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THE EVOLUTION OF  
INDUSTRIAL FREEDOM IN PRUSSIA  
1845-1849





# THE EVOLUTION OF INDUSTRIAL FREEDOM IN PRUSSIA, 1845 - 1849

By

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## PREFACE

**B**ETWEEN the German revolution of 1848 and that of 1918, the parallel is interesting: in both, the laboring-classes played a prominent part; and, in both, the industrial problem came up for solution.

During the recent revolution, the employees gave expression to their belief that the industrial freedom of the factory system was making them slaves of the capitalists. Seventy years ago the mastercraftsmen of Prussia — our study is confined to this state — opposed the liberal Prussian law of 1845, because they believed that it was demoralizing industry. They could think of high standards only in terms of the guild system. Journeymen and apprentices, however, were in favor of retaining industrial freedom. Factory-employees and day-laborers, though inadequately organized, were surprisingly unanimous in their demands for regulation.

Obviously there was discontent among the working classes of Prussia in 1848. This discontent was largely due to the fact that Prussian industry was passing through a transitional stage.

To show the degree of industrial freedom introduced into Prussia by the law of 1845, to note the reaction of the various classes of workingmen, and to trace the policy of the Government, resulting from the petitions and protests of 1847 and 1848, is the purpose of this monograph.

In making this study, I have received assistance from numerous sources — which I gratefully acknowledge. Professor William E. Lingelbach, under whose supervision this work was begun and completed, and Professor

Edward P. Cheyney and Professor Arthur Howland have favored me with constructive criticism. Professor Edwin R. A. Seligman granted me the use of his private library. Professor Carl Becker and Professor Carlton J. H. Hayes have given me expert advice.

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I must also acknowledge the careful editorial supervision of the Director of the New York University Press, Professor Arthur Huntington Nason.

H. C. M. W.

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THE EVOLUTION OF  
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## INTRODUCTION

### THE INTRODUCTION OF INDUSTRIAL FREEDOM INTO PRUSSIA 1731-1845

THE craft guilds, although a product of mediaeval social and economic conditions, maintained themselves far down into recent times. Long before the French Revolution, however, the growing individualistic conception of life and the new forms of industry had made them an antiquated institution. Their purpose was, furthermore, vitiated by the introduction of numerous abuses. As early as 1731, therefore, the German Imperial Diet had resolved upon reform. In the following year, this resolution resulted in a law for the provinces of Prussia within the Holy Roman Empire. East Prussia received a new code in 1733; West Prussia, in 1774.<sup>1</sup>

Aside from the latter, no new industrial statutes of importance were promulgated in Prussia until after the humiliating defeat at Jena in 1806. Some years before, however, in 1794, the legal principles pertaining to trade and industry, as embodied in the existing laws, had been codified and published as a part of the new Prussian Code (*Allgemeines Landrecht*). This codification was in every way in harmony with the spirit of the age, and reflected the influence of rationalism as it was interpreted in the light of benevolent absolutism.<sup>2</sup>

The industrial reorganization of the Prussian state under the ministers Stein and Hardenburg reached its

<sup>1</sup> Rohrscheidt, *Vom Zunftzwang zur Gewerbefreiheit*, 96.

<sup>2</sup> Roehl, *Beitraege zur Preuss. Handwerkerpolitik*, in Schmoller's *St. sw. Fgn.*, v. 17, Heft 4, 22.

culmination in the introduction of industrial freedom (*Gewerbefreiheit*). This was embodied in three measures of the years 1810, 1811, and 1820, respectively.<sup>3</sup> Naturally, the guilds disliked the new freedom, for it infringed upon their time-honored monopolies. They exerted all the influence at their command against the new laws. As a result, the state felt called upon to reopen the question. The Council of State was ordered in 1824 to discuss the advisability of revision.<sup>4</sup> In 1845,<sup>5</sup> after twenty-one years of deliberation, a new measure was promulgated. Although this new law tried to establish a compromise between industrial freedom and state control, it failed to meet with the approval of those whose condition it sought to ameliorate. By 1848, craftsman and laborer alike demanded reform. The government again took the matter under consideration, but reached a decision decidedly favorable to the guilds.<sup>6</sup>

In 1869, however, the North German Confederation adopted a more enlightened policy, and freed the industries of North Germany from the trammels of an economic organization long since antiquated.<sup>7</sup> Three years later, the law of 1869 was introduced into Baden, Wuerttemberg, and Bavaria, and thus became the law of the newly formed German Empire.<sup>8</sup> Although this law has undergone various amendments in more recent times, its main features still survive.<sup>9</sup>

The history of craft guild legislation in Prussia from the middle of the eighteenth century to 1845 has already been written. The law of 1869 and subsequent amend-

<sup>3</sup> See *P. G. S.* for the respective years.

<sup>4</sup> Roehl, *ibid.*, 190.

<sup>5</sup> *P. G. S.* 1845, 41 ff.

<sup>6</sup> Law of Feb. 9, 1849. *P. G. S.* 1849, 93 ff.

<sup>7</sup> Law of June 21. *B. Gbl.* 1869, 245 ff.

<sup>8</sup> *R. Gbl.* 1871, 392, and 1872, 170.

<sup>9</sup> *R. Gbl.* 1881, 233; 1897, 663; 1900, 321; 1908, 667.

ments have likewise been adequately analyzed.<sup>10</sup> The purpose of this study, therefore, is to discuss the law of 1845 in its relation to the evolution of industrial freedom in Prussia and to relate it to the events of 1848.

In order to appreciate the degree of industrial freedom retained in 1845, it will be necessary to outline briefly its gradual introduction at the close of the eighteenth and the beginning of the nineteenth century. The first fact of importance in this connection is the ~~Prussian Code of 1794~~ (*Allgemeines Landrecht*) referred to above. As previously stated, it contains the laws pertaining to craft guilds and factories.<sup>11</sup> The general principles there laid down distinguished between trades over which guilds had a monopoly and those open to any one. Two kinds of craft organizations were recognized as legal, those of limited and those of unlimited membership. The exclusiveness of the former could be invaded by the right of the crown to create free-masters (*Freimeister*), i.e., masters not obliged to join the guild, while the latter could be prevented from becoming monopolistic by the king's refusal to limit their membership. As new guilds could be established only by royal charter, and as the state reserved the right of amendment, the whole system was well under the control of the central authorities.<sup>12</sup>

Government control was made even more effective by placing the guilds directly under the jurisdiction of the

<sup>10</sup> In a work entitled *Vom Zunftzwang zur Gewerbefreiheit*, Kurt von Rohrscheidt has treated the subject down to 1823, and also the law of 1897. It is based largely on material in the Königsberg archives. Subsequently, he published an annotated edition of the law of 1869.

Hugo Roehl in *Beitraege zur Preussischen Handwerkerpolitik*, based primarily on documents in the archives in Berlin, discusses the question from 1780 to 1845.

The amendment of 1881 has been analyzed by Johannes Jacobi in an article entitled *Die Innungsbewegung in Deutschland und die Novelle zur Reichs-Gewerbeordnung vom 18 Juli 1881*. (*Jhb. f. G. V. V.*, 1883, 1197-1233).

<sup>11</sup> *A. L. R.*, pt. II, title 8, ch. 3-4.

<sup>12</sup> *A. L. R.*, pt. II, title 8, ch. 3, §§ 179-189, 192, 207.

municipal administrative board. A representative appointed by the board attended all meetings of the guild. He was keeper of the seal and had to affix his signature to all orders and documents. He was expected to prevent the fixing of prices and the collection of dues and fines not prescribed by the charter. He supervised the administration of funds. It was the administrative board, not the guilds, that dealt with free-masters, who, by exceeding the terms of their grant, might infringe upon the rights of guilds. But this fact, as well as the obligation of rural craftsmen to join a guild of the nearest town, and the limitation upon all craftsmen to finish only so much of an article as the privileges of their guild permitted, clearly indicate that, although subject to state and town authorities, the guilds still held a unique position in the industrial system of the period.<sup>13</sup>

The advance toward a more liberal industrial policy is clearly seen in the regulations regarding promotion from journeyman to master-workman. The rule that no one should attain the highest rank in the system without first acquiring burghership, was retained; but restrictions made by the guilds to limit the number of masters were abolished.<sup>14</sup> Thus a journeyman could not be prevented from advancing to the next stage for reasons of caprice or extortion, or because he was married; nor could he be required to make a masterpiece unusually costly or unsalable. He was allowed two re-examinations and guaranteed the right of appeal to the municipal administrative board for an investigation of the causes of the rejection of his work. After satisfactory examination and formal acceptance into the guild, a master desiring

<sup>13</sup> *Ibid.*, §§ 185, 190-246. The privileges of this system were extended to widows of deceased master-workmen, unless otherwise specified, so long as they did not marry, and provided they contributed to the guild.

<sup>14</sup> Rohrscheidt, *ibid.*, 142 ff.



to change his place of residence, could establish himself in any city without being required to submit to a new test. This, however, did not apply to rural craftsmen who moved to town. They might be asked to make a masterpiece in accordance with the more difficult specifications of the town-guild.<sup>15</sup>

In harmony with the increasing elasticity of this guild economy, masters, although forbidden to sell their wares outside of their guild-district, were permitted to make them "to order" for those living beyond it, and free-masters,<sup>16</sup> as well as guild-masters, could employ apprentices and journeymen—the only restriction upon free-masters being that they must "accept" and "free" their apprentices through the guild.<sup>17</sup> Guilds could not refuse to accept as apprentices illegitimate children duly legitimized. Nor was previous employment, except that of flayer, a bar to admission.<sup>18</sup> Subjects, however, were permitted to learn an urban handicraft only by consent of their lord, the general rule prevailing that children shall follow their father's occupation.<sup>19</sup> The rights of master and apprentice were protected by the fact that the relationship was contractual. Heavy fines, indecent customs, and costly banquets in connection with an apprentice's promotion were prohibited.<sup>20</sup>

In the regulations pertaining to journeymen, however, the rigid features of the old system were preserved. Thus a journeyman was obliged to travel and to confine his *Wanderschaft* to his own country. Permission to visit a foreign state could be obtained only from the police authorities. His credentials were deposited in

<sup>15</sup> *A. L. R.*, *ibid.*, §§ 247-262.

<sup>16</sup> I.e., masters not obliged to join a guild. Cf. p. 3.

<sup>17</sup> *A. L. R.*, *ibid.*, §§ 263-277.

<sup>18</sup> Cf. Rohrscheidt, *ibid.*, 122 ff.

<sup>19</sup> *A. L. R.*, pt. II, title 7, ch. 4, §§ 171-172; title 8, ch. 3, § 282.

<sup>20</sup> *A. L. R.*, pt. II, title 8, ch. 3, §§ 278-324.



the guild-chest as long as he was employed in a town. If no work could be found for him, he was obliged to leave. He might remain, however, if he hired himself out as a servant — an act which did not affect his social standing. His wages, as craftsman, were determined by the guild under the direction of the local government. In case of illness, he was entitled to assistance from the journeymen's fund (*Gesellenlade*) and, eventually, from the guild treasury (*Gewerkslade*) and the municipal charity fund. He had to work on all days except legal holidays, and could be imprisoned for disobeying this rule. Under ordinary circumstances, both master and journeyman were bound to give two weeks' notice before terminating their agreement. But the master could refuse to let his journeyman go, even after proper notice had been given, if the day on which he was entitled to leave fell within two weeks of a fair or an annual market. Failure to leave town after the return of his credentials made the journeyman a vagabond. Unlike the master-craftsmen, journeymen did not form an organization. They were not allowed to hold meetings unless especially permitted by the guild-charter or the police laws, and then only after informing the guild-elders of their intention. They could, however, elect an *Altgeselle* to supervise the benefit-fund. But he, too, was under the ultimate supervision of the elders and the representative of the municipal administrative board.<sup>21</sup>

More significant than the rules concerning guilds are those relating to factory employees and artificers (*Kuenstler*).<sup>22</sup> ~~The date of the Prussian Code (1794)~~

<sup>21</sup> *A. L. R.*, *ibid.*, §§ 325-400.

<sup>22</sup> "Lamprecht (Kriegs-und Domaenenrat at the close of the eighteenth century) unterschied . . . Handwerker und Kuenstler im Sinne des Landrechts so, dass er unter Kuensten 'mehrere neu eingefuehrte Gewerbe' verstand, 'zu deren Ausfuehrung vorzueglich viel Genie und wissenschaftliche Kenntnisse erforderlich sind unter welchen die schoenen Kuenste nur die erste Stelle einnehmen, die sich hauptsaechlich mit der

falls within the early period of the Industrial Revolution. With the introduction of machinery and new processes of production, there appear two factors destined to create a new social group and a new system of manufacture: the proletariat and the factory. The early stage of this new social and economic creative process is clearly reflected in the Code. It has, for example, only seventeen sections dealing with factories as compared with two hundred and twenty-two on craft guilds.<sup>23</sup> It distinguishes between a master-workman employed in a factory and an ordinary factory-hand. Moreover, it defines a *Fabrikant* as one who works in a factory, and states that craftsmen engaged in a business of their own, although popularly known as *Fabrikanten*, shall be subject to the rules of their respective guilds. Factory employees were not subject to *Zunftzwang*,<sup>24</sup> and, consequently, did not share in the privileges reserved to the guilds. Nor did those who learned their trade under them enjoy the rights of guild apprentices and guild journeymen. It was, however, permissible for anyone belonging to a craft organization to accept employment in a factory without forfeiting his rights.

~~Factories were not to be established without state permission.~~ Before granting a permit for the manufacture of goods reserved to a particular guild, the state agreed to consult with the nearest guild concerned. The rela-

Nachahmung der Natur beschaeftigen.'" (Quoted by Roehl in *Beitraege zur Preuss. Handwerkerpolitik in St. sw. Fgn.*, v. 17, Heft. 4, p. 36, footnote No. 1.)

"Artificer" is used here as one who makes a work of art.

Dieterici enumerates the *mechanische Kuenstler* as follows: "Mechanici fuer mathematische Instrumente, Mechanici fuer musikalische Instrumente, Uhrmacher, Gold-Silber-Arbeiter, Steinschneider, Gold-Silberschlaeger, Buchbinder, Atrappen-Goldbortenmacher, Verfertiger von Gypsfiguren, Bildhauer, Bilder-Blumen-u. Porzellan-Maler." (*Handbuch der Statistik des preussischen Staats*, Berlin, 1861, 387.)

<sup>23</sup> A. L. R., pt. II, title 8, ch. 4, §§ 407-423; and ch. 3, §§ 179-400.

<sup>24</sup> I.e., were not obliged to join a guild.

tion between employer and employee was determined by contract. The manufacturer was given all the rights of members of merchant guilds, except the right of retailing.<sup>25</sup>

Artificers were subject to regulations identical with those pertaining to ordinary craftsmen. If their trade was the exclusive privilege of a guild, they were obliged to join it; if it was not, anyone could engage in the trade and enjoy the same right of selling his wares, both inside and outside of his house, as did members of a guild. Those artificers who were members of the Academy of Arts might ply their trade anywhere within the confines of the state, without interference from any guild whatsoever.<sup>26</sup>

Two other features of the Prussian Code, of importance here, are the right of *banlieue* (*Bannmeile*) and the market-right. The former permitted certain cities to exclude all extra-mural trades from a specified district outside the walls. Its purpose was to keep away from the immediate environs of the city all crafts likely to compete with the urban craftsmen for the city trade. Rural craftsmen indispensable to agriculture formed an exception to this rule.<sup>27</sup> The only point regarding the right to hold fairs and markets that needs to be referred to here is that strangers must be permitted to sell their wares freely.<sup>28</sup>

Not long did the Prussian Code of 1794 represent advanced opinion concerning the guilds. As early as 1790, the Bromberg Chamber had declared the guilds an evil. In 1798, the East Prussian Diet took a hostile attitude toward them. It believed *Zunftzwang*<sup>29</sup> to be

<sup>25</sup> *A. L. R.*, pt. II, title 8, ch. 4, §§ 407-423.

<sup>26</sup> *Ibid.*, §§ 401-406.

<sup>27</sup> *A. L. R.*, pt. II, title 8, ch. 2, §§ 90-102.

<sup>28</sup> *Ibid.*, §§ 103-107.

<sup>29</sup> Cf. note No. 24.



detrimental to the province, restrictive of trade and industry, and injurious to society. In the same year its modification was ordered. By a cabinet order of 1805, craftsmen of Koenigsberg were authorized to "accept" and "free" apprentices without forming an association; and, a year later, permission was granted to anyone in the monarchy to become a granite-mason without being obliged to join a guild.<sup>30</sup> In May, 1806, industrial freedom was granted to the linen and cotton weavers of East and West Prussia.<sup>31</sup>

The foregoing description has shown that, from the codification of Prussian law in the last decade of the eighteenth century to the staggering blow delivered by Napoleon at Jena, the **craft guilds were strongly entrenched in Prussia, but that the creation of free-masters and the establishment of factories were depriving the old system of its privileged position.** The task of reorganizing the state after 1806 provided the opportunity for the introduction of a more liberal industrial policy.

Both Stein and Hardenberg contributed to the new policy. Stein's contribution consisted in an edict,<sup>32</sup> an order,<sup>33</sup> and a law.<sup>34</sup> The edict gave the nobleman the right to engage in a bourgeois trade without losing his social standing. By abolishing serfdom, it permitted the farmer to become a burgher, and *vice versa*. The restriction of the Prussian Code (1794) whereby a subject could not learn a handicraft without the consent of his lord, was thus abrogated.<sup>35</sup> The order dissolved the

<sup>30</sup> Roehl, *Beitraege zur Preuss. Handwerkerpolitik*, in *St. sw. Fgn.*, v. 17, Heft 4, 46-49.

<sup>31</sup> *P. G. S. 1806-10*, 85-86; Rohrscheidt, *Vom Zunftzwang zur Gewerbe-freiheit*, 204-216.

<sup>32</sup> Edict of Oct. 9, 1807. *P. G. S. 1806-10*, 171, § 2; 173, § 12. Rohrscheidt, *ibid.*, 220-247.

<sup>33</sup> Order of Oct. 24, 1808. *P. G. S. 1806-10*, 315-317.

<sup>34</sup> *Staedteordnung* of Nov. 19, 1808, §§ 16, 17, 24; 23, 34. *P. G. S. 1806-10*, 326-328. Roehl, *Beitraege*, 92. Rohrscheidt, *Vom Zunftzwang*, etc., 357-364.

<sup>35</sup> *A. L. R.*, pt. II, title 7, ch. 4, §§ 171-172.

hawkers' guild and abolished both the *Zunftzwang*<sup>36</sup> and the monopoly of sale enjoyed by bakers and butchers in East and West Prussia, and in Lithuania. The law simplified the method of acquiring the status of a burgher; made its acquisition the *sine qua non* of carrying on an urban trade; permitted every burgher, with the consent of the municipal administrative board, to engage in a craft not restricted to a guild; and declared that the existing regulations concerning guilds would remain in force until the state deemed it wise to change them. The amazing thing about this progressive legislation is, that it bears Stein's signature, despite the fact that he was a champion of the guild system and an opponent of industrial freedom. Perhaps, as has been suggested, Stein's collaborators were responsible for these phases of the measures.<sup>37</sup>

Another step forward was taken when the state permitted the building of flour mills under the sole condition of paying a tax on the mill, and when it declared the obligation to have one's grain ground in a specifically designated mill a *voluntary matter*. Thus a townsman could take his grain to a rural mill, and a farmer could have his flour made in an urban mill.<sup>38</sup> A year later, the millers' guilds in the provinces just referred to were dissolved.<sup>39</sup>

Perhaps the best expression of principle on industrial matters in pre-Hardenberg legislation is contained in the Instructions of December 26, 1808, to the governors of the several provinces.<sup>40</sup> The provincial authorities are informed that industrial freedom is the best policy, that

<sup>36</sup> Cf. Note No. 24.

<sup>37</sup> Rohrscheidt, *ibid.*, 197-199; Meier, *Die Reform der Verwaltungs-Organisation unter Stein und Hardenberg*, 143-145.

<sup>38</sup> Edict of March 29, 1808. *P. G. S. 1806-10*, 218, § 1, and 219, § 7. Also Rohrscheidt, *ibid.*, 248 ff.

<sup>39</sup> Edict of March 29, 1809. *P. G. S. 1806-10*, 556, § 1.

<sup>40</sup> *P. G. S. 1806-10*, 494-496, §§ 50-52; Rohrscheidt, *ibid.*, 365 ff.



trades must not be hindered in their natural development, and that free competition of labor and capital shall be encouraged. The same authorities are cautioned to negotiate with care the transition from the restrictive to the liberal policy. A special clause grants to the journeymen of the mason and carpenter-trades a dispensation from the obligation of going to Berlin, Potsdam, and Koenigsberg, if the building commission, after a thorough examination, is convinced of their ability. Neither this measure nor those referred to in the paragraph immediately preceding bear Stein's signature.

The final step toward industrial freedom was taken by Hardenberg in a series of laws covering a period of ten years. In an edict of October 28, 1810, relative to the administration of the finances for the payment of an indemnity to France, he declared himself in favor of making the right to engage in a trade contingent solely upon the payment of a trade tax, and of abolishing monopoly-privileges (*Bann- und Zwangsgerechtigkeiten*) with compensation by the state in cases involving actual loss.<sup>41</sup> On the following day, the coercive right of millers, brewers, and distillers was abolished in the whole monarchy.<sup>42</sup>

The chief measures, however, were the trade tax edict of 1810 and the police law of 1811. The former<sup>43</sup> was promulgated because the state, in need of money, felt that, in view of the introduction of industrial freedom, a tax on trades would entail a minimum burden. It made the annual purchase of a license the sole condition under which a native or foreign merchant, craftsman, or manufacturer might carry on his enterprise anywhere

<sup>41</sup> *P. G. S.*, 27.

<sup>42</sup> *Muehlenzwang, Brau- und Branntweinzwang*. Edict of Oct. 28, 1810, *P. G. S.*, 95.

