC6/518.

<sup>82</sup> George Kearsley, *Kearsley's Table of Trades* (London, 1786), 75. Higher costs were noted occasionally: £9 14s 8d in 1684 LMA, CLA/024/08/82 (Gerey v Sykes).

equity cases were more often citizens' sons or locals.<sup>83</sup> They were from higher status backgrounds: around 30 percent were the sons of gentlemen and esquires.<sup>84</sup> And they were entering more prosperous trades: the largest occupational group were merchants' apprentices, who brought 13 percent of Equity cases against just 3 percent of discharge Bills.<sup>85</sup>

In several respects, however, the Equity side of the Court mirrored the Common Law side. Again, all cases were brought by apprentices and their families or guardians.<sup>86</sup> And apprentices did generally recover some of their premium: only 26 of 244 plaintiffs received nothing back, and just 6 cases were dismissed.<sup>87</sup> The Court's judgements shared some of the mechanical regularity of Discharge suits. Even the proportion of the premium returned was quite predictable. As figure 3 shows, it declined steadily as the time served increased, suggesting a clear rule of thumb.<sup>88</sup> Interestingly, the court apparently understood premiums not as compensation for the initial costs to masters from training new apprentices, but as fees for access and living costs: no year was worth much more or less than another, despite the increasing value of apprentices' labour over time.

Where the two sides of the Court diverge, however, is in the nature of the process. The rapid and homogenous resolution of Discharge Bills possesses a sterile inevitability. However, Equity cases produced heated and contradictory accounts of exploitation and contractual failure. While most Equity cases derived from discharges citing non-enrolment, they now reported a litany of abuses underlying the separation.<sup>89</sup> In 61 percent of decrees either apprentice or master or both were found wanting. The Court identified a range of failings from general misbehaviour (drunkenness, surliness) to embezzlement or excessive correction. No single fault predominates, although embezzlement is mentioned in 17 percent of decrees.

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<sup>83</sup> Citizens' sons: 23% of Equity cases (n=55) and 11% of Discharges. London & Middlesex origins: 47% of Equity cases (n=51) and 38% of Discharges. Discharges from 1690-1720 used as the comparator to match period of Equity records.

<sup>84</sup> (n=51), against 14% of 1690-1720 Discharges (n=122).

<sup>85</sup> (n=222).

<sup>86</sup> In a sample of 40 Equity Bills, 17 were initiated by apprentices' fathers, 9 by their guardian, 6 by their mothers, and only 8 by apprentices independently: LMA, CLA/024/07/01-02, 63, 88-89

<sup>87</sup> One case where master undertakes to find apprentice a new position: LMA, CLA/024/08/84 (6 Mar 1687)

<sup>88</sup> Note that figure 2 and subsequent statistics excludes any clothing given with apprentices, as this is valued in only 39 decrees.

<sup>89</sup> The proportion of Equity cases mentioning non-enrolment (68%) is almost identical to the proportion of Discharge Bills for non-enrolment in 1690-1720 (66%).

For Equity cases, fault mattered. Indeed, in one case lack of fault meant that 'The court forbearth to decree the cause for that noe just cause appeareth agt the deft except want of inrollment.'<sup>90</sup> The decrees reference only a fraction of the accusations that apprentices and masters made, which are apparent in their Questions, Answers and Interrogatories. As Pelling noted, these stories are often impossible to reconcile.<sup>91</sup> To give one example from April 1691, Caleb Trenchfield's deponents told how, when he met his apprentice James Ellis for arbitration, Ellis asserted:

'now he had sued out his Indentures by which he was cleared from him the defendant ... he would now make the best of his time to his owne advantage urging it with a great deal of vehemency that he would not returne againe to the deft.'

Yet Ellis's own deponents said that it was Trenchfield who had protested that 'he would not take [Ellis] againe for an hundred pounds.'<sup>92</sup> Similarly extreme contrasts are apparent between the apprentice Prouting's statement that he had been a day or two absent 'upon some urgent occasion', and his master's assertion that Prouting had admitted that:

'he had been in St Giles during the said Time and that he had layen with Six whores, and that he lay with one of them three times in one night, and that he had been in company with Pickpocketts, and that he had received money of them as his share for handkerchifts which they had stolen.'<sup>93</sup>

In these litanies of faults, Equity cases map the norms of apprenticeship in London. However, their accounting is ultimately financial. The bottom line was the apprentices' premium. Masters sought to retain as much money as possible; apprentices' to recover what they could. Apprentices' broken heads, bad diet and paltry instruction were thus weighed against the unexplained absences and saucy words, thefts and threats which they dealt to their masters. Worn-out clothes, absences, stolen shop goods and medical treatment were all carefully quantified and if possible priced: complaints list the wages of journeymen employed in apprentices' absence, apothecaries' bills and garment prices. Apprentices protest that no new master could be obtained without a premium, and that their masters had faced no great expense in keeping them – the cost of their subsistence after departure was rarely mentioned.

