

## APPRENTICESHIP DISPUTES IN THE LORD MAYOR'S COURT OF LONDON 1573–1723

These two volumes, the first in a new series by the British Record Society focussing on apprenticeship and related records, calendars the civil cases presented to the Lord Mayor's Court (LMC) of the City of London brought by apprentices for the early termination of their apprenticeship indentures. Although much of the documentation has been destroyed in two fires – the Great Fire of 1666 and the Royal Exchange fire of 1838 – a large number of cases survive from 1573 to 1723.<sup>1</sup> The archive is held by the London Metropolitan Archives (LMA). Hitherto unindexed and only rarely researched, mainly due to the challenges in reading and interpreting the records as well as their unwieldy organisation, these volumes cover all of the remaining early modern proceedings. A case was initiated by an apprentice employing an attorney to write up a petition to the court to discharge the indenture of apprenticeship. The petitions were filed by the attorney along with all of the other civil actions proceeding through the court. The main calendar has 14,271 cases extracted from petitions found in the archive.<sup>2</sup> Also calendared are over 2,000 additional cases that have been identified through other attorney files and books but for which the original petition has been lost.

The calendar captures the key pieces of information from each case. Most petitions begin with a summary of the principal details of the apprenticeship binding: the name and company of the master, the name, trade and parish of the apprentice's father. These details will be familiar to the reader from Cliff Webb's apprenticeship indices of London companies. Other information, such as the trade that the apprentice was pursuing, the apprentice's case for being discharged, the details of the proceedings, and the final decision of the court, is found only in this series of records. Many cases initiated from 1661 onwards have been supplemented by information from the attorney files on where to locate the master to advise them of the action being taken against them; the residences of apprentices are sometimes also given.

In addition to corroborating and providing supplementary information about apprenticeships found in the archives of the London livery companies, many of the cases relate to apprenticeships for which the corresponding company records have either not survived (in the case of the Woodmongers' and Soapmakers' companies, all of them) or are only fragmentary for the period covered in this volume (such as the

<sup>1</sup> For the surviving medieval rolls of the court and details of early court procedure, see A. H. Thomas (ed.) *Calendar of early Mayor's Court rolls: preserved among the archives of the Corporation of the city of London at the Guildhall AD 1298–1307* (Cambridge: Cambridge University Press, 1924). A small collection of nineteenth century court books also survive.

<sup>2</sup> Two files of cases in the LMA archive, CLA/024/02/155 and 214, were in conservation over the duration of this project. A schedule written up by archivists from the Corporation of London Record Office indicates that there are 67 apprenticeship cases from the 1670s in the latter file and 15 in the former dated 1660–9.

Cooks' or the Painter Stainers' companies). The apprentices of mariners who were bound near London could also bring cases before the LMC, although they fell outside the city company system. There are very few other surviving records of mariner's apprentices and over a thousand are indexed here.

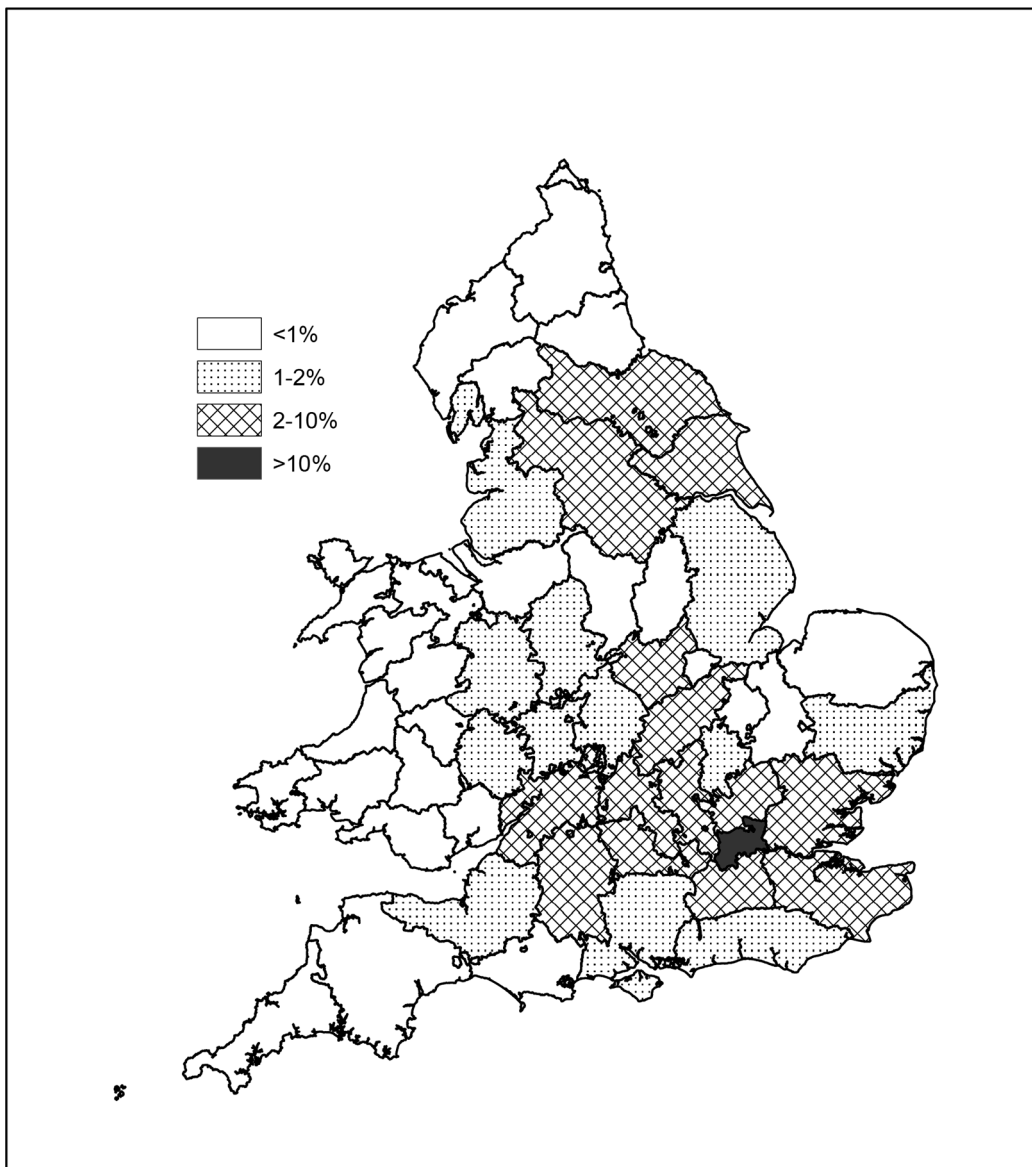


Figure 1 Geographical distribution of the families of apprentices

Note. The map gives the distribution of the families of apprentices from a total of 13,667 petitions where a county is identified. There are 133 cases with illegible county names and 400 for which either no place name is given or where the county could not be confidently identified. 18 apprentices come from Scotland (0.13 per cent of the total), 33 from Ireland (0.24 per cent) and 20 from further afield (0.15 per cent).

In most cases an apprentice would only seek to break off an apprenticeship a year or more after it began, and changes in the master-apprenticeship relationship that had occurred in that time are also recorded. For example, an apprentice may have been turned over to another master or if the master had died the apprentice might be left in the hands of the executors or administrators of the master's estate. In these cases, the petition records the details of the original indenture but the action is taken against the individuals legally responsible for training the apprentice. These records thereby provide a history of an apprentice's training not found in other sources.

The scope of apprenticeship cases in LMC is distinctive and in important respects unique. London was a magnet for families across England seeking training for their children, drawing between five and ten percent of male teenagers in the seventeenth century into apprenticeships in the city.<sup>3</sup> This is reflected in the large number of apprentices who came from outside London (see Figure 1) and the wide spectrum of social statuses and occupations of families from outside London seeking to place their children in secure trades (see Table 1).

The LMC archive also gives a unique insight, unmatched in any other European resource, into the end of apprenticeship contracts and the reasons for their failure. All other sources are informative principally about the positive steps in an apprentice's career: the initial binding of apprentice and master, in some cases the turning over of an apprentice from one master to another, the eventual membership of the company in which the apprentice is bound following the completion of training, the freedom of the city of London for those who had achieved company membership and sought liberty to set up trade in the city. For similar reasons, of course, the LMC archive presents a view of apprenticeships with a limited scope. Only apprenticeships that had broken down were brought before the court.

In section one I will give an overview of apprentice-master disputes in London, analysis of the data in the petitions, and explain the different legal institutions to which apprentices could apply. I will set out the procedures for processing apprenticeship disputes in the LMC in section two and review the surviving records of the court in section three. Section four will set out the editorial decisions made in constructing the calendars and indices.

## 1. Apprenticeships, disputes and the law in London

### 1.1. Apprenticeship contracts and the law courts

An apprentice petitioning the LMC was applying to be discharged from the terms of a legally binding apprenticeship contract, called the *indenture*, whereby the apprentice had been bound to a master. In most of the cases dealt with by the LMC, the binding and training fell under the auspices of one of the London companies. The principal terms of the indenture, which were common between all companies, were

<sup>3</sup> Chris Minns and Patrick Wallis, 'Rules and Reality: Quantifying the Practice of Apprenticeship in Early Modern England', *Economic History Review* 65, 2 (2012), 560.

**Table 1** *The occupations of fathers*

<i>Occupations of fathers</i>			<i>Citizen fathers of apprentices</i>		
Yeoman	1,908	15.72%	Apothecary	28	1.28%
Citizen of London	2,208	18.19%	Armourer	11	0.50%
Gent	1,586	13.07%	Baker (inc White & Black Bakers)	23	1.05%
Husbandman	767	6.32%	Barber Surgeon	51	2.33%
Clerk	394	3.25%	Basketmaker	6	0.27%
Esquire	192	1.58%	Blacksmiths	36	1.65%
Knight/KB	46	0.38%	Bowyers	4	0.18%
			Brewers	20	0.91%
			Broderers	16	0.73%
<i>Other Trades</i>			Butchers	40	1.83%
Apothecary	27	0.22%	Carmen	6	0.27%
Baker	99	0.82%	Carpenters	47	2.15%
Barber/barber surgeon	87	0.72%	Clockmakers	10	0.46%
Blacksmith	85	0.70%	Clothworkers	135	6.18%
Brewer	82	0.68%	Coach and Coach Harness Makers	10	0.46%
Bricklayer	47	0.39%	Cooks	28	1.28%
Butcher	194	1.60%	Coopers	45	2.06%
Carpenter	201	1.66%	Cordwainers	40	1.83%
Chandler	32	0.26%	Curriers	11	0.50%
Clothworker/clothier	196	1.61%	Cutlers	32	1.46%
Coachman	41	0.34%	Distillers	10	0.46%
Cook	28	0.23%	Drapers	80	3.66%
Cooper	58	0.48%	Dyers	37	1.69%
Cordwainer	257	2.12%	Farriers	9	0.41%
Doctor/physician	28	0.23%	Feltmakers	14	0.64%
Draper	64	0.53%	Fishmongers	36	1.65%
Dyer	37	0.30%	Fletchers	4	0.18%
Farmer	107	0.88%	Founders	20	0.91%
Farrier	38	0.31%	Framework Knitters	5	0.23%
Fellmonger	23	0.19%	Fruiterers	8	0.37%
Feltmaker	28	0.23%	Gardeners	1	0.05%
Gardener	72	0.59%	Girdlers	12	0.55%
Glover	42	0.35%	Glazier	12	0.55%
Grazier	24	0.20%	Glover	15	0.69%
Grocer	75	0.62%	Gold and Silver Wyre Drawers	2	0.09%
Innholder	117	0.96%	Goldsmiths	57	2.61%
Innkeeper	33	0.27%	Grocers	66	3.02%
Haberdasher	47	0.39%	Gunmakers	5	0.23%
Ironmonger	21	0.17%	Haberdashers	167	7.64%
Joiner (chair & cabinet makers)	78	0.64%	Innholders	18	0.82%
Labourer	213	1.75%	Ironmongers	12	0.55%

**Table 1** *continued*

<i>Occupations of fathers</i>			<i>Citizen fathers of apprentices</i>		
Malster	58	0.48%	Joiners	74	3.39%
Mariner	147	1.21%	Leathersellers	53	2.42%
Mason	24	0.20%	Longbow String Makers	4	0.18%
Mealman	21	0.17%	Loriners	14	0.64%
Mercer	107	0.88%	Masons	5	0.23%
Merchant	107	0.88%	Mercers	33	1.51%
Merchant tailor	20	0.16%	Merchant Taylors	269	12.31%
Miller	44	0.36%	Musicians	4	0.18%
Porter	26	0.21%	Needlemakers	1	0.05%
Saddler	26	0.21%	Painter Stainers	23	1.05%
Sawyer	23	0.19%	Paviours	1	0.05%
Shipwright	27	0.22%	Pewterers	35	1.60%
Smith	47	0.39%	Pinmakers	1	0.05%
Tailor	357	2.94%	Plasterers	11	0.50%
Tallow chandler	28	0.23%	Plumbers	7	0.32%
Tanner	56	0.46%	Poulters	5	0.23%
Turner	23	0.19%	Saddlers	15	0.69%
Victualler	102	0.84%	Salters	24	1.10%
Vintner	60	0.49%	Scriveners	4	0.18%
Waterman	41	0.34%	Shipwrights	6	0.27%
Weaving	262	2.16%	Silkmen	1	0.05%
			Skinners	37	1.69%
			Stationers	35	1.60%
			Tallow Chandlers	29	1.33%
			Tobacco Pipe Makers	6	0.27%
			Turners	19	0.87%
			Tylers and Bricklayers	21	0.96%
			Upholders	4	0.18%
			Vintners	72	3.29%
			Wax Chandlers	13	0.59%
			Weavers	131	5.99%
			Woodmongers	21	0.96%
			Woolmen	2	0.09%
			Other	17	0.78%

Note. The table gives numbers and percentages of occupations or statuses of apprentices' fathers that are represented in at least 20 petitions (there are also 18 cases where the widowed mother is named in the petition rather than the father). Only information from petitions of apprentices bound to a master or mistress under the auspices of a London company are considered (1,019 petitions from mariners' apprentices are excluded). The percentages are calculated from a total of 12,137; this excludes cases where the father's occupation is either illegible (199) or not given (916). The table also gives a breakdown of the companies of the fathers who were citizens of London. Percentages for the latter are calculated from a total of 2,186, excluding cases where the company name is illegible (14) or not stated (8). 'Other' companies include non-standard names that could not be identified with an established company.

quite onerous. Apprentices had to be bound to a freeman of the city (which I will explain shortly) for a minimum of seven years, and be at least 14 years old at the time of binding. The apprentice agreed to serve their master faithfully, not to engage in various kinds of immoral behaviour (such as gambling) and not to marry during the term of the apprenticeship. The master, sometimes for an initial negotiated payment called the *premium* usually provided by the apprentice's family, would take responsibility for the training, maintenance and welfare of the apprentice for the duration of the apprenticeship.<sup>4</sup> The binding would usually take place in the company's hall in the city and it would be enrolled in their membership books or court records. Masters also agreed as part of their freedom oath to enrol their apprentices at the chamberlain of the city of London's office within a year of the binding.