<sup>43</sup> Edict of Nov. 2, *P. G. S. 1810*, 79 ff. Cf. Rohrscheidt, *ibid.*, 375-379; and Roehl, *Beitraege*, etc., 89 ff.

within the state. This license could not be refused those holding a certificate of good behavior from the police. Exceptions to this rule were: first, certain crafts (such as the stone-masons', the carpenters', and the chimney-sweepers') which required also a proof of qualification; and secondly, Jews, who were restricted to certain trades. Factory-employees and laborers were not obliged to obtain a license. The number of trades in which a single individual might engage was limited only by the number of permits he held. The division of a craft into various parts was abolished, so that a shoemaker could make both shoes and slippers. By paying the difference between the taxes levied upon two different trades, it was possible to turn at any time from one to the other. The *bona fide* attitude of the state in this connection was evidenced by the declaration that neither a corporation nor an individual had the legal right to object to the granting of licenses or to the privileges they conferred. The government also decreed that exclusive trade privileges (*Gewerbegerechtigkeiten*) not connected with land, but recorded in the register of mortgages, should be redeemed. Those remaining were not to curtail the freedom of industry.

All previous financial obligations connected with industrial pursuits were abolished, and those clauses of the Prussian Code inconsistent with the new principle were declared null and void. In place of the old system of taxes, there was introduced a six-class graduated tax ranging, according to the volume of business, from one *Thaler*<sup>44</sup> to two hundred *Thaler* per annum. A craftsman, for example, who made goods only "to order," and without an assistant, belonged to the lowest class, while a master-mason or a master-carpenter employing

<sup>44</sup> 1 *Thaler* — approximately 75 cents.

more than fifty journeymen and apprentices belonged to class six.

It will hardly be necessary to point out the greater elasticity of the system inaugurated by this edict. It should be noted, however, that the place of this measure in the evolution of industrial freedom is indicated by the fact that it abolished *Zunftzwang*, but not the *Zunft*.

~~The edict of 1810 soon met with a great deal of opposition.~~ It was, at best, an inadequate statement of the new principle. It failed to take into consideration the laws immediately preceding, and to relate itself to them. Hardenberg realized this and prepared for the promulgation of supplementary regulations.<sup>45</sup> These appeared in the following year.<sup>46</sup> According to the new law the obligation to obtain a trade license did not free a person from the necessity of becoming a burgher. Possession of both permit and burghership, however, entitled him to engage in *any* craft and to employ journeymen and apprentices, without being obliged to join a guild.

The new freedom was also evident from the clause permitting a member of a guild to resign, and a guild-journeyman to work for a non-guild master without losing his guild-rights. Guilds, moreover, could resolve to disband. Upon provocation, they could be dissolved by the police. Exclusive industrial privileges (*Gewerbeberechtigungen*) in cities, held by guilds or private individuals, were to be redeemed; those in rural districts pertaining to brewing and distilling were to be retained by the present owners. Craftsmen were given the privilege of selling on consignment and of making tools necessary for their handicrafts, without procuring a special license.

<sup>45</sup> Roehl, *Beitraege*, etc., 129 ff.

<sup>46</sup> Law of Sept. 7, 1811. *P. G. S. 1811*, 263 ff.



The right to engage in all branches of a particular craft granted by the trade license was balanced by the increased number of trades requiring proper qualification for admission. Special districts (*Zwangsbezirke*) for chimney-sweepers were retained because of their convenience in controlling fire conditions. A license to engage in an itinerant trade was dependent upon a certificate of approval from the government. This, however, did not apply to manufacturers, craftsmen, and merchants taking their wares to an annual market, or to those travelling about the country in quest of raw material. Foreigners, visiting annual or weekly markets, were obliged to procure a permit only if they desired to engage in trade.

The law of 1811 abolished the regulation of the price of foodstuffs and merchandise, and the wage regulation of handicraftsmen. This action was a decided advance in industrial freedom, and was consistent with the new principle. During the period of monopolies (*Zunftzwang* and *Zwangs- und Bannrechte*),<sup>47</sup> the state had found it necessary to resort to these measures for the protection of the consumer and the wage earner. In conjunction with the November edict of the previous year, the law of 1811, by introducing an almost unlimited<sup>48</sup> degree of competition of goods and services, put the trades of the provinces remaining under the control of Prussia on a liberal basis.

The trade tax law of 1820<sup>49</sup> marks the culmination of industrial freedom in Prussia. Although not affecting the police regulations of the 1810 and 1811 legis-

<sup>47</sup> *Zunftzwang* — the right of a guild to force every individual engaged in the particular craft to join the guild.

*Zwangs- und Bannrechte* — the right of craftsmen to force persons living within a specified district to purchase exclusively from them.

<sup>48</sup> Cf. *Muehlen-Ordnung* of Oct. 28, 1810, § 1. *P. G. S. 1810*, 98.

<sup>49</sup> Law of May 30. *P. G. S. 1820*, 147 ff. Cf. also Roehl, *Beitraege*, 186-188.

lation, it did change the tax system of the former. Among those taxed under the new law were merchants, craftsmen employing several assistants, and peddlers. Small handicraftsmen were exempt. It abolished the license requirement for all trades except peddlery. By dividing urban and rural communities, according to their prosperity, into four groups, and by establishing a graduated tax, based on the volume of business within each group, it attempted to distribute the new financial obligations more equitably.<sup>50</sup>

After Hardenberg's death,<sup>51</sup> the general character of the license was changed so as to permit the holder to peddle his wares or offer his services only within a specified district. The kinds of wares that could be sold and the nature of the services that might be rendered were clearly defined. The question as to who was entitled to a permit was left to the discretion of the government.<sup>52</sup>

The foregoing survey of the chief industrial legislation, from the resolution of the Imperial Diet of 1731 to the Industrial Law of 1845, shows the following marks of progress: first, by the close of the eighteenth century, free-masters were infringing upon the privileged position of guild-masters; secondly, in the first decade of the following century, *Zunftzwang* was abolished, and the right to engage in a trade was based upon a license and a trade tax — the tax being levied as a part of the state's financial policy, not as a curtailment of industrial freedom; thirdly, in the second decade, the license regulation was restricted to peddlers, and small handicraftsmen were exempt from paying the tax. In short, industrial liberalism was fully established by law in Prussia by 1820.

<sup>50</sup> *P. G. S.* 1820, 156 ff; especially schedule H, 160.

<sup>51</sup> Hardenberg died Nov. 27, 1822.

<sup>52</sup> Regulative of April 28, 1824. *P. G. S.* 1824, 125 ff. Cf. also 22.



The laws and edicts issued between 1806 and 1824 were applicable, in the main, only to those provinces of Prussia which she possessed in the decade preceding the Congress of Vienna (1815).<sup>53</sup> In the territory as constituted after 1815, there existed a complex industrial system. The Prussian Code was introduced into all the new provinces;<sup>54</sup> but, of the industrial legislation of the early nineteenth century, only those clauses of the edict of 1810 were introduced that pertained to taxation. The consequence was a diversified system ranging from the industrial liberalism of the French type along the Rhine to the restrictive guild system in Saxony, Posen, and what was formerly called Swedish Pomerania.<sup>55</sup>

~~The lack of uniformity was clearly perceived by Hardenberg.<sup>56</sup> In 1820 it was officially stated<sup>57</sup> that the industrial laws of all the provinces would be revised.~~ This work, although begun almost immediately, was not completed until a quarter of a century later.<sup>58</sup> The result was the Industrial Law of 1845, drawn up to establish uniform industrial regulations throughout the kingdom.

<sup>53</sup> I.e., Brandenburg, Pomerania, East and West Prussia, Silesia.

<sup>54</sup> I.e., Swedish Pomerania, Posen, Rhenish Prussia, Saxony, and Westphalia.

<sup>55</sup> Roehl, *Beitraege*, 173 ff. Rohrscheidt, *ibid.*, 578 ff.

<sup>56</sup> Roehl, *Beitraege*, 181-182.

<sup>57</sup> Law of May 30, § 37, *P. G. S.*, 153.

<sup>58</sup> Roehl, *Beitraege*, 190.

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## CHAPTER I

### THE INDUSTRIAL LAW OF 1845

THE purpose of the Industrial Law (*Allgemeine Gewerbeordnung*) of January 17, 1845, was, as has been pointed out, to establish a uniform system of industry in all the provinces of Prussia. By declaring this law to be supplementary to the Edict of 1811, the government indicated the relationship between the latter and the liberal legislation of the early part of the century.<sup>1</sup> The preliminary discussion and the final draft of the Industrial Law and of the Act of Compensation have been treated extensively by Roehl.<sup>2</sup> A glance at his bibliography, however, will show that only in three instances has he used government material dated later than 1845.<sup>3</sup> In view of this, it will not be mere repetition to restate the provisions of both Acts, and to

<sup>1</sup> Order of Jan. 29. *Min.-Bl.* 1847, 20. The *Edict* of Sept. 7, 1811, must not be confused with the *Polizeigesetz* of Sept. 7, 1811. The latter dealt with the regulation of industry; the former was concerned with taxation. The following extract from the introduction to the edict will show the principles upon which it was based:

"Die Grundlagen auf welchen das im vorigen Jahre ausgesprochene Abgaben-System und die neuere Gesetzgebung beruhen; Gleichheit vor dem Gesetz, Eigenthum des Grund und Bodens, freie Benutzung desselben und Disposition ueber solchen, Gewerbefreiheit, Aufhoeren der Zwangs- und Bann-Gerechtigkeiten und Monopole, Tragung der Abgaben nach gleichen Grundsuetzen von Jedermann, Vereinfachung derselben und freie Erhebung, — wollen Wir keineswegs verlassen, Wir wollen vielmehr fortwaehrend auf solche bauen, da Wir sie als die heilsamsten fuer die Uns anvertrauten Unterthanen aller Klassen halten; . . . ."

<sup>2</sup> Roehl, *Beitraege*, etc., in Schmoller's *St. u. sw. Fgn.*, Bd. 17, Heft. 4, 189-271.

<sup>3</sup> "Acta betr. die Massregeln zur Emporbringung der Febriken Ein- und Ausfuhr der Fabrikate, Beschwerden dagegen u. s. w." (1823-48.)

"Acta betr. die Realberechtigungen im Grossherzogtum Posen, ingleichen die Aufhebung aller gewerblichen Zwangs- und Bannrechte daselbst." (1825-47.)

"Acta betr. den Entwurf einer Verodnung fuer naechere Erklaerung der Bestimmungen in § 30 des Gewerbesteuergesetzes vom XI. 1810" (1829-47).

indicate the modifications made between 1845 and 1849.<sup>4</sup>

The first question to be taken up by the new legislation was the abolition of restrictions upon industry still prevalent in various parts of the kingdom. These restrictions may be divided into five classes.

The first comprised all rights and privileges to exclude a person from a trade or to restrict him in the pursuit thereof (*ausschliessliche Gewerbeberechtigungen*). The amount of compensation for these rights was determined by their value at the time of abolition. Each case was to be decided upon its merits. If these rights pertained to fixed trades (*stehende Gewerbe*),<sup>5</sup> their value was computed by taking the average price for which they were sold or leased. If that was impossible, owing to the fact that these rights had not been leased or sold for many years, their value was calculated on the basis of the tax register, or by some other method. In all cases in which the net returns were used as the basis of compensation, the value of the right was obtained by multiplying the amount of the returns by twenty-five.

The next step was the conversion of the right into a certificate (*Entschaedigungsanerkennnis*)<sup>6</sup> bearing 3% interest and payable by those who were engaged in the trade in a particular town or district. Should the crafts-

<sup>4</sup>The new material used is:

"*Ministerial-Blatt fuer die gesamte innere Verwaltung in den Koeniglich Preussischen Staaten*" (1846-48).

"*Central-Blatt der Abgaben, Gewerbe und Handelsgesetzgebung und Verwaltung in den Koeniglich Preussischen Staaten*" (1845-49).

"*Amts-Blatt der Koeniglichen Regierung zu Potsdam und der Stadt Berlin*" (1845-49).

<sup>5</sup>Cf. p. 26.

<sup>6</sup>Form of *Entschaedigungsanerkennnis*:

"Auf Grund der Verhandlungen ueber den Entschaedigungsanspruch des N. zu N. in Betreff des mit seiner Gewerbeberechtigung verbunden gewesen durch die Allgemeine Gewerbeordnung von 17 Januar 1845 aufgehobenen Rechts Andern den Betrieb des . . . Gewerbes in N. zu untersagen, wird hierdurch dem § 11 des Entschaedigungsgesetzes vom 17 Januar 1845 gemaess bescheinigt, dass die dem N. fuer den Verlust jener Berechtigung zu gewaehrende Entschaedigung durch Beschluss der Koeniglichen Regierung zu N. (der unterzeichneten Koeniglichen Regierung) auf —Thlr.—Sgr.—Pf. geschrieben festgesetzt ist." (*Min.-Bl. 1847, 263.*)

men not be able to pay all of the interest, the community was obliged to make up the deficit. A sinking fund was established by assessments levied upon the craftsmen and the community. Money left over after a dissolved guild had met all its obligations was also deposited in this fund.

Persons holding certificates which represented converted perpetual and exclusive trade rights and privileges, were permitted to dispose of them by will, or otherwise. These certificates bore interest until redeemed. Those, however, whose claim represented rights and privileges for life or some other specified period, were entitled to an annuity only for the duration of the claim. A sum equal to twenty-five times the annuity was taken to be a fair compensation. Urban bakers, brewers, and butchers, possessing exclusive trade privileges, even if connected with coercive rights (*Zwangs- und Bannrechte*) were to receive compensation according to this schedule.

Compensation for exclusive industrial privileges pertaining to itinerant trades (*Gewerbebetrieb im Umherziehen*) was not granted to the lessee unless the privilege had been acquired by the payment of a fixed sum. The lessor, however, was entitled to an annuity calculated on the basis of the average net income derived from 1817 to 1836 inclusive. This annuity was redeemable by the payment of a sum twenty-five times the amount. All compensations for the abolition of privileges of this type were payable by the state treasury.<sup>7</sup>

The second class of restrictions abolished by the law of 1845 consisted of rights to grant concessions to engage in particular trades. The regulations concerning

<sup>7</sup> *Gewerbeordnung* § 1. *P. G. S. 1845*, 41. *Entschädigungsgesetz* §§ 1, 7—24. *P. G. S. 1845*, 79 ff. Cf. pp. 14 and 22.



compensation were identical with those pertaining to itinerant trades.<sup>8</sup>

The third class comprised all rights to collect duties for granting permission to carry on a trade. Only the duties stipulated in the trade tax law of 1820 were retained. In case of doubt as to whether a duty rested on a trade or on land, the latter was presumed, and the duty had to be paid. Compensation was provided according to the rules pertaining to itinerant trades.<sup>9</sup>

The fourth class included all coercive rights (*Zwangs- und Bannrechte*) belonging to the exchequer of the state or of a municipality, or to a corporation of craftsmen, provided the craft corporation possessed those rights on the day on which the Industrial Law was published (January 17, 1845) or had transferred them not later than December 31, 1836. These rights were abolished without compensation.<sup>10</sup> Other rights in this class were those which, according to their charter, might be revoked without compensation,<sup>11</sup> and the rights of millers, bakers, butchers, distillers, and brewers to force consumers to trade exclusively with them — in so far as these rights were not included in the first two classes, and provided that they were not based on an agreement between the parties concerned. The value of the coercive right of millers (*Mahlzwang*) was calculated by allowing one-half peck of rye per capita for the population in the coercive district (*Zwangsbezirk*) and by multiplying the amount of rye thus obtained by the average market price prevailing between 1815 and 1844 at the nearest market town. The result was the annuity, which, if multiplied by twenty-five, represented the amount of compensation

<sup>8</sup> *Gewerbeordnung* § 2; *Entschaedigungsgesetz* §§ 25-27.

<sup>9</sup> *Gewerbeordnung* § 3; *Entschaedigungsgesetz* §§ 25-27.

<sup>10</sup> *Gewerbeordnung* § 4 (1); *Entschaedigungsgesetz* § 2.

<sup>11</sup> *Gewerbeordnung* § 4 (2).



payable by the state treasury. Compensation for the other rights of this group (bakers, butchers, distillers, and brewers) was determined solely on the basis of the net returns.<sup>12</sup>

Coercive industrial privileges not included in class four might be redeemed at the option of the individual corporation or community obligated. Their value was determined by their recent selling or renting price, or, if they had not changed hands recently, by the net income derived from them. An annuity was paid by those subject to coercion (*Zwang*). The obligation could be liquidated by the payment of a sum equal to twenty-five times the annuity.<sup>13</sup>

The fifth class included those restrictions which set up a distinct line of demarkation between urban and rural communities for limiting certain trades to towns. The abolition of these restrictions did not involve compensation.<sup>14</sup>

State monopolies, patent, flayer, and ferry-rights were not included in the list of abolished or of redeemable rights and privileges. In so far, however, as ferry-rights were exclusive, they might be abolished with due compensation by the ministry.<sup>15</sup>

To prevent the re-introduction of exclusive and coercive rights declared null and void, the law provided that, in the future, they could not be acquired by prescription. Nor could similar rights be obtained by contract, or otherwise, for more than ten years. Any agreement of indemnification, in case the contract or other arrangement were not renewed, was void. Another feature of the Industrial Law of 1845, bound to operate

<sup>12</sup> *Gewerbeordnung* § 4 (3); *Entschädigungsgesetz* §§ 29-33.

<sup>13</sup> *Gewerbeordnung* § 5; *Entschädigungsgesetz* §§ 34-36.

<sup>14</sup> *Gewerbeordnung* § 12.

<sup>15</sup> *Ibid.*, §§ 6-9.

against the re-introduction of monopoly privileges, was the rule that any one might engage in several trades simultaneously, unless otherwise provided by law.<sup>16</sup>

In the development of economic liberalism in Prussia, the general abolition and redemption of time-honored monopolies restrictive of industrial intercourse is no mean step forward. The advance upon similar legislation under Stein and Hardenberg is evidenced by the general character of the regulations of the new law and the extension of its provisions to the whole monarchy, as constituted after the Congress of Vienna (1815).<sup>17</sup> Presumably, the granting of compensation was due to respect for personal rights.

After disposing of the question of special privilege, the Industrial Law of 1845 proceeds to prescribe the rules for engaging in trades. It distinguishes between itinerant and fixed trades. With regard to itinerant trades (*Gewerbebetrieb im Umherziehen*), it provides that previous regulations shall remain in force, except in so far as they are affected by the abolition of exclusive and coercive privileges and by the abrogation of restrictions upon Jews.<sup>18</sup>

The regulations referred to are primarily those of 1824 and 1836. The former, issued because of divergent opinions concerning the trade tax law of 1820, takes up in detail the whole question of itinerant trades. It defines them as *trades* in the pursuit of which wares are carried about and offered for sale on the street, in public inns, and in private houses, and as *enterprises* consisting either in the purchase of articles at the aforesaid places for the purpose of reselling them, or in the seeking of orders for goods. Merchants, manufacturers,

<sup>16</sup> *Ibid.*, §§ 11 and 13.

<sup>17</sup> Cf. p. 9 ff; also p. 16, footnotes No. 53 and 54.

<sup>18</sup> *Gewerbeordnung*, § 14; also §§ 1-4 and 60.

and craftsmen taking their wares to annual markets for the purpose of selling them from booths, and those who take to weekly markets such goods as the local authorities permit strangers to sell there, are not included in this category. Nor does it pertain to nationals or their agents who travel about the country in quest of raw material for their factories.<sup>19</sup> Foreigners are restricted in the kinds of articles they may peddle and in the nature of the services they may offer. They may, however, go about in quest of orders.<sup>20</sup>

Persons desiring to engage in an itinerant trade were obliged to procure a trade license. If they remained within the police jurisdiction of their town, a permit from the local police authorities was sufficient. Glaziers and chimney-sweepers, who, by the very nature of their work, were restricted to a specific district, were not required to obtain a license. This applied also to their apprentices and journeymen. Two years after the promulgation of the Industrial Law, licenses could be issued to foreigners by the local authorities, without obtaining the approval of the ministry. The tendency was to become more liberal in the requirements regarding trade licenses with respect to both nationals and foreigners.<sup>21</sup>

Originally, the trade license allowed the holder to peddle his wares only within the district of the province that granted it. This privilege, however, could be extended to other districts if the license were viséed by the authorities of the several districts. The ruling of later orders, that this privilege was not to be refused, except in special cases, was sustained in 1846.<sup>22</sup> A person possessing a license was permitted to ply his trade

<sup>19</sup> Law of April 28, 1824, §§ 1-5, *P. G. S. 1824*, 126-127; *Cabinet Order* of March 27, 1828, *P. G. S. 1828*, 49.

<sup>20</sup> Law of 1824, § 12.

<sup>21</sup> *Ibid.*, §§ 2-4, 6-7. *Min.-Bl. 1847*, 25-26. *Central-Bl. 1847*, 164-165.

<sup>22</sup> *Min.-Bl. 1846*, 146.



within the district or districts specified during the period of annual and weekly markets, and at non-market periods from one to eight days, according to the size of the town. At least four weeks must have elapsed before he might return to the same place. This did not apply, however, to venders of farm and dairy products, fruit-sellers, or fishmongers.<sup>23</sup> As early as 1826, it was decreed that merchants and their assistants travelling about the country in quest of orders or for the purpose of buying goods to resell—provided they did not carry these goods with them, but sent them by freight—were entitled to go anywhere in the monarchy on the basis of their trade license.<sup>24</sup>

The kinds of wares for the peddling of which licenses might be issued were: products of garden, dairy, field, forest, and river;<sup>25</sup> wastes of trades; iron, steel and earthen wares; linen, cotton, and hempen goods. The following persons were permitted to offer their services from place to place: repairers of various articles, basket-weavers, wood-clock makers, rat-catchers, players, and musicians.<sup>26</sup>

In addition to the law of 1824 retained by the Indus-

<sup>23</sup> Law of 1824, §§ 21-22.

<sup>24</sup> P. G. S. 1828, 61-62.

<sup>25</sup> An order of April 20, 1845, is interesting in this connection. It permits trustworthy persons to sell food and drink to railway laborers, and allows them to advance with the progress of construction. This order shows the effect of railway building upon itinerant trading. (*Central-Bl.* 1845, 154-155).

<sup>26</sup> Law of 1824, §§ 14, 17-18.

The general attitude of the government toward itinerant trading is perhaps best illustrated by the following order:

"Die Bestimmung des Cirkular-Rescripts vom 10 März 1838, wonach der Hausirhandel mit Druckschriften verboten ist, findet auch auf Noten, denen der Liedertext beige druckt ist, gleichmaessige Anwendung, da dergleichen Noten zu den Druckschriften mit zu rechnen sind.