Fault was both moral and financial, however. Costs could only be measured as deviations from an ideal of apprenticeship in which each party fulfilled their oath to serve or instruct. The

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<sup>90</sup> LMA, CLA/024/08/074 (24 Oct 1671).

<sup>91</sup> Pelling, "Child Health".

<sup>92</sup> LMA, MC6/521A.

<sup>93</sup> LMA, CLA/024/07/88 (Prouting v Lawford).

court adjusted liability according to culpability. The final settlement reflected the behaviour and intent of each side.

This post hoc balance-sheet explained the intense conflict over *why* an apprentice left: if a voluntary departure, it weakened their case; if driven off, it weakened their master. Although, masters could simply turn apprentices away, they preferred them to run. As a result, any absence could be seized upon. In one case, an apprentice returned from the Lord Mayor's Show to find he was locked out.<sup>94</sup> Any evidence that the other side favoured dissolution was important. Hence, John Walmesley's suit was undermined when one of his master's servants, Martha Bragg, recalled that:

'she hath heard the Complainant severall times say that he would not stay with the Defendant for that he had no mind to a handicraft trade and particularly the night before he went away [he] told this dept that he would and could goe from the Deft for that he was not enrolled & stayed out that night till past twelve of the clock on purpose (as this Deponent believeth) to give occasion for the Defendant to quarrel with him' <sup>95</sup>

More pungently, another apprentices' master's mother, reported the apprentice saying he 'did not care a fart for living with his Master... & did not care a turd for the £25 his master had with him.'<sup>96</sup> In a similar vein, apprentices claimed they had been forced out 'by vyolence', as Weaver put it.<sup>97</sup> Browne, for example, claimed his master had 'called for his pareing shovell and threatened to beate your orator down therewith and to charge your orator with a constable unless your orator would goe out of his doores.'<sup>98</sup> For the same reason, the efforts each made to resolve their differences was emphasised: apprentices consistently describe repeatedly submitting themselves to their master, and masters to having 'offered to reffer the said matter to any Indifferent persons', as Lovelace Apleford put it.<sup>99</sup>

If we take the faults mentioned in Equity decrees as those the Court believed proven, we can see how the algebra of dissolution worked. Table 5 reports the results of a regression in which the dependent variable is the share of premium returned to the apprentice by the Court. A series of dummy variables summarise the circumstances described in the decree. The coefficients can be interpreted as the shift in the proportion of premium the court returned

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<sup>94</sup> LMA, MC6/433A-B.

<sup>95</sup> LMA, MC6/526A. See also: MC6/527A.

<sup>96</sup> LMA, MC6/552A.

<sup>97</sup> LMA, CLA/024/07/62 (Weaver v Feathers)

<sup>98</sup> LMA, CLA/024/07/62 (Browne v [ ]).

<sup>99</sup> LMA, CLA/024/07/88 (Burford v Apleford). For apprentice submissions: LMA, CLA/024/07/88 (Anderton v Hancock), CLA/024/07/88 (Whitchurch v Sambrooke).

where they occurred all else being equal (if multiplied by 100 they give percentage changes). For every year served, apprentices received around 12 percent less back. Where apprentices had misbehaved the amount they received fell by 6 percent.<sup>100</sup> Similarly, when masters were at fault, they returned about 5 percent more.<sup>101</sup> If apprentices had been sick, they received much less, having cost their masters money and earned little. Those bound under age also had less returned. Apprentices who paid a higher premium received slightly more back, suggesting a bias in favour of wealthy apprentices' and – probably more importantly – their parents. In short, when apprentices or masters convinced the Court that the other was at fault, they profited.