Upon successful completion of the term of apprenticeship, an apprentice was entitled to be admitted a freeman of the company in which they were bound. The apprentice, once free of the company, was eligible to become free of the city of London and thereby become a citizen.<sup>5</sup> This was a straightforward process that could be completed by the apprentice bringing the certificate of company membership to the chamberlain's office accompanied by a freeman of the city, usually their master and some of the company's officers, who could provide verbal testimony of the apprentice's service (or else the master could give written testimony to that effect if nobody was available). The former apprentice was then sworn in as a freeman before the chamberlain, subject to various oaths and charges. The reader should note that upon completion of this process an apprentice would be free of two distinct institutions: the company in which they had been trained, and the city of London.

In reading apprenticeship indentures it is easy to overlook the significance of the document for the lives of their principal signatories. Apprentices were committed to at least seven years training with a master: by the time the apprenticeship was completed, most had spent a third of their lives or more in training. They were often coming from homes well beyond the city. In over 60 per cent of the cases in this volume, apprentices come from families living outside either London or Middlesex; fewer than one in five had fathers who were themselves citizens of London. Moreover, apprentices were usually indentured to masters with whom they had no familial or prior personal connections.<sup>6</sup> Over the course of the training, an apprentice would usually live in the master's house and be largely dependent on him for food and

<sup>4</sup> In some cases a premium would not be required; for example, if the master was the apprentice's father. Premiums were paid in less than half of London indentures in the eighteenth century. See Chris Minns and Patrick Wallis, 'The price of human capital in a pre-industrial economy: premiums and apprenticeship contracts in 18th century England', *Explorations in Economic History* 50, 3 (2013), 335–50.

<sup>5</sup> For an introduction to the privileges of the city freedom, see Caroline Arnold, *Sheep Over London Bridge: Freedom of the City of London* (London: Corporation of London Records Office, 1996). In the seventeenth century, anyone practicing a retail or wholesale trade within the city who was not a citizen would risk being fined or having their goods confiscated.

<sup>6</sup> See Tim Leunig, Chris Minns, and Patrick Wallis, 'Networks in the Premodern Economy: The Market for London Apprenticeships, 1600–1749', *Journal of Economic History* 71, 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, 3 (2010), 377–404.

clothing. For the apprenticeship system to work, there had to be in place effective mechanisms for dealing with breakdowns in the apprentice-master relationship and a standard means of exiting from the terms of the indenture.

In many cases, an apprenticeship would come to a premature end through no disagreement between master and apprentice. Sometimes the end of an apprenticeship was involuntary: approximately 10 per cent of apprentices died before the completion of their training,<sup>7</sup> and some masters died leaving executors or administrators with no wish to continue with the training of the apprentice. Moreover, a variety of circumstances might lead to an agreed early ending of the arrangement. Masters could go out of business, move their business outside London, or go abroad. Apprentices might find preferable career paths, marry, fall ill, or have to leave London. Sometimes an apprentice and master found that they were not a good match. In such instances, the master could turn over the apprentice to another freeman of the city before the company and the chamberlain. Provided the training was not interrupted, the apprentice could obtain the freedom by the aggregate of the years served with two masters. However, there were also many cases where relations had broken down between master and apprentice. This was often the result of grievances built up over actual or perceived failings in the other party: a master might think the apprentice inept, lazy, immoral or even a thief; an apprentice might think the master had failed to give adequate instruction, had failed to provide satisfactory maintenance, or had dealt out unwarranted or even brutal punishment. The difficulties in overcoming grievances were no doubt exacerbated in cases where premium had been paid. When an apprenticeship ended early, the apprentice might reasonably expect a return of at least a portion of the premium; in the context of a disagreement, a fair-minded resolution would be all the more difficult.

Initial attempts to reconcile apprentice and master would often involve the apprentice's family. Although the following case taken from the Court of Aldermen (the procedure and role of which we will come to presently) does not specify the master's grievance, mainly due to his refusal to represent his complaint to the court, it is illustrative of the close involvement in an apprenticeship dispute that might be taken by the family:

ITEM Whereas Christopher Wade in the month of May in Anno 1637 did place his sonne Christopher Wade apprentice for seaven years unto Abraham Gardner fishmonger to serve him in the trade of a silkeman and gave with him 40li unto the said Abraham Gardner and the said apprentice did continue sixe yeares wanting two monthes or thereabouts in the service of the said Abraham Gardner. And in or about the beginninge of March in the yeare 1642 the mother of the apprentice desired the said Abraham Gardner to give the apprentice leave to goe into the country for a month's space whereunto the said Abraham

<sup>7</sup> Leonard Schwarz, 'London Apprentices in the Seventeenth Century: Some Problems', *Local Population Studies* 38 (1987), 18–22.

Gardner did willingly consent and said she might have him for a longer time if she would and did voluntarily promise that the time of his absence should goe on towards expiration of his said apprenticeship and that he should die in the mean time his wife should make him free, which Christopher the apprentice and his mother did take very thankfully and said the apprentice should be ready at any time at an hours warning to doe the said Abraham Gardner service when he should require it and thus much shee did voluntary offer to prove upon oath heere in Court. And alsoe the father & mother of the said apprentice did now alsoe offer to depose that the said apprentice after his said departure did abide with them at Greenewich by the space of one yeare and a quarter or thereabouts duringe which time the said Mr Gardner neither sent for nor demanded the apprentice to their knowledges, albeit the apprentice his father did many times duringe that space passe over the Bridge where Mr Gardner dwelth and did often talke together. And as the apprentice his father did offer to depose the said apprentice went twice to his said master and did at Christmas after his departure offer his service to his said master which the apprentice was alsoe ready to depose. And forasmuch as the said apprentice did now in Court freely offer the said Mr Gardner to serve him fourteene monthes or soe longe a time as he was absent in lew and recompense for his absence from his master's service the which the said Abraham Gardner would not accept but refused to entertayne him againe into his service or to make him free. And in regard he did not prove nor charge the apprentice for any breach of covenant in the time he was in his master's service and refused to submit himselfe to the order of this Court albeit the father of the said apprentice did freely submitt himself, it is therefore ordered by this Court that the said apprentice shall be made a freeman of this Citie by service in the said Company of Fishmongers.<sup>8</sup>

Sometimes master and apprentice would engage private arbitration.<sup>9</sup> The city company in which the apprentice had been enrolled might also assist in the arbitration of disputes.<sup>10</sup> For example, the Merchant Taylors' Company, with the largest intake of any London company, was particularly scrupulous in keeping tabs on the details of disagreements.<sup>11</sup> An apprentice suing out the indentures in the LMC was not required, however, to consult their company.

For handling those more serious disagreements and grievances that were not patched up even with the intervention of the family or the company, a variety of

<sup>8</sup> London Metropolitan Archives COL/CA/01/01/062, f. 162, repertory 58a.

<sup>9</sup> See Patrick Wallis, 'Labor, Law and Training in Early Modern London: apprenticeship and the city's institutions', *Journal of British Studies* 51, 4 (2012), 791–819.

<sup>10</sup> Archer, *Pursuit of Stability: Social Relations in Elizabethan London* (Cambridge: Cambridge University Press, 2003), 216–19; Rappaport, *Worlds within Worlds: Structures of Life in Sixteenth-Century London* (Cambridge: Cambridge University Press, 2002), pp. 209, 234.

<sup>11</sup> See Guildhall Library MS34017 (minutes of 'ordinary courts'). These volumes cover a variety of apprenticeship matters concerning the Merchant Taylors, including some disputes.

institutional and legal processes had developed. The Chamberlain's Court, presided over by the city chamberlain, heard complaints for only 3 shillings a time.<sup>12</sup> The court had the power to address what it deemed as well-founded complaints of masters by committing apprentices to Bridewell as punishment for unruly or immoral behaviour.<sup>13</sup> It also had limited powers to compel masters to attend court to discuss an apprentice's complaint by issuing summons and fining them.<sup>14</sup> However, if apprentice and master had fallen out to the extent that discussion was unproductive, or where fault was at least partly with an intransigent master, the chamberlain might urge accommodation or issue stern warnings about bad behaviour but had no further powers of enforcement. Where one or both of the parties were recalcitrant and no definite wrongdoing by the apprentice could be demonstrated, the pronouncements of the chamberlain might have little immediate force.

Although the records of complaints in the chamberlain's court survive from only 1786, they provide useful evidence of the court's procedure and its outcomes. Taking as a sample the first four years of the surviving records (from 10 Feb 1786 to 24 December 1789) there were 908 cases brought before the chamberlain (or the city comptroller, an official mainly concerned with providing legal advice on matters concerning the city, who would sit in for the chamberlain when the latter was busy).<sup>15</sup> Of these, 668 (74 per cent) were brought by the master against the apprentice and 240 (26 per cent) by the apprentice against the master. A variety of complaints were considered. Common issues raised by masters were that their apprentices go out during the day or night without leave, that they were disobedient or neglectful of their duties; common complaints by apprentices were that they had been unreasonably chastised, or inadequately instructed. Most complaints raised a combination of issues. While witnesses could attend court in support of either party, their presence was very rarely mentioned and in most cases the evidence appears to have been presented by only the apprentice and master. Once the initial complaint had been raised the other party had the opportunity to respond, with further questioning conducted by the court officials. For 137 (15 per cent) cases, either the complaint was not stated or no conclusion was given; presumably the parties reached an accommodation before or during the presentation of the case. In just five cases the master and apprentice agreed to part with the court's approval. For the remainder (except for a small number of unusual cases) the chamberlain concluded the proceedings with a limited variety of rulings. These included (in order of severity): dismissing the complaint as 'frivolous', forgiving the offending party (typically after a promise of

<sup>12</sup> For discussion of this court, see Douglas Hay 'England, 1562–1875: The Law and Its Uses', in Douglas Hay and Paul Craven, eds., *Masters, Servants, and Magistrates in Britain and the Empire, 1562–1955* (Chapel Hill, N.C.: University of North Carolina Press, 2004).

<sup>13</sup> For more on Bridewell, see Paul Griffiths, *Lost London: Change, Crime and Control in the Capital City 1550–1660* (Cambridge: Cambridge University Press, 2008).

<sup>14</sup> *Privilegia Londini, or the rights, liberties, privileges, laws and customs of the City of London* (London: D. Brown and J. Walthoe, 1702), 303.

<sup>15</sup> This sample is taken from COL/CHD/AP/04/02/001 and 002.

improved behaviour), an admonishment to one or both parties, a reprimand, a severe reprimand, sending the apprentice to Bridewell for three, seven, ten, or fourteen days, or one or two months. The chamberlain could additionally order that the apprentice have 'no bed' while at Bridewell.

From the perspective of the apprentice, the very substantial limitations of the chamberlain's court as a way of reaching a just conclusion to a dispute become apparent when we compare the outcomes of complaints raised by apprentices with complaints raised by masters. For the latter, if we consider the 594 cases where a conclusion was specified, 37 per cent resulted in the apprentice being sent to Bridewell, 32 per cent in the apprentice being reprimanded or severely reprimanded, and 18 per cent in the apprentice being admonished. In 10 per cent of cases the apprentice was 'forgiven' by the chamberlain. Only one complaint by a master was dismissed and seven complaints resulted in an admonition directed towards the master. In contrast, if we consider the 177 complaints initiated by apprentices where a conclusion is specified, 23 per cent were dismissed as 'frivolous', in 54 per cent both parties were admonished, and in only 13 per cent was the master exclusively reminded of their duties (with only one case described as a 'reprimand'). The chamberlain's court therefore, despite being a forum in which both masters and apprentices could bring complaints and voice grievances, appears to have overwhelmingly served the interests of the master not only because of the judicial imbalance in the severity of the chamberlain's punitive powers with respect to master and apprentice, but also in the practical implementation of these powers. We should also not lose sight of the fact that many of the apprentices appearing in court would have been teenagers. Even with the support of friends and family, the task of articulating a case against the master or a defence against a complaint would have been daunting. Notably, of the cases in the sample that reached a conclusion, only 10 per cent initiated by masters were met with a response by the apprentice, whereas 80 per cent of those initiated by apprentices were defended by the master. Eight cases brought by apprentices that were met with a robust defence by the master ended with the *apprentice* either being sent to Bridewell or reprimanded. The lack of a formal structure of legal advice and representation resulted in a process that was inexpensive and speedy but did not address the grievances of apprentices as effectively as masters.

Unsurprisingly, evidence from other court proceedings indicates that many apprentices bypassed the option of negotiation in the chamberlain's court, instead moving directly to the LMC.<sup>16</sup> However, appealing to the chamberlain could be beneficial

<sup>16</sup> For more on this see Appendix 2 which will be discussed later. A further issue is how effective the court process could have been given the chamberlain's burdensome obligations, unless the task of presiding over the court was largely left to the comptroller. In addition to ceremonial duties, regular contributions to issues raised in the Court of Aldermen and the enrolment of apprentices and admission of freemen of the city, the chamberlain also ran the City's finances, the accounts of its substantial property portfolio, as well as orphans' estates. The court of orphans oversaw the financial arrangements of the orphans of city freemen and in many cases actively managed their estates until they were 21. Increasingly, from the late sixteenth century, widows chose to leave the orphans' portion of the estate in the 'chamber', a city account that paid interest and was administered by the chamberlain. Although this trust in the institution was torpedoed by the bankruptcy of the city in 1682, in the earlier part of the century the management responsibilities on the chamberlain must have been huge. See Charles Carlton, *The Court of Orphans* (Leicester: Leicester University Press, 1974).