"Aber auch der Hausirhandel mit anderen Musikalien kann, da ein Beduerfnis zu einem solchen Handel nicht vorliegt, die Gestattung desselben auch leicht zur gleichzeitigen Verbreitung von Druckschriften gemissbraucht werden kann, nicht fuer zulaessig erachtet werden, und wird die Koenigliche Regierung daher angewiesen, zu einem solchen Handel unter keinen Umstaenden ferner Gewerbescheine zu ertheilen." (*Central-Bl.* 1845, 244).



trial Law,<sup>27</sup> there were in operation in 1845 trade tax regulations of 1836. These provided for a more equitable taxation of itinerant trades than was possible under the law of 1820. Later an eightfold increase of the tax was permitted upon foreigners whose states discriminated against Prussians.<sup>28</sup> After a treaty of reciprocity had been concluded between the Customs Union and Belgium, Prussia decreed that Belgian manufacturers and tradesmen engaging in itinerant pursuits in Prussia should be exempt from payment of the trade tax, if they had paid it at home.<sup>29</sup>

The growing liberalism in industry was manifest in the increasing recognition of the right of Jews to engage in itinerant trades. Until 1845, they were wholly excluded from these trades.<sup>30</sup> The Industrial Law allowed them or their agents to go about the country in quest of orders or to purchase wares with a view to reselling them.<sup>31</sup> Two years later the remaining restrictions were removed in all provinces except Posen. In this province, a distinction was made between naturalized and unnaturalized Jews. The former were accorded the same itinerant trade privileges as their co-religionists in other parts of the monarchy. The latter were excluded from itinerant trades.<sup>32</sup>

The evolution of industrial freedom in Prussia with respect to itinerant trades is marked, as shown above, by a wider operation of the principle of reciprocity toward foreigners, a growing tendency to recognize the trade license in every part of the monarchy, irrespective of the place where it was issued, and an almost complete

<sup>27</sup> Cf. p. 22.

<sup>28</sup> *P. G. S.* 1837, 14-16; 1843, 301.

<sup>29</sup> *Min.-Bl.* 1847, 104.

<sup>30</sup> *P. G. S.* 1812, 21; 1833, 71.

<sup>31</sup> *Gewerbeordnung*, § 60.

<sup>32</sup> *P. G. S.* 1847, 264, 268, 269.

removal of Jewish disabilities. In the matter of wares and services, hardly any progress is observable.

In addition to the regulations concerning itinerant trades, the Industrial Law of 1845 also provides for the establishment of fixed trades (*stehende Gewerbe*). After defining fixed trades as trades that are not carried on by travelling about, it specifies who may engage in them and what the manner of establishing them shall be. In the interest of the orderly progress of industry, the law permitted persons who conducted a trade before 1845 to continue therein, even though they did not satisfy the new rules.<sup>33</sup>

The qualifications for establishing a fixed trade were possession of the legal right to dispose of one's property and a permanent domicile in the state.<sup>34</sup> As women were allowed to engage in a trade with the consent of their husbands, a bankrupt could continue his trade in his wife's name. A ministerial order of a later date interpreted the Industrial Law to mean that **any** woman properly qualified might establish a fixed trade in her own name.<sup>35</sup> Although foreigners could engage in fixed trades only by permission of the ministry, unless otherwise specified by treaty, the nationals of states belonging to the Customs Union were permitted the full enjoyment of industrial freedom because of the treaties of reciprocity forming the Union.<sup>36</sup> Members of the army and state officials could carry on fixed trades only with the consent of their superiors. In principle, the acquisition of burghership was not required. But as the Municipal Law of 1808 was still in force, a Prussian might be obliged to acquire the status of a burgher in

<sup>33</sup> *Gewerbeordnung*, § 15.

<sup>34</sup> *Ibid.*, § 16.

<sup>35</sup> *Min.-Bl.* 1846, 44-45 (Decrees of Jan. 23 and Feb. 28).

<sup>36</sup> *Zollverein* treaty of 1833 and succeeding treaties. Also *Min.-Bl.* 1846, 15.

the city in which he desired to establish his enterprise. Although this could not be required of foreigners, they were expected to pay the municipal taxes payable by all burghers.<sup>37</sup>

Persons desiring to engage in a fixed trade had to inform the local police authorities of their intention. If there were no objections, a certificate was issued stating that the person concerned had complied with all regulations. Industrial establishments that might prove injurious or annoying to the community, and certain trades, crafts, and professions that required technical skill or presupposed good character, required a special permit. In many cases, this permit was issued only after the applicant had successfully passed an examination. Certain occupations, such as apothecary, auctioneer, and surveyor, were restricted to Christians until 1847, when Jews were admitted. All other fixed trades were opened to Jews by the Industrial Law.<sup>38</sup>

Every one entitled to engage in a fixed trade had the right to display in his shop wares made by himself or by others, to take orders, both inside and outside his place of business, to deliver the goods he sold, and to sell his wares at markets. Moreover, he might make or purchase all necessary materials and tools. All these privileges he might delegate to an agent. Under no condition could he be curtailed in his trade by the establishment of new incorporeal hereditaments. Offences against the Industrial Law were punished by temporary suspension or permanent revocation of the right to establish a trade.<sup>39</sup>

The liberalism of the fixed trade system lies in its flexibility. Not only are the requirements for estab-

<sup>37</sup> *Min.-Bl.* 1846, 69.

<sup>38</sup> *Gewerbeordnung*, §§ 26-58, 190. *P. G. S.* 1847, 264, § 4; 269, § 33.

<sup>39</sup> *Ibid.*, §§ 59-61, 64-65, 69, 171.



lishing trades low, but women and Jews are admitted in their own right, and foreigners on the basis of reciprocity. It is, moreover, the system of the *store*, in which wares made by the owner or purchased by him are displayed, as compared with the system of the *shop* in which the craftsman, who is a member of a guild and an employer of journeymen and apprentices, produces the articles of his craft as he receives orders for them. There are, of course, restrictions in the interest of the common weal.

The privilege of frequenting fairs (*Messe*)<sup>40</sup> and weekly and annual markets to buy and sell is granted to nationals without discrimination; and foreigners are

<sup>40</sup> The distinction between a fair and a market is clearly set forth in the following report on *Verkehr auf den Messen im Zollvereinsgebiet 1844*:

"Messen sind grosse Maerkte, welche in gewissen Orten Jaehrlich zu feststehenden Terminen ein oder mehrere Male abgehalten werden. Sie unterscheiden sich von gewoehnlichen Maerkten durch ihre laengere Dauer, hauptsaechlich aber durch den bedeutendern Umfang des Verkehrs, indem den Messen—so weit sie einmal in Ruf sind—Waaren der mannigfaltigsten Art, zum Theil in grosser Menge, aus dem In-und-Auslande zum Verkaufe zugefuehrt werden und dadurch den Kaeufern, insbesondere den Kleinhaendlern, die Gelegenheit geboten wird, nicht nur neue Erzeugnisse des Gewerbefleisses kennen zu lernen, sondern die Fabrikate der verschiedenen Laender, Orte und Gewerbsanlagen, nach Preis, Guete, Geschmack und etwanige Eigentuemlichkeit, mit einander zu vergleichen und sich in wenigen Tagen auf die bequemste Art und in grosster Auswahl fuer einen laengern Zeitraum mit Waaren zu versorgen.

"Die Messen, welche zu einer Zeit entstanden, wo die Mangelhaftigkeit der Kommunikations-Anstalten und die Unsicherheit der Landstrassen es dem Handel zum dringenden Beduerfnisse machten, auf einigen bequem gelegenen Punkten dergleichen Einrichtungen zur Vermittelung des Verkehrs zu besitzen, haben von ihrer fruehern Bedeutung und Wichtigkeit viel verloren, denn es leuchtet ein, dass jetzt, wo die kaufmaennische Korrespondenz durch die Postanstalten leicht und sicher befoerdert wird, in Handels- und anderer groesseren Staedten Jahr aus Jahr ein bedeutende Waarenlager gehalten werden, die Reise- und Transportmittel in hohem Grade vervollkommen sind und Fabrikanten und Grosshaendler ihren Absatz durch Reisende zu bewirken suchen, welche auf vorgezeigte Muster Bestellungen entgegennehmen, das Beduerfnis solcher Vermittelungspunkte fuer Ausgebot und Nachfrage, wie es die Messen sind, sich mehr und mehr verliert. Die hin und wieder gemachten Versuche neue Messen zu gruenden sind deshalb auch fruchtlos geblieben. Selbst von frueher bestandenen Messen sind einzelne ganz eingegangen oder zu Maerkten herabgesunken; andere dagegen haben sich, theils durch die Macht der Gewohnheit, theils unter dem zusammenwirkenden Einflusse verschiedener guenstiger Umstaende—bis auf den heutigen Tag erhalten und koennen sogar noch jetzt immerhin als wichtige Handels-Institute betrachtet werden.

"Im Umfange des Zollvereinsgebiets werden dermalen jaehrlich 11 Messen abgehalten und zwar: a. in Frankfurt a. O. 3, b. in Naumburg 1, c. in Leipzig 3, d. in Braunschweig 2, e. in Frankfurt a. M. 2." (*Central-Bl. 1848, 98-99*).—Frankfurt a. O. and Naumburg are in Prussia.



treated on the basis of reciprocity. The number, time, and duration of markets are determined by the ministry. Those possessing the right to hold markets (*Marktberechtigte*) are obliged to submit to this rule. They may claim compensation only in case the number of markets has been reduced, despite the fact that it had been specifically and irrevocably fixed. The only charges that may legally be levied at markets are rents for the use of space, booths, and fixtures. <sup>41</sup>

The articles of the weekly market trade are raw products of nature, except the larger types of cattle, fresh provisions, and manufactured goods connected with agriculture, forestry, and fishing. Alcoholic beverages are excluded. Provincial governments must issue a list of articles that, according to the general law and the local custom, belong to the legitimate market trade. This list must be approved by the ministry. <sup>42</sup> Two years later, the number of articles was increased. <sup>43</sup>

With regard to peddling at markets, the tendency was to grant more freedom. <sup>44</sup> The extent to which objects of the market trade might be sold at non-market periods on the street and from boats, or peddled from house to house, was determined by local custom and the general regulations pertaining to itinerant trading. Arrangements whereby certain classes of buyers could not purchase food during the entire market period, could be retained only by permission of the provincial government. In the interest of the market, articles of the market trade brought to town could be sold only at the market place on market days. This forbade their sale at the gates of the town. <sup>45</sup>

<sup>41</sup> *Gewerbeordnung*, §§ 75-77.

<sup>42</sup> *Ibid.*, § 78.

<sup>43</sup> *Min.-Bl.* 1847, 25-26.

<sup>44</sup> *Central-Bl.* 1847, 164-165 (Order of Aug. 31).

<sup>45</sup> *Gewerbeordnung*, §§ 79-80, 86.

The rules pertaining to weekly markets applied also to annual, Christmas, wool, cattle, butter, yarn, and linen markets. At annual markets, tropical fruits, foreign spices, and manufactured goods of every description, in addition to the objects of the weekly market trade, might be sold. The liberal attitude toward fairs and markets was further evidenced by the removal of the restrictions on the sale of goods left over.<sup>46</sup>

In harmony with the principle of free competition now uniformly introduced into all the Prussian provinces, the regulation of prices, unless otherwise specified, was ordered discontinued within a year. The regulation of the price of bread, however, if justified by circumstances, might be retained or even introduced with the approval of the ministry. It was within the jurisdiction of the local police department to force bakers and inn-keepers to post a monthly list of prices at a specified place. This department could also publish the names of bakers that made the best and the largest loaves, and of those who baked the smallest and the poorest.<sup>47</sup>

Moreover, the local authorities had the power to fix the amount which chimney-sweepers, flayers, porters, and other persons publicly offering their services might charge. The same applied to those who offered to rent out horses, carriages, sedan chairs, gondolas, and other means of transportation occupying a public stand. Presumably for the protection of the public, the law permitted the introduction of wage regulation with respect to certain trades concerning which it had not hitherto existed. This, however, did not pertain to craftsmen in the strict sense of the term. Tradesmen guilty of disregarding wage and price regulations were subject to fine

<sup>46</sup> *Ibid.*, §§ 82-85, 87.

<sup>47</sup> *Ibid.*, §§ 88-91. *Min.-Bl.* 1846, 107; 1847, 26.

or imprisonment. Upon the third offense their right to continue in the independent pursuit of their trade could be temporarily suspended or permanently revoked.<sup>48</sup>

The Industrial Law of 1845 permitted craft guilds to remain, but did not re-introduce the *Zunftzwang*.<sup>49</sup> In so far as the acquisition of commercial rights was dependent upon joining a commercial guild, the old *Zwang* still held sway. With respect to craft guilds, the new law distinguished between the existing ones (old guilds) and those which might be formed under certain conditions (new guilds). To bring the old guilds into harmony with the new economic conditions, it was decreed that they modify their constitution and by-laws. This modification might be effected by the amalgamation of several old guilds, or by the union of an old and a new guild. Other changes introduced were: (1) the right of members in good standing to resign and continue their trade; (2) dissolution of a guild by a motion sustained by two-thirds of its voting members—provided arrangements were made to meet its financial obligations and the government sanctioned the procedure; (3) dissolution of a guild by the government for reasons of public welfare, even against the guild's will.

The funds of a dissolved guild were to be disposed of as follows: first, to pay the guild's debts; secondly, to compensate those members whose exclusive industrial privileges were abolished; and, finally, if there was any money left, to aid the community in establishing works of public benefit, or to meet the claims of creditors of insolvent dissolved guilds. Several guilds uniting to form one guild could, however, agree to transfer their funds to the new organization.<sup>50</sup>

<sup>48</sup> *Ibid.*, §§ 92-93, 186.

<sup>49</sup> *Cf.* p. 14, note 47.

<sup>50</sup> *Gewerbeordnung*, §§ 94-100.

The new guilds for the formation of which the Industrial Law provided were of two kinds, viz., those requiring a test of proficiency as a condition of admission, and those not requiring one. Guilds of the first type could be formed in the larger cities<sup>51</sup> by twenty-four persons who had been independently engaged for one year in similar or identical trades, or who had belonged to a dissolved guild. In all other places, twelve persons, thus qualified, were sufficient. This number could be increased or decreased by the ministry. Furthermore, craftsmen of several communities could form a guild. Bankrupts, persons charged with or convicted of crime, and those whose right to engage in a trade was temporarily suspended, were wholly disqualified from participating in the formation of a guild. Nowhere could new guilds be formed where old guilds existed, unless the old were dissolved or amalgamated with the new. New guilds, moreover, were granted the status of corporations. They could not acquire exclusive industrial privileges.<sup>52</sup>

The purpose of the new guilds which required a test of proficiency was threefold: first, to control the training and conduct of apprentices, journeymen, and assistants;<sup>53</sup> secondly, to administer the funds, such as savings, poor, sick, and death funds; thirdly, to care for widows and orphans of deceased members. Admission to these guilds was granted only after a satisfactory proof of ability. Certificates of the examination boards of certain trades, of the Superior Building Commission

<sup>51</sup> Berlin, Breslau, Königsberg, Danzig, Elbing, Posen, Potsdam, Frankfurt, Stettin, Stralsund, Magdeburg, Halberstadt, Halle, Erfurt, Muenster, Koeln, Duesseldorf, Elberfeld, Barmen, Krefeld, Aachen, Koblenz und Trier.

<sup>52</sup> *Gewerbeordnung*, §§ 101-103.

<sup>53</sup> "Der Unterschied zwischen Gesellen und Gehuelfen koennte darin gefunden werden dass bei den Gesellen stets eine technische Vorbildung (Lehre) vorausgesetzt wird, bei den Gehuelfen nicht. (Meyer, *Konversations-Lexikon*, vii, 210).



of the Technological Institute, and of the Academy of Arts were accepted as sufficient evidence of ability. Members of old guilds and craftsmen who had successfully carried on a trade either at the place where the guild was formed, or elsewhere, were not required to give additional proof of their proficiency. In all other cases, candidates for admission had to pass the examination of the board created by the Industrial Law.<sup>54</sup>

Membership in one of these guilds did not deprive a craftsman of the right simultaneously to engage in a trade other than that represented by the guild, or even to join other guilds. But to join a guild of another town was permissible only if a craftsman's trade was not represented by a guild in the town in which he lived.<sup>55</sup>

Every new guild requiring a test of proficiency, had to have one or more officials elected by the members and approved by the local authorities. The law provided that a representative of the municipality should attend every meeting to watch over the legality of the resolutions; and that he should not be engaged in the kind of trade for which the guild was formed. Initiation fees and dues might be collected. The privilege of voting was restricted to those members who had been independently engaged in a trade during the past year. This rule, however, could be amended so as to make the right to vote dependent upon a specific volume of business. If desirable, plural voting could be introduced. The absence of *Zunftzwang* is shown by the fact that neither the resignation of a member nor his expulsion deprived him of the right to continue his trade.<sup>56</sup> In order to achieve uniformity of organization of the old guilds and of the new ones that required a test of proficiency for

<sup>54</sup> Cf. p. 39.

<sup>55</sup> *Gewerbeordnung*, §§ 104-111.

<sup>56</sup> *Ibid.*, §§ 110, 112-117.

admission, the government issued a model guild constitution. This was designed to aid the provincial governments in administering the Industrial Law.<sup>57</sup>

The second type of new guilds consisted of those which did not require a test of proficiency for admission. Such guilds were formed by the union of *all* craftsmen of a community engaged in similar or identical trades. A resolution of the municipal authorities was indispensable for their formation. By merely establishing a trade, a person qualified for membership. But no one was obliged to join these guilds. Resignation was permissible. Members not in possession of a certificate of proficiency, and those who had failed in business, had been convicted of crime, or had conducted themselves improperly, were excluded from voting and from participating in the administration.<sup>58</sup>

The following rules applied to all guilds. Changes in the constitution and by-laws might be made only by permission of the ministry. Rules regarding the dissolution of old guilds were applicable to the new. Disputes concerning admission and expulsion of members, and questions involving rights and duties of officers as well as members must be settled by the local authorities. The right of appeal to the government could not be denied. What has been said of guilds does not apply to co-operative industrial associations. The latter belong to a different category.<sup>59</sup>

The right to engage in a fixed trade permitted a person to employ journeymen, assistants, and apprentices. Bankruptcy, maltreatment of apprentices, charge or conviction of crime, and temporary suspension of the right to carry on a trade disqualified a craftsman from "accept-

<sup>57</sup> *Min.-Bl.* 1848, 102-115 (Order of Feb. 4).

<sup>58</sup> *Gewerbeordnung*, §§ 118-119.

<sup>59</sup> *Ibid.*, §§ 120-124.

ing" apprentices. For a number of trades the right to "accept" depended upon joining an old or a new guild and proving one's proficiency.<sup>60</sup> The number of these trades could be increased or diminished by the provincial governments according to the necessities of the locality. Craftsmen not permitted to employ apprentices, according to these regulations, could neither "accept" new ones, nor retain those they already employed.<sup>61</sup>

The relation of journeymen, assistants, and apprentices to craftsmen employing them was based on an agreement between the parties concerned. In the absence of an agreement, the relationship was determined by the rules of the guild to which the craftsman belonged. If the craftsman was not a member of a guild, the provisions of the Industrial Law, as outlined below, determined the relationship. The local government was obliged to protect the health and morals of a craftsman's employees. If the secular and religious education of these employees was inadequate, opportunity had to be given them to perfect themselves in the studies in which they were deficient. Difficulties arising between a craftsman and his employees were to be settled by the special committees provided for the purpose. Where such committees did not exist, this duty devolved upon the president of the guild to which the craftsman belonged. The president, however, could exercise this power only in the presence of the representative of the local admin-

<sup>60</sup> The trades in question are:

Gerber aller Art, Lederbereiter, Ledertauer, Korduaner, Pergamentler, Schuhmacher, Handschuhmacher, Beutler, Kuerschner, Riemer, Sattler, Seiler, Reifschlaeger, Schneider, Hutmacher, Tischler, Rademacher, Stellmacher, Boettcher, Drechsler in Holz und Horn, Toepfer, Grobschmiede, Hufschmiede, Waffenschmiede, Schlosser, Zirkelschmiede, Zeugschmiede, Bohrschmiede, Saegeschmiede, Messerschmiede, Buechenschmiede, Sporer, Feilenhauer, Kupferschmiede, Rothgiesser, Gelbgiesser, Glockengiesser, Guertler, Zinngiesser, Klempner, Buchbinder, Faerber." (*Gewerbeordnung*, § 131).

According to a ministerial announcement of 1847, "Tapezierer" were not to be included in this group. (*Min.-Bl.* 1847, 24-25).

<sup>61</sup> *Gewerbeordnung*, §§ 125-133.



istrative board. Cases involving craftsmen who were not members of a guild, were settled by the local police department.<sup>62</sup>

Journeymen and assistants, although obliged to observe the rules and customs of the craftsman's home, could not be forced to perform the duties of servants. Their relations with their master could be severed by giving notice two weeks in advance. But if they were guilty of theft, disobedience, careless use of fire, or calumny of their employer, or if they became unfit, they could be dismissed without notice. On the other hand, they might leave without giving notice, if they became unfit for service, if their master violently laid hands on them or tempted them to perform illegal or immoral acts, or if he withheld their wages. On leaving, journeymen and assistants could demand a certificate indicating the nature and period of their employment. This certificate, to be valid, had to be confirmed by the local authorities.

There was no compulsory migration (*Wanderschaft*). Migrating journeymen and assistants could, therefore, not claim assistance of craftsmen. After revolutionary disturbances had broken out in Germany in 1848, the Diet of the Confederation annulled its decree of 1835 whereby the right of journeymen to wander from one place to another was curtailed. It was in harmony with this action that Prussia rescinded<sup>63</sup> her order requiring the consent of the ministry for the issuing of passports to travellers going to countries beyond the confines of the Confederation, and forbidding foreign journeymen that had sojourned in Switzerland to come to Prussia. The order forbidding Prussian journeymen to go to Switzerland was also withdrawn. The authorities in charge

<sup>62</sup> *Ibid.*, §§ 134-137.

<sup>63</sup> June 30, 1848.



of passports were instructed to issue them for any state to which the applicant desired to go, and to insert in all passports already issued a statement regarding the abolition of restrictions.<sup>64</sup>

Journeyman and assistants were permitted to retain their old and to form new benefit associations. The fact that an assistant or a journeyman did not work for a member of a guild did not debar him from joining such an organization.