The Equity side of the Court provided a necessary means to resolve the financial consequences of the discharges in by its Common Law side. It was not as cheap or simple. But the integration of both sides of the system is clear. Where Discharge Bills allowed apprentices settle the contractual uncertainties left by a failed apprenticeship, the Equity side helped rebalance the advantage that possession gave to masters in negotiating over the premium.

#### IV

The surviving records of the Lord Mayor's Court are largely from the seventeenth and early eighteenth centuries. However, the Court appears to have been actively involved in apprenticeship for far longer. Hovland concludes that even in the fourteenth century many apprentices 'appeared only in order to be formally released from their apprenticeships', and in a quarter of cases they had not been enrolled.<sup>102</sup> The Court's role seems to emerge soon after apprenticeship customs were regularised in the later 14<sup>th</sup> century.<sup>103</sup> It persisted into the nineteenth century. Suing out indentures for non-enrolment was mentioned in eighteenth-century publications.<sup>104</sup> In the 1830s, Parliamentary Commissioners noted discharges for non-enrolment allowing apprentices to quit, and commented that the Equity side remained 'almost entirely confined to bills of discovery and suits for compelling restitution of premiums to apprentices.'<sup>105</sup>

<sup>100</sup> 'Apprentice faults' include embezzlement (41), running away (24) and general misbehaviour (16).

<sup>101</sup> 'Master faults' include turning away apprentices (25), leaving off their trade for various reasons (22), failure to train (12), failure to provide necessities (10), excessive correction (12) and other ill usages (5).

<sup>102</sup> Hovland, "Apprenticeship", 130. Another third had masters who had left trading or the city; a third cited instruction; about 5% cited excess correction.

<sup>103</sup> Hovland, "Apprenticeship", 129-32, 158-159.

<sup>104</sup> Michael Dalton, *The Country Justice* (London, 1742), 142-3; James Bird, *The Laws Respecting Masters and Servants* (London, 1795), 29-30; Kearsley, *Kearsley's Table*, 75.

<sup>105</sup> *Second report*, 60, 127

This was a metropolitan system, developed in a city that dominated the nation's apprenticeship training just as it dominated its economy. Outside London, there is no evidence that an parallel processes for discharge was in operation in borough courts. Enrolment was only required in some boroughs, and even then it was often patchy.<sup>106</sup> Researchers on borough courts have not noticed similar bodies of plaints.<sup>107</sup> Dissolutions and restitutions for contractual breaches did occur, however. The Statute of Artificers empowered Justices of the Peace to discharge apprentices on the complaint of either party and to punish recalcitrant apprentices. The system evolved to reflect social differences between apprentices: later statutes strengthening Justices' powers to force apprentices to fulfil contracts applied only to apprentices with low premiums.<sup>108</sup> Justices made regular use of their powers, and provincial apprentices did often win discharges, although Quarter Sessions records suggest that the process was more contestable than in London.<sup>109</sup>

Restitution of premiums is less visible beyond London. The central Equity courts of Chancery, Exchequer and Requests were sometimes employed by provincial apprentices and masters.<sup>110</sup> By the eighteenth century, Justice's guides generally suggested that they could order money to be restored 'for this, by an equitable Construction of the Statute, is a Power consequential upon their Jurisdiction to discharge.'<sup>111</sup> Certainly, cases at Quarter Sessions show Justices restoring premiums, but we lack a survey of this practice.<sup>112</sup> While the tone of

<sup>106</sup> Peter Clark, "Migration in England During the Late Seventeenth and Early Eighteenth Centuries," *Past & Present*, no. 83 (1979): 61-2; Margaret Pelling, *The Common Lot: Sickness, Medical Occupations and the Urban Poor in Early Modern England* (London, 1998), 216-17.

<sup>107</sup> Personal communications from C. W. Brooks and Craig Muldrew.

<sup>108</sup> 20 Geo II, c. 19, Para 4 (up to £5 premium); 6 Geo III, c. 25, s. 1-2 (up to £10 premium)

<sup>109</sup> 5 Eliz I, c.4, Para 35. Rushton, "Variance", 96-98 especially; Ben-Amos, "Service", 55; Lane, *Apprenticeship*, 214-27; King, "Summary".

