

painter characterized more briefly the fluent sweetness of the remaining architecture, lacking that strong element—"Femmina senza maschio," said he with a shrug of his shoulders—"the woman without the man."

And yet, when all is said, it was no world-wonder like the palace or the church themselves, nor even like other bell-towers of Italy (that tower of towers, for instance, Giotto's), and not as such has Italy mourned it. It was something more; it was a thousand years of history, it was a document, a visible page, as our Faneull hall is a paragraph in our briefer tale, and as the ruins of our West are passages of the great Western romance. Those only value documents, however, who can read them. Italy is still one of the illiterate countries of the earth, as we count illiteracy; but these characters she early learned to decipher, and from the highest to the lowest, every Italian has felt the full measure of his present loss.

Something else he has felt; next to his sorrow has been his shame, and second to neither his bitter indignation. "Are we barbarians?" the Italian papers exclaim. "What are foreigners to think of a people who in these days suffer glorious monuments to perish as in the worst days of barbarism?" "It is a national disgrace," say all, "for this is part of our common heritage—the purest part."

"It is a debt of honor for Italy to rebuild that tower—and quickly!" the young king is said to have exclaimed, with emotion, when the tidings reached him at St. Petersburg. Nor is there much doubt it will be rebuilt, by Italian hands, with Italian money; self-respectingly refusing the honorable offers of outside aid; using as far as possible the identical materials, and exactly reproducing the ancient form—a monument to a monument. Meantime, woe to the army of functionaries whom Italy has paid to neglect their business. The inquest was immediately commenced, the principal officers at once suspended, while the one brave architect who had prophesied the ruin, getting thereby his official head promptly removed, and himself likewise (to Sardinia), has been recalled, amid popular demonstrations. Nay, more; an election being imminent, the Campanile has become a leading political issue, and the rehabilitated architect is being run for office. This, I think, America will understand!

The papers have already chronicled how the shock of the falling tower shook all Italy; how in Venice all

business was suspended and the five local papers appeared with mourning borders; how self-contained men kissed tearfully the newspaper reproductions of the fallen Campanile as if they had been holy images, and gondoliers and popolani (common people) were seen to weep before the ruins. And I have elsewhere written how one of these, seeing that the giant had spared in his fall the Ducal palace and the church, cried aloud: "Even in dying you were a gentleman!" All this has been told and re-told, but the lesson is slow to be learned.

Going from the West—our West, where they assassinate tree-life for no better reason than that trees grow more magnificently than elsewhere—it used to move me with pride and tenderness to see Boston spend thousands of dollars and write scores of letters for the preservation of a single tree threatened by a city sub-way. Coming to Italy, more eastward still, and seeing how one single of those Stones of Venice may be the instrument to break a people's heart, I have found myself thinking backward to that West again, remembering the unequal fight a handful of Americans there are making against the blank indifference of the rest of us, for the preservation of our towers and cloisters, and I have felt again that stir of pride and sympathy.

It is true our Missions are not quite a thousand years of history for us; that in an intimate sense they are not our history at all, as the Campanile of Venice was of Venetian history. But they are pages of a great past in the history of the West we have given our hearts to and made ours; they are monuments of a great moment in her fortunes, to which we are fallen heirs, and we stand in relation to them much as the other cities of Italy stand to Venice. For it is only yesterday—only since the occupation, in fact—that one part of Italy has not been more foreign to all other parts of Italy than ever Maine was to California. It is within my memory when the inhabitants of one province spoke of another as "abroad." The history of Venice is no more the history of Rome than California's history is that of Massachusetts.

But when the Venetian bell-tower fell last week—then Florence, with the Campanile of the world; Pisa, with her famous leaning tower; Bologna, with her two; the other cities with towers all intact—they did not sit closer and hug themselves, blessing heaven that the evil was none of theirs.

No! Each and every city of them behaved herself as if precisely her own tower were lost. And first they mourned. And then—they opened a subscription.

Verbum sap.—Grace Ellery Channing, in *Out West*, for November.

#### LEGAL OPPRESSION OF LABORERS: STATUTES OF LABORERS.

For The Public.