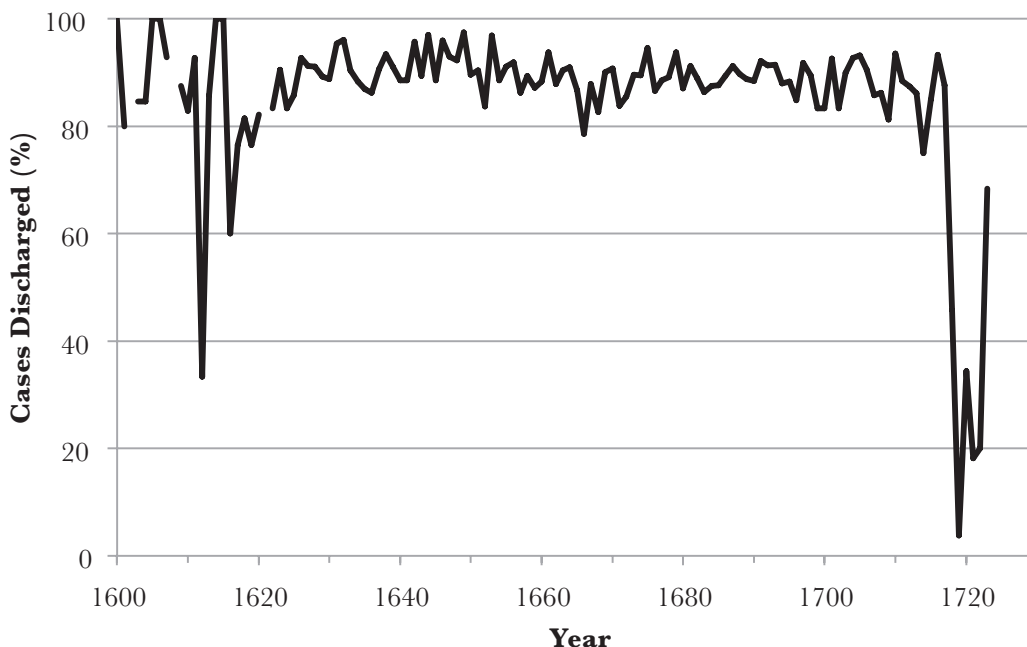
to an apprentice even in cases where the apprentice thought there was no prospect of reconciliation. The court judgements could be used as evidence in subsequent proceedings in courts with more effective enforcement powers. Here is a case brought before the Court of Aldermen in 1628 that also underlines the importance of properly cancelling an indenture as a requirement for terminating the contract between master and apprentice.

ITEM This daie was exhibited unto this Court a petition by Roger Rea, thereby shewing that he was first bound an apprentice to one Peter Cooley a stationer and soone after was assigned over by the said Cooley to one Richard Fance a haberdasher usinge the trade of a stationer, who had with the petitioner twentie poundes in mony and good apparel. That the petitioner haveing served the said Fance five yeeres and worne out all his clothes and beinge not taught soe much in all those five yeeres as to buy and sell his maister's wares in his absence. The petitioner complayned thereof to the Chamberlain of London who upon hearing of both parties held it fit that the petitioner should be discharged from his said maister, to which his maister there presently consented, soe as the petitioner would loose tyme which he hath served and bynd himself a newe for seven yeeres to an other maister the which the petitioner hath accordingly done and is inrolled and his first inrollment is discharged, and that that the said Fance notwithstandinge his agreement before Mr Chamberlain, hath refused to deliver upp the assignment that he had from the petitioner's first maister but keepeth the same (as it is feared) to molest the petitioner hereafter. Whereupon this Court tooke hearinge of the said cause in present of the said parties and of Mr Chamberlain, who upon his credit affirmed unto this Court that the said Fance consented unto what was agreed upon as before is alleged by the petitioner. And the said agreement and certificatt thereof under Mr Chamberlain's hand was here in Court before the said Fance testified upon oath by the clarke of the Chamber, who writ the same. Neverthelesse the said Fance obstinately denied here in Court to deliver upp the said assignment wherefore the said Fance was by this Court comitted to the gaole of Newgate there to remaine until he conforme himself to the order of Mr Chamberlain, or other order be taken by this Court for his enlargement.<sup>17</sup>

Fance surrendered the documents at the earliest opportunity and the dispute went into arbitration.<sup>18</sup> Judgements issued by the Chamberlain's Court are sometimes cited in equity proceedings in the LMC over the settlement of premiums (as we will see below) to bolster the apprentice's case.

<sup>17</sup> London Metropolitan Archives COL/CA/01/01/046, 323r; 21 Oct 1628, repertory 42. It is not explicitly stated what motivated the chamberlain's tough initial ruling that Rea had to serve a further full term; Rea might have been better placed in suing out his indentures in LMC on the grounds that Fance failed to properly instruct him.

<sup>18</sup> *Ibid.* f. 329r; 23 Oct 1628, repertory 42.



**Chart 1** *Discharged and undischarged petitions 1573–1672*

Note. The chart dates petitions according to the beginning of the proceedings. It does not include petitions where the date is not legible (9) or where no date is given (111). Particular caution is needed in interpreting the figures from 1718. Prior to that 89 per cent of cases are discharged and 11 per cent are not discharged. From 1718–23, 27 per cent are discharged and 73 per cent are not discharged. However, this appears to be the result of lax clerical practice in recording a final judgement rather than a dramatic change in legal outcomes (for more on this see section three).

Where no agreement was found, the apprentice might seek the termination of the indenture. Although apprenticeship indentures could be dissolved in other civil law courts – and a number of cases are to be found in the London and the Middlesex Sessions and other magistrates' courts – the civil law side of LMC was the go-to court for apprentices in city companies.<sup>19</sup> A case was inexpensive and speedily concluded. A plea could be entered for a paltry 4d and a case could be brought to trial within two weeks for 30s.<sup>20</sup> Since little over 2 per cent of cases came to trial and only one in five were disputed by the master, proceedings were often even more expeditious. Chart 1 shows both the varied survivals of petitions over 1573–1723 and the overwhelming

<sup>19</sup> See *R v Collingbourn*. *English Law Reports Full Reprint* vol. 93 – King's Bench 93, 83–4. Justices operating in courts outside the city of London were taken to have 'concurrent' jurisdiction to discharge apprentices to freemen of London. That is, where the master was living in a county outside London an indenture could be discharged in the local court, even though the binding or enrolment of the apprentice occurred in London. This was because the chamberlain and LMC officials did not have the power to compel masters living outside London to appear before them; it would also be inconvenient for apprentices to live in distant counties to be obliged to travel to London to get themselves discharged.

<sup>20</sup> *Lex Londinensis; or the City Law* (London, 1680), 5–6. Although a case occupied few court days, proceedings could be delayed by the frequent court holidays.

success by petitioners in suing out the indentures. Only 16 cases (less than 0.001 per cent of the total petitions) are won by the master.

### 1.2. *Companies and trades*

The calendar covers a significant sample of apprentice-master contracts and provides a useful measure of the membership of different London companies for a period where other data is relatively sparse or incomplete.<sup>21</sup> As we can see from Table 2, the Merchant Taylors make substantially the largest proportion at nearly 8 per cent, with Haberdashers the second most numerous at over 5.5 per cent.

As I noted earlier, many of the petitions identify the trade in which the apprentice was being trained. This data allows us to assess the theory that companies became less closely connected with their nominal trades during the seventeenth century. To measure this, I have distinguished between: (a) trades that fall precisely within the nominal remit of a company; (b) trades that are closely related to the company's activities or that employ similar skills, and; (c) trades that are unrelated to the company's activities. For the Haberdashers' Company, for instance, I take 'haberdasher' (including 'haberdasher of hats', 'haberdasher of small wares') to fall under (a), and related cloth trades (mercier, tailor, sempster, etc.) to fall under (b). Although the assessment of (b) is not precise, I hope it is sufficiently indicative to be useful. I have represented the information in two ways. Table 3 gives the information from the petitions for each company across the century covered by the archive. Chart 2 shows the relationship between companies and trades from year to year.

For some companies where the nominal trade had become largely defunct in the seventeenth century, such as the Fletchers, Bowyers or Longbow String Makers, the low percentage of members active in the trade is to be expected. We also find that little over 20 per cent of the members of the Skinners' and Leathersellers' had occupations principally associated to their companies. Some discrepancies between companies are notable. We find many companies, even quite large ones such as the Barber Surgeons, Butchers, Coopers, Joiners, Vintners and Weavers, remaining closely tied to their core trades; whereas others such as the Clothworkers, Drapers, Fishmongers and Haberdashers has substantial portions of their membership engaged in entirely different occupations. These differences are presumably due in part to the governance and ethos of each company and the effectiveness of the leadership in restricting intake to members with the appropriate trade. Interestingly, a company could remain closely connected to a trade even though many of their members did not pursue it. For example, while over 40 per cent of members of the Fishmongers' Company were not fishmongers, of the 62 petitioners being trained as fishmongers all but one were in the Fishmongers Company. A company could, therefore, remain the dominant

<sup>21</sup> Although the losses through fire clearly affected some parts of the archive more than others (see section three for more details), there is no reason to expect that the losses would distort the representation of companies over the period for which the records survive. It is possible, however, that the declining fortunes of some trades with the associated loss of business would have increased the proportion of discharge petitions for some companies.

**Table 2** *London companies*

<i>Companies</i>	<i>Number</i>	<i>Percentage</i>	<i>Companies</i>	<i>Number</i>	<i>Percentage</i>
Apothecaries	292	2.22%	Goldsmiths	357	2.71%
Armourers	88	0.67%	Grocers	408	3.10%
Baker	234	1.78%	Gunmakers	35	0.27%
Baker (Brown)	12	0.09%	Haberdashers	736	5.59%
Baker (White)	36	0.27%	Hatband Makers	13	0.10%
Barber Surgeons	668	5.07%	Horners	11	0.08%
Basketmakers	50	0.38%	Innholders	47	0.36%
Blacksmiths	264	2.00%	Ironmongers	84	0.64%
Bowyers	22	0.17%	Joiners	582	4.42%
Brewers	56	0.43%	Leathersellers	272	2.06%
Broderers	97	0.74%	Longbow String Makers	32	0.24%
Butchers	226	1.72%	Loriners	100	0.76%
Carmen	79	0.60%	Makers of Playing Cards	10	0.08%
Carpenters	287	2.18%	Masons	72	0.55%
Clockmakers	161	1.22%	Mercers	104	0.79%
Clothworkers	633	4.81%	Merchant Taylors	1,051	7.98%
Coach and Coach Harness Makers	57	0.43%	Musicians	27	0.20%
Combmakers	29	0.22%	Needlemakers	20	0.15%
Cooks	142	1.08%	Painter Stainers	170	1.29%
Coopers	337	2.56%	Pattenmakers	29	0.22%
Cordwainers	205	1.56%	Paviours	20	0.15%
Curriers	57	0.43%	Pewterers	105	0.80%
Cutlers	138	1.05%	Pinmakers	12	0.09%
Distillers	99	0.75%	Plasterers	77	0.58%
Drapers	429	3.26%	Plumbers	47	0.36%
Dyers	238	1.81%	Poulters	101	0.77%
Fan Makers	2	0.02%	Saddlers	101	0.77%
Farriers	64	0.49%	Salters	157	1.19%
Feltmakers	154	1.17%	Scriveners	41	0.31%
Fishmongers	220	1.67%	Shipwrights	97	0.74%
Fletchers	28	0.21%	Silkthrowers	22	0.17%
Founders	75	0.57%	Skinners	172	1.31%
Framework Knitters	126	0.96%	Soapmakers	17	0.13%
Fruiterers	75	0.57%	Spectacle Makers	16	0.12%
Gardeners	12	0.09%	Stationers	265	2.01%
Girdlers	108	0.82%	Tallow Chandlers	154	1.17%
Glass Seller	18	0.14%	Tin Plate Workers	35	0.27%
Glazier	59	0.45%	Tobacco Pipe Makers	15	0.11%
Glover	42	0.32%	Turners	152	1.15%
Gold and Silver Wyre Drawers	10	0.08%	Tylers and Bricklayers	118	0.90%
			Upholders	79	0.60%
			Vintners	449	3.41%

**Table 2** *continued*

<i>Companies</i>	<i>Number</i>	<i>Percentage</i>	<i>Companies</i>	<i>Number</i>	<i>Percentage</i>
Wax Chandlers	67	0.51%	Other	10	0.08%
Weavers	656	4.98%			
Wheelwright	21	0.16%			
Woodmongers	71	0.54%	Total	13,173	
Woolmen	7	0.05%			

Note. The percentages are calculated on the basis of a total of 13,173, which excludes 1,019 petitions made by apprentices outside the London company system (mostly by mariners) and 79 petitions on which the company name is either missing or illegible. 'Other' includes masters who are identified as citizens and members of companies with non-standard names.

organisation in the practice of a trade despite that trade not being pursued by many of its members. No doubt a difficult decision for companies was whether to decrease their enrolment when activity in their core trades diminished, or to retain their numbers (with the associated larger influence and quarterage income) at the expense of the consistency of the business concerns of their membership.

The results from the chart indicate, contrary to expectation, that the occupations of company members did not progressively diverge from the nominal trades of their companies over the sixteenth and early seventeenth centuries. In fact, while around a third of company members were engaged in unrelated trades from the 1640s through the 1660s, this had declined to around a fifth by the first two decades of the eighteenth century.

It's appropriate at this point to consider the accuracy of the trade information given on petitions. Since a number of masters were sued more than once, either by the same apprentice or by more than one of their apprentices, it is possible to check the consistency of occupational details given on different petitions against the same master. On the assumption that two or more petitions issued within ten years of each other against a master with the same name and in the same company are directed against the same person, we find 828 masters who are sued more than once with a total of 1797 cases.<sup>22</sup> For 126 of them, the occupational information is missing from one or more of the cases against them making a comparison impossible. However, of the remaining 702, 604 masters (86 per cent) have the same trade information given in the petitions against them, 55 (8 per cent) have related trades given, and for only 40 (6 per cent) does the trade information disagree. This indicates a high degree of consistency in trade information across petitions, particularly if we allow that some masters may have changed their trade. As a second measure of the accuracy of trade information, we can compare the petitions with the notebooks of attorneys. The latter, which will be discussed in detail in section two, survive with gaps from 1692

<sup>22</sup> These figures exclude the masters of mariners who were not bound in London companies.