<sup>110</sup> Paul Seaver, "A Social Contract? Master against Servant in the Court of Requests," *History Today* 39, no. 9 (1989): 50-56; Ilana Krausman Ben-Amos, *Adolescence and Youth in Early Modern England* (New Haven, 1994), 210-12; Henry Horwitz and Charles Moreton ed., *Samples of Chancery Pleadings and Suits, 1627, 1685, 1735 and 1785*, List and Index Society, Vol. 257 (London, 1995), 135, 276. No London Exchequer cases in published samples focus on premiums: Henry Horwitz and Jessica Cooke ed. *London and Middlesex Exchequer Equity Pleadings, 1685-6 and 1784-5: A Calendar*, London Record Society Vol. 35 (London, 2000), 7

<sup>111</sup> Theodore Barlow, *The Justice of Peace: A Treatise Containing the Power and Duty of That Magistrate* (London, 1745), 34. This power was tested and settled gradually: Kearsley, *Kearsley's Table*, 81-3; John Comyns, *A Digest of the Laws of England*, 4th edn. (London, 1800), 552; William Salkeld, *Reports of Cases Adjudged in the Court of King's Bench*, new edn. (London, 1773), 67-68.

<sup>112</sup> Cases in which a share of premiums is returned from three counties: W. Le Hardy ed., *Middlesex County Records. Calendar of the Sessions Books 1689-1709* (London, 1905), 2, 19, 20, 25; W. Le Hardy ed., *Hertfordshire County Records. Calendar to the Sessions Books. Volume VII. 1700-1752* (Hertford, 1931), 92, 115, 133; W. Le Hardy and G. Reckitt ed., *County of Buckingham Calendar to the Sessions Records. Volume II: 1694-1705* (Aylesbury, 1939), 7, 18-19, W. Le Hardy and G. Reckitt ed.,



metropolitan and provincial apprenticeship overlapped, at first blush it appears that provincial apprentices lacked an exit procedure that was as cheap, quick and effective as that in London.

London attracted a wide swathe of the children of England's middling sort and elite into apprenticeship. From a distance, early modern apprentices can appear tied by oath, law and custom into an uneasy subordination. For early historians of apprenticeship reacting against sweated child labour, this feature – the tying down of youths into their master's households – was one advantage of the institution.<sup>113</sup> Law and custom, however, had a double nature in the city. As Brooks has suggested, thinking of household relationships in terms of contract undermined patriarchal ideals.<sup>114</sup> While the Chamberlain and guilds aimed at reconciliation, whether through arbitration or punishment, the Lord Mayor's Court cleared up the contractual and financial mess left when relationships ended. Acting on contractual breaches, often technical in nature, the Court put apprentices and masters asunder almost on demand. It restored premiums and costs according to an equitable construction that balanced faults and time served. In doing so, the City itself inverted household hierarchies, rebalanced asymmetries within apprenticeship, and substantially moderating the risks involved in entering expensive, long-lasting training contracts.

That a corporate body populated by citizens whose cherished privileges included the taking of apprentices should act to undermine the employer, not the employee, could seem aberrant when set against in the general tendency of contemporary labour law to favour masters over servants, the practice and discourses of hierarchy and order, and the authorities' anxiety to settle disputes in other contexts.<sup>115</sup> Nonetheless, several countervailing pressures affected the city's institutional pathway. Collectively, the city depended on the migration of apprentices to survive and expand. The city's citizens were parents, relations and guardians as often – perhaps more often – as they were employers. Even masters may have accepted the provision of escape clauses and guarantees to apprentices if they increased families' willingness to fund training. The flood of apprentices choosing to train in London suggests the combination of arbitration and dissolution provided by the city's institutions gave an additional advantage to the capital.

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*County of Buckingham Calendar to the Sessions Records. Volume III: 1705-1712* (Aylesbury, 1939), 10, 18.