We are becoming somewhat familiarized with the injunction of a court as a means of regulating the action of laborers in certain districts, and from present indications we are likely to become even more familiar with the injunction in yet wider fields. It has been shown recently in these columns (page 404) that "government by injunction" threatens to revive the old fight for free speech, a free press and jury trial. Under these circumstances it may be a matter of present interest to inquire whether history records anything similar to the present trend, and if so, to study the record and compare it with the present tendency in order to forecast as far as may be the possible outcome. This paper will, therefore, endeavor to trace briefly the effects upon the laborer of the many Statutes of Laborers passed in England from 1349 onward, after which a comparison thereof with "government by injunction" as far as now disclosed will be attempted.

The Statutes of Laborers had their origin at a time when authority or the "right divine" and not the consent of the governed was the prevailing theory of the proper foundation of government, and they grew out of the demands of those who, at that time, held the monopoly of the sources of living, the landowners. The great plague of 1348 destroyed about a third of the inhabitants of England, and one result was that wages instantly rose. The rise in wages diminished the profits of the landlord, and the decrease in the number of laborers made it difficult to get in the harvests. Whereupon the landowners asked the enactment of statutory wages. In order to understand properly the reasons for the enactment of these Statutes of Laborers and their effect upon the laborers, it is well to inquire briefly into the condition of men prior to the year of the Great Plague, 1348.

At that time land was held by feudal or military tenures, and it was the cardinal principle of military tenures that the service, or the commutation thereof in money, should be fixed and unchangeable. Men dwelt together in villages almost altogether, and

"most of the villagers held land as freeholders under fixed rents, and copyholders under no less fixed services." "The essence of contracts for the occupation of land, if these ancient tenures could be called contracts, was that the liabilities of the tenants should be fixed and unchangeable." "Under ordinary circumstances the means of life were more abundant during the middle ages than they are under our modern experience. There was no extreme poverty." The service being fixed, the tenant, when his service was done, had his time all to himself. Since his own holding supplied him with the necessities of life, he was under no compulsion to seek work from others in order to live. He was, in consequence, in position to deal with prospective employers on terms of equality in that necessity did not compel him to accept less than his labor was worth in his own estimation. Moreover, in the middle ages, the laborers, through their guilds, purchased lands and houses all over England for charitable service to their own order; it is probable that most villages had each its own guild farm and house; hence, old age, poverty and sickness were insured or provided against. It was of this age that the "Merrie England" songs spoke. Annual fairs in most villages, and markets and fairs in other towns, enabled the tenants to dispose of what they had to sell and to buy what they would. It will be shown that until the laborers lost their guild lands and houses (they were stolen), they were able to hold their own, and even to win against the oppressive Statutes of Laborers. Such were the conditions when the great plague of 1348 struck England and carried off a large proportion of the people.

One effect of the reduction in the number of the workers was that wages rose at once, whereupon the landowners demanded and obtained the first of the many Statutes of Laborers (anno 1349), but not until the king had ordered quite ineffectually that workmen should labor at the old wages. By this particular statute, every person under 60 years of age who did not live by merchandising, was not a craftsman, or was without means of his own or proper land for his occupation in tillage, and not serving any particular master, was bound to serve in husbandry, whoever might require him, at the wages customary in the twentieth year (anno 1346) of the king's reign. All artificers were also to expect the wages of 1346. If a servant in husbandry struck work, to use the modern phrase, he was

to be imprisoned, and he who employed him after his liberation was to be imprisoned; the "striker" was "blacklisted" by force of law. This statute failed of its purpose, for wages remained higher than those of 1346; so, in 1350-1, another was enacted wherein the money wages of all kinds of workmen, servants in husbandry and artisans were fixed at certain rates as long as wheat was below a stated price per quarter. This second act provided for fines and imprisonment by the justices of the peace, dispensing with a jury. The fines were to go to the exchequer instead of to the lord, and if the lord paid more than the statutory rates he was fined (this was under the first statute, however). It was at this time and as one effect of this statute that the trade unions arose, and these unions soon came to pay the fines inflicted upon their members. By an act of 34 Edw. III. (anno 1360), fines were abolished, but imprisonment remained, and offenses against the statute ceased to be bailable, while "alliances, covines, congregations, chapters, ordinances and oaths made or to be made by masons and carpenters shall be void and annulled." Fugitive laborers (not serfs, for these were recoverable under the fugitive slave law of the time) were outlawed and were to be branded with the letter F. The office of justice of the peace was remodeled, and mayors and bailiffs were constrained under heavy penalties to give up all fugitive laborers.