All that has been said about journeymen and assistants applies to factory employees as well. None of these three groups of employees was permitted to form unions without the permission of the police. Nor could any one of them arbitrarily leave his work or be grossly disobedient or persistently intractable without incurring fine or imprisonment.<sup>65</sup>

According to the Industrial Law, only those persons were to be regarded as apprentices who worked under an accredited craftsman for the purpose of becoming journeymen. The craftsman might agree to teach them his craft for a specified sum of money or in consideration of gratuitous assistance. Formal "acceptance" took place in the presence of the guild, if the apprentice entered the employment of a guild member; otherwise, before the local authorities. The ability to read and write and a fair amount of religious knowledge were indispensable. Deficiency in any one of these had to be remedied during the period of technical instruction. It was the duty of the craftsman properly to instruct his apprentice in the rudiments of his craft and to supervise his morals. On the other hand, the apprentice was

<sup>64</sup> *Min.-Bl.* 1848, 224-225.

<sup>65</sup> *Gewerbeordnung*, §§ 138-145, 183-184. It should be noted that *Meister* does not occur in the Industrial Law. *Selbstaendiger Gewerbetreibender* is substituted for it.

subject to the parental discipline of his master (*Lehrherr*). In his absence, the apprentice was obliged to obey the journeyman or the assistant acting as his substitute. Apprentices could form unions only by permission of the police.

The rules governing the dismissal and withdrawal of journeymen and assistants applied also to apprentices. If the apprentice desired to transfer to another trade before the expiration of his term of instruction, he could do so. He had, however, unless otherwise specified, to pay tuition for one-half year after the close of the quarter in which he left. If the agreement was dissolved, the apprentice could demand a certificate showing the nature of his conduct, time of service, and amount of knowledge acquired. Upon completing his course of training, he might demand a journeyman's examination and formal dismissal. These took place before the guild or the local authorities, depending on whether he was trained by a member of a guild or by a non-guild craftsman. In the latter case, the local examining board, a guild institution, could be called upon to examine the applicant. Moreover, the apprentice that learned his trade under a non-guild member might request an examination by this board, and, if successful, a certificate of proficiency. The only charges permissible in formally accepting and dismissing an apprentice were those covering the actual cost of the procedure. Persons who were not to be considered apprentices because of the nature of their agreement, and those who learned their trade in a manner other than under an independent craftsman might be examined by a guild or by the local authorities, according to the status of the person who taught them. In either case, they received a certificate upon passing the examination. What has been said of assistants and

apprentices of ordinary craftsmen did not apply to those of apothecaries or merchants, or to foremen in factories. Their relations to their employers were determined by the regulations previously in force.<sup>66</sup>

In order to conduct the examinations provided for by the Industrial Law, local and district boards were instituted. These were composed of the representative craftsmen of a town or a district. They were appointed by the local authorities, preference being given to members of guilds. A member of the local government who was not a craftsman, acted as presiding officer. The board was put under the jurisdiction of the local authorities.<sup>67</sup>

For the purpose of settling differences of opinion regarding these boards, the government issued supplementary information. According to this, it was the duty of the board to examine craftsmen desiring to join either an old guild or a new one that required a test of proficiency. This applied also to craftsmen who qualified to "accept" apprentices. Old guilds were permitted to retain their rules regarding masterpieces, pending the revision of their constitution and by-laws. The examination fee for those who learned their trade under a non-guild craftsman was three *Thaler*; for all others, five *Thaler*.<sup>68</sup>

The examination was conducted under the direction of the president by a committee of from two to six craftsmen, only one-half of whom were to be members of the board. This committee was at first appointed by the board; later, by the president. In appointing the committee, preference was given to members of guilds.

<sup>66</sup> *Ibid.*, §§ 146-161, 183. For an account of factory legislation see *Geschichte der preussischen Fabrikgesetzgebung bis zu ihrer Aufnahme durch die Reichsgewerbeordnung* by Guenther K. Anton. Leipzig, 1891, in Schmoller's *St. u. sw. Fgn.*, XI. Heft. 2. Covers period 1818-69.

<sup>67</sup> *Gewerbeordnung*, § 162.

<sup>68</sup> *Min.-Bl.* 1847, 160-162, 166, 167. (Order of Dec. 31). 1 *Thaler* = approximately 75 cents.

Requests for examination could not be postponed longer than three months after payment of the fee.

The examination consisted of an oral test and a practical demonstration of skill. The oral examination tested the applicant's knowledge of materials, technical terms, police regulations, and construction and use of tools and workshop. The candidate, moreover, had to compute the cost of an article in the presence of the committee, and had to make any drawings that might be required in the pursuit of the craft.<sup>69</sup> The practical demonstration of skill tested his ability to make an article. The expense of providing materials, tools, and workshop, was borne by the applicant. If he lived in the town in which the board lived, his examination was supervised by two members of the committee, who visited the workshop from time to time to see that he received no aid. If he lived elsewhere, arrangements had to be made for him either to come to the place where the board resided or to take the examination in the town in which he lived. After the applicant finished his work, the committee met to examine it. A majority vote determined the opinion of the committee.<sup>70</sup> The candidate that passed the examination received a certificate of proficiency. This certificate admitted him to guilds and permitted him to "accept" apprentices. A repetition of the examination could not be required of him even after he had changed his domicile. The candidate that failed could not be re-examined within six months.<sup>71</sup>

In order to make the Industrial Law as flexible as possible, local governments were permitted to make minor changes with the approval of the ministry. No changes were permitted, however, that curtailed the liberty to

<sup>69</sup> *Gewerbeordnung*, § 163; *Min.-Bl. 1847*, 163 (§§ 8-10).

<sup>70</sup> *Gewerbeordnung*, § 164-165; *Min.-Bl. 1847*, 164-165 (§§ 12-14).

<sup>71</sup> *Gewerbeordnung*, § 166; *Min.-Bl. 1847*, 165.



engage in a trade, that introduced *Zunftzwang*, or that limited the membership of guilds.<sup>72</sup>

The evolution of industrial freedom in Prussia between 1845 and 1849 is marked by the extension of the industrial legislation of Stein and Hardenberg to all the provinces and the introduction of additional liberal features. The chief old privileges now granted to the whole monarchy were: the restriction of trade licenses to itinerant trades; the abolition of *Zunftzwang*; the nullification of price and wage regulations; the contractual relationship between a craftsman and his journeymen, assistants, and apprentices; the simultaneous pursuit of several trades; and the recognition of the fact that the system of the "store" (*Magazin*) had come to stay. Trade unions were still illegal, and the test of proficiency for certain trades was retained.

Among the new features introduced were: (1) the principle of reciprocity regarding foreign trades; (2) the admission of women and Jews to practically all trades; (3) the virtual relaxation of the burghership requirement; (4) the remodeling of old and the organization of new guilds in harmony with the new spirit in industry; (5) the abolition of compulsory *Wanderschaft*; (6) the unrestricted issuance of passports; (7) the formation of local and district examining boards; (8) the tendency to extend the district trade licenses to all the provinces; and (9) the abolition of exclusive and coercive trade rights and privileges.

<sup>72</sup> *Gewerbeordnung*, §§ 168-170.



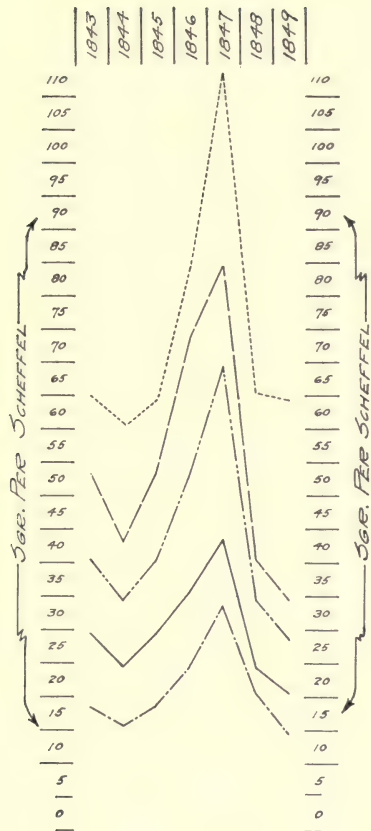
## CHAPTER II

### DISCONTENT AMONG THE WORKING CLASSES

THE Industrial Law and the ministerial orders have indicated the degree of industrial liberalism legalized in all the provinces of Prussia between 1845 and 1849. The men in power appear to have realized the demands made by the new social and economic order. The laws they promulgated were, perhaps, as liberal as could be expected, short of revolution. Under normal conditions these laws might have provided an orderly transition from a system of guild economy to one of factory economy. But the period from 1845 to 1849 was not normal. The condition of agriculture and the social dissatisfaction culminating in the disturbances of 1848 put the times out of joint. Under such circumstances it was impossible for the new law to effect an orderly change.

The weather conditions during the period under discussion were by no means conducive to the normal progress of social and economic life. Unseasonable variations in temperature and heavy rains caused the rivers to overflow repeatedly. The destruction of crops, especially in the central and eastern parts of the kingdom, created such hardship among the people that the government and private individuals had to come to their assistance. In many instances, cattle, forced to take refuge on the hills, were isolated and without fodder. Whole villages were partially submerged, so that foodstuffs could be taken to the inhabitants only with great difficulty.<sup>1</sup>

<sup>1</sup> *Archiv fuer vaterlaend. Interessen*, 1845, 160-163. *Allg. Ztg.* (A.) 1845, Apr. 14, et passim; 1847, June 27, et passim.



KEY NOTE

- ..... WEIZEN
- ROGGEN
- GERSTE
- HAFER
- . - . - . KARTOFFEL

1 SILBERGROSCHEN = .0235  
 1 SCHEFFEL = 1.55 BUSHELS

Average market price per Scheffel in  
 Silbergroschen in Prussia. Based on  
 "Mittheilungen des statischen Bureaus  
 in Berlin, 1855."

..... wheat ----- barley  
 ----- rye ----- Potatoes  
 ----- Oats

1 Silbergroschen = \$ .0235  
 1 Scheffel = 1.55 bushels





The damage done to crops by unfavorable climatic conditions and floods was increased by the potato blight. This disease appeared in August, 1845, and continued throughout the period. Newspaper reports indicate that it was most destructive in Silesia and the Province of Prussia.<sup>2</sup> By destroying the chief article of food of the lower classes, it put the lives of many in jeopardy. The recurrence of the blight induced ingenious spirits to seek for antidotes. After discovering what purported to be such, they took the public into their confidence. One man, seemingly of unusual ability, agreed to divulge the secret of his discovery to any person sending him 5 *Thaler* (\$3.75) before March 15, 1848. It was understood, however, that if the number of subscribers was not sufficient to warrant the disclosure, the money would be refunded.<sup>3</sup> Grain also suffered from the unfavorable weather conditions prevailing between 1845 and 1849. Harvests were almost uniformly poor. The only year that could boast of a moderately fair grain crop was 1847.<sup>4</sup>

High prices are an almost unavoidable concomitant of poor harvests. To what extent the high prices in Prussia were due to the failure of crops and how far to speculation in foodstuffs is difficult to ascertain. The fact is, that the price of food was high. This is shown by the monthly reports of the Berlin market. In the period from 1845 and 1847, the average price of rye increased 250 per cent; of wheat and barley, 200 per cent; of peas and oats, 150 per cent; of potatoes, 100 per

<sup>2</sup>The Provinces of East and West Prussia were united from 1824 to 1878, and called the Province of Prussia.

<sup>3</sup>*Schles. Ztg.*, 1848, Jan. 5 (2te Beilage). Buelow-Cummerow states that potatoes formed four-fifths of the food of the lower classes. (*Preussen i. J. 1847, u. d. Patent v 3, Feb. 27*).

<sup>4</sup>Dieterici, *Mittheilgen d. statist. Bureaus*, 8ter Jahrg., 187. *Weser Ztg.*, 1847, July 22 et passim. *Allg. Ztg. (A.)*, 1845, April 17, et passim. Dieterici was director of the Bureau of Statistics in Berlin.

cent. Dieterici states that, for the period from 1816 to 1854, the price of rye, barley, and potatoes reached its maximum in 1847.<sup>5</sup>

The reaction of the people to these prices found expression in assaults upon markets and individual bakers in all parts of the monarchy. In several towns in eastern Silesia, wagons carrying grain and bread to the local market were seized. The owners were forced to sell the contents at a price fixed by the mob. Refusal resulted in confiscation. Similar occurrences were reported from Posen and the Province of Prussia, from the Rhine and the middle provinces. In Halle, the municipal authorities fixed the price of bread to protect the public against unscrupulous bakers.<sup>6</sup>

The greatest disturbances appear to have occurred in Berlin. On April 21, 1847, a woman selling potatoes near the *Gendarmenmarkt* insulted a number of purchasers for objecting to high prices. Upon being maltreated by them, she sought refuge in a baker's shop. The attempt of the baker to protect her infuriated the crowd. They plundered his shop and moved on to others. For two days, rioting continued. It subsided when the local authorities found ways and means to force down the price of potatoes.<sup>7</sup>

The province which seems most to have felt the evils of poor harvests and high prices, was Silesia. In the southern part, the suffering was intense. Food, especially potatoes, was so scarce that the working classes had to resort to bran and grass. Hunger-typhus soon developed, sparing neither rich nor poor. The newspapers reported that the famished were dying on the streets.

<sup>5</sup> *Amts-Blatt 1845-47* (Potsdam und Berlin). Dieterici, *Mittheilgen d. statist. Bureau in Berlin*, 8 Jahrg., 179-180.

<sup>6</sup> *Allg. Ztg. (A.)*, 1847, May 11 et passim. *Weser Ztg.*, 1847, Aug. 24.

<sup>7</sup> *Allg. Ztg. (A.)*, 1847, Apr. 26. Varnhagen v. Ense, *Tegebuecher*, IV, 71. Meyer, D., *Das oeffentl. Leben in Berlin*, 86 ff.

The report of the Governor of Silesia to the Minister of the Interior, making conditions appear more favorable than they were, is obviously biased. His attempt to shift responsibility to the laboring classes by charging them with carelessness and indolence is as despicable as it is evident.<sup>8</sup> Work in Silesia was as scarce as food. The wage per day for a man was from six to seven cents, for a woman from two and one-half to three and one-half cents. Obviously, neither man nor woman, weakened by the famine, could hope to earn sufficient money to buy food at the abnormal prices. The inhabitants of Posen and East Prussia also suffered from hunger-typhus, though not to the same degree. From 1846 to 1848 inclusive, the number of deaths in these provinces and in Silesia exceeded the number of births. In the following year, the situation was reversed.<sup>9</sup> Not even Berlin was spared the hardship and discontent of poverty. But Berlin was granted the privilege of forgetting them for a brief moment, through the enchanting art of Jenny Lind. The poor, who could not hear her, benefited by the concerts she gave for charitable purposes.<sup>10</sup>

The state as well as private individuals came to the assistance of the distressed. The former, between 1845 and 1847, appropriated over two million dollars for their relief; the latter knitted, gave concerts, and formed associations to aid them. Newspapers called for subscriptions to charity-funds. The "Committee for the Alleviation of Poverty in Upper Silesia" announced, under date of February 28, 1848, receipts amounting to almost

<sup>8</sup> The only copy of this report accessible was found in *Allg. Ztg. (A.)*, 1848, Feb. 28.

<sup>9</sup> *Tabellen u. aml. Nachrichten ueber d. preuss. Staat f. d. J. 1849*, I, 288-290.

<sup>10</sup> *Allg. Ztg. (A.)*, 1845, Mar. 14 et passim; 1847, July 28 et passim; 1848, Feb. 6 et passim. *Weser Ztg.*, 1847, July 14. *Schles. Ztg.*, 1848, Jan. 27 et passim.



seventy-five thousand dollars. In Cologne, the Chamber of Commerce appointed a committee to collect funds for the poor.<sup>11</sup>

Not only the distressing agricultural situation, but also the discontent of the laboring classes, made it impossible for the Industrial Law of 1845 to effect an orderly transition from the guild to the factory system. The Industrial Law was promulgated at a time when there were unmistakable indications that a new industrial system and a new industrial class had come to stay. Thus the existence of the "Maritime Trading Company," a corporation engaging in commerce and manufacture, showed that there was no such line of demarcation between merchant and manufacturer or craftsman as the existence of craft and merchant guilds implied, while the rapid rise to prominence of men like Borsig<sup>12</sup> and Egells, the great iron magnates of Berlin, proved that production on a large scale was highly profitable. The formation of industrial organizations outside the pale of the guilds indicated that society was beginning to appreciate the permanence of the proletariat, and that all classes of producers were realizing the necessity of industrial education as a means of keeping abreast of the times. A further indication of the new era was the changing appearance of cities favorably located for industrial purposes. Thus, in Berlin, the sections to the north were rapidly becoming the centre of the local iron industry, while those in the south and east were supplying the sites for textile factories.<sup>13</sup>

<sup>11</sup> *Erster Ver. Landtag*, pt. I, 119, 152-157. *Schles. Ztg.*, 1848, Mar. 10. *Allg. Ztg.* (A.), 1845, Mar. 12 et passim; 1848, Mar. 1 et passim.

<sup>12</sup> A. Borsig was born in Breslau in 1804. His father was a carpenter. In 1848, Borsig employed 1200 men in his foundry and machine shop. Wages varied from \$1.00 to \$2.25 per day, according to the *Illustrierte Zeitung* (Leipzig). Another account gives 37½ cents as the lowest wage per day. The annual output of locomotives with tenders varied from 70-80. Cf. p. 48, note 16.

<sup>13</sup> Bernstein, *Gesch. d. Berliner Arbeiter-Bewegung*, I, 1-2. Meus, *Unternehmen d. Kgl. Seehandlgs-Instituts*, passim.



That the workingman was not contented is evidenced by numerous petitions and disturbances. In 1846, the railway laborers near Brandenburg struck because their wages were decreased. The next year, eight hundred calico-printers in Berlin, declaring that the introduction of machinery deprived them of the means of earning a livelihood and demanding that their branch of industry be placed under state control, petitioned the United Diet to provide them work. In the early part of March, 1848, the citizens of Berlin, fearing that poor food and bad labor conditions would cause serious disturbances among the workingmen, petitioned the Town Council to appoint a standing committee to look after the welfare of the laborer. This committee was to collect funds for the construction of public works. After some debate as to whether the state or the city should be the first to take cognizance of the situation, the council referred the whole question to an advisory committee for immediate consideration.

Shortly after the distress of the lower classes had thus been brought to the attention of the Town Council, the workingmen of Berlin held a large meeting in the *Thiergarten*. Speeches were made and circulars distributed. The circulars contained a petition to the king for the formation of a ministry of labor. This ministry, according to the petition, was to consist only of employers and employees.<sup>14</sup> While the meeting was in progress, the chief of police appeared on horseback. A workingman complained to him that his family was suffering because he was out of work. The chief of police promised to do all in his power to better conditions, and asked the people to remain quiet. This called

<sup>14</sup> A meeting of workingmen held at the *Exercirplatz* on Mar. 27th, resolved to send the petition to the king. The king received it on the 29th.

forth a *Hoch* for the chief. Unfortunately, the military appeared in the evening. In the confusion that followed, several persons were wounded. In trying to determine the cause of this unrest, the Berlin correspondent of the *Weser Zeitung* reported that, upon making inquiry among the working people, he was told that some wanted work, that others objected to the work assigned them by the employment bureau, that a third group refused to pay the tax on house rents, and that all desired a ministry of labor.<sup>15</sup>

When the news of the February Revolution in Paris reached Berlin, the pent up discontent sought expression in general opposition to the existing social order. Craftsmen and workmen assisted in the erection of barricades. Many of them were killed in the fighting of March 18th and 19th. In the funeral procession on the 22nd, held in honor of the civilians that had fallen in defense of the barricades, there were delegations from the guilds of Berlin, Potsdam, and Magdeburg, and from the machine shops of Borsig and Egells. Two days later, when the soldiers were buried, the workmen from Borsig's and from Egells', as an indication of their conciliatory spirit, sent a large delegation to attend the funeral.<sup>16</sup>

The March uprising in Berlin in 1848 was the precursor of similar outbursts during the remainder of the year. Many industries were at a standstill, owing to the refusal of employees to work, unless wages were increased and working conditions improved. In April, a crowd of journeymen and other workmen surged

<sup>15</sup> *Allg. Ztg.* (A.), 1848, Mar. 13 et passim. *Weser Ztg.*, 1847, July 7; 1848, Mar. 19 et passim. Lasker u. Gerhard, *Des deutschen Volkes Erhebung*, 490. Adler, *Gesch. d. ersten social-polit. Arbeiter-Bewegung*, 135.

<sup>16</sup> *Weser Ztg.*, 1848, Mar. 30; *Allg. Ztg.* (A.), 1848, Mar. 25 et passim. The reason for this spirit of conciliation toward the soldiers was the fact that the wage of these workmen had been increased to 37½ cents per day. Cf. p. 46, note 12.

through the streets of the capital. They threatened to destroy stores and factories, especially those engaged in making and selling cotton and woolen goods, unless employers promised not to employ women and children. Several leading manufacturers granted their demands before any real damage could be done. The grievances of the calico-printers were satisfied by an increase of six cents per day and a shortening of the working day by two hours. Their protest against the introduction of machinery went unheeded. Several book-printers' assistants quit their work because they were refused a wage increase of 33 1-3 per cent. and free holidays. Their endeavor to foment a general strike failed. A similar attempt of the assistants in August to cripple the book printing trade also proved futile.<sup>17</sup>

The increasing dissatisfaction among the working classes in Berlin was due chiefly to two causes: first, the increasing number of unemployed; secondly, the resolution of both state and city to reduce the wages of those employed at public expense. It was with respect to the first of these causes that the police department forbade non-residents in quest of work to settle in Berlin, and advised journeymen on the *Wanderschaft* to avoid the city.<sup>18</sup> In regard to the second cause, both city and

<sup>17</sup> *Weser Ztg.*, 1848, Mar. 29, Apr. 9, May 4, Aug. 4. Adler, *Gesch. d. ersten social-polit. Arbeiter-Bewegung*, 159.

<sup>18</sup> The following report of May 15, 1848, of the *Curatorium* of the *Staedtische Arbeiter-Nachweisungs-Anstalt* in Berlin speaks for itself.