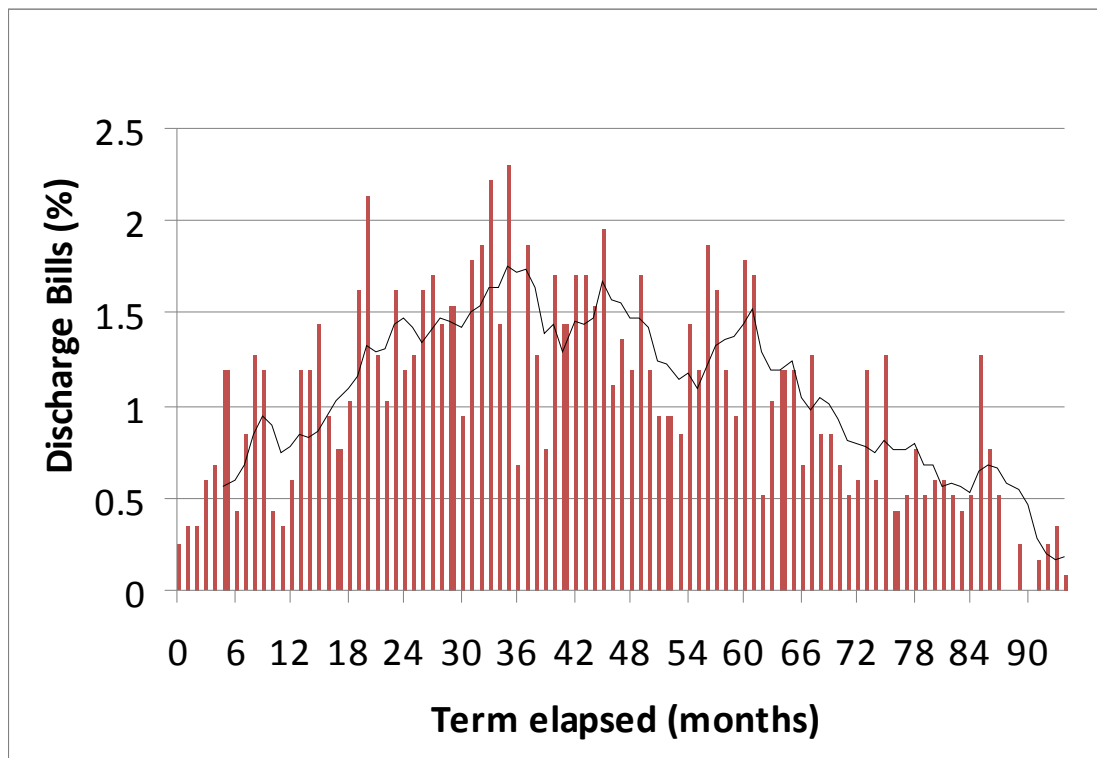
<sup>113</sup> Dunlop and Denman, *Apprenticeship*, 187-88.

<sup>114</sup> C. W. Brooks, *Law, Politics and Society in Early Modern England* (Cambridge, 2008), 383-4.

<sup>115</sup> Deakin, "Contract"; Andy Wood, "Subordination, Solidarity and the Limits of Popular Agency in a Yorkshire Valley c.1596-1615," *Past & Present* 193 (2006): 41; Griffiths, *Youth*, 299-350; Keith Wrightson, "The Politics of the Parish in Early Modern England," in *The Experience of Authority in Early Modern England*, ed. Paul Griffiths, Adam Fox and Steve Hindle, 10-46 (Basingstoke, 1996).

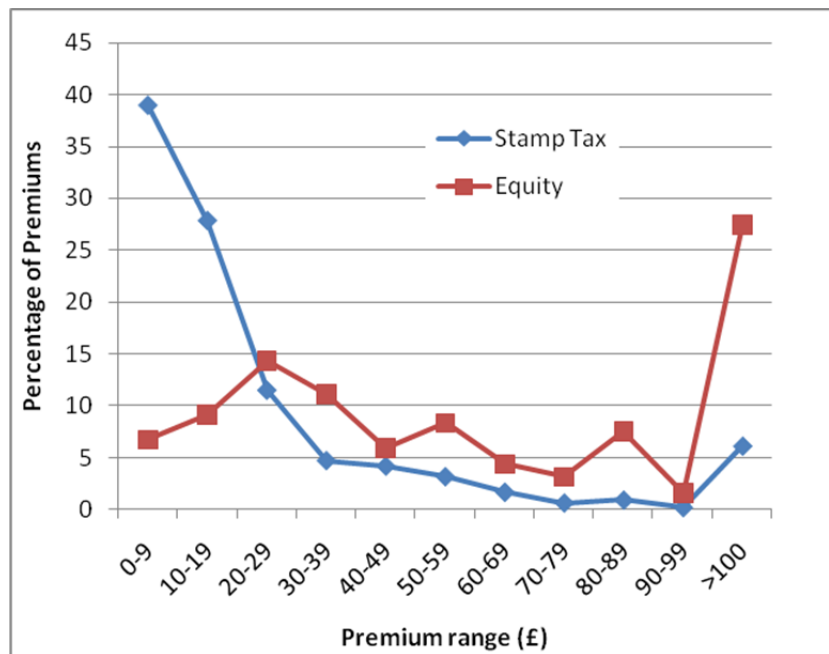
In the Lord Mayor's Court, the city undermined the force of contracts, weakening property rights in labour. As a strategy, it runs opposite to standard assumptions about effective economic institutions and long-term training systems more generally. Its success was a consequence of the basic instabilities of early modern apprenticeship, and the private and social costs involved in reducing contractual failure through stronger enforcement. Of course, no direct measure exists for the effect of this system, and economic factors were the strongest force explaining the appeal of metropolitan apprenticeship. Nevertheless, we might reasonably conclude that apprenticeship in London thrived in part because of its institutions for contract dissolution.