**Table 3** *Companies and trades*

	<i>Total</i>	<i>Same trade</i>		<i>Related trade</i>		<i>Different trade</i>	
Apothecaries	285	281	98.60%	0	0.00%	4	1.40%
Armourers	78	47	60.26%	13	16.67%	18	23.08%
Bakers	215	190	88.37%	4	1.86%	21	9.77%
White bakers	34	27	79.41%	3	8.82%	4	11.76%
Brown bakers	11	9	81.82%	0	0.00%	2	18.18%
Barber Surgeons	616	523	84.90%	9	1.46%	84	13.64%
Basketmakers	46	34	73.91%	8	17.39%	4	8.70%
Blacksmiths	224	129	57.59%	39	17.41%	56	25.00%
Bowyers	19	5	26.32%	0	0.00%	14	73.68%
Brewers	49	32	65.31%	1	2.04%	16	32.65%
Broderers	86	39	45.35%	9	10.47%	38	44.19%
Butchers	215	202	93.95%	3	1.40%	10	4.65%
Carmen	74	73	98.65%	0	0.00%	1	1.35%
Carpenters	254	229	90.16%	5	1.97%	20	7.87%
Clockmakers	143	126	88.11%	3	2.10%	14	9.79%
Clothworkers	506	153	30.24%	139	27.47%	214	42.29%
Coach and Coach Harness Makers	51	50	98.04%	0	0.00%	1	1.96%
Combmakers	26	24	92.31%	0	0.00%	2	7.69%
Cooks	134	118	88.06%	3	2.24%	13	9.70%
Coopers	302	279	92.38%	0	0.00%	23	7.62%
Cordwainers	177	139	78.53%	3	1.69%	35	19.77%
Curriers	51	37	72.55%	1	1.96%	13	25.49%
Cutlers	119	59	49.58%	11	9.24%	49	41.18%
Distillers	97	96	98.97%	0	0.00%	1	1.03%
Drapers	360	50	13.89%	144	40.00%	166	46.11%
Dyers	211	179	84.83%	4	1.90%	28	13.27%
Fan Maker	2	2	100.00%	0	0.00%	0	0.00%
Farriers	55	34	61.82%	5	9.09%	16	29.09%
Feltmakers	144	121	84.03%	16	11.11%	7	4.86%
Fishmongers	191	62	32.46%	12	6.28%	117	61.26%
Fletchers	24	5	20.83%	0	0.00%	19	79.17%
Founders	61	38	62.30%	0	0.00%	23	37.70%
Framework Knitters	110	82	74.55%	23	20.91%	5	4.55%
Fruiterers	71	61	85.92%	0	0.00%	10	14.08%
Gardeners	12	11	91.67%	0	0.00%	1	8.33%
Girdlers	95	17	17.89%	0	0.00%	78	82.11%
Glass Sellers	16	12	75.00%	4	25.00%	0	0.00%
Glazier	56	54	96.43%	0	0.00%	2	3.57%
Glover	35	21	60.00%	0	0.00%	14	40.00%
Gold and Silver Wyre Drawer	6	5	83.33%	0	0.00%	1	16.67%

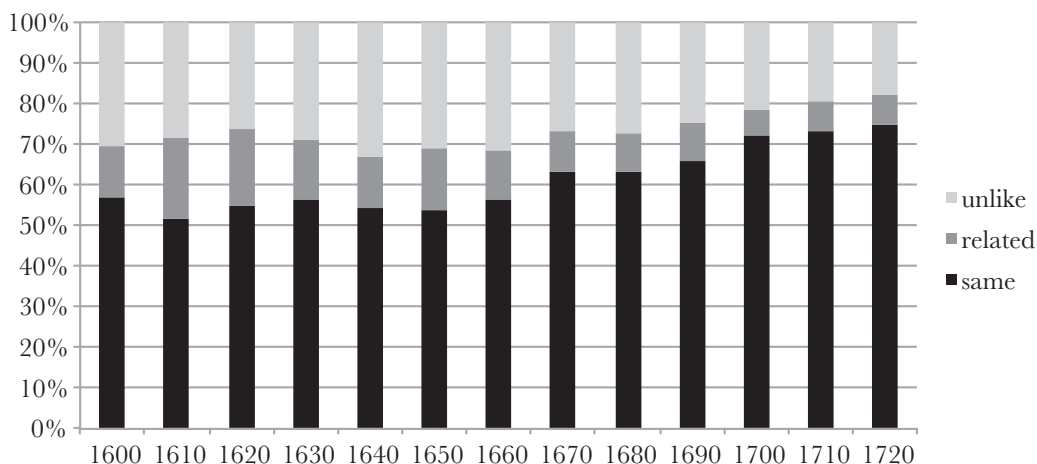
**Table 3** *continued*

	<i>Total</i>		<i>Same trade</i>		<i>Related trade</i>		<i>Different trade</i>	
Goldsmiths	304	175	57.57%	68	22.37%	61	20.07%	
Grocers	361	176	48.75%	64	17.73%	121	33.52%	
Gunmakers	28	28	100.00%	0	0.00%	0	0.00%	
Haberdashers	599	148	24.71%	178	29.72%	273	45.58%	
Hatband Makers	13	5	38.46%	2	15.38%	6	46.15%	
Horners	10	7	70.00%	0	0.00%	3	30.00%	
Innholders	37	16	43.24%	0	0.00%	21	56.76%	
Ironmongers	74	34	45.95%	6	8.11%	34	45.95%	
Joiners	521	379	72.74%	80	15.36%	62	11.90%	
Leathersellers	228	51	22.37%	0	0.00%	177	77.63%	
Longbow String Makers	29	3	10.34%	0	0.00%	26	89.66%	
Loriners	80	11	13.75%	3	3.75%	66	82.50%	
Makers of Playing Cards	8	8	100.00%	0	0.00%	0	0.00%	
Mason	66	50	75.76%	0	0.00%	16	24.24%	
Mercers	91	17	18.68%	33	36.26%	41	45.05%	
Merchant Taylors	902	336	37.25%	248	27.49%	318	35.25%	
Musicians	24	14	58.33%	4	16.67%	6	25.00%	
Needlemakers	15	9	60.00%	0	0.00%	6	40.00%	
Painter Stainers	142	74	52.11%	8	5.63%	60	42.25%	
Pattenmaker	25	23	92.00%	0	0.00%	2	8.00%	
Paviours	17	16	94.12%	0	0.00%	1	5.88%	
Pewterers	96	73	76.04%	2	2.08%	21	21.88%	
Pinmakers	11	10	90.91%	0	0.00%	1	9.09%	
Plaisterers	66	59	89.39%	0	0.00%	7	10.61%	
Plumbers	45	45	100.00%	0	0.00%	0	0.00%	
Poulters	94	87	92.55%	1	1.06%	6	6.38%	
Saddlers	88	52	59.09%	11	12.50%	25	28.41%	
Salts	130	31	23.85%	13	10.00%	86	66.15%	
Scriveners	41	36	87.80%	1	2.44%	4	9.76%	
Shipwrights	87	59	67.82%	12	13.79%	16	18.39%	
Silkthrowers	17	15	88.24%	0	0.00%	2	11.76%	
Skinners	144	26	18.06%	4	2.78%	114	79.17%	
Soapmakers	16	16	100.00%	0	0.00%	0	0.00%	
Spectacle Makers	16	16	100.00%	0	0.00%	0	0.00%	
Stationers	233	188	80.69%	6	2.58%	39	16.74%	
Tallow Chandlers	138	76	55.07%	0	0.00%	62	44.93%	
Tin Plate Workers	33	31	93.94%	1	3.03%	1	3.03%	
Tobacco Pipe Makers	12	12	100.00%	0	0.00%	0	0.00%	
Turners	132	96	72.73%	2	1.52%	34	25.76%	
Tylers & Bricklayers	108	96	88.89%	0	0.00%	12	11.11%	
Upholders	65	60	92.31%	0	0.00%	5	7.69%	

**Table 3** *continued*

	<i>Total</i>	<i>Same trade</i>		<i>Related trade</i>		<i>Different trade</i>	
Vintners	411	354	86.13%	2	0.49%	55	13.38%
Wax Chandlers	58	15	25.86%	1	1.72%	42	72.41%
Weavers	554	470	84.84%	24	4.33%	60	10.83%
Wheelwright	16	15	93.75%	0	0.00%	1	6.25%
Woodmongers	55	31	56.36%	14	25.45%	10	18.18%
Woolmen	6	2	33.33%	2	33.33%	2	33.33%
Total	11,507						
Mean average (same)	68.64%						
Mean average (related)	6.37%						
Mean average (unlike)	24.99%						

Note. The percentages of like/related/different are calculated from the numbers for each trade, with percentages for the whole given at the end. This is based on the same data represented in Table 2 where an established company is identified, less cases where the trade is either not given or illegible.

**Chart 2** *Companies and trades by year*

Note. This chart includes the same entries as table 3 less 67 petitions that are undated.

to 1721 and give brief details of those cases where an attorney was employed after the initial petition was filed. Attorney notes for cases sometimes also give the trade of the master, usually along with the address. There are 244 cases where a trade is named in both the notes and on a corresponding petition. Of these, 212 (87 per cent) are the same, 11 (4 per cent) are closely related, and 21 (9 per cent) are unrelated. Although this sample is much smaller, the information in the two sources is largely independent: the attorney's notes were based on contact with the master rather than

**Table 4** *Female apprentices and mistresses*

Male apprentice with a complaint against a mistress	141
Male apprentice with a complaint against a master and his wife	25
Female apprentice with a complaint against a master	128
Female apprentice with a complaint against a mistress	40
Female apprentice with a complaint against a master and wife	116

information on the petition, and recorded with a view to being able to locate (and charge for legal services) the master in London.

Did the trades of female apprentices significantly differ from those of male apprentices? The number of female apprentices in London companies is reckoned to be very small,<sup>23</sup> however they represent 2 per cent of petitions in this volume – still small but more than double a recent estimate based on apprenticeship enrolments (during the first half of the eighteenth century).<sup>24</sup> A further 1 per cent of cases are brought by male apprentices against either a mistress or master and his wife.<sup>25</sup> Clerks of court represented cases of the latter type in a standard way – the master is named, his company identified, and then his wife named – but the description of mistresses on their own is less uniform. In the earlier petitions, mistresses are most commonly presented as the late wife of a deceased citizen (and, as such, could take apprentices in their own right); by the end of the seventeenth century, mistresses are more frequently identified as members of the company in question.

According to Peter Earle, ‘Few girls in London were apprenticed to trades and those that were tended to be concerned in a few “feminine” occupations such as millinery, mantua-making, lace-making, various branches of the silk industry and some shop-keeping trades’.<sup>26</sup> Does the information on the petitions support this conclusion? The figures are somewhat different depending on whether the apprenticeship contract was with just a master, or whether it was with a mistress or married couple. Of 128 petitions by female apprentices to dissolve a contract with a master, 66 per cent of the cases give haberdashery, making and selling clothes, or related skills as the trade (22 per cent do not specify a trade). However, of the 156 petitions by female apprentices against mistresses or masters and their wives this drops to 43 per cent (with 21 per cent of cases giving no trade). We should also note that the notion of ‘feminine’ occupations is vague. Haberdashery and related skills were, as we have seen, popular

<sup>23</sup> Eleanor Hubbard, *City Women: Money, Sex, and the Social Order in Early Modern London* (Oxford: Oxford University Press, 2012).

<sup>24</sup> Amy Louise Erickson, ‘Eleanor Mosley and Other Milliners in the City of London Companies 1700–1750’, *History Workshop Journal* 71 (2011), 150.

<sup>25</sup> This does not include cases brought by apprentices against the wives and female executors or administrators of deceased masters. Apprenticeship contracts with married women who were *femme sole* – they ran an independent business – were standardly presented as being bound to the married couple. See Barbara A. Hanawalt, *The Wealth of Wives: Women, Law and the Economy of Late Medieval London* (New York: Oxford University Press, 2007), Ch. 2.

<sup>26</sup> Peter Earle, *The Making of the English Middle Class* (London: Methuen, 1989), 162.

trades among male apprentices. If we more narrowly define ‘feminine occupations’ to refer to just the trades that Earle specifies and seamstress, then only 13 per cent percent of the 284 cases brought by female apprentices fall into this category.

### *1.3. Petitions and petitioners*

To successfully sue out the indentures an apprentice needed to identify some respect in which the master had failed to satisfy their part of the contract, or had breached city rules for the training of apprentices. The former included ‘unreasonable’ chastisement, not providing ‘necessaries’ (food or clothing), being put out of service without justification, leaving the trade or failing to keep a shop within the city, or failing to provide adequate instruction. The latter included binding the apprentice under the age of fourteen, binding for fewer than seven years, or failing to enrol the apprenticeship indentures before the chamberlain within the first year of service. An apprentice might try more than once to sue out the indentures and the reader will find several examples in this volume. For example, in April 1663 Nethaniah Weekeley began a case against Alice Farmer, the administrator of his late master Richard Farmer, for failure to instruct him. This case went to trial on 2 June and the jury ruled in favour of Alice. However, Nethaniah sued again on 17 July on the grounds that he had been put out of her service and this time was successful. On 27 April 1721 Thomas Pitts initiated an unsuccessful suit against his master Thomas Greene, a citizen and goldsmith, for not keeping a shop within the city but successfully sued out the indenture two months later for lack of instruction. Apprentices could also sue their masters with two actions running concurrently. William Hollingshed initiated two suits against his master John Doggerell, citizen and merchant taylor, on the 22 June 1664: one for being put out of his master’s service, the other for non-enrollment of the indentures. Both cases were defended by the master but the latter was successful.

The technical ground of non-enrolment is the dominant cause identified in the petitions for suing out an indenture, as can be seen from Table 5. Over 75 per cent of the cases in this volume are based on the master’s failure to enrol the indentures.

Why non-enrolment should have been the most common ground for complaint is not entirely understood.<sup>27</sup> It is hardly credible that such a large number of masters should have failed to remember to enrol the indentures, which was an entirely routine matter: it required only the registration of the indenture by a clerk at the chamberlain’s office at the Guildhall for the modest fee of 2s 6d, and could be done by the master without the presence of the apprentice. Perhaps master and apprentice reached a prior agreement not to enrol the indentures so as to facilitate an easy termination of the contract. There do seem to have been some cases where non-enrolment served this purpose, with both sides discharging the indentures with little evident acrimony. For instance, in the case *Joseph Turner vs Thomas Briquett*,

<sup>27</sup> For a recent review and analysis of the most likely explanations, see Wallis (2012).