"Im April dieses Jahres suchten bei der Staedtischen Arbeiter-Nachweisungs-Anstalt 4290 hierorts angehoerige Personen Arbeit nach. A. Bei dem Bureau fuer die maennlichen Arbeiter meldeten sich 3842, von welchen 2829 durch die Vermittelung der Anstalt Arbeit nachgewiesen wurde, und zwar erhielten Beschaeftigung bei Privatpersonen 103, auf den Koeniglichen Bauplaetzen 768, von der Commune Berlin 1958. Von den letzteren wurden angestellt 625 bei der staedtischen Strassenreinigung, 285 bei den staedtischen Chausseearbeiten hinter Treptow, 170 bei denselben nach und hinter Rummelsburg, 772 bei den staedtischen Culturarbeiten auf dem Wedding, 12 bei den staedtischen Bauarbeiten an der Wein- und Barminstrassen-Ecke, 94 wurden verwendet als Huelfsboten bei der Leitung der Urwahlen. B. Bei dem Bureau fuer Personen meldeten sich 448, von welchen leider nur 60 Arbeiterinnen Beschaeftigung erhielten, und zwar: 23 zur Aufwartung, 1 zum Waschen, 2 zum Scheuern und Waschen, 5 zu



state found it necessary to discontinue the payment of 37½ cents per day to the workmen employed on public works. As many of them did very little work, it was decided to substitute piece work for the daily wage system. But this change required the dismissal of a number of workmen. The consequence was that all agreed to stop. Disturbances in the city began immediately. On one occasion, a group of rioters surrounded the house of von Patow, Acting Minister of Commerce and Trade, and could be persuaded to move on only after every member of the delegation, which had forced its way into his presence, had been given twenty-five cents as part payment of work soon to be provided.

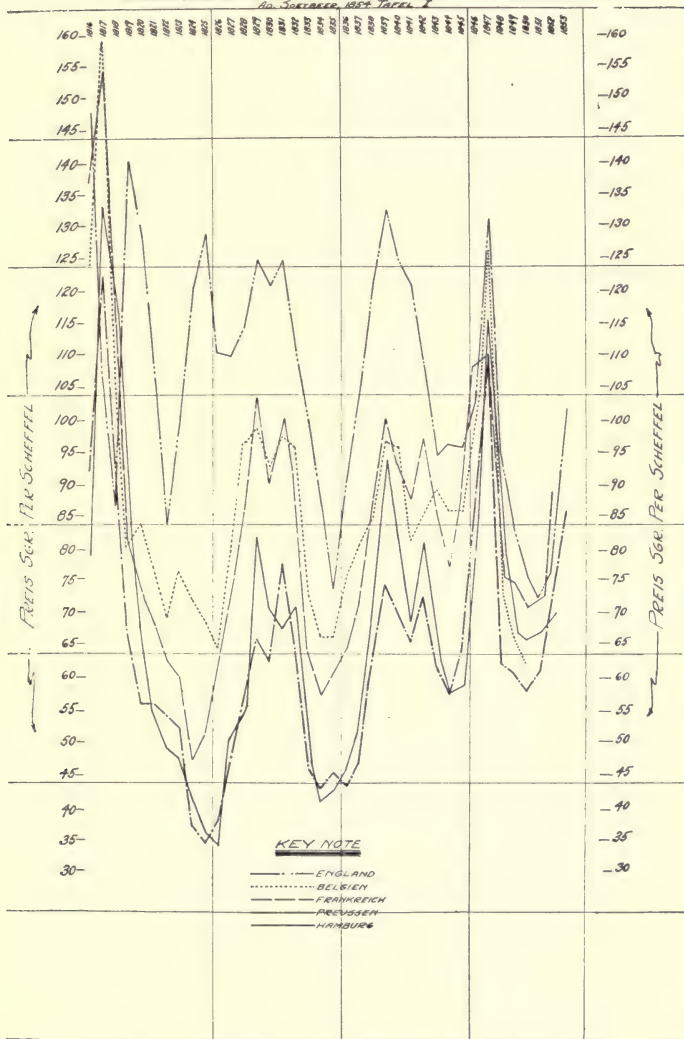
The next serious rioting in Berlin occurred in October (1848). It was precipitated by the installation of an hydraulic pump in the Koepenik Field, just beyond the city, where workmen were digging a canal. Fearing that they might lose their jobs, they proceeded to destroy the pump. When the citizen-guard appeared, laborers, working near by, came to the assistance of their fellow-workmen. In the encounter that followed, several men were killed. Incensed by this conflict, the workmen marched to Berlin, where they engaged the military for two days.

After the declaration of martial law in Berlin in November, the workmen that had participated in the riot of the previous month assured the magistracy that they were not unruly citizens at the mercy of demagogues. Those employed in the Koepenik Field cheered General

feiner Naeherei, 4 zu grober Naeherei, 2 zum Zimmerreinigen, 7 zum Kinderwarten, 3 zum Spielen, 5 zur Hausarbeit, 2 zum Stricken, 1 zum Verkauf von Backwaaren, 2 zur Gartenarbeit, 3 zur Schneiderei. Seit der Eroeffnung der staedtischen Arbeiter-Nachweisungs-Anstalt bis zum ersten dieses Monats haben sich ueberhaupt 7689 Personen gemeldet, von welchen 6750 maennlich, 930 weiblich waren. Arbeit aber ist nachgewiesen worden: 4626 Personen, unter welchen sich nur 160 Arbeiterinnen befanden." (*Zeitungshalle*, May 23, 1848).—Cf. also *Amts-Blatt* 1848, (Potsdam and Berlin) 167.



GRAPHISCHE DARSTELLUNG VON SCHWANKUNGEN DER GETREIDE-PREISE HERVORGEHEND VON  
 AD. SOETBEER, 1854 TAFEL I



Annual average price per Scheffel of wheat in Silbergroschen, 1816-1853. This chart was made by Ad. Soetbeer in 1854.

..... England  
 ———— Belgium  
 ———— France  
 ———— Prussia  
 ———— Hamburg

1 Silbergroschen = \$ .0235      1 Scheffel = 1.55 bushels



Wrangel, the commander of the military forces in Berlin, as he rode by. As a token of appreciation, he sent them thirty *Thaler* for their sick-fund. The workmen, thanking him for the favor and informing him that they would use the money for the purchase of Christmas presents for the families of the men killed in the October disturbances, requested permission to continue their work. Upon receiving this request, General Wrangel went to the Koenig Field to assure them that they would be permitted to work as long as the weather remained favorable. This promise was received with great applause for Wrangel and with three cheers for the king. With this outburst of enthusiasm for the forces of reaction, the unsuccessful labor disturbances of 1848 in Berlin came to a singular conclusion.<sup>19</sup>

It must not be assumed that only the central part of Prussia was disturbed in 1848 by discontented workmen; the western and eastern provinces suffered likewise. The cessation of industry in these provinces threw many people out of work and left them without the means of subsistence. In Cologne, workmen marched to the city hall to ask for work (March 15th). A month later the Rhine boatmen demanded compensation for losses sustained through the introduction of steam navigation. By shooting at steamboats and by terrorizing pilots, they tried to force the company to return to the old forms of propulsion. The general discontent spread also to the workmen removing the island of Rheinau in the harbor of Cologne. They demanded 37½ cents per day instead of 27½. In Elberfeld and Solingen, mobs of angry workmen destroyed several factories. In the eastern part of the monarchy, Breslau seems to have been the centre of disturbances. Suspicious activity

<sup>19</sup> *Allg. Ztg.* (A.), 1848, Oct. 20-21, Dec. 25.

among discontented craftsmen resulted in the arrest of a number of them. On another occasion, a group of workmen sent delegates to several factories to persuade the men to stop work. But this attempt at a general strike was only partially successful. An attack upon the arsenal was repulsed by the military.<sup>20</sup>

To calculate the proportion of workmen that took part in the disturbances of 1848 or that expressed, by less violent means, their disapproval of the social and economic order, is impossible. One can, however, classify the workingmen and estimate their number. There were three industrial classes: craftsmen and artificers (including journeymen and apprentices), factory employees, and laborers. According to the census of 1846, the first of these classes comprised nearly 850,000 men and boys, of whom about one-half were master-craftsmen; the second about 550,000 men, women, and children; the third about 900,000 persons. Thus, of the sixteen million Prussians in 1846, 2,300,000 belonged to the industrial class.<sup>21</sup>

Another sign of the new economic order in Prussia was the formation of new kinds of industrial organizations.<sup>22</sup> The significance of the movement lay in the recognition of the inadequacy of the guilds, the need of keeping abreast of the times by acquiring information as to new methods of production and distribution, and the necessity of organizing for mutual protection. Organizations of the new type were formed among all classes of society. Thus, the "Society for the Advancement of Industry in Prussia," with headquarters in Berlin, had on its roll the names of prominent manufacturers and

<sup>20</sup> *Allg. Ztg.* (A.), 1848, Jan. 28, Feb. 19 et passim. *Weser Ztg.*, 1848, Mar. 21 et passim.

<sup>21</sup> *Central-Bl.* 1848, 156. *Mittheilg. d. Centralvereins, 1848-49*, 155-157. *Jahrb. f. d. Aml. Statistik d. Preuss. Staates*, 1867, 238.

<sup>22</sup> Cf. p. 46.



members of the royal family. It was primarily interested in new inventions and new processes of manufacture. In the "Craftsmen's Association of Berlin," it was customary for masterworkmen, journeymen, and apprentices of *all* crafts to meet for education and recreation. By 1848, this organization is said to have had five thousand members. Similar organizations were formed in other parts of the kingdom. The "Craftsmen's Association of Gross Glogau" (Silesia), whose regular members were restricted to mastercraftsmen, admitted professional men to special membership.<sup>28</sup>

The contractual relationship between master and journeyman, and the disappearance of the custom whereby the master exercised a sort of parental supervision over his journeyman, made the latter a man without a home. The cold, dark garret in which he lived was but an inducement to spend the evening in the public inn. This situation gave rise to a new problem. The Protestant and Catholic Churches were the first to take steps to solve it. It is said that Protestants formed an organization devoted to the welfare of journeymen and factory workers in Elberfeld as early as the twenties. By 1848, the number of western Protestant societies was large enough to encourage them to hold a convention and to form the "Rhenish-Westphalian Young Men's League." In 1859, this league had about two thousand members. A similar organization, known as the "East German Young Men's League," was established in eastern Prussia. It had about eleven hundred members in 1859. The first Catholic "Journeyman's Society" was founded in

<sup>28</sup> *Verhandlungen d. V. z. Befoederg. d. Gfl.*, 1845-49. *Gewerbe- und Gesellenvereine in Deutschland*, *Unsere Zeit*, III, 549-551. *Mittheilg. d. Centralvereins*, 1848-49, 168. *Illustr. Ztg.*, (Leipzig), 1848, Mar. 18. *Allg. Ztg. (A.)*, 1845, Apr. 30. *Ansorge Collection of Pamphlets*, No. 102. *Die Handwerker-Arbeiter- u. Aehnl. Vereine in Preussen*, *Arbeiterfreund*, 1866, 48 ff.

1846 in Elberfeld. Unlike the Protestant societies, the Catholic did not begin to flourish until after 1849.<sup>24</sup>

The lamentable condition of the workingman<sup>25</sup> called forth two types of organization. One of them consisted of societies formed by benevolent persons devoted to the welfare of the proletariat. The most important organization of this kind was established in Berlin, and was called the "Central Society for the Welfare of the Working Classes." A general invitation to participate in its formation was issued October 7, 1844, by Bornemann, Patow, Reden, Roenne, and others.<sup>26</sup> The stimulus was given by the Industrial Exhibition of the Customs Union held in Berlin. Its purpose was announced to be the amelioration of the moral and social condition of the workingmen. The plan provided for the formation of local societies in all parts of Prussia. Workingmen were to be encouraged to become members. The activity of the local societies, according to the plan, was to be directed toward the establishment of savings and benefit (sick, death, and pension) funds, the founding of schools for the education of children employed in factories, the institution of day nurseries for children of employees, and the dissemination of useful information. The services of workingmen not members of the society were to be enlisted in the administration of the various funds. The money for these funds was to be obtained by dues and subscriptions from private individuals and from municipalities. If the money thus

<sup>24</sup> *Gewerb- u. Gesellenvereine in Deutschland, Unsere Zeit*, III, 558-561. *Mittheilg. d. Centralvereins*, 1848-49, 209.

<sup>25</sup> The difference between a workingman (*Arbeiter*) and a craftsman (*Handwerker*) is that the former is unskilled, the latter skilled.

<sup>26</sup> Bornemann was Prussian Minister of Justice March to June, 1848, and a member of the Prussian National Assembly. Patow directed the Ministry of Commerce, Industry, and Public Works for a brief period. Reden represented Prussia at the Frankfurt Parliament. Roenne was chairman of the "Committee on Economic Conditions" of the Frankfurt Parliament.

obtained was insufficient to meet the needs of the local society, the provincial organizations and the Central Society were to make contributions. Local societies, moreover, were to report to the central organization. These reports were to be published so that all branches might profit by them. The general plan also provided for the formation of similar organizations in the other states of the Germanic Confederation and for general conventions during the period of industrial exhibitions.

On October 24, 1844, the king approved the plan and promised the Central Society 15,000 *Thaler* (\$11,250.00). A local society was formed in Berlin. By January, 1845, it had three hundred members. In the following year, the constitution of the Central Society was approved by the government. But in spite of government authorization, the organization was opposed by high officials. Provincial and local societies, as at first planned, were not established. By 1847, the Central Society had lost many of its members. It was saved from utter collapse only by the March Revolution (1848). On March 31st, twelve days after the fight on the barricades, the king granted it corporate rights and ordered that the 15,000 *Thaler* be given to it. On April 12th, its constitution was approved anew. Two days later a second invitation to join the Society was issued. This invitation, containing the Society's attitude toward the current economic issues, advised the workingmen to employ peaceful means to obtain their ends, and advocated the formation of unions of master-craftsmen and manufacturers on the one hand, and of journeymen and workingmen on the other; or, if advisable, a union of all employees of a particular factory. It also recommended the organization of industrial courts on which workingmen should be represented.



This rejuvenated Central Society flourished almost immediately. By the first of June (1848) it had 340 members in Prussia, 2 in Baden, and 1 in Hamburg. Its receipts to that date, including one-half of the king's gift, amounted to \$7,855.00; its expenditures to \$7,589.00. Its executive committee met eleven times in 1848. It published the "Communications of the Central Society." Thirty-one local and provincial societies were soon organized in all parts of Prussia. The "Local Society of Berlin," after experiencing the same vicissitudes as the Central Society, succeeded in 1848 in carrying out, in a large measure, the plan announced four years before.<sup>27</sup> Independent organizations doing similar work sprang up in all parts of Prussia.<sup>28</sup>

The second type of organization called forth by the lamentable condition of the proletariat was formed by the workingmen themselves. At a large meeting held in Berlin in April, 1848, they established a local association. This association called a "Workmen's Congress" to convene in Berlin in August. The direct result of this Congress was the formation of local branches of the association in all parts of Germany and the transfer of the "Central Committee" from Berlin to Leipzig. This Committee published a bulletin called "The Brotherhood." The work of the association was directed toward securing equal opportunity for the workingman. A subcommittee devoted itself to the interests of women workers.<sup>29</sup>

From a study of conditions in Prussia between 1845 and 1849, three things are obvious: first, that the un-

<sup>27</sup> Cf. p. 54.

<sup>28</sup> *Mittheilg. d. Centralvereins*, 1848-49 and 1849-50. *Archiv f. vaterlaend. Interessen*, 1845, 480. *Allg. Ztg. (A.)*, 1845, Feb. 1.

<sup>29</sup> *Mittheilg. d. Centralvereins* 1849-50, 5te Lieferg., 88-89. Adler, *Gesch. d. ersten social-polit. Arbeiterbewegg.*, 157-158. Biermann, W. E., *Karl Georg Winkelblech*, II, 206-270.



favorable agricultural situation and the new industrial era created discontent among skilled and unskilled workmen; secondly, that, owing to this situation, the Industrial Law of 1845 hardly had a fair chance to effect an orderly transition from an antiquated guild economy to a modern factory economy; and thirdly, that the formation of benevolent and protective organizations, independent of guild control, indicated that the proletariat had become an important part of the population.

## CHAPTER III

### THE INDUSTRIAL PROBLEM AND THE GOVERNMENT

THE discontent among the working classes and the promulgation of the Industrial Law of 1845 are sufficient evidence that the industrial problem was one of the paramount issues of the day. The attention of the state was repeatedly called to it in unprecedented ways. For it was during the period from 1845 to 1849 that the press was freed from the inquisitorial investigations of the censor, that the right of holding meetings and forming associations was granted, that the privilege of petitioning the government was extended, and that the advance toward parliamentary government afforded an opportunity for the discussion of public questions by representatives chosen by the people. We are here concerned, however, primarily with the way in which the government and the parliamentary bodies sought to solve the industrial problem.

The nearest approach to parliamentary government in Prussia prior to 1847 is to be found in the periodic assembly of the Estates, known as Provincial Diets. These Diets had received the right to petition the king on questions relating to the welfare of their respective provinces. It was in the exercise of this right that they presented their grievances regarding the industrial situation. In their petitions they asked for a new industrial law,<sup>1</sup> for the formation of a ministry of commerce and industry, for the institution of charitable funds for handworkers and journeymen, for the amelioration of

<sup>1</sup> Granted 1845.

the conditions of the weavers of Westphalia, and for the abolition of the truck system.<sup>2</sup> The Pomeranian Diet of 1845 requested the gradual withdrawal of the "Maritime Trading Company" from industrial enterprises, the abolition of the tax on the grinding of grain (*Mahlsteuer*) and on the slaughtering of cattle (*Schlachtsteuer*), and the partial remission of the class tax levied upon the lower classes.<sup>3</sup> These requests were repeated in 1847 and 1848. Many of them were granted before the Revolution had spent its force.

The first opportunity for a general discussion of these requests was afforded by the First United Diet. It was called by a royal proclamation of February 3, 1847, to meet in Berlin. On April 11th, the king opened the new assembly in person. In his speech from the throne, he called attention to the assistance rendered by the state in alleviating the distress resulting from heavy rains and poor harvests, and expressed great pleasure in being able to present \$1,500,000 to the provinces for the benefit of their charitable funds. He stated, furthermore, that roads and canals were being built and other improvements made on a scale hitherto unprecedented, and that industry and commerce, although suffering from the general depression, were as flourishing as circumstances permitted. Strange to say, he made no reference to the dissatisfaction of the master-craftsmen with industrial freedom, or to the hardships suffered by the workingmen because of the growth of the factory system.<sup>4</sup>

In accordance with the rules of order laid down by the king, a number of royal propositions were presented

<sup>2</sup> Nauwerck, K., *Hauptergebnisse d. Landtagsabschiede in Preussen, 1841, 1843, 1845.* 29 et passim.

<sup>3</sup> *Verhandlungen d. neunten Prov. Landtags im Herzogthum Pommern, 1845, 72.* *Allg. Ztg. (A.)*, 1845, Jan. 22, Mar. 14; 1846, Apr. 1.

<sup>4</sup> *Verhandlungen d. ersten Ver. Landtags*, pt. I, 20 ff.

to the Diet for discussion. Those of particular importance were the introduction of an income tax (as a substitute for the tax on the grinding of grain, and on the slaughtering of cattle, and the class tax); the establishment of charitable funds in every province; and the abolition of certain industrial restrictions upon Jews.<sup>5</sup>

The royal proposition recommending an income tax, together with the draft of the proposed law and the petitions from the provinces, was referred to a committee. The draft provided for a tax of 3% on incomes over \$300 derived from investments, and of 2% on the same incomes if derived from trades, or if obtained in the form of salaries or pensions. Persons with incomes of less than \$300 were divided into six classes and taxed from six dollars to thirty-seven cents. The reasons for proposing this tax and for urging the abolition of the *Mahlsteuer* and the *Schlachtsteuer* are stated as follows: (1) the desire to abolish within the monarchy the tariff barriers necessary for the collection of these taxes; (2) the high rate of taxation; (3) the injustice of making persons subject to the class tax but living near towns in which the *Mahlsteuer* and the *Schlachtsteuer* are collected, pay both kinds of taxes; and (4) the burden placed upon the lower classes by taxing their food.<sup>6</sup>

On June 10th, the committee reported to the Diet. It recommended the rejection of the king's proposal because the determination of a person's income required an investigation of his private affairs, and because of

<sup>5</sup> *Ibid.*, 28.

<sup>6</sup> The tax on the grinding of grain and the slaughtering of cattle was introduced in 1820. It was restricted to 132 towns at the time of its introduction. By 1847 this number was greatly reduced. The tax amounted to 40 cents per cwt. on wheat, and 10 cents per cwt. on rye, barley, and other grain. Meat was taxed at the rate of 75 cents per cwt. The class tax varied from 30 cents to \$12. *P. G. S. 1820*, 133-147. *Verhandlungen d. erst. Ver. Landtags*, pt. I, 29-54. Beckerath, E., *Die preuss-Klassensteuer*, 1 ff.



the premium the new tax would put on deception. In the debate that followed, Hansemann, president of the Chamber of Commerce of Aix-la-Chapelle, supported the committee, while Camphausen, president of the Cologne Chamber, favored the royal proposition. Von Duesberg, Minister of Finance, defended the measure on the ground that the introduction of an income tax would be a step in the right direction and would distribute the burden of taxation more equitably. The Diet adopted the report of the committee by a vote of 390 to 141. In order, however, that the Diet might not appear oblivious to the lamentable condition of the lower classes and that it might avoid the charge of refusing to tax persons in proportion to their ability to pay, it resolved that the king be requested to take the matter under advisement and to submit a new proposal to the next Diet. This motion was carried by a vote of 248 to 232.<sup>7</sup>

The king, however, was not bound by vote of the Diet. His independence in matters of taxation is seen as early as December, 1846, when he suspended the tax on the grinding of rye purchased by municipalities and private organizations if the bread made from it were sold to the poor at a nominal sum. In January, 1847, the tax on the grinding of all other grain but wheat was suspended. In April, the king declared that, in view of the high price of food, the grinding of all grain would be free from taxation until August 1st; and, in July, the opposition of the United Diet to the abolition of the *Mahlsteuer* and the *Schlachtsteuer* and the introduction of an income tax was announced in the official gazette of the Ministry of the Interior.<sup>8</sup> In regard to the class tax, the king decreed (April 7th) that it be suspended

<sup>7</sup> *Verh. d. erst. Ver. Landtags*, pt. II, 1576-1593, 1659, 1693-1694. Beckerath, E., *ibid.*, 27-52.