**Figure 1: Entry of Discharge Bills over Apprentices' Term of Service**



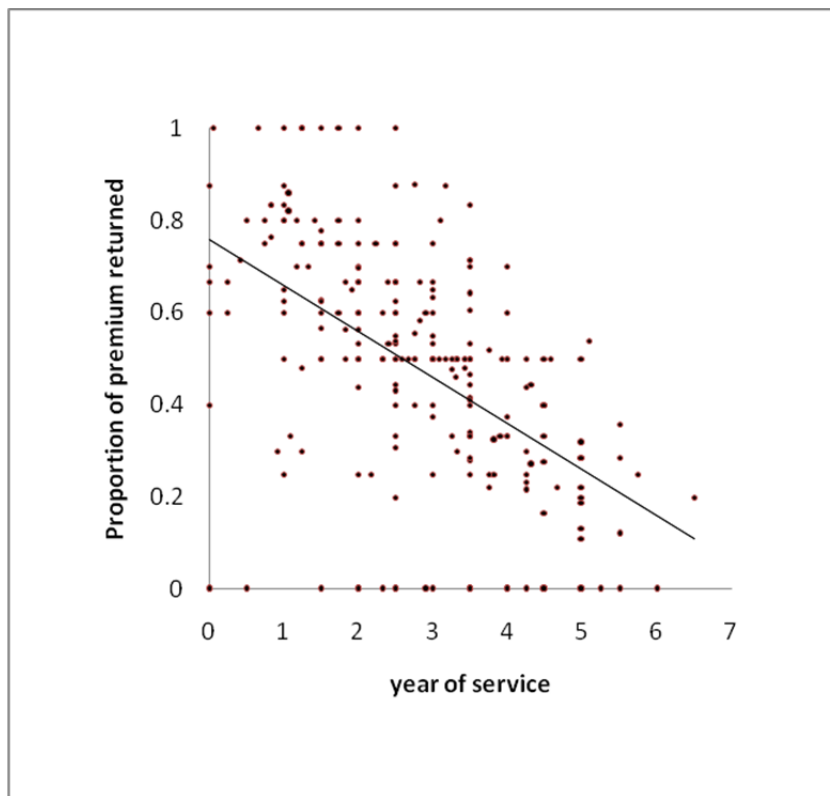
Source: see text. 6 month rolling average shown.

**Figure 2: Premiums mentioned in Equity cases and London apprenticeships, 1711-20.**



Source: London apprenticeships, 1711-20: all indentures to citizens registered for Stamp Duty (n = 13,709): TNA, IND1.

**Figure 3: Share of Premium Returned in Equity Cases**



*Source:* See text

**TABLE 1: Volume of Discharge Bills in the Lord Mayor's Court**

<b>Sample</b>	<b>Years Sampled</b>	<b>Discharge Bills per year  Mean (min-max)</b>	<b>Apprentices indentured per year</b>	<b>Share of indentures dissolved (%)</b>
1610	1610-11, 1618	55 (39-71)	2,120	2.6-3.3
1650	1651-3	96 (92-101)	2,760	3.5-3.7
1690	1690-3	184 (153-252)	3,596	5.1-7.0
1720	1718-20	146 (114-181)	2,338	6.3-7.7

*Note:* Column 3: counts of Bills were taken from boxes of files chronologically spanning the sample years. Column 4: estimates of apprentices per year for 1610 and 1650 are extrapolated from Webb's apprenticeship dataset; the 1690 estimate is a linear interpolation between the 1650 estimate and the 1699 total in the City orphan tax records; the 1720 figure is a linear interpolation of the 1699 and 1730 totals in City orphan tax records. See: Minns & Wallis, 'Decline.' Column 5: the range given in share of indentures dissolved is from mean to max bills per year; the minima presented in column 2 are likely to be undercounts due to sampling.