**Table 5** *Petitions: types of complaint*

	<i>Total</i>	<i>Discharged</i>	<i>Not discharged</i>	<i>Trials</i>	<i>Mr wins</i>	<i>Illegible</i>				
E Enrollment	10,729	75.30%	9,819	91.52%	898	8.37%	12	0.11%	0	12
I Instruction not provided	989	6.94%	675	68.25%	310	31.34%	45	4.55%	3	1
U Bound under 14	552	3.87%	436	78.99%	110	19.93%	51	9.24%	5	1
P Expelled from service	679	4.77%	501	73.78%	174	25.63%	114	16.79%	3	1
C Improper chastisement	323	2.27%	149	46.13%	174	53.87%	75	23.22%	3	0
N Necessaries not provided	431	3.02%	256	59.40%	174	40.37%	36	8.35%	1	0
S No shop/trade	510	3.58%	361	70.78%	148	29.02%	32	6.27%	0	1
B Not bound correctly	8	0.06%	6	75.00%	2	25.00%	0	0.00%	0	0
F Master a foreigner	28	0.20%	26	92.86%	2	7.14%	0	0.00%	0	0
<b>Total</b>	<b>14,249</b>		<b>12,233</b>	<b>85.85%</b>	<b>2,000</b>	<b>14.04%</b>	<b>365</b>	<b>2.56%</b>	<b>15</b>	<b>16</b>

Note. The percentages of the totals for each type of complaint are calculated from the 14,249 petitions in the main calendar (excluding 5 cases where the complaint is illegible and 17 where it is not given). The percentages of discharges and trials are calculated from the number of cases of each type of complaint. The small numbers of cases where the master wins and cases where the conclusion is illegible are also given.

there is a very rare survival of legal correspondence in the LMC in which Briquett and his attorney write to James Gibson, the attorney representing the apprentice:

16 February 1701

Mr Gibson

I am contented that judgment be entred for the discharge of my servant Joseph Turner upon the indenture Mr Barker left with you for not inrolment this day his friends being to goe out of towne and hollidays comeing.

Witness Ro Barker

Thomas Briquette

Sir,

Pray send the endorsement soe soon as done the Master is my clyent and what is done is pursueant to an agreement.

Yours, Ro: Barker.<sup>28</sup>

However, in failing to enrol the indentures, a master was open to the apprentice bringing a discharge petition in the LMC that was effectively unanswerable. A master training a number of unenrolled apprentices would be particularly vulnerable to legal action. Jarvis Seaton, a distiller, was successfully sued for non-enrolment by six of his apprentices between 1672 and 1682; Leonard Cotes, a painter stainer, was similarly sued by six of his apprentices between 1684 and 1691. Failure to enrol apprentices was particularly risky for masters training a number of apprentices at the same time as it opened them up to multiple suits, with potentially devastating effects on their business. George Ireland, a joiner, lost three of his apprentices as a result of suits that were initiated on the same day (16 Feb 1673). So it is difficult to see that a prior agreement not to enrol apprentices could have been in the master's interest.

The problems of non-enrolment were noted in contemporary legal texts, where it is suggested that the practice was the result of a misunderstanding of apprenticeship law. According to *Privilegia Londini*, 'Many Citizens of London are of opinion not to Inroll any apprentice, and the reason they usually give is, that if the Apprentice be Inrolled, they are bound to keep him, although he shall be a Thief or a Gamester, but if he is not Inrolled, they can turn him away at their pleasure'. However, it is quickly noted that this is doubly in error: the enrolment did not impose on the master any additional legal obligations towards the apprentice that were not already required

<sup>28</sup> From the Gibson papers in the LMA, CLA/024/10 item 516.

by the indenture; moreover, enrolment had no bearing on a master's rights and legal options in dealing with an apprentice's immoral or unruly behaviour.

If the Apprentice be a Thief, the Master may as lawfully turn him away when he is Inrolled, as when he is not Inrolled; for the Inrollment is not obligation upon the Master to keep the Apprentice more than before he was not Inrolled. But by the Inrollment the Master answers the Oath he took when he was made Free ... and obliges the Apprentice not to go away at his pleasure.<sup>29</sup>

However, the theory that masters did not grasp the purpose of enrolment is problematic (although we will see in Section Three there is some evidence to support it from the attorney books). It is surprising that such a basic legal misunderstanding should have persisted among masters over such a long period. One would expect that the large numbers of discharges of indentures in the LMC (and subsequent prosecutions in equity) would have become common knowledge among company fraternities and made the risks of non-enrolment apparent.

Another possibility is that the non-enrolment cases are a form of legal fiction akin to the contemporary use of legal proceedings without any genuine legal disagreement associated with the transfer of property: the master and apprentice agree to end the apprenticeship and the judgement in the LMC is a way of formally and permanently recording this fact. The fact that the proceedings of a few non-enrolment cases in this volume begin *before* the apprentice has completed one year of the term and were not challenged by the master may lend support to this interpretation (although clerical error is another explanation). However, it is puzzling that a legal fiction would be considered necessary, since the termination of an indenture could be achieved by returning each half to the other party, while with the consent of the master an apprentice could be transferred to another.

Once the apprentice had petitioned the court, a warning would be sent to the master by the sergeant at mace (the details of this process will be explained in the following section). A master could choose either to take no further legal action whereupon, unless the apprentice backed out of the action, the case would proceed to a hearing in court and the indenture would be automatically discharged. Otherwise, the master could appoint an attorney to defend the case. As we can see from Table 6, the decision to defend the case was highly dependent upon the type of complaint being made.

Two factors that plausibly played a role in the master's choice to take legal action are the prospects for success in defending the case and the type of charge levelled against the master. If the apprentice had not in fact been enrolled within the first year it was a straightforward matter to check the enrolment books and no effective legal defence was available to the master. On all other main complaints, more extensive

<sup>29</sup> Ibid. 305–6.

**Table 6** *Types of complaint*

	<i>Total</i>	<i>Defence attorney</i>		<i>No Attorney</i>		<i>Case ends early</i>		<i>Illegible</i>
Enrollment	10,729	865	8.06%	9,261	86.32%	584	5.44%	19
Instruction not provided	989	343	34.68%	576	58.24%	68	6.88%	2
Bound under 14	552	235	42.57%	300	54.35%	15	2.72%	2
Expelled from service	679	331	48.75%	309	45.51%	37	5.45%	2
Improper chastisement	323	231	71.52%	69	21.36%	23	7.12%	0
Necessaries not provided	431	194	45.01%	208	48.26%	29	6.73%	0
No shop/trade	510	168	32.94%	279	54.71%	62	12.16%	1
Not bound correctly	8	3	37.50%	5	62.50%	0	0.00%	0
Master a foreigner	28	9	32.14%	19	67.86%	0	0.00%	0
All cases	14,249	2,379	16.70%	11,026	77.38%	818	5.74%	26

Note. The columns give the total number of petitions by type of complaint, the number and percentage of each type of complaint where: (a) the master is represented by an attorney; (b) the master does not defend against the complaint, and; (c) the case ends early without a hearing in court. The number of cases where the court process is illegible are also given. Percentages are calculated from the totals of each type of complaint. As with Table 5, this table includes all of the petitions except 5 cases where the complaint is illegible and 17 where it is not given.

evidence and investigation would be required that, at least in some cases, was subject to interpretation and dispute. Masters would also have an additional motivation to overturn a complaint that potentially impugned their character: being known for chastising or expelling apprentices is a reputation one would expect that most masters wished to avoid, aside from the problems it would potentially generate in securing new apprentices. Together, these factors go some way to explaining the differences shown in Table 6 in masters' employment of attorneys when facing different types of complaint.

If a master disputed the apprentice's complaint the next stage would be for the attorney representing each party to draw up legal briefs. Only 59 of these have survived and form part of the papers of the LMC attorney James Gibson. A transcription of these notes is in Appendix One. They provide a useful insight into the arguments constructed by Gibson in defending masters and apprentices as well as the kinds of evidence needed to prosecute a case.

Much harder to quantify is the effectiveness of efforts made by the master outside the legal process to dissuade the apprentice from terminating the indenture. As we can see from Table 6, a small but significant proportion of cases were dropped before the summons date. Presumably, many of these cases were due to the master and apprentice reaching an accommodation before the case came to court. This may also help explain why masters challenged non-enrolment petitions, even though the defence was legally futile. One of the main challenges for a master seeking an

accommodation would have been time. Once the apprentice had filed the petition, the procedure for discharging the indenture was quick and mechanical: the enrolment books from the chamberlain's office were checked and the results reported to the court. The master assigning an attorney to defend a non-enrolment case would have no effect on the outcome other than to delay it (assuming that the apprentice had in fact not been enrolled). The delay might have provided an opportunity for the master to reach an agreement with the apprentice. This strategy seems to have paid off. Of those non-enrolment cases that reach the stage of a court hearing and where the master does not defend against the complaint, less than 1 per cent have any other result than the apprentice being discharged. If the master does defend against the complaint, this percentage increases to over 25 per cent.<sup>30</sup>

Even the successful termination of an indenture might not end the relationship between apprentice and master. Richard Adams sued out his indenture for non-enrolment in 1664 against Richard Stephens, weaver, but was back in court in 1667 suing out his indenture with the same master for lack of instruction. John Bealey was discharged from his master Edward Paine, joiner, in 1660 for non-enrolment and again in 1663 for unreasonable chastisement. Thomas Matthew (or Matthews), successfully sued out his indenture for non-enrolment against Francis Fletcher, framework knitter, in 1679 but attempted unsuccessfully to sue his master again in 1680 for lack of necessaries. In a number of cases, it seems, apprentices appear to have renewed their indentures with the masters from whom they had earlier been discharged only to find themselves again in an unsatisfactory arrangement. Notably, in these cases, the masters did not repeat the mistake of failing to enrol apprentices.

#### *1.4. The motivations for petitioning and proceedings in equity*

A petition to the LMC would naturally identify a complaint that would most efficiently result in the indenture being discharged. If an apprentice had been ill-treated by his master and the indenture had not been enrolled within the first year, it would be far more sensible from a legal perspective for the apprentice to sue on grounds of non-enrolment rather than chastisement. This raises the question of whether non-enrolment was often a convenient pretext for a more serious complaint against the master that was not stated in the civil proceedings. As an example, James Evans, suing out his indentures against his master Richard White, wrote the following to his attorney:

Sir, I would desier you to cleare me from my Master for I am a frade that he will kill me if that I stay with him any longer he has bete me so much that I am not able to stay with him he did bete me and made me all of a gore blood and stompt upon me and drag'd me upon downe so much that my mother thought that he had kild me that I am a frade to stay and a grate many times he dus a

<sup>30</sup> This is not because the master *wins* these cases. Rather, the master's attorney is named and the case trails off without a conclusion, seemingly because the apprentice has ended the proceedings.

buse me he stompt upon my beley and bete me after a gros maner and now my mother is dead I am afrade that he will kill me now I have no body to stand my frind now he will not give what he promost me now when my mother was dead he would not give me my cloths to go to the berin I was faute to buy cloths my self and he did lock me up and made me give him forty shillings before he would let me go oute of the roome.

I am you servant to command

John Evanes<sup>31</sup>

However, Evans petitioned the LCM on the basis that he had not been enrolled.

For more evidence about the motivations for petitioning the LMC we need to look at the equity side of the court. After an apprentice had been discharged in the civil court, there was the matter of the premium to settle. If a master had received a premium of significant value at the outset of the training and refused to return some reasonable portion of the premium once the indenture was sued out, the apprentice could bring an equity case. Any equity court was open to an apprentice bringing a bill of complaint and cases do appear in the Court of Requests (up to its abolition in 1642) as well as the Chancery and Exchequer equity courts. However, apprenticeship complaints are particularly common in the surviving equity records of the LMC. Actions were usually brought by apprentices in conjunction with their fathers, guardians or mothers if the father had died. The bill of complaint typically sets out the circumstances under which the apprentice was placed with a master, the costs involved (involving at least the premium and the price of a set of clothes for the apprentice), a history of the disagreement including any legal measures taken by either party, a list of the master's failings, and concluding with an appeal on the grounds of equity for a return of the portion of the costs expended by the apprentice's family. Typical complaints include: the apprentice was given servile work rather than being trained in the appropriate trade, the master dispensed unreasonable chastisement (sometimes described in horrifying detail), the master failed to provide adequate maintenance, or the master did not instruct the apprentice. Notably, some apprentices complained that the master deliberately failed to enrol the indentures and then set about making the apprentice's life unbearable with the intention that they would choose the easier option of discharging the indentures in LMC rather than persisting with their training, such as it was. The master could thereby keep hold of the premium in the hope that the apprentice would not pursue legal action.<sup>32</sup> If the complaint was disputed, masters would

<sup>31</sup> Unnumbered item in the LMA, CLA/024/08/056. The attorney representing Evans is not named on the letter nor on the petition but on the basis of surrounding documents it is most likely James Gibson.

<sup>32</sup> This presents another hypothesis, albeit a rather depressing one, of why so many masters did not enrol their apprentices. However, it also underlines the risks that masters were exposed to by the practice: the onus was on them, in an equity case, to explain why they had not followed the city's custom of enrolment.

counter with a formal answer that would usually accuse the apprentice of a variety of failings: laziness, embezzlement, sexual misconduct, etc. Masters would also offer alternative explanations for alleged unreasonable chastisement and flatly deny most other charges.<sup>33</sup>

Most research on the LMC equity court has focussed on a relatively late stage in the proceedings: the interrogatories and answers presented to the various deponents on behalf of master or apprentice. While highly informative and accessible, many cases were settled before they reached this stage of the process and an unknown number of interrogatories and answers have been lost. The bills of complaint, along with the answers of the masters, provide a fuller representation of the range of equity cases initiated in the court, as well as a clearer statement of the grounds for the legal action. Because they are particularly relevant to the cases in this volume and provide a great deal of interesting detail, I have summarised in Appendix Two the 34 complaints from equity proceedings processing through the court during 1657–8 to the extent that this can be extracted from the surviving bills and answers (and one demurrer). The reader should note that this is merely a summary of the substance of the case; the veracity of the complaint is an entirely different matter.

There was one other legal option available to an apprentice in a dispute. The Court of Aldermen, senior to the LMC, was presided over by the mayor and would hear the petitions of apprentices along with a great deal of other business. It applied principles of equity, but unlike the equity side of the LMC would hear the petitions of apprentices who had not yet been discharged. While it could not discharge apprenticeship indentures (it lacked the civil powers of the LMC to dissolve contracts) it could impel a similar result following a review, often involving arbitration, by ordering apprentice and master to return their indentures:

ITEM this day upon hearing of the matter complyned of unto this court by Gamaliel Dudley apprentice to Abraham Reynardson marchant touching some differences between him and his said mr it was ordered by this court upon submission of parties that the said Abraham Reynardson shall repay unto his said apprentice 80li of 100li which hee received with him and shall deliver up his indentures of apprentishipp and turne him over to another mr to be provided by the said apprentice for the remainder of his terme to serve, having served with him but two yeres and a halfe of his apprentishipp and that the said mr and apprentice shall geive eache to other generall releases.<sup>34</sup>

The Court of Aldermen could also halt or direct the initiation of proceedings in the LMC. Here is an example (the LMC is called the ‘Utter Court’ because of

<sup>33</sup> Recent research by Patrick Wallis has shown that for cases that reached the final stage of a court decree, the court operated a fairly mechanical procedure for assigning damages bases on the proportion of time that the apprentice served and their assessment of the degree of fault on either side. See Wallis (2012).