<sup>8</sup> *Central-Bl.* 1847, 3, 28, 46. *Min.-Bl.* 1847, 186.

for three months; and the Minister of Finance, on August 4th, advised the governors of the provinces to apply a lower rate of taxation to the poorer classes than the law provided, and to show them every consideration in collecting the tax.<sup>9</sup>

The second royal proposition of interest in connection with the industrial problem, dealt with the institution of charitable funds in all the provinces. In all probability, the king got the idea of such funds from the one instituted in Westphalia in 1831, which was used to provide loans to communities for the construction of public works and the alleviation of distress, and to enterprising business men for the introduction of new industries. While the specific objects of the new funds were not expressly stated, they may be assumed to be similar to, if not identical with, those of the Westphalian fund. To enable the provinces to start these funds, the king promised them a loan of \$1,875,000 without interest, to be apportioned among them according to population, area, and amount of direct taxes raised.<sup>10</sup> The committee to which this proposition was referred recommended that the Diet accept it, and that a Committee of Thirty-two be elected, eight from the House of Lords and twenty-four from the Chamber of the Three Estates, each of the four Estates<sup>11</sup> of every province electing one member. This Committee of Thirty-two was to confer with the Ministry of the Interior in regard to

<sup>9</sup> *Central-Bl.* 1847, 149.

<sup>10</sup> The apportionment was as follows:

Prussia .....	\$300,000	Silesia .....	\$337,500
Pomerania .....	\$150,000	Saxony .....	\$225,000
Brandenburg .....	\$240,000	Westphalia .....	\$165,000
Posen .....	\$157,000	Rhine Prov. ....	\$300,000

The difference between the \$1,875,000 promised in the royal proposition and the \$1,500,000 referred to in the speech from the throne is doubtless owing to the fact that, in the interval, the necessity for a larger amount became apparent.

<sup>11</sup> The four Estates represented in the United Diet were: noblemen, knights, cities, and rural communities.

the use and administration of the funds and to make definite proposals to the Provincial Diets, so that the funds might be established as soon as possible. The Diet accepted this report by a great majority, and the king promised to submit the proposals of the Committee of Thirty-two to the next Provincial Diets.<sup>12</sup>

The third royal proposition referred to the status of Jews. It explained the privileges granted to them by the Industrial Law of 1845, and submitted the draft of a new law. After considerable discussion by the Diet, the new law was promulgated July 23, 1847. Its contribution to industrial freedom was discussed in connection with the Law of 1845.<sup>13</sup>

In addition to the royal propositions, the rules of order regulating the procedure of the United Diet permitted also the presentation of petitions. The result was, that many requests were made regarding a multiplicity of subjects. Twenty-six of these requests advised the adoption of various means to alleviate the poverty of the masses. They suggested the construction of public works, the prohibition of the use of potatoes for distilling whiskey, the closing of distilleries, an embargo on the exportation of grain and potatoes, the prohibition of the hoarding of grain, the sale of any surplus grain over twice the amount necessary until the next harvest, and the prohibition of dealing in futures.<sup>14</sup>

These twenty-six petitions were referred to a committee for consideration. The committee reported unfavorably on all but three. One of the three dealt with the question of providing work for the poor. With respect to it, the committee recommended that the gov-

<sup>12</sup> *Verh. d. erst. Ver. Landtags*, pt. I, 748; pt. II, 132-136, 1576.

<sup>13</sup> Cf. p. 25. *Verh. d. erst. Ver. Landtags*, pt. I, 281. *P. G. S. 1847*, 263, ff.,

<sup>14</sup> *Verh. etc.*, pt. I, 585 ff.; pt. II, 97 ff.



ernment be urged to provide employment by constructing public works, and that the formation of private organizations for similar purposes be encouraged. This recommendation was adopted by both Houses and sent to the king. In his reply, the king called attention to the money put at the disposal of the Minister of Finance for the relief of the poor, and promised to encourage the building of roads by corporations receiving state subsidies. A survey of the official collection of Prussian laws will show that, in 1847 and 1848, more than fifty cabinet orders were issued granting permission to build and repair roads in all parts of the monarchy, and that twenty orders granted the right to build railways.<sup>15</sup>

The second petition, regarding which the committee gave a favorable report, requested an embargo on the export of grain and potatoes. While refusing to include grain in the embargo, the committee did advocate the prohibition of the exportation of potatoes to countries not in the Customs Union. This embargo was to remain in force until the next harvest, and was to apply especially to Brandenburg, Posen, and Saxony, and to the other provinces provided the several governors thought it advisable to enforce it. This report, amended so as to extend the embargo to all the provinces alike, was adopted by both Houses. The royal decree of May 1st added grain and forbade the exportation of both until November 1, 1847.<sup>16</sup>

The third petition requested that the distilling of whiskey from grain and potatoes be prohibited from May first to August fifteenth. The committee recommended that this prohibition apply only to potatoes, but the Lower House included grain. After the Upper House

<sup>15</sup> *Ibid.*, pt. II, 736-761; 1055-1058; 1317-1318. *P. G. S.* 1847-48.

<sup>16</sup> *Verh. d. erst. Ver. Landtags*, pt. II, 100 ff. 169. *P. G. S.* 1847, 194.



adopted the measure without amendment, the king ordered its enforcement.<sup>17</sup>

Other petitions relating to the welfare of the masses and the industrial situation, requested a change in the tariff system, the abolition of the state's monopoly of salt, the organization of a ministry of industry and commerce, and amendments to the Industrial Law of 1845.<sup>18</sup> With regard to the first of these petitions, the Diet could not come to an agreement. Consequently, it merely requested that the king, after consulting with experts, submit the question to the next Customs Conference. The abolition of the salt monopoly was advocated by the Upper House, but not by the Lower. There the matter rested.<sup>19</sup> The formation of a ministry of industry and commerce was discussed only in the Chamber of the Three Estates. A petition to the king in favor of such a ministry was drawn up. But it was not until April 17, 1848—one month after the Revolution in Berlin—that the king consented to the formation of a "Ministry of Commerce, Industry, and Public Works."<sup>20</sup> The committee reporting on the petitions asking for changes in the Industrial Law refused to consider the question because the government was already giving the matter its attention.<sup>21</sup> On June 26, 1847, the first United Diet was formally closed.<sup>22</sup>

From this survey of the action taken by the king and the consultative diets previous to 1848, it is obvious that the industrial problem was pressing for solution. Two of Frederick William's suggestions were accepted by the United Diet, namely, the establishment of charit-

<sup>17</sup> *Verh. d. erst. Ver. Landtags*, pt. II, 100, 120, 177. *P. G. S. 1847*, 194.

<sup>18</sup> *Verh. d. erst. Ver. Landtags*, pt. I, 597, 609, 681-719, pt. II, 685 ff.

<sup>19</sup> *Ibid.*, pt. I, 599; pt. II, 1041 ff., 1331-1346.

<sup>20</sup> *Ibid.*, pt. I, 596; pt. II, 1013-1030. *P. G. S. 1848*, 109.

<sup>21</sup> *Verh.* etc., pt. I, 595 ff.; pt. II, 98, 100.

<sup>22</sup> *Ibid.*, pt. II, 2487.

able funds in the provinces and the removal of certain restrictions upon Jews. The proposal that an income tax be substituted for the tax on the grinding of grain and on the slaughtering of cattle, and for the class tax, was rejected. But despite this fact, the king suspended the tax on grain and the class tax for a specified period. The petitions requesting an embargo on the exportation of grain and potatoes and the prohibition of their use for distilling whiskey were acceded to by the king. The other petitions were not granted because, on the one hand, the Diet could not agree on them, and, on the other, the king refused to take any action.

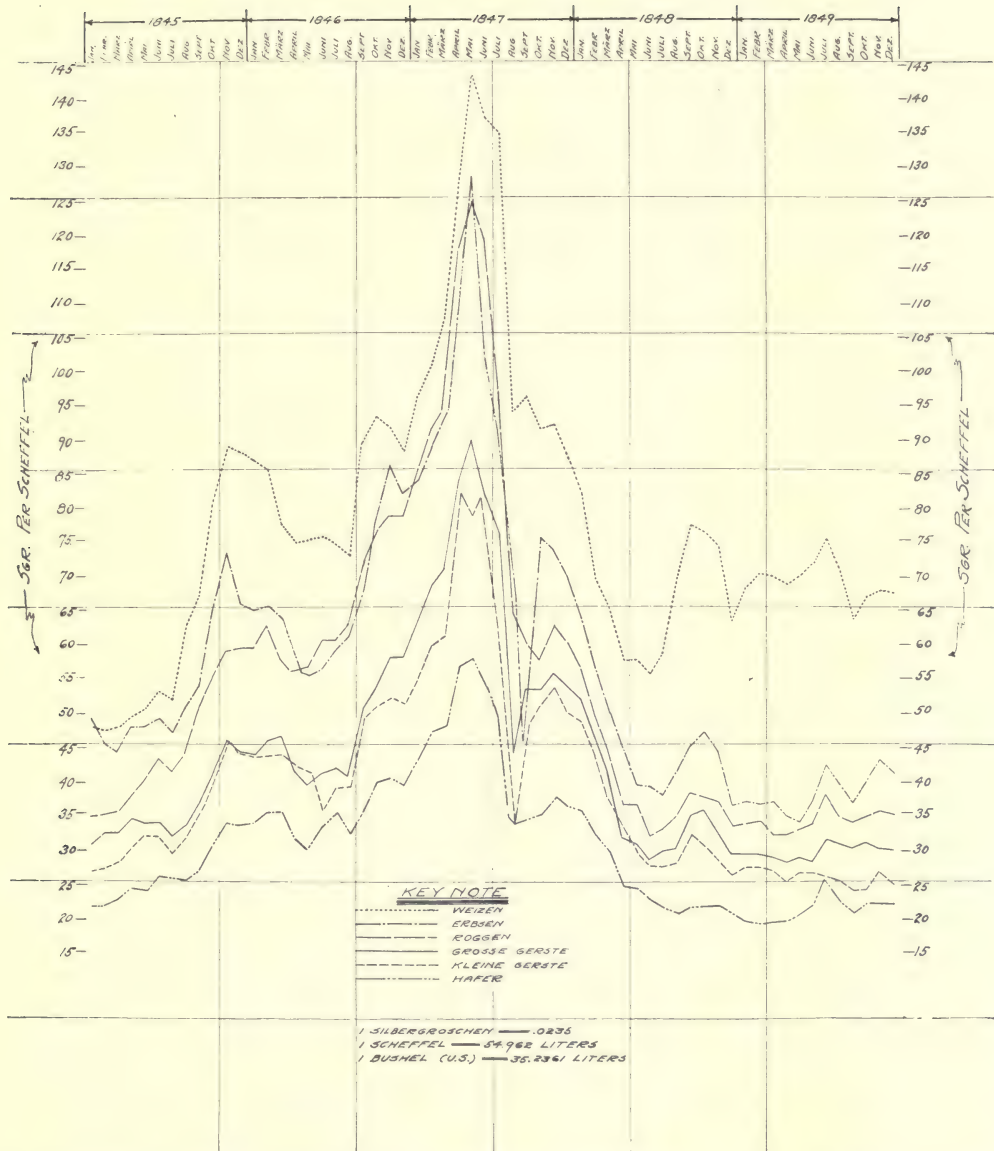
In the interval between the first and the second United Diets, momentous events occurred. The Joint Committee of the first United Diet convened January 17, 1848, but devoted its attention wholly to the drafting of a new penal code.<sup>23</sup> The censorship of the press was abolished March seventeenth.<sup>24</sup> The next day, revolution broke out in Berlin; and Frederick William issued a proclamation relative to a German Customs Union in which he "demanded" a general naturalization law, freedom of travel, uniform weights and measures, a common commercial code, and the abolition of the tariff barriers between the various states.<sup>25</sup> On the twenty-second of March, the king appointed Camphausen, a liberal business man, President of the Council of State, and Hansemann, also a business man with liberal convictions, Minister of Finance.<sup>26</sup> According to the *Weser Zeitung*, Hansemann agreed to accept the appointment only after the king had promised to put \$4,500,000 at

<sup>23</sup> Bleich, E. *Verh. d. i. J. 1848 zusammenberufenen Vereinigten staend. Ausschusses*, I, 9-10.

<sup>24</sup> *P. G. S. 1848*, 69.

<sup>25</sup> *Min.-Bl. 1848*, 82.

<sup>26</sup> *Ibid.*, 1848, 91.



Average prices per Scheffel in Silbergroschen as quoted on the Berlin Market. Based on reports in "Amtsblatt der Koeniglichen Regierung zu Potsdam und der Stadt Berlin."

..... wheat  
 ————— large barley  
 ————— peas  
 ————— small barley  
 ————— rye  
 ————— oats

1 Silbergroschen = \$ .0235  
 1 Scheffel = 1.55 bushels

(No price quotation for small barley for July, 1849)





his disposal for the benefit of the industries of the country.<sup>27</sup>

The disturbances of March, 1848, hastened the calling of the second Diet. It met from April 2nd to April 10th. In its address to the king, the Diet asked him to give more attention to the welfare of the workingmen and the craftsmen, and to restore order by legal means. On the third of April, Frederick William, apparently urged by the liberal president of the Council of State, informed the Diet that the modification of the plan of government made a change in the system of taxation necessary. It was distinctly stated that the purpose of the change was to lessen the burden of taxation resting upon the lower classes. This burden, the statement continued, was heavier in cities where the tax on the grinding of grain was levied than in those parts of the monarchy where the class tax was collected. Furthermore, the tax on the grinding of grain was said to be borne largely by the lower classes, because almost one-half of it was derived from rye flour. No recommendations were made to abolish the tax on the slaughtering of cattle, because that tax rested primarily on the wealthy. On the fourth of April, Hansemann informed the Diet that a decree ordering these changes had been issued.<sup>28</sup>

The decree permitted the abolition of the *Mahlsteuer* in those cities which requested it, and the substitution of a direct tax, amounting to two-thirds of the old tax. Whatever the form of the substitute, however, hand-workers, day-laborers, and all who were impoverished by the decline of their trade were exempt from paying the tax. Cities that preferred to retain the old tax were permitted to devote one-third of the gross proceeds to

<sup>27</sup> *Weser Ztg.*, 1848, Apr. 6.

<sup>28</sup> Bleich, E., *Verhandlungen d. z. 2 Apr. 1848 zusammenberufenen Ver. Landtags*, 72-73, 169-172.

the welfare of the working classes. This decree was to remain in force until a truly representative body agreed upon ways and means to regulate the matter.<sup>29</sup>

In the royal proposition of April fourth, the king requested that, inasmuch as the unusual character of the times made it impossible to present drafts of laws for approval, the Diet should declare itself willing to acquiesce in any financial measures the government might find it necessary to adopt for the defense of the realm, the support of industry, and the welfare of the workingman. It was stated that these measures would deal primarily with the increase of the rate of taxation and the negotiation of loans. Hansemann, who was still Minister of Finance, was to assume full responsibility. In a speech on the proposition, Hansemann stated that it would be necessary to provide funds to prevent starvation among a large part of the population, and to keep the industries of the country from shutting down completely.<sup>30</sup> The committee to which this proposition was referred, recommended that the government be empowered to acquire, by increased taxation, the sum of \$11,250,000 for the internal and external protection of the country, and to assume guarantees to the extent of \$18,750,000 for the restoration of credit and the encouragement of agriculture, industry, and commerce. The Diet, in its closing session on the 10th, accepted this report almost unanimously.<sup>31</sup>

While the committee was considering the royal proposition, Hansemann again spoke of the necessity of helping the workingman, and stated that, while the Ministry of Finance was paying especial attention to his welfare, still more would have to be done for him. On

<sup>29</sup> *Min.-Bl.* 1848, 129.

<sup>30</sup> Bleich, E., *Verh.* etc., 70-72.

<sup>31</sup> *Ibid.*, 135, 154.

the same day that Hansemann made these remarks (April 5th), a ministerial order announced that \$750,000 had been appropriated from the state treasury for the establishment of a special fund (*Unterstützungskasse*) to be administered by a committee consisting of from three to five merchants and manufacturers, and a commissioner of the government. This fund was to be used for making loans on good security and for discounting commercial paper endorsed by two reliable persons. The rate of interest was five per cent. Only manufacturers and merchants who were unable to get money elsewhere and who agreed to use the money to provide work for their employees, were entitled to the privileges of this fund.<sup>32</sup>

On the sixth of April, four days before the close of the Diet, and, apparently, without any definite request from it, the king granted all Prussians the right of association, made the acquisition of burghership independent of creed, and promised the future representatives of the people a voice in making laws, in determining the budget, and in granting supplies.<sup>33</sup>

Thus, in the period during which the second United Diet was in session, a great deal was done for the common weal. An attempt was made to shift the incidence of taxation, at least in part, from the lower classes to the upper; a special fund was established for those engaged in industry and commerce; and the government was empowered to raise funds and to assume guarantees for the defense of the state and the restoration of credit. From the political point of view, it is interesting to observe that the king, while still untrammelled in theory, found it advisable to obtain beforehand the

<sup>32</sup> *Ibid.*, 82. *Min.-Bl.* 1848, 101-102.

<sup>33</sup> *Min.-Bl.* 1848, 145-146.

approval of the Diet for certain measures indispensable for the welfare of the country, and to grant to the people, seemingly on his own initiative, but actually because of the uprisings of March, a voice in making laws.

Shortly after the Diet was prorogued, Frederick William, making use of the Diet's approval to assume guarantees, established a loan-bank with power to issue notes in denominations of one to five *Thaler* to the extent of \$7,500,000 and to offer loans on good security for commercial and industrial purposes.<sup>34</sup> A little later (April 24th) the government made use of the approval of the Diet to raise money by levying additional taxes and called for a sur-tax (*Ersatzsteuer*). In advising the various local authorities as to ways and means of raising this tax, the government recommended the substitution of an income tax for the tax on the slaughtering of cattle, and a sur-tax upon incomes, where an income tax already existed, and upon land and trades. With respect to the trade tax, however, the additional tax was restricted to fixed trades, of which the small ones were to be spared as much as possible. Where the extra tax was put on house rents (*Miethssteuer*), the lowest rents were exempt.<sup>35</sup>

Another concession won by the Revolution was the formation of a "Ministry of Commerce, Industry, and Public Works." The king, after promising on March 27th to establish this Ministry, called it into existence on April 17th by assigning to a new department the commercial and industrial duties which previously had been divided between the Ministry of the Interior and the Ministry of Finance. Von Patow was put at the head of the new Ministry.<sup>36</sup>

<sup>34</sup> *P. G. S. 1848*, 105-108.

<sup>35</sup> *Central-Bl. 1848*, 71-72.

<sup>36</sup> *P. G. S. 1848*, 109.



On May 8th, this Ministry issued a statement relating to the industry of the country. After stating that the government was seriously considering the condition of all the working classes, it called attention to the fact that a one-sided interference would be of no avail, because of the interrelationship of the various kinds of productive enterprises, of capital and labor, and of employer and employee. It also pointed out that, while changes desirable from a local point of view might not result in the greatest good to the greatest number, remedies would, nevertheless, have to be determined by local conditions and by the peculiar features of each branch of industry. Believing, moreover, that a great part of the ill-feeling existing between employer and employee could be eradicated only by the voluntary agreement of both parties, and knowing that the drafting of an industrial law presupposed a detailed knowledge of conditions, the Ministry declared that the active co-operation of all industrial classes was indispensable in forming an intelligent opinion on the state of industry, and in finding proper solutions. It was for the purpose of putting these convictions into practice that von Patow requested the industrial classes to form Local Committees consisting of employers (manufacturers and master-craftsmen) and employees (workingmen, journeymen, and assistants), each class electing representatives from its own group. These committees were to investigate the objectionable features of the industrial system, to define the points at issue, and to recommend solutions. Their recommendations were to be sent for examination to District Commissions, consisting of delegates from the Local Committees and under the direction of an official of the government. These commissions could add recommendations of their own. Above the District

Commission there was a Central Commission of which the Minister of Commerce, Industry, and Public Works was chairman. It consisted of experienced representatives—both employers and employees—of the various branches of industry. Its purpose was to direct the proceedings of the district and local bodies, to consider all resolutions requesting amendments to the Industrial Law, and to examine questions not settled by the other bodies. Von Patow promised to put into effect all just and practicable recommendations, and agreed to show that those which the government could not carry out were inconsistent both with the best interests of the persons making them and with the common weal.<sup>37</sup>

One of the greatest results of the March Revolution of 1848 was the meeting of the people's representatives in a Prussian National Assembly. Called together by a royal proclamation of May 13th, the Assembly convened on the twenty-second to hear the speech from the throne. In this speech, the king stated that every effort had been made to provide work for the unemployed, and that these efforts must be increased. He impressed upon the Assembly the fact that the restoration of public confidence and the revival of trade and industry depended largely upon them.<sup>38</sup>

The interest of the people in the industrial situation was evidenced by the large number of petitions on that subject. Some of these petitions were general in character and requested measures for the alleviation of the general distress; others were more specific, and asked for a limitation of the number of factories and railways. Craftsmen demanded higher wages, the re-introduction of the masterpiece, the limitation of the number of jour-

<sup>37</sup> *Min.-Bl.* 1848, 168-169.

<sup>38</sup> *Stenogr. Berichte*, I, viii and 1.

neymen and their exclusion from the rural districts, and the abolition of itinerant trades. The journeymen-clothmakers of Kottbus requested the establishment of a ministry of labor and shorter hours. The day-laborers wanted better working conditions and more pay. Twenty-one petitions requested the promotion of the weaving and spinning industry, 253 demanded a new industrial law, and 315 the curtailment of industrial freedom. Only a few requests were made for the retention of industrial freedom, the extension of the market trade with manufactured articles, and the extension of itinerant trading privileges. With respect to taxation, 121 petitions demanded the abolition or lowering of the class tax, the abolition of the tax on the grinding of grain, on the slaughtering of cattle, and on trades, and the introduction of an income tax.