*Sources:* Bills: LMA, CLA/024/02/44/13, 15-17, 19-20, 23, 26, 28-41, 43-46, 59-61, 64, 100-101, 113-114, 116-120, 123, 125-129, 145-6, 148, 261-2, 264-272, 313-320.

**TABLE 2: The social background of Bill presenters compared to the population of apprentices**

<b>1610-50</b>	<b>All</b>	<b>Discharged</b>	<b>All</b>	<b>Discharged</b>
	<b>%</b>	<b>%</b>	<b>N</b>	<b>N</b>
gentleman	11%	13%	2,622	44
husbandman	14%	9%	1,446	30
yeoman	20%	21%	2,803	70
N			40,737	330

<b>1690-1720</b>	<b>All</b>	<b>Discharged</b>	<b>All</b>	<b>Discharged</b>
	<b>%</b>	<b>%</b>	<b>N</b>	<b>N</b>
gentleman	9%	14%	7,016	17
husbandman	5%	2%	7,097	2
yeoman	10%	7%	10,870	9
N			28,671	122

Note: Table compares a sub-sample of Discharge Bills limited to apprentices from Companies where full apprentice listings survive. See note XX.

**TABLE 3: The Outcome of Apprentices Petitions for Discharge by Cause**

Cause	Defended (%)			Outcome (%)				
	Yes	No	(N)	Discharge	Dismissed	Turnover	No Order	(N)
<b>Excess chastisement</b>	83	17	12	54	0	0	46	13
<b>Non-enrolment</b>	22	78	768	86	0	0	14	897
<b>Master left trade</b>	20	80	20	66	0	0	34	29
<b>Master quit franchise</b>	20	80	10	80	0	10	10	10
<b>Lack of subsistence</b>	35	65	26	71	0	0	29	28
<b>Lack of training</b>	47	53	59	74	2	0	24	58
<b>Apprentice turned out</b>	55	45	33	74	3	0	23	35
<b>Apprentice under age</b>	62	38	29	87	0	0	13	31
<b>Other</b>	0	100	3	100	0	0	0	3
<b>Total</b>	27	73	961	80	0	0	20	1,104

*Source:* Petitions with cause recorded. The samples for defended and outcome differ slightly due to differences in data recorded. Other includes master's widow marrying a non-freeman (2) and master not paying Stamp Tax (1)



**TABLE 4: Cases in the Chamberlain's Court**

<b>Plaintiff</b>	<b>1787</b>	<b>1789</b>	<b>1790</b>	<b>1831</b>	<b>1832</b>	<b>1833</b>
<b>Masters (n)</b>	183	153	147	124	89	75
<b>Apprentices (n)</b>	53	30	19	35	34	36
<b>TOTAL</b>	236	183	166	159	123	111
<b>Penalty</b>						
<b>Apprentices committed for up to 1 month (n)</b>	n/a	39	39	37	29	23
<b>Apprentices committed for 1 to 3 months (n)</b>	n/a	24	21	8	8	1
<b>Masters complaints leading to Committal (%)</b>	n/a	41	41	36	42	32

*Source:* 1787 data in Hay, 'England', p. 76; 1789-90 in: COL/CHD/AP/04/02/002, January 1789-Sept 1793; 1831-33 in Municipal Commission, pp. XX.

**Table 5: The Share of Premium Returned to Apprentice**

	<b>Coefficient (Standard Error)</b>	
<b>Constant</b>	0.71	(0.059)***
<b>Term served</b>	-0.12	(0.010)***
<b>Apprentice at fault</b>	-0.06	(0.032)*
<b>Master at fault</b>	0.05	(0.029)*
<b>Apprentice under age</b>	-0.35	(0.137)**
<b>Not enrolled</b>	0.03	(0.031)
<b>Master died</b>	0.03	(0.048)
<b>Apprentice sick</b>	-0.23	(0.087)**
<b>Premium (log)</b>	0.03	(0.014)*
<b>N</b>	226	
<b>R2</b>	0.42	

Notes: OLS Regression. Significance level indicated at 1% by \*\*\*, 5% by \*\*, 10% by \*.

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