<sup>34</sup> London Metropolitan Archives COL/CA/01/01/048/01 (Repertory 44, f. 217r, 27 April 1630).

its location in the outer chamber of the Guildhall; ‘Mr Chamberlain’ refers to the chamberlain):

ITEM This day the matters conteyned in the petition of Francis Mosse Citizen and Scrivenor of London touching some differences between him and Edmond Rolfe Citizen and Gouldsmith of London and John Rolfe his sonne apprentice of the said Francis Mosse are by this Court referred to the hearing and consideration of Mr Alderman Raynton, Mr Alderman Mowlson and Mr Chamberlain or any two of them. And they to call before them the said parties and reconcile and determine all differences betweene them if they can or otherwise to certifie this Court in writing under their hands how they finde the same and their doings and opinions. And in the meane tyme all proceedings of suite prosecuted by the said John Rolfe in the Utter Court for his discharge of apprenticeship to surcease.<sup>35</sup>

The Court of Aldermen could also rule over city companies, and had considerable powers of enforcement. Individuals, even the masters of companies, refusing to follow the court’s rulings could be summoned for a grilling by the attending mayor and aldermen, fined or imprisoned.

Petitioning the Court of Aldermen to intervene in an apprenticeship dispute was an unusual remedy and I have found no discussion of it in contemporary legal texts.<sup>36</sup> A few cases per year are reported over the first half of the seventeenth century and very few are considered in the second half, although the court continued to process thousands of petitions and requests for the freedom of the city. Given the amount of time dispute cases could take – they would often run over a number of weeks and usually involve senior court officials engaged in reviewing the case and sometimes arbitration between master and apprentice, followed by summaries to the court – it seems likely that potential petitioners were directed to the chamberlain or LMC. The Great Fire and years of subsequent building, along with the subsequent influx of artisans petitioning the court for their freedom, placed substantial demands on the court’s time and may have made the equitable treatment of apprentice-master disputes impracticable.

## **2. Proceedings in the Lord Mayor’s Court**

### *2.1. The jurisdiction of the LMC*

The LMC was a court of record held in the outer chamber of the Guildhall. There were four permanent attorneys who conducted the main legal proceedings on both the civil and equity sides of the court, and six sergeants at mace who were bailiffs

<sup>35</sup> London Metropolitan Archives COL/CA/01/01/049, 363r 14 June 1631, repertory 45.

<sup>36</sup> Reading these cases was the beginning of my own interest in apprenticeship disputes in the city records. Cases in the Court of Aldermen, on the equity side of the LMC and in the Chamberlain’s Court are the main sources of unpublished material and will hopefully provide the material for a later volume in this series.

issuing summonses, making arrests, acting on warrants, etc.<sup>37</sup> Although each case was introduced as being before the mayor and aldermen, in practice the city recorder was the sole judge presiding over the court. The recorder was a city official who, in addition to his role in the LMC, principally advised and acted as advocate for the Corporation of London on legal matters.

The common law side of the LMC had both criminal and civil jurisdictions. The criminal prosecutions were actions against individuals believed to have violated the customs or bylaws of the city. These included a variety of types of case, ranging from fines for conducting retail business within the city without being free of the city, to disenfranchisement from the freedom of the city of those who had obtained their freedom by misrepresentation or other illicit means (as well as masters who had given false testimony about the service of their apprentices).<sup>38</sup>

### 2.2. *Court procedure in apprenticeship cases*

The civil jurisdiction encompassed cases usual in other civil law courts, such as debt, trespass, and action on the case. One did not have to be free of the city to bring an action or to be prosecuted: anyone who could sue in the King's Bench or Common Pleas could do so in the LMC. A particularly notable type of action, over which the LMC had unique jurisdiction in London, was the process of foreign attachment. A creditor could take action for the recovery of funds against a debtor who had left the city by confiscating and eventually cashing in the property, goods or money that were the possessions of the debtor found to be in the hands of a third party in the city. In the case of goods, they would be sequestered by the court, an inventory drawn up and two assessors selected to evaluate them; the value would then be offset against the debt owed by the absent debtor. The surviving cases and their associated inventories and valuations give remarkable insight into trading networks within the city and are one of the treasures of the LMC archive.<sup>39</sup>

Turning to the practical details of an apprenticeship case. Proceedings were initiated by the apprentice bringing in an indenture or copy of an indenture to an attorney of the court and identifying the reason for discharging it. This attorney would represent the apprentice throughout the proceedings. Unlike other civil cases, which were written in Latin, the apprentice's complaint was presented to the court in French and in the form of a petition to the mayor and aldermen. To illustrate, I have selected a couple of cases from the Commonwealth period during which English became the standard court language. The first, *Eades vs Powell*, is the commonest type of case,

<sup>37</sup> For a detailed history of the location and organisation of the LMC before 1500, see Penelope Tucker, *Law Courts and Lawyers in the City of London 1300–1550* (Cambridge: Cambridge University Press, 2007). For a particularly lucid summary of the court's practice in the early nineteenth century (which had not substantially changed since the seventeenth century), see *Second Report of the Commissioners Appointed to Inquire into the Municipal Corporations in England and Wales: London and Southwark, London Companies* (House of Commons, 1837).

<sup>38</sup> *Privilegia Londini*, pp. 105–6, 311–12.

<sup>39</sup> For discussion of debt litigation and credit networks in the seventeenth century, see Craig Muldrew, *The Economy of Obligation: The culture of credit and social relations in early modern England* (New York: St Martin's Press, 1998).

in which the apprentice sues out the indenture for non-enrolment, the master does not respond to notice of the complaint and the apprentice is thereby discharged. Note that a peculiarity of the LMC dating is that dates written with Roman numerals assign '1' to November (the month in which a new mayor was inaugurated) through to '12' for October; days and years are unchanged. Dates written out in long hand are as normal but do, of course, follow old style dating, i.e. the beginning of the new year was taken to be 25 March. As with most civil court actions from this period, a substantial portion of the text is standardised and changes little between cases. I have underlined some key pieces of information in the text that are distinctive and have been summarised in this volume.

To the honourable the Mayor and the worshipfull the Aldermen of the City of London

Most humbly sheweth Humphrey Eades sonne of William Eades of the towne and county of Warwick yeoman, And complaineth against John Powell Citizen and Vintner of London for that whereas the seaventh day of September in the yeare of our Lord one thousand six hundred fiftie and two in the parish of St Christopher London the said Humphrey by a certeine indenture of apprenticeship between him and th'aforesaid John Powell then made did put himselfe apprentice according to the custome of the said Citie unto the said John Powell (then being a freeman of the Society of Vintners within the said Citie) to learne his arte, and with him after the manner of an apprentice to serve from the feast of the nativity of St John Baptist last past before the date hereof unto the full end and terme of eight yeares from thence next following to be fully compleate and ended as by the same indenture of apprenticiality (the same being shewen here in Court) fully appeareth. The which said John Powell the day and yeare aforesaid (that is to say) in the parrish aforesaid th'arte of a vintner used. Notwithstanding the aforesaid John Powell hath not caused your said suppliant to be enrolled before the Chamberlen of the said City in the Chamber of the Guildhall of the same City situate in the parish of St Michaell in Bassieshawe in the Ward of Bassieshawe London aforesaid within the first yeare of the terme of his said apprenticeship according to the custome of the Citie aforesaid. And therefore your said suppliant humbly prayeth that it will please your Lordshippe and Worshippes of your sage discrecions to ordaine and adjudge that your said suppliant for the cause aforesaid may altogether be discharged against the said John Powell for the residue of the tearme of his apprenticeship aforesaid yet to come according to the custome of the said city and that he may be comitted to another freeman of the said city using th'aforesaid arte within the said city with him to serve the residue of the said terme of his apprenticeship yet to come according to the custome of the said city. And that for the love of God and in honour of charitie.

2. 8. 1654 pledges to prosecute, John Doe & Richard Roe

And upon this after warning at the mancion house of th'aforesaid John Powell within the liberties of the city aforesaid being by th'aforesaid Serjeant at Mace left, etc. And after th'aforesaid fower defaults according to the custome of the city aforesaid recorded, etc. At the petition of the said plaintiffe by his attorney aforesaid made, it was comanded by the court here to th'aforesaid Serjeant at Mace that he according to the custome of the city aforesaid should warne and make known to the said John Powell to be here in court the tenth day of this instant June to holden etc. to shew etc. if any thinge etc. wherefore, etc. On which said day the said Serjeant at Mace returned and certified to the same court that by vertue of the precept aforesaid to him directed had warned and made knowne to the said John Powell to be here in court the said tenth day of June as to him, etc. Whereupon at the petition of the said plaintiffe by his attorney aforesaid made the said John Powell then and there was solempnly called etc. and appeared not but made default. Therefore 10:8 in the yeare of our Lord one thousand six hundred fifty foure it is considered by the court that the said plaintiff bee utterly discharged against the said John Powell his master for the residue of the terme of his apprenticeship yet to come and that hee bee comitted to an other freeman of the said city using the arte of a vintner within the same city with him to serve out the residue of the terme of his apprentishipp yet to come according to the custom of the same city & the forme of the petition aforesaid.

There are also some common marginal notes. At the top left of the sheet, the clerk has written: '2:8 in the year of our Lord 1654 the plaintiff put in his stead Samuell White'. White, one of the attorneys of court would represent the plaintiff Humfrey Eades through the case. Another marginal note marks off the four court days – the four defaults – given to the master before being summoned to court (I will explain this shortly).

The principal information extracted from the indenture is summarised in the first few lines of each entry in the calendar: The name of the apprentice, the apprentice's father, the father's trade and location, the name and company of the master and the date on which the indenture was agreed. Additional information about events subsequent to the signing of the indenture may also appear here: if a master had died, the apprentice could prosecute the case against the executors or administrators, and if the apprentice had been turned over to another master this is also usually set out in the petition.<sup>40</sup> Note that the reference to 'St Christopher' had, by the seventeenth century, become purely formulaic and does not give the actual place of agreement.

<sup>40</sup> The petition usually distinguishes between the executors and administrators of the master's estate. On the basis of a small sample, this information seems to be a good indicator of whether the master died leaving a will or intestate.

Note also that some cases, such as this one, also give the date at which the training began ('the nativity of St John the Baptist last past' would have been 24 June 1652). Usually, this is on the same day or within a few months of the indenture agreement and has not been included in the calendar.

The petition gives the length of the apprenticeship, commonly 7 or 8 years (74 per cent and 19 per cent of cases respectively).<sup>41</sup> It could be longer – in 1 per cent of cases apprentices are bound for 10 or more years – and apprentices of mariners were often bound for less than 7 years. After an apprentice had served 7 years the master could agree to remit the remainder of his time if he was bound for longer; however, without such an agreement, an apprentice would be required to serve the full term specified in the indenture. As contemporary source warns:

Now some are of opinion, that if they are bound for above seven years, as eight or nine though inroll'd, they may nevertheless at the end of seven years be quit and have their freedom; but in this they mistake, for the covenant of indenture will hold them to serve their full time therein covenanted, unless some very reasonable cause appears why they should be discharged.<sup>42</sup>

One wonders, therefore, at the circumstances that led families to agree to commit their children to an apprenticeship of 9 or more years.

The petition usually gives the occupation in which the apprentice was trained. Sometimes, as in the above case, this information is repeated in the court's verdict at the end. The reason for discharging the apprenticeship indentures is then stated; here, the most common reason of non-enrolment, is given. The main body of the petition concludes with the date on which the apprentice brought the case. Following the note about mayoral dates above, 2.8.1654 was 2 *June* 1654. This section is otherwise formulaic and does not refer to any court practice. No pledges to prosecute are actually taken and John Doe and Richard Roe are fictions.

From this point, the details of the court procedure begin. The first step after the apprentice had registered his complaint was for the sergeant at mace to notify the master by attempting to deliver a warning of the complaint to his house (I will discuss warnings in more detail below). Where the address of the master was known, as in this example, the case would immediately proceed to the next stage. The following case, between John Dayton and Ralph Appleton, a citizen and Blacksmith of London, initiated on the 3 January 1652, illustrates the procedure when the master could not be found.

And thereupon at the petition of the said plaintiff by his attorney aforesaid made it was commanded by the court here to the aforesaid Sergeant at Mace,

<sup>41</sup> Longer apprenticeships were more common in earlier decades. Before 1670, approximately 30 per cent of petitioners were enrolled for 8 years and 60 per cent for 7.

<sup>42</sup> *The Freeman of London's necessary and Useful Companion* (London: W. Pearson for J. Baker, 1707), 52–3.

that hee according to the custome of this city aforesaid should leave warning at the dwelling house of the said Ralph Appleton of the petition aforesaid by the aforesaid plaintiff against the aforesaid Ralph Appleton exhibited according to the custome, etc. And what the said Sergeant at Mace thereupon should doe at the next court before the aforesaid Mayor & Aldermen of the city aforesaid in the chamber of the Guildhall of the said city by the tenth day of this instant month of January there to be holden etc. should return and certify etc. Whereupon the aforesaid Sergeant at Mace at the same court returned & certified to the same court that the aforesaid Ralph Appleton hath noe dwelling house within the liberties of the city aforesaid ...

The same procedure of summoning Appleton to a set court date is repeated two more times (11 and 17 January), so the process is in effect delayed by three court days. However, the description of court actions and attendance is merely formulaic: no presentation in court by the apprentice on each day appears to have occurred.<sup>43</sup> In some cases, the text about warning the master is omitted and the case moves directly to giving four court days before the sergeant at mace issues a summons to the master to attend. The summons is the second step in the court process.

As with the notification, the sergeant at mace might be unable to locate the master to advise him of the summons. For example, in the above case of *Dayton vs Appleton*, the sergeant at mace was unable to locate Appleton to notify him of the petition. Set a date of 24 January to appear before the court, the sergeant at mace was also unable to locate Appleton to issue the summons. The text proceeds as follows:

... which day the Sergeant at Mace returned & certified to the same court that the aforesaid Ralph Appleton was not to be found within the liberties of the city aforesaid by which or where he could make known to him as to him before was commanded, etc. Whereupon at the petition of the said plaintiff by his attorney aforesaid made it was commanded by the court here to the aforesaid Sergeant at Mace as otherwise to him it was commanded that he according to the custome of the city aforesaid should warne & make known to the aforesaid Ralph Appleton to be here in court the eighth day of February next ensuing here to be holden, etc. to shew etc. if anything, etc. Wherefore, etc. Which day the Sergeant at Mace returned & certified to the same court that the aforesaid Ralph Appleton was not to be found within the liberties of the city aforesaid by which or where he could make known unto him as to him was commanded, etc.