These petitions were sent from all parts of the monarchy, but primarily from the central and eastern sections. Most of them represented the opinion of master-craftsmen. From their general tendency, it is apparent that there was a strong reaction in favor of a stricter and narrower system of guild economy.<sup>39</sup>

In view of the large number of petitions on industrial re-adjustment, the Prussian National Assembly, although elected primarily to draft a constitution, was bound to devote part of its time to industrial problems. A committee was appointed to investigate the condition of the spinners and weavers. Milde, who had succeeded von Patow as Minister of Commerce, Industry, and Public Works, assured this committee of the support of the government. A motion of the Assembly to call the attention of the Council of State to the condition of the Silesian weavers and spinners, was followed by the

<sup>39</sup> *Ibid.*, I and II, *passim*.

announcement that the king had already appropriated the sum of \$75,000 for their relief. In October, the attention of the government was called to the lamentable condition of the weavers in Westphalia.<sup>40</sup>

The petitions relative to the condition of day-laborers called forth several motions to provide work for them, and three interpellations of the Minister of Commerce, Industry, and Public Works in regard to labor disturbances. The result of the motions was a royal decree of June 14th ordering that as much of the Stargard-Posen Railway should be built as would be necessary to employ the men out of work. By August 15th, twenty-two hundred men were working there.<sup>41</sup> The answers to the interpellations are important because of the information they contain. The first interpellation referred to the disturbances in front of von Patow's residence on May 30th. The Minister explained that they were caused by the introduction of piece-work and the rule that only men with registration cards, showing their qualifications, were to be employed in the construction of public works. In answering the second interpellation, relative to the unemployed, von Patow stated that more than four thousand men were employed by the state in digging canals in the vicinity of Berlin. He also referred to the fact that the clause in the Prussian Code of 1794,<sup>42</sup> which guaranteed to every man the opportunity to work, was never enforced by the state alone, and that municipalities, by providing for the poor, took over part of the responsibility.<sup>43</sup> The third interpellation requested an explanation of the dismissal of a number of workmen employed in constructing the Berlin-

<sup>40</sup> *Ibid.*, I, 307, 367; II, 1051, 1056; III, 1562, 1769, 1771.

<sup>41</sup> *Ibid.*, I, 152 et passim. *P. G. S.* 1848, 154.

<sup>42</sup> Pt. II, title 19.

<sup>43</sup> *Stenogr. Berichte*, I 150.



Spandau Canal. Milde, the new Minister of Commerce, Industry, and Public Works, replied that there was work at the canal for about eighteen hundred persons, but that twenty-three hundred had been employed there before the recent removals. Two kinds of workmen, he said, had been engaged: (1) those working under the direction of the Workmen's Society—a society that had taken over the complete organization of the work and was paying the men from 42 to 56 cents per day on the piece-work basis; (2) those who, having refused to join this society, were under no discipline and were, consequently, earning only 35 cents per day on a daily wage basis. The second group of workmen, he said, were informed that the daily wage system would be discontinued. It was proposed that those among them who were married and residents of Berlin should join the Workmen's Society and be given work on the piece basis. The unmarried were to be employed on excavations on the Eastern Railway. Those who refused to accept piece work were to be employed on the daily wage basis at some other place. When the men of the second group, according to Milde, heard of this plan, they attacked those of the first. In concluding his speech, Milde again called attention to the duty of the local authorities to provide work for the unemployed. The state, he said, was not obliged to give employment to the unemployed of a particular locality at the expense of the tax-payers of the whole monarchy. In the construction of public works, the state, he said, had to keep in mind the benefit accruing to all of its citizens.<sup>44</sup>

In regard to taxation, the Minister of Finance, in answering an interpellation relative to the possibility of abolishing by January 1, 1849, the tax on the slaughter-

<sup>44</sup> *Stenogr. Berichte*, I, 357-358.

ing of cattle and on the grinding of grain, and the class tax, evaded the question by saying that in the course of the next few weeks financial projects would be presented to the National Assembly bearing on the withdrawal of the exemption of certain persons from paying the class tax. Accordingly, on July 10th, the draft of a law was submitted withdrawing the exemption of clergymen, school teachers, and military officials.<sup>45</sup> But as this measure did not express the wish of the Assembly, a motion to abolish the three taxes just referred to, and to substitute an income tax on January 1, 1849, was introduced on July 21st. On October 20th, the draft of an income tax was submitted. According to this draft, all incomes of Prussians living in Prussia, and of those with an income of \$300 living in a foreign country, as well as the incomes of foreigners owning land in Prussia, or living in Prussia more than six months, were declared taxable. The only persons exempt were those too poor to contribute toward the expenditure of the local administrative units. Incomes were divided into 13 classes. The first comprised incomes of \$7,500 and over, the last, incomes below \$18.75. The rate of taxation varied from 20 per cent. in the first class to one-half of one per cent. in the last. Furthermore, incomes derived from investments were subject to the full rate, while those derived from trades, or obtained in the form of salaries and pensions were taxable only to two-thirds of the full rate. The Prussian National Assembly approved this draft and referred it to the Minister of Finance. But before he could take steps to have it proclaimed as law, reaction had set in, and the National Assembly was dissolved.<sup>46</sup>

<sup>45</sup> *Ibid.*, I, 493.

<sup>46</sup> *Ibid.*, I, 547; III, 1693. November 8th the king transferred the National Assembly to Brandenburg. On December 5th he dissolved it.

In compliance with the numerous petitions demanding the abolition of industrial freedom and the amendment of the Industrial Law of 1845, a number of motions with this end in view were made, and the draft of a "Provisional Industrial Law"<sup>47</sup> to become effective January 1, 1849, was submitted. This draft provided for the abolition of itinerant trades and for the prohibition of engaging in more than one craft at one time. It restricted the privilege of making articles of trade to those who had actually learned the craft, and the right of establishing stores to guild-masters. No craftsman was to be allowed to open more than one store. State and municipal work was not to be given to contractors, but to the master-craftsmen properly qualified to do it. Guilds were to be encouraged in every way. The old ones were to remain, those dissolved were to be restored, and *Zunftzwang* was to be re-introduced. Admittance to guilds was to be granted only after the candidate had acquired burghership, was twenty-five years old, had spent three years on the *Wanderschaft*, had passed an examination, and had paid a moderate initiation fee. Only master-craftsmen independently engaged in their crafts were to employ apprentices, and to vote and hold office in the guild. Factory-owners were to be denied the right of employing apprentices. The term of train-

<sup>47</sup> This law was called "provisional" because it was to be enforced only until the National Parliament of Frankfurt proclaimed a general industrial law for the whole of Germany. The *Vorparlament* and the Committee of Fifty had already discussed the industrial situation. The attention of the Frankfurt Parliament was called to this question especially by the Congress of Master-craftsmen and the Congress of Journeymen convening in Frankfurt in July, 1848. The former was opposed to industrial freedom, the latter favored only a slight modification. Both Congresses submitted drafts of an industrial law to the Parliament of Frankfurt for consideration. On February 26, 1849, the Committee on Economic Affairs of the Frankfurt Parliament reported that it could not agree on a uniform industrial law. (*Verhandlungen d. deutsch. Parlaments*, 1ste Lieferung, 174; 2te Lieferung, 523. *Entwurf einer Allg. Handwerker- und Gewerbe-Ordnung f. Deutschland*, passim. *Mittheilungen d. Central-Vereins*, 1848-49, 210 ff. *Verh. d. deutsch. verfassungsgebenden Reichsversammlung*, II, 829 ff. 890).



ing for an apprentice was to vary from three to five years. Before becoming a journeyman, an apprentice was to submit to an examination before the guild. Furthermore, every unmarried journeyman was to be obliged to eat and live with his master. All other matters were to be regulated by the Industrial Law of 1845. The National Assembly referred this draft to its special Committee on Industry and Commerce. But before the committee could report, the Assembly was dissolved.<sup>48</sup>

One of the last questions discussed by the Assembly dealt with the truck system. On October 25th, the king submitted the draft of a law abolishing this practice. He thereby acceded to a request made by the Provincial Diet of the Rhine Province as early as 1843.<sup>49</sup> The Assembly promptly referred the draft to its Committee on Industry and Commerce, but was prevented by the order of dissolution from taking final action.<sup>50</sup>

Although the question concerning the Provisional Industrial Law could not be reported by the committee because of the dissolution of the National Assembly, the government, in view of the antagonism to the Industrial Law of 1845, could not ignore the issue. Accordingly, von der Heydt, the new Minister of Commerce, Industry, and Public Works, requested the craftsmen to send representatives to Berlin to discuss with him the industrial situation. The result of this conference was the law of February 9, 1849. This law re-introduced the *Zunftzwang* for seventy crafts, legalized the prohibition of the simultaneous pursuit of several crafts, restricted the freedom of opening stores, curtailed the right of manufacturers to employ journeymen, contracted the trade

<sup>48</sup> *Stenogr. Berichte*, I, 152, 301, 509; III, 1777-1778.

<sup>49</sup> Nauwerck, K., *Hauptergebnisse d. Landtags-Abschiede*, 32-33.

<sup>50</sup> *Stenogr. Berichte*, III, 1779. Anton, K., *Gesch. d. preuss. Fabrikgesetzgebung*, 154.



at markets, and made the master's examination in the presence of the guild obligatory.<sup>51</sup> A new feature was introduced when Trades Councils were established, consisting of employers and employees of the crafts, the factories, and the commercial interests. The members of these councils were elected by the employers and by the employees of each group, and served without compensation. It was the duty of these councils to discuss questions relative to the progress of crafts and factories, and to ascertain whether the new regulations concerning guilds were being observed.<sup>52</sup>

Another law of the same date provided for the institution of District Industrial Courts to deal with disputes arising between employers and employees. These courts, consisting of employers and employees, were elected by the several groups in each district. Members served without compensation, although the representatives of the employers might be paid for their services.<sup>53</sup>

Thus, in 1849, the industrial freedom of the Law of 1845 was curtailed, and those features of the Prussian Code of 1794 whereby the guilds controlled the choice of occupation, the method of production, and the manner of retailing, were re-introduced.

<sup>51</sup> *P. G. S. 1849*, p. 98, § 23 ff.

<sup>52</sup> *Ibid.*, 1849, p. 93, §§ 1-22.

<sup>53</sup> *Ibid.*, 1849, p. 110, §§ 1-13.

## CONCLUSION

The evolution of industrial freedom in Prussia shows a gradual development from the resolution of the Imperial Diet of the Holy Roman Empire to reform the guilds (1731) to the re-introduction of restrictive industrial measures in 1849. In the course of this development, the Prussian Code of 1794 marked the advance to a system of industry still mediaeval in character. Under Stein and Hardenberg, however, this restrictive system gave way to complete industrial freedom. At first introduced only into the remnant of Prussia left to Frederick William III by Napoleon, this freedom was, ultimately, extended by the Industrial Law of 1845 to the provinces acquired at the Congress of Vienna.

Advanced as this new system was, it, nevertheless, met with a great deal of opposition. The chief objection came from the master-craftsmen. Owing to the increase of competition, the high cost of subsistence, and the contraction of credit between 1845 and 1849, these craftsmen suffered greatly. Many of them failed in business and were obliged to seek employment as day-laborers. It is not surprising, therefore, that while favoring the introduction of free political institutions, they opposed the retention of industrial freedom. In their opinion, this freedom was the cause of their misfortune. In view of their opposition, the government, mindful of the March Revolution, took steps to remove the cause of their grievance. The result was a return in 1849 to a guild system practically identical with that of the Prussian Code of 1794.

But the restrictive industrial laws of 1849 favored the interests of only a small part of the industrial population of Prussia. The demands of the journeymen that industrial freedom be only slightly modified were ignored. Although their interests were best served by a system that freed them from the monopolistic control of the guilds, and enabled them to engage in as many different crafts as their ability permitted, they were again subjected to the specialization of craft-guild production. Apprentices also had to submit to restrictions in favor of the guilds. Perhaps the absence of any noticeable participation on their part in the industrial movement of 1845 to 1849 is due to the fact that they were too young to exert a definite influence. Similarly, factory employees and day-laborers, although three times as numerous as master-craftsmen, were not sufficiently organized to make their demands effective, and, consequently, received scant recognition in the legislation of 1849.

The large manufacturers seem to have concerned themselves very little with the question of industrial freedom. Perhaps their lack of interest is to be ascribed to the realization of the fact that any modification of the industrial system that discouraged large scale production would be only temporary.

So far as the chief features of industrial freedom are concerned, they are to be found in the removal of the restrictions of the guilds upon the choice of occupation, the methods of production, and the manner of retailing. The subjection, in 1849, of these important factors of industrial progress to guild control abolished industrial freedom and re-introduced the restrictive system of the eighteenth century.

## ABBREVIATIONS

Allg. Ztg. (A.)—	Allgemeine Zeitung (Augsburg).
A. L. R.—	Allgemeines Landrecht.
B. Gbl.—	Bundes-Gesetzblatt.
Central-Bl.—	Central-Blatt.
Jhb. G. V. V.—	Jahrbuch f u e r Gesetzgebung, Verwaltung und V o l k s w i r t h s c h a f t im Deutschen Reich.
Min.-Bl.—	Ministerial-Blatt.
P. G. S.—	Gesetz-Sammlung (Preussische).
R. Gbl.—	Reichs-Gesetzblatt.
Schles. Ztg.—	Schlesische Zeitung
St. sw. Fgn.—	Staats- und socialwissenschaftliche Forschungen.
Verh. d. V. z. Bef. d. Gfl.—	Verhandlungen des Vereins Zur Befoerderung des Gewerbefleisses in Preussen.



## BIBLIOGRAPHY

It seemed advisable to classify the bibliographical material as contemporary and non-contemporary, instead of following the common practice of distinguishing between sources and secondary works. "Contemporary" is construed to mean the period from 1845 to 1849.

"Source material" may be defined as material basic for the determination of facts. By applying this definition to the contents of the works listed below, their character, according to the current method of classification, can readily be determined.

### I. CONTEMPORARY MATERIAL

#### A. OFFICIAL

##### 1. *Government Documents Officially Published*

Gesetz-Sammlung fuer die Koeniglichen Preussischen Staaten. Berlin, 1806-49.

A collection of laws, cabinet orders, treaties, and budgets.

Amts-Blatt der Koeniglichen Regierung zu Potsdam und der Stadt Berlin. Berlin, 1845-59.

Contains decrees, orders, and statistics relative to the administration of Berlin and Potsdam.

Central-Blatt der Abgaben-, Gewerbe- und Handelsgesetzgebung und Verwaltung in den Koeniglichen Preussischen Staaten. Berlin, 1845-49.

A collection of regulations, treaties, and statistics pertaining to taxation, industry, and commerce.

Ministerial-Blatt fuer die gesamte innere Verwaltung in den Koeniglichen Preussischen Staaten. Berlin, 1846-48.

The official organ of the Department of the Interior.

Verhandlungen des neunten Provinzial-Landtages im Herzogthum Pommern und Fuerstenthum Ruegen, angefangen zu Stettin den 9 Februar 1845, geschlossen den 16 Maerz 1845, nebst der allerhoechsten Landtags-Abschiede, d.d. Berlin den 27 Dezember, 1845. Stettin, 1846.

Contains the royal propositions, memorials of the Estates to those propositions and to their own petitions, and the grants of the king.

Der erste Vereinigte Landtag in Berlin 1847. Herausgegeben unter Aufsicht des Vorstehers des Central-Bureaus im Ministerium des Innern und des Bureaus des Vereinigten Landtags Koeniglichen Kanzlei Raths Eduard Bleich.—Mit einem geographisch statistischen Tableau: Preussens Erster Vereinigte Landtag. Nach amtlichen Quellen bearbeitet von Hauptmann C.v. Stockhausen. 4 vols. Berlin, 1847.

A collection of documents and stenographic reports.

Stenographische Berichte ueber die Verhandlungen der zur Vereinbarung der preussischen Staats-Verfassung berufenen Versammlung. 3 vols. Berlin, 1848.

These reports were published as supplements to the "Preussischer Staats-Anzeiger," the official government gazette.

Verhandlungen des Deutschen Parlaments. Officielle Ausgabe. Mit einer geschichtlichen Einleitung ueber die Entstehung der Vertretung des ganzen deutschen Volkes. 2 vols. Frankfurt a.M., 1848.

"Erste Lieferung" contains:

"Verzeichnis der Mitglieder des vorberathenden Parlaments, des fuenfziger Ausschusses, und der XVII Vertrauensmaenner am Bundestag; Verhandlungen des vorberathenden Parlaments; Namentliche Abstimmung; Zusammenstellung der Beschluesse."

"Zweite Lieferung" contains:

"Die Verhandlungen des fuenfziger Ausschusses, der Bundesversammlung und der XVII Vertrauensmaenner, bis zum Zusammentritt der constituirenden deutschen Nationalversammlung."

“Bericht ueber die Wirksamkeit des Fuenfziger Ausschusses, 1848.”

This is the official report of the Committee of Fifty and its various sub-committees. The circumstances leading to the drafting of this report are given as follows: “In der Sitzung vom I Mai beschloss der Ausschuss einen Bericht ueber seine Wirksamkeit durch eine Commission ausarbeiten zu lassen, damit der constituirenden Nationalversammlung . . . ein uebersichtliches Bild des Geschehenen, . . . vorgelegt werden koenne.”

This report is one of the pamphlets of the “Hohenzollern Collection of Pamphlets” at Harvard University.

Stenographischer Bericht ueber die Verhandlungen der deutschen constituirenden Nationalversammlung zu Frankfurt am Main. Herausgegeben auf Beschluss der Nationalversammlung durch die Redactions-Commission und in deren Auftrag von Professor Franz Wigard. 9 vols. Leipzig and Frankfurt a.M., 1848-49.

A complete report of the proceedings.

Verhandlungen der deutschen verfassunggebenden Reichsversammlung zu Frankfurt am Main. Herausgegeben auf Beschluss der Nationalversammlung durch die Redactions-Commission und in deren Auftrag von dem Abgeordneten Professor Dr. K. D. Haszler. 6 vols. Frankfurt a.M., 1848-49.

Contains protocols and reports of committees.

Mittheilungen des statistischen Bureaus in Berlin. 8 ter Jahrgang. Herausgegeben von C. F. W. Dieterici, Berlin, 1855.

Valuable for its tables showing variations in food prices from 1816-54.

Tabellen und amtliche Nachrichten ueber den preussischen Staat fuer das Jahr 1849. Herausgegeben von dem statistischen Bureau zu Berlin. 6 vols. Berlin, 1851-55.

Vols. 4-6 treat especially of commerce and industry.

Zeitschrift des Koeniglich Preussischen Statistischen Bureaus. Redigirt von dessen Direktor, Dr. Ernst Engel. Erster Jahrgang. Berlin, 1861.

Contains valuable tables on all phases of Prussian life beginning with 1816. It is the official organ of the bureau.

### 2. *Government Documents Privately Edited*

Bleich, E.,—Verhandlungen des zum 2 April 1848 zusammenberufenen Vereinigten Landtags. Berlin, 1848.

A collection of stenographic reports, documents, and laws resulting from the deliberations of the Landtag. The compiler was "Koeniglicher-Kanzlei Rath und Bureau-Vorsteher beim Vereinigten Landtage."

Bleich, E.,—Verhandlungen des im Jahre 1848 zusammenberufenen Vereinigten Staendischen Ausschusses. 4 vols. Berlin, 1848.

A report of the proceedings.

The Committee dealt only with the new penal code.

Brandenburg, Erich,—Koenig Friedrich Wilhelms IV Briefwechsel mit Ludolf Camphausen. Berlin, 1906.

Contains the correspondence between March 28, 1848, and Jan. 17, 1850.

Koch, C. F.,—Allgemeines Landrecht fuer die Preussischen Staaten. 4 vols. Berlin and Leipzig, 1886.

A complete copy of the Prussian Common Law of 1794. The paragraphs in force in 1886 form the main part of the book; the obsolete paragraphs are added as footnotes.

Roenne, Ludwig v.,—Die Gewerbe-Polizei des Preussischen Staates. 2 vols. Breslau, 1851.

A collection of industrial laws with comments. These volumes form a part of Part VII of the author's "Die Verfassung und Verwaltung des Preussischen Staates."

### 3. *Publications of Private Organizations*

"An alle grossjaehrigen Arbeiter, als da sind Gesellen, Haushaelter, Tageloehner und allerhand ehrliche Leute.



Breslau, den 23 April, 1848." Ansorge Collection of Pamphlets No. 132. (Harvard University.)

This is an appeal to the workmen of Breslau to vote for certain men to represent them in Berlin and Frankfurt a.M. It is signed: "Der Arbeiter-Verein. In seinem Auftrage der Vorstand."

Central-Blatt fuer die Kundgebungen des patriotischen Vereins zu Berlin und die mit demselben verbundenen Zweig und verwandten Vereine in den Provinzen. Berlin, July 6, 1848—April 11, 1850.

After Jan. 1, 1849, the name was changed to "Central-Blatt der verbundenen monarchisch-constitutionellen Vereine, herausgegeben vom patriotischen Vereine zu Berlin."

It is the official organ of the constitutional-monarchists. The accounts of the "Arbeiter-Excesse" reflect their attitude toward the Revolution.

Die Forderungen des Gewerbestandes in Deutschland. Eine Denkschrift an den deutschen Reichstag in Frankfurt a. M. Von dem Gewerbeverein in Heidelberg und Genossen. Heidelberg, 1848.

It is opposed to industrial freedom for Germany.

Entwurf einer allgemeinen Handwerker- und Gewerbe-Ordnung fuer Deutschland. Berathen und beschlossen von dem deutschen Handwerker und Gewerbe-Congress zu Frankfurt a. M. in den Monaten Juli und August 1848.

The preface contains a protest against industrial freedom, and a demand that it be abolished.

Mittheilungen des Centralvereins fuer das Wohl der arbeitenden Klassen. Erster und zweiter Jahrgang. Berlin, 1848-50.

The official organ of an organization devoted to the welfare of the proletariat.

The purpose of this publication is given as follows: "Die Mittheilungen etc. haben den Zweck, Licht ueber die ihm vorliegende grosse Aufgabe zu verbreiten, die Stimmen ueber ihre Loesung zu sammeln, Nachricht ueber gelungene oder doch mit

Aussicht auf Gelingen versuchte Veranstaltungen in diesem Bereiche zu geben, entlich ueber die Wirksamkeit unseres Vereins und die mit ihm in Verbindung stehenden Vereine aus dem ganzen deutschen Vaterlande zu berichten."

Verhandlungen des Vereins zur Befoederung des Gewerbefleisses in Preussen. Berlin, 1845-49.

It contains the minutes of the meetings, and articles and drawings illustrating the latest inventions and the newest methods of manufacture.

"Beleuchtung der Gewerbebestze vom 7 Februar, 1849." Ansorge Collection of Pamphlets No. 118. (Harvard University.)

It is signed by "Die Commission der Gesellen und der demokratisch-soziale Arbeiter-Verein," and expresses the dissatisfaction of journeymen and workmen with the laws of Feb. 7, 1849, because these laws favor the "Handwerker" to the detriment of journeymen and factory employees.

"Kreis Handwerkerverein zu Gross Glogau, 1849." Ansorge Collection of Pamphlets No. 102.

This pamphlet contains the constitution and by-laws of the organization.

