Imperial Trade Ordinance [*Reichshandwerksordnung*] (August 16, 1731)

Abstract

This ordinance required journeymen to submit their birth certificates and *Lehrbriefe* (proof of having fulfilled their apprenticeships) to employers as evidence of good behavior. It attempted to enforce the Imperial *Policey-Ordnungen* (policy decrees) of 1548 and 1577 forbidding the exclusion of children born out of wedlock and children of practitioners of "dishonorable trades" from the artisan trades, though a partial exception was made for the offspring of animal skinners [*Schinder]*. It also forbade strikes, protest demonstrations, and uprisings, on pain of death, and abolished "blue Monday" (i.e., artisan laborers' illegal collective boycotting of work on Mondays). The ordinance also threatened insubordinate guilds with dissolution. It declared wages excessively high and instructed Imperial organs at the level of the Imperial Circles to issue new wage guidelines. But the multi-principality Imperial Circles wielded no means of enforcement, which left the challenge of disciplining the insubordination-prone artisanate to the various territorial states, which proceeded cautiously and pragmatically in dealing with the time-honored guilds.

Source

We Carl the Sixth, by the grace of God chosen Roman Emperor, semper Augustus, King in Germany

Let it be known that

I. In the Holy Roman Empire, craftsmen shall not have the power to hold meetings among themselves without the prior knowledge of their proper authorities, who are authorized to deputize someone in their name as they see fit, nor shall any rules, customs or traditions concerning the crafts be instituted in any place, unless they are authorized to do so either by the national or the respective local authority (just as every imperial state, regardless of time, place and circumstances, has the power to exercise all sovereign authority, and with regard to the same, the amendment and improvement of the guild letters in their territory is reserved throughout) after prior sufficient establishment and installation, confirmed and affirmed according to the present state of affairs, but all those which are issued by the craftsmen, and journeymen alone and without the permission, approval and confirmation of said authorities, or which may be established and introduced in the future, shall be null, void, invalid and ineffective, and if anywhere in the Holy Roman Empire, no matter where it may be, they would violate this with the introduction of idiosyncratic customs, and would not refrain from doing so upon punishment by the authorities, they shall, after due recognition by the authorities, due to these infringements and disobedience, not work in their trade but be held incompetent and unfit for the trade by any man, and if they abscond, they shall be prosecuted *ad valvas curiarum*, or have notices posted in other public places and be denounced, until they are punished by the authorities for their crime and mischief, and *publica auctoritate* are again admitted to their craft, the same punishment is also to be applied to those masters and journeymen, who wanted to keep such transgressors, after they had been informed of the official charges, as competent and capable of the craft, and allowed them to practice their craft.

II. So that in the future, in the case of such abuses detrimental to the crafts, the almost common and customary practice of denouncing journeymen, as well as their unreasonable leaving their masters and absconding may be completely abolished, and the root of all the misconduct among craftsmen removed; Thus, one by one, the penalties used against them [the journeymen] are completely forbidden and

abolished by this renewed and improved order, while the masters are given a reasonable and salutary obligation to the effect that for all craftsmen and guilds, whatever their names may be, every apprentice must deposit his birth certificate, or other valid document of his origin at the place where he enters the apprenticeship, in the master's document chest, and when he has completed his apprenticeship, to give the received letter of apprenticeship, also in the original, to the master's chest for safekeeping, until he settles at a certain place where wants to become a master craftsman, from where he must bring certified documentation of his intention bearing the seal of the local authorities and guild; meanwhile his guild must provide a certified copy for his advancement on his journeyman travels, when he decides to embark on the same and seek work elsewhere, but only one single copy, to avoid certain punishment (unless he sufficiently proves the true and blameless loss of the former, and therefore may duly request a new one) bearing the seal of the guild, and the master craftsman must sign his birth and apprenticeship certificate, or another valid document instead of the one mentioned above, against payment of approximately, and based on the individual matter, 30 to at most 45 kr writing fees, and then, without further payment, a printed certificate […] where the above-mentioned journeyman has been in service - an account of his conduct, with which the journeyman thus continues his travels and reports to the trade in the town where he is looking for work, and on whose presentation all masters who need journeymen owe it to him and are obliged to support him; If he is now promised work in the place where he has arrived, he must, as soon as he takes it up, deposit the copies of his birth certificate and apprenticeship certificate, or document, as well as the certificate of craftsmanship he has received, in the master craftsman's chest for safekeeping, and leave them there until he intends to move on from there again; If such a journeyman then intends to move on from the place where he was last employed, he should give his master at least eight days' notice of his intended departure (whereas, in the case of some professions, such as barbers and printers, a period of several, or even a quarter of a year or six months is customary), then to fulfil properly comply with all requests that the authorities or anyone else there may have of him; the masters are obliged to inform the authorities whether the dismissal is sought due to a crime committed but not yet known publicly, and if the master fails to do so he must be aware that he shall be punished accordingly, depending on the nature of the leniency used; in this case, however, the journeyman shall by no means be surrendered his certificate and attestation, but rather be ordered to remain on the spot until the matter has been settled. […]