As one would expect, where the sergeant at mace is unable to notify the defendant of the petition, he is usually unable to issue the defendant the summons.

<sup>43</sup> A 'court day' could be any day of the week other than Sunday, excepting for a large number of saints' days, days commemorating historical events, holidays over August, the end of December and early January. The LMC did not need to actually convene on a court day.

The case now reaches the court date. In most cases, neither master nor defendant are represented. As we have seen, the commonest complaint is non-enrolment and (assuming that the master had in fact not enrolled the apprentice) the master could not win the case from this point, although he could employ delaying tactics. If the master was not represented, the non-appearance was noted and the court ruled in favour of the petitioner.

If the master wished to dispute the petition, he would employ an attorney. In the case *Walter Nurse vs Thomas Waldron*, a citizen and barber surgeon, Waldron was summoned to appear on 10th April 1654. Waldron

... appeared and put in his stead George May and licence of imparlance by the same saveing etc. 11. 6 in the yeare of our Lord one thousand six hundred fifty foure continuance of imparlance by the same etc.

During ‘imparlance’, attorneys would determine whether the master had an actionable response to the petition. If it was being used as a delaying tactic, imparlance postponed the court’s verdict for two further court sessions (at least a week or longer depending on court holidays). If this was Waldron’s strategy, he was not successful. While he delayed the case from 10 to 20 April he did not prevent the case from proceeding:

20.6 in the yeare of our Lord one thousand six hundred fifty foure because the said defendant by his attorney aforesaid saith that hee is not informed of any sufficient answer nor can any thing say in barr of the petition aforesaid therefore it is considered by the court that the said plaintiff bee utterly discharged ...

If the defendant’s attorney was able to construct a defence, there would be arguments presented by the attorneys of each party. The petition may be supplemented with a brief summary of these arguments that usually consist in only a formal denial or repetition of the complaint. If no resolution was reached, the case could go to trial. Here is an example:

By the Mayor etc.

Summon the country and neighbourhood of the parish of St Christopher London, whereof every of them to be of the value of one hundred markes according to the forme and effect of the statute in that case made and provided.

To Robert Percivall, Serjeant at Mace, etc. 29.1.1653

[names of jurors given]

Between Jeoffery Theobalds plaintiff and John Lawe defendant in the petition of discharge of apprenticeship.

The nine and twentieth day of November in the yeare of our Lord one thousand six hundred fiftie and three the jurors aforesaid were solempnly called and twelve of them did appeare who being elected and tried and concerning the premisses sworne for their verdict upon the oath say that the said Jeoffery Theobalds at the time of his binding was within the age of fourteene yeares in manner and forme as the said Jeoffery Theobalds by his petition aforesaid hath supposed.

Therefore 1.2 in the yeare of our Lord one thousand six hundred fifty and three it is considered by the court that the said plaintiff bee utterly discharged against the said John Law his master for the residue of the terme of his apprenticeship yet to come according to the custom of the said citty and the force of the petition aforesaid, etc.

Trial sheets are attached to the petitions and form part of the proceedings. The trial dates and verdicts are given in this volume.

A striking fact about the proceedings in LMC is the speed with which they are prosecuted. Although court holidays could delay the schedule of summonses and court decisions, an undisputed petition for discharging an indenture based on non-enrolment would usually be finalised well within two weeks. The overall process was so quick that it raises the question of what provision was made for masters who were unavoidably out of town during the action, only to return to the city to find they had missed a complaint and summons in their absence and that their apprentice had been discharged from their service. There are some petitions where the process was revived shortly after the discharge of the indentures is declared: the later date is given, the master's attorney is named and the case continues to a conclusion as usual. It seems plausible that these are cases where the master took issue with the process. Additionally, case 16 in Appendix One indicates that a judgement could be set aside if a reasonable explanation could be provided for why the apprentice's complaint was not answered. However, the timescale for reviving apprenticeship cases is unclear. For other actions in the LMC a court date or decision could be delayed or judgement deferred by a relevant party signing an affidavit explaining why a crucial witness could not be present, or why the defendant had either missed warnings or could not attend court. In some instances, the defendant denies receiving the warnings on time. A similar procedure may also have been available for apprenticeship cases, though none survives in the files of affidavits. The closest example is an apprenticeship dispute in equity between Jeremy Beck and Robert Markham. Markham claims that Beck 'did so speed his cause' at a time when Markham 'haveing extraordinary occasions into Bristow faire could not have any certeyne notice of the hearing of the said cause'.<sup>44</sup>

<sup>44</sup> Unnumbered item from CLA/024/08/01.

### 3. The Records

#### 3.1. Overview

As with many court archives, the proceedings of LMC have been organised horizontally, with different sub-collections containing different stages of the proceedings.<sup>45</sup> The 'bill books', which are the files of cases mentioned in the introduction, form by far the largest and longest-running collection of records in the LMC and include the apprenticeship petitions. There are separately catalogued series of 'actions and warrants', attorney notebooks, court minute books, affidavits, and boxes of 'depositions' (which contain various papers, many of which are not depositions). None of these other series have survived as well as the 'bill books' and none predate the 1660s.

For some court records this type of organisation presents a significant challenge for the construction of an index that extends beyond a single stage of the legal process, since it requires one to match up cases across more than one series of records. Fortunately, the clerks of the LMC would keep the active cases on hand and add details of the process to the bottom of the sheet of vellum on which the original complaint was written up, or to an additional sheet that would be stitched on. If a case went to trial, an additional sheet would be added to the petition with a list of jurors and details of the verdict. So while the other series of records in the LMC provide supplementary details about a given case, the bill books contain a good summary from the beginning to the end of a case. This procedure also minimised the paperwork and kept costs down.

#### 3.2. *The attorney cause and rule books*

Despite the relatively complete picture of a case provided by the petition, I have drawn on two other complementary series in the archive and integrated them into the main calendar. One of these are the collection of attorney note books on court proceedings. 42 of these survive covering cases from 1693 to 1723. Each book gives the cases for only one attorney. The books fall into two main categories. 'Rule' books list all the case with which the attorney was involved, giving only the surnames of the two principal parties and usually a brief note of the type of case. These books often also contain jury lists and notes on cases, sometimes written from the back of the book. The 'cause' books mainly contain details for all cases in which the attorney was actively involved, i.e. were called on to consider or engage in legal argument. Although an apprentice was assigned an attorney at the outset when the petition was written up, the case would reach a conclusion with only minor involvement of the attorney unless the master disputed the complaint. Consequently, apprenticeship cases would only be noted in the cause book if the attorney was consulted by the master to develop a defence or further action was required on behalf of the apprentice. Notes in the case books usually give the main parties in full, the initials of the attorney defending

<sup>45</sup> Our knowledge of the archival history and organisation of the LMC records is based on the research and catalogues written up by archivists that were inherited from the Corporation of London Record Office.

the other party and often, in apprenticeship cases, the master's address. Monies paid and owing the attorney are sometimes jotted down in the margins.

Because the details in the rule books are sparse and add little information, I have only used the cause books. The cause books range in length from about 80 to 160 folios, with at least four cases listed on each side. There are nine cause books for James Gibson running from 2 June 1679 to 18 March 1703, one for Robert Aldersey covering 2 August 1693 to 3 October 1700, and twelve for Thomas Jackson, 24 September 1700 to 8 November 1723. There are additionally three rough notebooks of causes that give less detail and are largely written up in the neater versions: two are Gibson's and one is Jackson's. The rule books, which survive only for Gibson and Jackson, finish at approximately the same times as the case books but start later for Gibson (1684) and earlier for Jackson (1693). Given that there were four attorneys working in the LMC and on the assumption that each attorney kept a series of cause books and rule books for their cases, we can see that even for the thirty years covered by this collection most of the books have been lost.

Despite the losses, the attorney books provide some useful insights into the court's process. Most cases recorded in the cause books also indicate the type of legal action with which attorneys were engaged. For a sample, I have used two volumes of Gibson's case books, each 113 folios, the first covering cases from 12 June 1699 to 13 February 1700, the second from 15 February 1700 to 28 August 1702.<sup>46</sup> Together the books note 1801 cases. Apprenticeship cases represent only 5 per cent of the total (though, as explained above, many of these cases are not mentioned in the cause books so this does not represent the proportion of cases proceeding through the court), while actions on the case, at 25 per cent, is the variety of civil court action that most occupied Gibson. More surprising, however, is that 23 per cent of the cases are *querela levata*: a distinctive action by which cases were 'elevated' from the Sheriffs' Court into the LMC. These are clearly indicated by a marginal letter for each case: M (for any case initiated in the LMC), P (for cases arriving from the Poultry compter) or W (for cases arriving from the Wood Street compter), the latter two forming part of the Sheriffs' Court. This underlines the close relationship between these two courts. Moreover, given the very substantial losses in the Sheriffs' Court archives due to fire it is possible that a fuller representation of its proceedings survive in the form of *querela levata* in the LMC.

Another fact about procedure emerges when we consider those attorney book entries for which the associated petition survives. There are 494 cases where the archive contains *both* the petition *and* an entry in one of the attorney books. Of these, we might expect to find the petition showing that the master is represented by an attorney and defends against the apprentice's complaint. However, in 184 of these petitions (37 per cent) the petition says that the master did not dispute the complaint. What appears to have occurred is that the master consulted with a LMC attorney

<sup>46</sup> CLA/024/03/01, items 7 and 8.

– hence the record of the case in the cause book – and then decided *quickly* (i.e. between the legal consultation and the first hearing of the case in court) not to challenge the complaint. Why did this happen? If we look at the other 63 per cent of petitions that identify an attorney as representing the master, we find that in 11 per cent of these cases the complaint is non-enrolment (the commonest being lack of instruction at 18 per cent and unreasonable chastisement at 16 per cent). If we look at the cases where the petition shows that the master did not dispute the cause, we find that in 83 per cent the complaint was non-enrolment. This suggests that when masters consulted with attorneys on how to challenge a non-enrolment petition, assuming that they had in fact not enrolled the apprentice, they were quite correctly advised that no winning legal defence was available. It is notable that masters needed to consult an attorney to recognise this fact and this evidence lends some support to the hypothesis discussed earlier that there was widespread ignorance about the legal implications of not enrolling an apprentice.

The most valuable information in the attorneys' notes are the addresses of masters and, less commonly, apprentices. For attorney notes that can be attached to a surviving petition, these addresses are included in the entries in the main calendar of petitions or, where no address is given, the entry just notes the name of the attorney that took up the case. Attorney notes that have no associated surviving petition I have listed in a separate calendar. Many of these entries are the only surviving evidence of an apprentice-master dispute; since the master's company name is not given in the attorney books, identifying the company in which the apprentice was bound will rely on checking against company or other records. However, as noted above, a petitioner could sue his master more than once, either with a number of different complaints at the same time or over a period of time; moreover, even if he was successful, some apprentices continued in their masters' service only to sue out the indentures a second time. Accordingly, some of the attorney book entries show evidence of additional legal action between disputants found in the petitions calendar. For example, a petition shows that John Phillips successfully sued out his indentures with Francis Cale, citizen and Weaver, in August 1685 for being bound under the age of 14. However, the attorney books show an earlier action from February 1684 for lack of instruction. Although we do not know if this earlier action was successful, the address details of the master are provided.

Perhaps the most surprising fact about the apprenticeship entries in the attorney books is that nearly 65 per cent of them cannot be matched to the surviving petitions. This indicates that despite their large numbers there have been very substantial losses among the petitions. However, since the other series of records – the 'actions and warrants' – offer a much larger comparison sample, I will return to this question shortly.

### *3.3. Warnings to masters*

The series called 'actions and warrants' consists of 115 bundles of small sheets of paper; each bundle is connected by string running through the middle and wrapped

in vellum. Each sheet records a development in one of the cases before the court. These files were kept by attorneys and survive in increasingly large numbers from 1661 to 1705. They include among them the copies of orders to the sergeant at mace to warn the master of the apprentice's petition and the court date at which the case would be heard. Many of these warnings contain instructions on where to locate the master in London, information that is not included in the petition. Some warnings also contain details of an apprentice's binding, usually jotted down by the attorney or a clerk at the bottom of the sheet. A small number of sheets contain other evidence relevant to apprenticeship cases, such as letters from company clerks containing copies of an apprentice's registration or notes from parish clerks confirming the baptism date of an apprentice. Typically, these pieces of evidence are close together in the bundle to a warning related to the same case. There are, however, some pieces of evidence attached to petitions where no warning survives; there are also some cases where there are two copies of the same warning, or two warnings were given for unknown reasons. For the convenience of analysis, I treat all of the sheets of paper in the 'actions and warrants' connected to a case as a single document and will call it a *warning*.

The usefulness and interest of this series seemed too valuable to omit, not only for the additional information that they provide but as a useful way of checking the calendar of petitions, and I have appended information from warnings into the main calendar of petitions where possible. Warnings (or other evidence) without a corresponding petition I have put into a separate calendar.

Warnings survive from 1661 to 1705 and, as with the attorney notes, point up significant losses in the records even for those years where they survive in large numbers. If the court records from this period had survived without loss, we would expect to be able to pair up every petition with a corresponding warning since each petition should have set in process a warning being issued to the master. However, of the 7761 petitions dating from this period, only 4674 of them have attached warnings and there are a further 1653 warnings that lacked matching petitions. The numbers for each year are set out in Table 7.

As we can see from the table, the total number of apprenticeship cases 1661–1705 represented by the petitions and the unmatched warnings is 9413. However, given that there appear to be significant losses to the petitions as well as to the attorney files, this actual number of apprenticeship cases appearing before the LMC would have been substantially higher.