## B. NON-OFFICIAL

### I. *Newspapers*

Allgemeine Zeitung. (Augsburg). 1845-49.

A liberal newspaper with a reliable correspondent in Berlin.

Breslauer Zeitung. 1848.

A liberal newspaper of eastern Prussia.

Deutsche Gewerbe-Zeitung und Saechsisches Gewerbe-Blatt. 1845-49.

A semi-weekly paper published in Leipzig, devoted to the industrial advancement of Germany. Its policy is stated as follows:

"Die Aufgabe, w. bei unsern Bestrebungen sich alle andern unterordnen muessen, ist und wird d. sein, was in unsern Kraef-ten steht, dazu beizutragen, dass unser Vaterland, \* \* \* unter

d. Staaten d. Erde, in d. Wettkampfe d. Gegenwart u. naechsten Zukunft nach d. geistigen u. materiellen Guetern, w. d. Menschheit ihrer Bestimmung naeher fuehren, d. seiner wuerdige Stellung einnehmen, dass d. deutsche Volk, erloest v. d. laehmenden Drucke d. Mundlosigkeit, zum Bewusstsein u. Gefuehl seiner Kraft erwache, u. seine innere u. aeussere Wuerde durch d. thatsaechl. Beweis seiner Reife u. Selbstaendigkeit wahre u. schirme."

Kladderadatsch. (Berlin), 1848-49.

An illustrated comic weekly with national-liberal tendencies. It was established May 7, 1848.

Schlesische Zeitung. (Breslau), 1848.

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A radical democratic daily espousing the cause of the workman.

## 2. *Periodicals*

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A discussion of the difficulties involved in introducing an income tax.

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Contains articles on climatic conditions in eastern Prussia.

F. G. Schulze,—“Die Arbeiterfrage nach den Grundsuetzen der deutschen Nationaloekonomie, mit Beziehung auf die aus Frankreich nach Deutschland verpflanzten Systeme des Feudalismus, Merkantilismus, Physiokratis-

mus, Socialismus, Communismus und Republikanismus," in *Deutsche Blaetter fuer Landwirthschaft, Nationaloekonomie und Politik*, vol. 2, Heft 1-2. Jena, 1849.

A scholarly discussion.

*Deutsche Vierteljahrschrift*:

(1) "Gedanken zur Begrueudung einer neuen Verfassung des Gewerbewesens." 3tes Heft. Stuttgart, 1847.

A discussion of the principles of a new industrial law. Favors freedom.

(2) "Versuch ueber die Moeglichkeit und die geeigneten Mittel einer Abhuelfe der Theuerung und Hungersnoth." 4tes Heft. Stuttgart, 1847.

A discussion of causes, development and relief.

(3) "Das Vorparlament in Frankfurt." 2tes Heft. Stuttgart, 1848.

An objective account.

*Illustrierte Zeitung*. (Leipzig). "Das Zunftwesen." Jan. 9, Feb. 6, and 20, 1847.

An illustrated description of guild customs.

*Rheinische Jahrbuecher zur gesellschaftlichen Reform*, herausgegeben unter Mitwirkung v. Hermann Puettmann. vols. 1-2. Darmstadt, 1845-46.

Contain articles on social conditions.

*Zeitschrift des Vereins fuer deutsche Statistik*, herausgegeben v. Dr. Freiherr v. Reden. 2 vols. Berlin, 1847-48.

An invaluable collection of essays on the agricultural, commercial and industrial situation.

### 3. Pamphlets

(a) *Ansorge Collection*. (*Harvard University*).

"Aufruf an alle Gesellen Breslaus." No. 50. Breslau,



An appeal to all journeymen of Breslau to stand by the agreement regarding an industrial law made with the master-workmen at Frankfurt a. M.

"Gesellen, Brueder!" No. 75. Breslau, 1848.

A pamphlet issued by the "Gesellen" of Breslau objecting to the committee of the "Handwerkerverein" sent to von der Heydt, Prussian Minister of Industry and Commerce.

(b) *Hohenzollern Collection (Harvard University)*

"Hauptergebnisse der Landtags-Abschiede in Preussen, 1841, 1843, 1845." Uebersichtlich von Karl Nauwerck. Berlin, 1846.

A calendar of motions.

"Die Zustaende Berlins seit dem 18ten Maerz 1848." Berlin, 1848.

An appeal not to proceed to destruction, but to remain within the limits of civil liberty.

"Hochwichtiges der Gegenwart in Sieben Bildern betreffend die gegenwaertigen gedruckten Verhaeltnisse des Mittelstandes, naemlich: der Handwerker und Arbeiter, so wie des Handels und aller Gewerbe in Deutschland und wie diesem wichtigen Stand des deutschen Volks geholfen werden kann, zusammengestellt und vortragen von Einem Mitglied des Gewerbe-Vereins zu Dresden." Dresden and Leipzig, 1848.

Advises workingmen not to expect too much from present disturbances.

"Offene Darlegung der Gefahren, welche mit den vorgeschlagenen kuenstlichen Finanz-Operationen, dem Mobilmachen der Capitalien verbunden sind, und der Prinzipien nach denen der Kampf zwischen Arbeit und Capital zu beurtheilen und zu loesen sei." Berlin, 1848.

Recognizes social principles as primary.

“Thatsachen der Gegenwart, insbesondere Judenverfolgungen und Excesse gegen Guts- und Fabrikherren, erklart durch Thatsachen der Vergangenheit nebst einigen Vorschlaegen zur Heilung socialer Nebel fuer die Zukunft, von einem Kopfarbeiter.” Berlin, 1848.

The author regards the formation of trade organizations, without any modification of industrial freedom, as a possible means of helping the workingman.

“Zur Preussischen Verfassungsfrage.” Berlin, 1848.

Insists that present disturbances are primarily social in character and only secondarily political. It requests that workmen be given the right to form associations.

#### 4. *Diary*

Varnhagen v. Ense, K. A., Tagebuecher, 14 vols. Leipzig, Zuerich and Hamburg, 1861-70.

Vols. 3-6 cover period 1845-49. Von Ense was well informed. He was a constitutional-monarchist and Berlin correspondent of the *Allgemeine Zeitung* (Augsburg). His *Diary* is full of intelligent opinions on current events.

#### 5. *Special Studies*

Stirner, Max—*Der Einzige und sein Eigenthum*. Leipzig, 1845.

Advocates social liberalism.

Dieterici, C. F. W.—*Der Volkswohlstand im Preuss. Staat. In Vergleichung aus den Jahren vor 1806 und von 1828 bis 1832, so wie aus der neuesten Zeit, nach statistischen Ermittlungen und dem Gange der Gesetzgebung aus amtlichen Quellen dargestellt*. Berlin, 1846.

Describes conditions in Prussia before and after the formation of the Customs Union to 1845 inclusive. Dieterici was director of the Statistical Bureau in Berlin.

Biedermann, Karl—*Geschichte des ersten preuss. Reichstags*. Leipzig, 1847.

An objective account of the *Landtag*, with reflections.

Dieterici, C. F. W.—Ueber Preussische Zustaende, ueber Arbeit und Kapital. Ein politisches Selbstgesprach seinen lieben Mitbuergern gewidmet. Berlin, 1848.

An excellent résumé of the demands made by the craftsmen for industrial reform.

Lasker, I. und Gerhard, F.—Des deutschen Volkes Erhebung im Jahr 1848, sein Kampf um freie Institutionen und sein Siegesjubiläum.

An account of the revolution by two persons heartily in sympathy with it.

“Die Kartoffeln.” Die Gegenwart, vol. 1. Leipzig, 1848.

A discussion of the potato blight of 1845.

“Die Gegenwart” (1848-56) is the annual supplement to Brockhaus' Konversations-Lexikon.

“Berlin in der Bewegung von 1848.” Die Gegenwart, vol. 2. Leipzig, 1849.

An analysis of the big issues involved.

“Das deutsche Vorparlament.” Die Gegenwart, vol. 2. Leipzig, 1849.

An objective account.

“Ludolf Camphausen.” Die Gegenwart, vol. 2. Leipzig, 1849.

A well written biography of one of the champions of liberalism.

“Preussen vor dem Februar-Patent von 1847.” Die Gegenwart, vol. 2. Leipzig, 1849.

A summary of the leading facts.

“Preussen und der Vereinigte Landtag im Jahre 1847.” Die Gegenwart, vol. 3. Leipzig, 1849.

A detailed account of the Diet.

Lengerke, Alex. V.—Die laendliche Arbeiterfrage. Beantwortet durch d. bei d. Kgl. Landes-Oeconomie-Collegium aus allen Gegenden d. preuss. Monarchie

eingegangenen Berichte landwirthschaftlicher Vereine ueber d. materiellen Zustaende d. arbeitenden Classen auf d. platten Lande. Berlin, 1849.

A discussion of the condition of the rural worker, arranged according to provinces. Contains a useful map.

## II. NON-CONTEMPORARY

### A. PERIODICALS

#### Arbeiterfreund:

(1) "Die Handwerker,—Arbeiter—u. Aehnliche Vereine in Preussen." H. Braemer. 1866, p. 48 ff.

Gives an exhaustive account of the many societies from the date of their foundation to 1866. The article is based on questionnaires sent to all societies.

"Arbeiterfreund" is the continuation of "Mittheilungen d. Central-Vereins f. d. Wohl d. arbeitenden Klassen." The name was changed in 1863.

(2) "Entstehung, Entwicklung u. Thaetigkeit d. Central-Vereins f. d. Wohl d. arbeitenden Klassen." 1876, pp. 85-152.

A well written article on the "Centralverein" from 1844 to 1876.

#### Deutsche Vierteljahrschrift:

(1) "Der deutsche Journalismus." Viertes Heft. 1851, pp. 1-42.

Discusses the German press from the abolition of the censorship in 1848 to 1851.

(2) "Der Pauperismus und dessen Bekaempfung durch eine bessere Regelung der Arbeiterverhaeltnisse." Drittes Heft. 1844, pp. 315-340.

An attempt to look at conditions as they are. The author believes that it is the duty of the state to investigate.

(3) "Die Lehrlinge und Gesellen des Handwerks." Erstes Heft. 1850, pp. 314-322.



It treats of the condition of unmarried journeymen and of apprentices. The author's point of view is best given in his own words:

"Es will uns scheinen, dass die vormaerzliche Regierungskunst die tiefen Schaeden unserer gesellschaftlichen Zustaende, welche gerade unter ihr sich angesetzt haben, so wenig Aufmerksamkeit geschenkt habe, als man nachmaerzlich die Nebel auf den Grund nachzugehen sucht; ja die beiderlei Anschauungsweisen vor und nach dem Maerz 1848 sind nach unserer Ueberzeugung gleich geeignet, den Nebel fortzupflanzen und zu steigern."

(4) "Die Ursachen des Pauperismus unter den deutschen Handwerkern." v. Albert Kotelmann. Viertes Heft, 1850, pp. 139-167, and erstes Heft, 1851, pp. 193-274.

The causes of pauperism among craftsmen are said to be: the transition from small to large industrial enterprises, the introduction of large amounts of capital, the growing distinction between capital and labor, and between industry and commerce.

This transition is described in detail. The writer favors industrial freedom.

Jahrbuch fuer die Amtliche Statistik des Preussischen Staats. Herausgegeben vom Koenigl. Statistischen Bureau. 1-2 Jahrg. Berlin, 1863 and 1867.

An official publication containing valuable comparative tables covering the period 1624-1866.

"Das Vereinswesen als Mittel zur Sittigung der Fabrikarbeiter." v. Fallati, in Zeitschrift fuer die gesammte Staatswissenschaft, v. I, 1844, pp. 737-791.

Recognizes the lessons taught by disturbances in Silesia and Bohemia in 1844. The author argues that the formation of societies for the proletariat is one of the means of ameliorating their condition.

## B. ENCYCLOPAEDIAS

Universal-Lexikon fuer Kaufleute und Fabrikanten, oder vollstaendiges Handbuch des Handels, Fabrik-Manufakturwesens, der Muenz-, Maass-, Gewicht-, und Waarenkunde, der Schiffahrt, Wechsel-und-Bankgeschaeft,

und der Handlungsgeographie und Statistik, mit besonderer Ruecksicht auf National Oekonomie und Finanzen. J. R. MacCullough. Augsburg, 1842.

A work of reference of over 1500 pages. This volume is in the "von Ranke Library," which is now owned by Syracuse University. Under the direction of Prof. E. E. Sperry, this library has been catalogued and conveniently arranged in a fire-proof room.

Allgemeine vergleichende Handels- und Gewerbe-Geographie und Statistik. Fr. W. v. Reden, Berlin, 1844.

Contains the kind of information of interest and importance to manufacturers and merchants in the forties. It describes trade, agriculture, manufacture, and means of communication of the important countries of the world.

Handwoerterbuch der Staatswissenschaften. Herausgegeben v. L. Conrad, L. Elster, W. Lexis und Ed. Loening. 8 vols. Jena, 1909-11.

Contains reliable articles on industrial topics.

### C. BIOGRAPHY

Bergengruen, Alex.—Staatsminister August Freiherr von der Heydt. Leipzig, 1908.

A scholarly work based on the von der Heydt papers, the material in the Secret State Archives, and the minutes of the Town Council of Elberfeld.

Biermann, W. E.—Karl Georg Winkelblech (Karl Marlo) Sein Leben und sein Werk. 2 vols. Leipzig, 1909.

Vol. 2 contains an extended account of the craftsmen's congresses in Hamburg and Frankfurt, and the workmen's congress in Berlin. The three appendices contain valuable reprints.

Caspary, Anna—Ludolf Camphausens Leben. Stuttgart and Berlin, 1902.

Based on the Camphausen papers. Contains numerous extracts.

## D. MEMOIRS

Born, Stephen—Erinnerungen eines Achtundvierzigers. Leipzig, 1898.

Born was president of the Workmen's Congress held in Berlin in 1848, and editor of "Die Verbruederung," the organ of the Central Committee of the German workmen. He wrote his "Memoirs" fifty years after the events he describes.

The purpose of the Memoirs is stated as follows:

" . . . das richtig zu stellen was in unrichtiger Kenntnis der Verhaeltnisse und in voelliger Unkenntnis meiner Person da und dort in neuester Zeit von mir gesagt und auch gefabelt worden ist."—

"Ich schreibe um etwas Licht zu verbreiten ueber Menschen und Dinge, die ich in jenen Bewegungsjahren (1848-49) genau kennen gelernt, um einen bescheidenen Beitrag zu liefern zur Geschichte des Werdens einer neuen Zeit, und damit auch die Legendenbildung, die schon in voller Thaetigkeit ist, einiger massen zu stoeren, wenn es unmoeglich ist, sie ganz zu verhindern."

Fischer, Carl—Denkwuerdigkeiten und Erinnerungen eines Arbeiters. Herausgegeben v. Paul Goehre. 2 vols. (vol. 2 called Neue Folge). Leipzig, 1904.

Describes industrial conditions in general from about 1840 on.

## E. SPECIAL WORKS

I. *Economic*

Adler, G.—Ueber die Epochen der Deutschen Handwerker-Politik. Jena, 1903.

Sketches briefly the guild laws from the Middle Ages to the present era. Its purpose is to show that workmen's insurance is the next logical step.

Adler, G.—Die Geschichte der ersten Sozial-politischen Arbeiter-bewegung in Deutschland, mit besonderer Ruecksicht auf die einwirkenden Theorien. Breslau, 1885.

Distinguishes between the socio-political labor movement and the communist movement of 1848 in Germany.

It contains an extended critical list of contemporary periodicals, newspapers and pamphlets.

Anton, G. K.—Geschichte der preussischen Fabrikgesetzgebung bis zu ihrer Aufnahme durch die Reichsgewerbeordnung. St. u. sw. Fgn. (Schmoller) vol. 11, Heft 2: Leipzig, 1891.

Treats of child labor laws and the laws protecting laborers against unfair reduction of wages.

The purpose is stated as follows: “. . . die allmaehliche organische Entwicklung des Liberalismus in der preussischen Gewerbepolitik darzustellen.”

Beringer, L.—Die Gesetzgebung der Innungen in Deutschland und der gewerblichen Genossenschaften in Oesterreich waehrend der letzten hundert Jahre. Eine rechthistorische und vergleichende Darstellung unter besonderer Beruecksichtigung der stenographischen Berichte. Mayence, 1906.

A critical study, emphasizing the legal principles underlying the various industrial laws in Germany from 1810 to 1897. Pages 194-198 contain an attempt to define “Fabrick,” “Handwerk,” “Kaufmann” and “Handwerker.”

Bernstein, Ed.—Die Geschichte der Berliner-Arbeiter-Bewegung. Ein Kapitel zur Geschichte der deutschen Sozialdemokratie. 3 vols. Berlin, 1907-10.

Written by an eminent Socialist. Contains facsimiles of newspapers, pamphlets, etc.

Boeckh, R.—Die geschichtliche Entwicklung der amtlichen Statistik des preussischen Staates, im Auftrag des Direktors des Koeniglichen Statistischen Bureaus Herrn Dr. Engel. Berlin, 1863.

A useful history of the collection of statistical data in Prussia from 1683-1861.

Dehn, P.—Die katholischen Gesellenvereine in Deutschland. Zeit- und Streit-Fragen, Jhg. XI, Heft 170. Berlin, 1882.

Gives a general account of their origin and development.

“Gewerb- und Gesellenvereine in Deutschland.” Unsere Zeit. vol. 3, pp. 545-562. Leipzig, 1859.



This article shows that the formation of "Gewerbevereine" and "Gesellenvereine" was an indication that the guild system was in process of dissolution.

"Unsere Zeit" is the continuation of "Die Gegenwart" (1848-56). Both are annual supplements to "Brockhaus' Konversations-Lexikon."

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Dieterici, C. F. W.—Handbuch der Statistik des preussischen Staats. Berlin, 1861.

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Kremp, J. H.—Ueber den Einfluss des Ernte Ausfalls auf die Getreidepreise waehrend der Jahre 1846-1875 in den hauptsaechlichsten Laendern Europas. Jena, 1879.

This is volume 2 of "Sammlung nationaloekonomischer und statistischer Abhandlungen" of Conrad's seminar in Halle.

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Meuss, J. F.—Die Unternehmungen des koeniglichen Seehandlungs-Instituts zur Emporbringung des preussischen Handels zur See. Berlin, 1913.

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Roehl, H.—Beitraege zur preussischen Handwerker politik vom allgemeinen Landrecht bis zur allgemeinen Gewerbeordnung von 1845. Schmoller, St. u. sw. Fgn. vol. 17, Heft 4. Leipzig, 1900.

A study of the introduction of industrial freedom into Prussia from 1794-1845; based on material in the Berlin archives. The bibliography is excellent.

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Schmoller, G.—Zur Geschichte der deutschen Kleingewerbe im 19 Jahrhundert. Halle, 1870.

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This study first appeared in the "Arbeiterfreund" of 1869.

Simon, O.—Die Fachbildung des Preussischen Gewerbes und Handelstandes im 18 und 19 Jahrhundert nach den Bestimmungen des Gewerberechts und der Verfassung des gewerblichen Unterrichtswesens. Berlin, 1892.

A discussion of the requirements for technical training from 1794-1900. Refers briefly to the labor movement of 1848.

Soetbeer, A.—Graphische Darstellung von Schwankungen der Getreidepreise. Hamburg, 1854.

Table 1 shows average annual price of wheat in Prussia, Hamburg, England, France, and Belgium from 1816-53.

Tables 2-3 show the average weekly price of wheat and rye from 1846-54.

Sombart, W.—Die deutsche Volkswirtschaft im Neunzehnten Jahrhundert. Berlin, 1903.

An admirable survey of the whole field. The popular edition of 1913 brings the statistics down to the date of publication. No other changes appear to have been made.

Stromeyer, F.—Abhuelfe der Arbeiternoth durch Organization der Arbeit. Belle-Vue bei Constanz, 1844.

Contains suggestions for the amelioration of the deplorable labor conditions.

Waentig, H.—Die gewerbepolitischen Anschauungen in Wissenschaft und Gesetzgebung des neunzehnten Jahrhunderts. In "Die Entwicklung der deutschen Volkswirtschaftslehre im neunzehnten Jahrhundert." Vol. 2, Art. 25. Leipzig, 1908.

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A scholarly study of the reliability of available statistics and a description of the condition of the chief industries of Berlin.

## 2. *Political*

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Traces the forces of reaction operative in the Revolution of 1848 in Germany and Austria.

Blum, H.—Die Deutsche Revolution 1848-49. Leipzig, 1905.

A scholarly survey written by a liberal. Well illustrated.

Buelow-Cummerow—Preussen, seine Verfassung, seine Verwaltung, sein Verhaeltnis zu Deutschland. 2 vols. Berlin, 1842-43.

A description of the administrative departments of Prussia before the promulgation of the Constitution of 1850.

Busch, W.—Die Berliner Maerztage von 1848. Die Ereignisse und ihre Ueberlieferung. Munich and Leipzig, 1899.

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An objective account.

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Klein-Hattingen, O.—Geschichte des deutschen Liberalismus, 2 vols. Berlin, 1911-12.

This is by far the best work on the subject.

Lueders, G.—Die demokratische Bewegung in Berlin im Oktober 1848. Heft XI der “Abhandlungen zur Mitleren und Neueren Geschichte.” Berlin and Leipzig, 1909.

A scholarly study. Contains a critical estimate of contemporary material, especially of the newspapers.

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A Heidelberg dissertation with a fair bibliography. It gives an interesting picture of life in Berlin in 1847 under the follow-



ing headings: "Sozialer Aufbau der Bevoelkerung, Stadtverfassung und Verwaltung, formen des oeffentlichen Lebens (Vereine, Lokale, Salons), Ereignisse des oeffentlichen Lebens in Berlin 1847 (Landtag, Teuerung, Kartoffelrevolution)."

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Vol. 3 contains a long discussion of the newspapers in Germany from 1830-49.

#### F. GENERAL WORKS

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An extensive treatment of the history of Germany from 1814-88.

Stern, A.—Geschichte Europas seit den Vertraegen von 1815 bis zum Frankfurter Frieden von 1871. 6 vols. Berlin, 1894-1911.

This is the best work on the subject. Vol. 6 brings the history down to 1848. Each volume contains a number of documents.

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This work is based on material in the Prussian Archives. Vol. 1 contains an account of the political events of 1848-49.

Treitschke, H.—Deutsche Geschichte im neunzehnten Jahrhundert.

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Ward, A. W.—Germany 1815-90. Cambridge, 1916. Vol. 1 treats of the period from 1815-52.



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