By an act of Richard II. the lords attempted to enlarge the liabilities of their tenants' tenures, and Wat Tyler's rebellion followed, taking its origin in a county (Kent) where villenage did not prevail, thus being a kind of "sympathetic strike." Tyler lost his life, but the serfs profited nevertheless. The battle went on, with many Statutes of Laborers, some with a passport system, until the absence of new enactments in the reigns of Edward IV. and Richard III. tells us that the laborers had won the day. Acts in the reign of Henry VII. all but acknowledge the customary or non-statutory rates of wages.

At the very moment of his success ruin was approaching the laborer to reduce him to starvation wages and a bare subsistence. It was reserved to the spendthrift Henry VIII. to begin, and to his successors to complete, the ruin of the laborer. Henry began it by debasing the coin of the realm, which greatly impoverished

the laborer who still had his guild land and house to fall back upon. As he approached the end of his reign, Henry bethought him of these guild lands and houses as fit subjects for confiscation under the plea that they were used for superstitious purposes. Henry's death threw the government into the hands of the Lord Protector Somerset, who completed the confiscation of the guild lands begun by Henry, and thereby completed the ruin of the laborers. By the time Elizabeth came to the throne the base money had driven the working classes to beggary and had brought England to a very low ebb in the world. Though Elizabeth reformed the currency, the laborer did not recover his guild land or the benefit societies of the middle ages which had relieved destitution; moreover, he had suffered for eighteen years from a debased currency, prices had risen 150 per cent., while his wages were almost stationary, so he was miserably poor.

It was while the laborer was in this miserable condition that the Statute of Laborers known as "5 Eliz. cap. 4" was enacted, whereby all acts which had regulated labor since 23 Edw. III., over two centuries before, were repealed, and taking all that was most stringent in the repealed statutes put them into one comprehensive enactment.

The mischief of Elizabeth's statute lay in the machinery by which it was carried out, and in the terribly depressed condition of the laborer who "was handed over to the mercy of his employer at a time when he was utterly incapable of resisting the grossest tyranny." The government determined to make use of a terrible instrument, "the justices in quarter sessions, who would be able to check any discontent, even the discontent of despair, and might be trusted, if necessary, to starve the people into submission." The weapon justified the confidence of the government, for complete success crowned its use.

By this statute, every unmarried person under the age of 30, and not having 40 shillings a year of his own, nor otherwise employed, was compellable to serve at a yearly hiring in the craft to which he was brought up. Next, all persons between the ages of 15 and 60, and not otherwise employed or apprenticed, were made liable to serve in husbandry. Servants quitting a city or parish without a testimonial were to be imprisoned, and if they had a forged testimonial they were to be whipped, while masters

taking servants without a testimonial were to be fined five pounds. A striker got a month's imprisonment and a fine of five pounds, a sum which appears to have been a blow at what might be left of the old trade unions. The justices were to hold rating sessions in which they were to fix the rate of wages in all employment, summer and winter, by day or year, with board or without board. Penalties were annexed to the giving of higher wages than the scale, the receiver was to have 21 days' imprisonment, and the contract was to be declared void. An assault upon a master was to receive a year's imprisonment or more, and artificers might be compelled to do harvest work. Single women between 12 and 40 years were compellable to work by the year, week or day, at the option of the hirer, and certain persons were allowed to take apprentices in husbandry. Town householders might have two apprentices, each for seven years, if they were children of artificers, and an artisan might have one apprentice, the son of a person who had no land. The number of apprentices to merchants was limited, and there had to be so many journeymen to so many apprentices. Persons refusing to be apprenticed, and those who ran away, were to be imprisoned.

The justices were to inquire periodically into the execution of the act, and were to revise their rates according to the cheapness or dearness of the necessaries of life. At least 13 of these assessments of wages, between the years 1563 and 1725, have been found. Inasmuch as they had done their work, the laborers' wages being reduced to a bare subsistence, the assessments appear to have been discontinued during the eighteenth century. Wages had become famine wages, and such wages became traditional.