III. When a journeyman tradesman practices his trade in a place in accordance with the

customary trade regulations, statutes and customs confirmed by the local

traditions, and especially with an honest master craftsman approved by the local authorities, such journeymen should be regarded as honest and capable in all other places, even if other customs and trade regulations exist there and even if fewer or more years of apprenticeship are required there, and without the slightest desire to punish them for it, etc. as has until now been boldly done, but in this case no distinction shall be made.

IV. Accordingly, as stated already in the *Policey-Ordnung* de Anno 1548. tit. 37. and 1577.

Tit. 38. concerning certain persons, that their children are not to be excluded from the different guilds, offices, and crafts. This shall remain in force, and the provisions contained therein shall in future be strictly observed throughout, and also applied to the children of menials at rural and town courts, as well as children of the keepers of courts, farms, lumber and field, grave diggers, night watchmen, bailiffs policing beggars, street sweepers, ditch diggers, shepherds and the like, in sum no profession or trade [must be excluded] but must be admitted to the trades, with the exception only of animal skinners up to the second generation, in so far as the former may have chosen another honest way of life, and had continued in it with their kinfolk for at least 30 years.

V. If it should happen that a master or journeyman is accused of having committed something dishonest

and detrimental to the craft, no master or journeyman shall undertake to verbally or in writing scold, insult, and revile, much less to denounce or banish either another master or journeyman or a master a journeyman and vice versa [. .], but they shall be entirely content with the rightful path and judicial assistance or insight, and thus report the matter to the authorities and patiently and calmly await their investigation, decision and ruling […].

If, however, according to previous experience, the journeymen, under some kind of pretext, were to be tempted to rebel, i.e., to band together and either remain in place, but do no more work until this or that alleged demand or complaint has been addressed, or even to abscond in troops, and other such rebellious mischief; such great offenders or miscreants shall not only be punished, as already mentioned above in § 2, with jail, prison, confinement in a fortress, or as prisoner on a galley, but shall also, according to the nature of the circumstances and the extent of their refractoriness and in consideration of the actual harm caused, be punished by having their life taken. And if a town, or even this or that provincial authority, is not able to overpower them alone, it shall know to call upon the neighboring authorities, as well as the district offices or district officers, for help in a timely manner: […] In no place in the realm, to which such wantonly rebelling or absconding craftsmen may take refuge, shall they be given any shelter, either in inns or otherwise, much less be allowed to stay, or be provided with food and drink, and the above penalties shall be imposed not only on the rebellious craftsmen themselves, but also on the helpers, as accomplices of the rebels. […]