#### 3.4. *Fire damage, record keeping and good practice in the LMC*

The accessibility and condition of the petitions varies hugely. Many are mutilated or have fire damage, with items in the first few decades of the seventeenth century having suffered worst. Most petitions exhibit some signs of fire damage. Despite this, because much of the text of a petition is formulaic and some important details are repeated, there are hundreds of seriously damaged bills where it has been possible to

**Table 7** *Warnings and petitions*

	<i>Petitions indexed</i>	<i>Petitions with surviving warnings</i>	<i>Petitions with surviving warnings (%)</i>	<i>Unmatched warnings</i>	<i>Total known cases</i>	<i>Surviving cases with petitions (%)</i>
1661	159	7	4.40%	4	163	97.55%
1662	132	28	21.21%	9	141	93.62%
1663	136	10	7.35%	24	160	85.00%
1664	199	78	39.20%	17	216	92.13%
1665	75	38	50.67%	37	112	66.96%
1666	112	77	68.75%	50	162	69.14%
1667	123	88	71.54%	33	156	78.85%
1668	138	119	86.23%	26	164	84.15%
1669	161	143	88.82%	32	193	83.42%
1670	237	182	76.79%	24	261	90.80%
1671	303	237	78.22%	36	339	89.38%
1672	242	215	88.84%	38	280	86.43%
1673	192	168	87.50%	55	247	77.73%
1674	227	204	89.87%	61	288	78.82%
1675	146	121	82.88%	100	246	59.35%
1676	89	49	55.06%	134	222	40.09%
1677	139	127	91.37%	95	234	59.40%
1678	157	130	82.80%	39	196	80.10%
1679	143	93	65.03%	107	250	57.20%
1680	162	149	91.98%	85	247	65.59%
1681	204	190	93.14%	43	247	82.59%
1682	253	230	90.91%	61	314	80.57%
1683	263	232	88.21%	69	332	79.22%
1684	313	173	55.27%	34	347	90.20%
1685	251	119	47.41%	7	258	97.29%
1686	207	101	48.79%	9	216	95.83%
1687	204	83	40.69%	21	225	90.67%
1688	224	142	63.39%	23	247	90.69%
1689	241	226	93.78%	37	278	86.69%
1690	172	141	81.98%	28	200	86.00%
1691	179	74	41.34%	13	192	93.23%
1692	174	84	48.28%	11	185	94.05%
1693	256	117	45.70%	11	267	95.88%
1694	91	78	85.71%	9	100	91.00%
1695	103	74	71.84%	2	105	98.10%
1696	92	73	79.35%	3	95	96.84%
1697	49	25	51.02%	36	85	57.65%
1698	76	1	1.32%	66	142	53.52%
1699	42	28	66.67%	136	178	23.60%

**Table 7** *continued*

	<i>Petitions indexed</i>	<i>Petitions with surviving warnings</i>	<i>Petitions with surviving warnings (%)</i>	<i>Unmatched warnings</i>	<i>Total known cases</i>	<i>Surviving cases with petitions (%)</i>
1700	120	37	30.83%	11	131	91.60%
1701	95	59	62.11%	6	101	94.06%
1702	120	63	52.50%	4	124	96.77%
1703	268	24	8.96%	1	269	99.63%
1704	288	18	6.25%	4	292	98.63%
1705	204	19	9.31%	2	206	99.03%
Total	7,761	4,674	60.22%	1,653	9,413	82.45%

Note. The columns give for each year: the total number of petitions calendared, the number of petitions with corresponding warnings, the percentage of petitions from each year that have corresponding warnings, the number of warnings without corresponding petitions, the total of petitions and unmatched warnings for each year (i.e. the number of distinct cases for each year based on the surviving petitions and warnings), the number of surviving petitions as a percentage of this total. Some undated warnings have been dated on the basis of the preceding and following items in the file.

extract much or all of the most interesting information. In only 60 cases I have been unable to identify the surname of the apprentice.<sup>47</sup> These are listed separately along with other details I have been able to decipher; all petitions on which the apprentice's surname name was legible have been included in the main calendar.

Once a case was completed, the petition would be filed with other cases, usually by stitching at the edges and sometimes punching through the middle of the sheet and tying together by string. There are 318 files or bundles in the series.<sup>48</sup> While some original files survive, many were reconstructed or otherwise put together by archivists following the fires that devastated the court records. A report on the LMC to the Court of Aldermen in 1669 suggest that the damage caused by the fire of 1666 was significant:

And lastly touching the bookhouse, wee find that the same hath not beene kept as it ought & by many orders of this Court hath beene carefully provided & the books and records by that meanes have of late times beene much coyled torne broken & defaced & many files of the Utter Court & some other things (now

<sup>47</sup> In twenty cases I identified the name of the apprentice through other sources: the apprentice binding books of the Merchant Taylors' Company (an index of which is currently being prepared for future volumes in the British Record Society apprenticeship series) and, with his generous permission, Cliff Webb's indices of London company apprentices. The information in this volume is otherwise independent from other sources.

<sup>48</sup> The LMC archive was newly catalogued after it was moved to the LMA from the Corporation of London Record Office, with bill books/bundles numbered from 1 to 321 on the basis of the date of the earliest case believed to be in each file. However, one number is not used and two pairs of numbers appear to refer to the same file.

missing besides what were burnt in the dismall fire) for ought appears utterly lost. And therefore & for better keeping of the said bookes & records for time to come wee think fitt & necessary *that* the Town Clerke calling to him the foure clerkes of the Utter Court doe cause the bookes files & other records remayning to be presently searched examined & putt in their places & order and certify unto this Court what is burnt lost or missing.<sup>49</sup>

This report raises concerns about the keeping of court records that I will return to shortly. On the basis of files that appear to be intact, a file contained the cases of one attorney over the course of one year and organised according to the type of case. In their current form, some files are roughly organised by date, some by type of case (some files have just apprenticeship disputes and several with just *querela levata*, which generated distinctively bulky paperwork), some by the attorney conducting the prosecution or defence of the case, and some files include collections of cases that range over decades and have not been associated on any clear principle. Some files contain cases that are consecutively numbered, some have more than one sequence of numbers, while others are unnumbered. Apprenticeship cases make up approximately 10 per cent of the total cases. However, since we do not know whether or how well the current distribution or survival of types of case is representative of the original archive, this figure should be treated with caution as an indication of court business.

Concerns about the quality of record preservation in the LMC were, as indicated in the above quotation, periodically raised and sometimes ignored. A report to the Court of Aldermen in 1660 concludes: 'Also the Court being informed of divers disorders in the said court, and that the orders formerly made touching the bookes & records & the safe & well keeping of them in the bookhouse are wholly neglected.'<sup>50</sup> The safety of the records was not the only issue. In 1631 the Court of Alderman 'calling before them Mr Towne Clark and the fower Attornys in the Utter Court comonly called the Lord Mayors Court shall examyne the causes of the great decay of practise in the same court and consider how the same may be regayned and the said court brought to its former good rule and government for the honor of this Citty'.<sup>51</sup> Concerns about good practice reappear in reports in subsequent decades in the seventeenth century. Common issues raised were: (a) the lack of organisation in the records and general listings of cases proceeding through the court; (b) the diligence of the attorneys and sergeant at mace in ensuring that all parties were advised with sufficient notice of cases in which they were involved; (c) that records should be kept up to date as a case proceeded through court rather than filled in at a later stage.

Given the rapidity with which cases were completed in the civil side of the LMC, along with the highly routine nature of most of the proceedings, it is unsurprising

<sup>49</sup> COL/CA/01/01/078, f. 305, 14 Oct 1669, repertory 74.

<sup>50</sup> COL/CA/01/01/071, f. 146, 9 Oct 1660, repertory 67.

<sup>51</sup> COL/CA/01/01/050, f. 125, 1 Mar 1631, repertory 46.

that lax record keeping and notification of cases should have occasionally have been a problem. With respect to apprenticeship cases, a report of 1651 highlights that the practice of delivering warnings to masters to advise them of the petition – ‘if the said master or his house or abode bee either within London or within the places mentioned in the weekly bills of mortality’ – had to be completed ‘or otherwise upon the motion in Court the proceedings thereupon to be voyd’.<sup>52</sup> A list of rules of good practice made in 1681 by the four attorneys at that time advises: ‘No apprentice discharges within the liberties to be antedated, nor warnings returned unlesse really done’.<sup>53</sup> In one case from 1675/6 that must have been embarrassment to the LMC, an attorney set in motion a prosecution against a master without proper agreement from the apprentice. The master, William Beheathland, petitioned the Court of Aldermen: ‘endeavours are used by proceedings in the Outer Court for the discharge of John Huntingford his apprentice for not enrolment but that the said proceedings are had without the notice and contrary to the inclination of the said apprentice who is now at Lisbon in Portugall in the petitioners service and that the attorerney who prosecutes in the name of the said apprentice hath noe direcccon or comission from him for that purpose’.<sup>54</sup> Proceedings were subsequently halted.

Possible evidence of backdating records shows up when comparing the dates of petitions with dates of associated warnings and attorney records. Sometimes the date of the warning or entry in the cause books is dated *before* the petition, suggesting that the clerk was filling in details on the petition at a later stage in the proceedings and making a guess about the date that petition was made. Since the paperwork for apprenticeship cases was both very routine and also more cumbersome and repetitive than other common types of case, such as debt or foreign attachment, it must have been tempting to fill in the details after the case was concluded and monies paid, particularly given that most cases ended in favour of the apprentice without the master disputing the complaint. However, it is only in the last six years of surviving petitions the sloppiness of record keeping becomes an evident problem. Details from the indenture are frequently omitted, dates are missing and the concluding court decisions are left blank. This gives the impression (as can be seen on Chart 1) that large number of apprentices ended their suit before the case was decided in court. However, it is likely that in almost all of these cases, the court found in favour of the apprentice but the result was not recorded properly documented.

#### 4. Editorial Notes

I have aimed to give an accessible calendar of the civil court apprenticeship records in the LMC while preserving as much information from the original records as is

<sup>52</sup> COL/CA/01/01/066, f. 40, 10 Jan 1651, repertory 62.

<sup>53</sup> CLA/024/09/21, item 15.

<sup>54</sup> COL/CA/01/01/085, f. 114, 2 Mar 1675, repertory 81. There is a warning for this case but the petition does not survive.

practicable. The main data has been organised into four calendars and three indices described below.

*Personal names.* Given names have been normalised but surnames have been left as they are spelled in the records. Where different spellings of the same surname occur within the same document, I have selected the one that conforms best to modern spelling; significant variants are described in the entry notes. Readers searching for a particular name should bear in mind the variability of phonetic spellings frequently employed by clerks of court, the familiar difficulties in identifying names from this period – such as distinguishing the letters ‘n’ and ‘u’ – as well as possible misreadings that might result from faded or damaged records. To simplify the search and to iron out some of the phonetic variations, names are grouped together under the most familiar spellings. For instance, included under the heading ‘Abbott’ are the names ‘Abbut’, ‘Abbot’, ‘Abott’ and ‘Abbut’. However, no attempt has been made to standardise the spelling of surnames. All of the personal name lists and indices follow this procedure.

The largest body of data is the main calendar of petitions. These are ordered by the name of the apprentice making the petition (following the grouping of names as described). If you are searching for an apprentice, this is the place to start. Substantial amounts of supplementary information about these cases from the attorney books and files of warnings has been integrated into this calendar. However, where a warning or attorney cause book entry could not be linked up with to a petition, they appear in the appear in the following two chapters (which list the detached warnings and book entries respectively). A further chapter gives illegible entries where the apprentice’s name could not be identified. Because of variations in the spelling of names, there may be further links between the cases in these calendars of records that I have missed.

*Place names.* The place names with phonetic spellings that could be clearly identified have been corrected but I have been conservative with modifications. In many cases, the name has been left as in the original document rather than risk an inaccurate modification. I have been more systematic in correcting the place-names in the city of London, Westminster and Middlesex.<sup>55</sup> The place name indices include all of locations given in the calendars. This may include the parish of the apprentice’s father (at the time the indenture was sealed) as well as other places mentioned in the case details, such as the residence of the master or apprentice at the time the legal proceedings are underway. The latter information in particular has generated a large number of place names from the London area as well as London signs. Accordingly, I have split places into three indices: (a) London, Middlesex and Westminster; (b) all areas outside

<sup>55</sup> The two main sources I have used are Henry A. Harben, *A Dictionary of London* (1918), accessed at <http://www.british-history.ac.uk/>, and John Lockie, *Topography of London, facsimile of John Lockie's Gazetteer 1813* (London Topographical Society publication no 148, 1994).

London; (c) London signs. Entries in index (b) are grouped under English and Welsh counties and isles, Scotland, Ireland and abroad. Place names are assigned as they are given in the records. At the end of (b) there is a list of places where the county is either not given or illegible and could not otherwise be clearly identified; some of these may refer to places in London. Bristol, where it is not assigned a county, is included here. Readers looking for a particular location should note that the borders of London and Middlesex changed over time and a place at the outskirts of this area may appear in an adjacent county.

For many of the London place names and signs the entries give supplementary details on its location. Often this information is uninformative: knowing that Bucklersbury is near Cheapside or that Tooley Street is in Southwark does not make the location in question more precise. In other cases, however, the additional details help either to disambiguate a name or help narrow down the place being referred to. It is useful to know, for instance, whether Flying Horse Court is the one near Grub Street or the one near Maiden Lane. I have, therefore, selectively added supplementary information from the calendar entry to the London place and sign indices. However, the fact that a given sign or place is associated with two or more sets of different supplementary details should be taken to show that they must be distinct places. The Seven Stars in Fleet Street and the Seven Stars in Fetter Lane may, for instance, be imprecise references to the same place.

*Additional details.* Notes are included in some entries and are used to point up something out of the ordinary or needed to interpret the details. Where suitable, brief comments are given in square brackets. Supplementary details from the warnings and attorney books has been consistently ordered with the address preceding any occupational information.

Some court records are incomplete and many are difficult to read or in places illegible. I have used ‘...’ to indicate blanks in the record and ‘[ ]’ to indicate illegible sections. Some warnings summarise details from the apprenticeship indenture; where a warning could be confidently attached to a petition, I have interpolated this information into the entry to replace illegible or fill in missing details. Some cases generated more than one warning or more than one petition; these are indexed under the same entry with any differences between them noted.

A peculiarity of the petitions is that, except during the Commonwealth period, the initial complaint is written in French. Subsequent court proceedings are usually written up in Latin. Much of the petition was formulaic and could be copied from a standard document and it is clear from some cases that the formulaic material had been written out in advance leaving blank spaces for dates and names and other information specific to the case to be added in. For the case-specific material, particularly numbers and dates, some of the clerks show a lack of familiarity with French: there is a wide variation in spelling and sometimes French and Latin words are combined. Problems occur in particular for unusual information that had to be

written in French. For example, the apprentices of mariners could serve a term under seven years and some clerks were unfamiliar with infrequently used French numerals: 'seize' or 'size' could be 6 or 16, 'duoz' 2 or 12, and 'tres' 3 or 13. The shorter terms are most likely but the interpretation is uncertain. I have indicated in the notes for each case where the correct translation is uncertain.

Dates are in old style throughout. I have changed dates that were given by the mayoral year, i.e. where November (when a new mayor took office) was counted as the first month, to old style dates.

There are some contemporary clerical errors that I have mentioned in the notes for each case, such as impossible dates, or dates of bindings that postdate or are improbably close to or on the date of the petition. Other mistakes are my own.