The object of this Statute, 5 Eliz. cap. 4, was threefold—(1) to break up the combinations of laborers, (2) to supply the adequate machinery of control, and (3) by limiting the right of apprenticeship, to make the peasant laborer the residuum of all other labor, or, in other words, to forcibly increase the supply. The last was for the benefit of the landowners, or monopolists, who were the bulk of the upper classes.

The Stuart kings made the judge's patent run during the pleasure of the crown, and gave the judges abundant warnings that they would be ejected from office if they displeased author-

ity; hence the court of law, if the justices were slow to act under this Statute, could be relied upon to enforce it. One has but to recall "Bloody" Jeffries to realize this fact. Notwithstanding the injunctions of the Statute, the justices took no note of "the cheapness or dearness of provisions" in their assizes of wages, for their object was to get labor at starvation rates, and they did the best they knew how to effect their object; there was no appeal by the laborer from their decision.

When, in 1825, all labor laws were swept away, there was no debate in parliament, for the Statute of Elizabeth had done its work and had permanently degraded the peasant.

An American recently went to York, England, to investigate the condition of the working classes there. In that city of about 100,000 he found that, if a pauper be defined as one who by his own labor is unable to earn enough to clothe and feed himself, some 25 per cent. of the population of York are paupers. Under the same definition, some 30 per cent. of London's millions are paupers. The urban population of England in cities of over 100,000 amounts to some 26,000,000 or more, whence it follows that over 7,000,000 are paupers, as above defined. The machinery of the English poor laws enables the employer to shift the laborers' risk of disablement upon the ratepayers, whereas, in the middle ages, as shown above, the laborers were their own insurers through their guild lands and houses.

It will be noted that the theory underlying the many Statutes of Laborers is this: That it is more essential that the trade or commerce of the ruling or controlling classes should thrive than it is that the inalienable rights, lives and property of the working classes should be heeded or protected, even though virtual slavery be the lot of the working classes as a consequence. As has been remarked recently in another connection, this statute proceeded upon the assumption that "the rights and interests of the laboring man will be protected and cared for—not by the labor agitators, but by the Christian men to whom God in his infinite wisdom has given the control of the property interests of the country." The "Christian men" of Elizabeth's day, and after, who had control of the property interests of England, may have had some of the wisdom of the serpent, one is almost tempted to say an infinite amount of it, but they do not appear to have been

overburdened with the spirit of the Golden Rule or of the Sermon on the Mount. It was not in their days that the songs about "Merrie England" originated; the laborer had no song left in him.

R. W. BARKLEY.

New York City.

Thomas C. Platt, of New York, has again "consented" to be a candidate from his State for the United States senate. The situation reminds us of that in a Boston engine company in the old volunteer days when the members annually elected their foreman. In this particular company the foreman who belonged to the old school of "vets" would say to his men a few days before the date for making a choice: "It won't be necessary to hold an election, boys; I am willing to serve you for another year."—Boston Transcript.

"But," objected the visitor, "quite a number of your pupils have broken down and become imbeciles."

"True," replied the eminent educator, "but we confidently expect better things in the future. The bacillus of overstudy having now been identified and a serum for its destruction devised, we look for no further trouble of the kind you mention."—Life.

#### Wall Street Arithmetic:

- 10 mills make one trust,
- 10 trusts make one combine,
- 10 combines make one merger,
- 10 mergers make one magnate,
- 1 magnate makes all the money.

—The Boston Commercial Bulletin.

#### BOOK NOTICES.

##### THE STRENGTH OF THE PEOPLE.

This is the title of a book by Mrs. Helen Bosanquet, published by Macmillan. It has been attracting much attention in England, mainly, I think, because it indicates something of a coming reaction against the false idea that people can be truly developed by efforts from without. The author is opposed to all the present-day social movements that nurse people as objects of charity.

The strength of the people, she argues, is not developed by doing things to or for people in the ways of socialistic legislation. Independence she recognizes as necessary for the "perfection of individual character." Independence and the preservation of the family are the main causes for which she pleads.

The book would be a strong one if it emphasized the abolition of privilege and the securing of equal rights, if it brought out the fact that justice is the necessary foundation of that independence in the individual and the family which the author so much desires. Without this foundation of justice we cannot but do the things that she laments. Good people feel that they must do something; so until we can agree to get down to the fundamental proposition, we shall go lumbering along with our multiplicity of poor laws, and labor laws, and restraining laws, and education laws, and charity organizations, and slum settle-