IX. […] Moreover, it is the case that the journeymen generally skip work without authorization on Mondays and outside of the regular holidays; These and all other such unreasonable abuses and improprieties, whether named in this order or not, shall be abolished by their authorities, and the journeymen shall not be allowed to wear a rapier, which they are not entitled to, in the cities, on punishment of confiscation, as well as other severe punishment. […]. If a journeyman who has once learned his trade honestly, seeks his livelihood and advancement outside of it for a short or long time, and goes into service to this or that lordship, of high or low status, but later either wants to pursue his learned trade again as a journeyman, or wants to become a master, he shall, in the latter case if he learned his trade honestly, has completed his masterpiece, and has a certified reference of good conduct from the lordship where he served, said service outside of the craft shall not be detrimental or obstructive to him in the least, as long as he did no harm to the local master craftsmen during his service by illegally performing work for unprivileged persons. Furthermore, because some of the younger master craftsmen or those most recently admitted to the guilds are hindered and prevented from working by the older ones by sending them on errands, waiting on them, and similar services, to their noticeable detriment, and soon to their beginning ruin, care must be taken to ensure that young masters are not overburdened in this way; also, if a master craftsman who has already been duly admitted to one guild were to be called upon by another lordship and, in addition to the fee for admission to the local guild, were to be expected again to apply for admission to the guild in the place where he has been called, every local authority shall make equitable decrees if need be.

[…]

XI. It also often happens that a distinction is made among craftsmen, especially among those who work in the so-called “gifted crafts,”[1] between those who were born out of wedlock and who are born either before or after the church wedding, as well as those who are legitimized by us, as Roman emperors, or otherwise by imperial power. Thus some craftsmen, as well as those who have been legitimized in this way, or those who marry women who are compromised while still in an unmarried state, or who were forced to marry those with whom they have unlawfully copulated, do not pass muster; the above-mentioned distinction is now abolished and the male or female persons legitimized in one way or the other shall be considered equal to each other with regard to admission to the crafts, and no further obstacles shall be put in their path. […]

XIV. Considering this as well as what has been decreed above against the wantonly absconding journeymen and their unreasonable rioting, defilement and vilification, it being the true source of all the basic pernicious evil among the craftsmen, it would be reasonable to assume that masters and journeymen would, for their own good, behave more modestly and quietly and show due obedience to their superior authorities; Nevertheless, it will inevitably be necessary to end the previous leniency and instead show the masters and journeymen the appropriate strictness, so that where they persist in their usual mischief, wickedness and obstinacy regardless, and thus behave unrestrainedly, We and the Empire could easily take the opportunity, following the example of other empires, so that the public would not be further hindered and inconvenienced by such insolent private actions in the future, to abolish all guilds altogether and in general. So that the previous as well as this renewed imperial ordinance may be obediently complied with in all and any statutes and articles contained therein, and any further decrees by local rulers and authorities, based on their clear content, and that no excuses of ignorance and lack of understanding may be made in any form or manner whatsoever; Thus, these renewed and improved Imperial Regulations shall not only be published and read annually to the master craftsmen and journeymen, but shall also be publicly displayed in every guild hall or so-called inns, so that everyone can read them; in particular, however, they shall be clearly held up to the apprentices when they complete their training, and they shall be sworn to uphold them in the future.

XV. Finally, and for the sake of all the more conformity and legal protection of all the points and articles contained in this revised and improved order, which had previously been carefully considered, good correspondence should be maintained with the neighbors, and the latter should be requested by the neighboring districts or estates to accede to this most necessary renewed policy decree and beneficial order, and also to observe it evenly. Since there are many complaints in general not only about the craftsmen, who do not work for a daily wage, but offer their work in general and give people excessive estimates for their work, but everyone is also highly burdened by the excessive wages of servants and day laborers; Therefore, not only should one district correspond with the next one, but each district with other neighboring districts, so that they can compare and agree on appropriate and definite tax and servants ordinances.

[…]

Carl

NOTES

[1] “geschenktes Handwerk”: crafts where support (gifts) for journeymen were customary as they relied on travelling journeymen.

Source of original German text: *Vollständige Sammlung aller von Anfang des noch fürwährenden Teutschen Reichs-Tags de Anno 1663 biß anhero abgefaßten Reichs-Schlüsse* […]. Tl. 4, ed. Johann Joseph Pachner von Eggenstorff. Regensburg: Riepel, 1740, pp. 374–84 (Nr. CXXXVIII); reprinted in Helmut Neuhaus, ed. *Zeitalter des Absolutismus 1648–1789.* Deutsche Geschichte in Quellen und Darstellung, ed. Rainer A. Müller, vol. 5. Stuttgart: P. Reclam, 1997, pp. 98–109.

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