

THE LAWS OF THE HANSE TOWNS.

[Reprinted from 1 Pet. Adm. Append. xciii.]

Before we give an abstract of the laws of the Hanse Towns, the confederacy which enacted them, and whose commercial policy they regulated, is entitled to some notice.

During the progress of successful commercial enterprize among the Italians, and towards the middle of the thirteenth century, the activity of the north was excited, and its attention was awakened to commerce. The Baltic was surrounded by nations immersed in extreme barbarism, whose piracies prevented the success of almost every maritime adventure, and compelled the cities of Lubeck and Hamburg, who had opened an intercourse with those people, to unite in a league of mutual defence. The immediate and extensive benefits resulting from this union, induced other towns to accede to it, and in a short time eighty-one cities of considerable importance, placed in those fertile and extensive countries which occupy the space between the lower part of the Baltic and the Scheld, became members of the Hanseatic league. It now obtained an influence in the affairs of Europe; and while its allies were enriched by an intercourse with its members, its friendship was courted, and its hostility dreaded by the most powerful monarchs. Among the means adopted by this association to insure prosperity to their trade, and protect them from controversies with each other, was the formation of a code for the regulation of their maritime enterprizes, and the circumstances incident to them. These laws are evidently founded on those of the neighbouring city of Wisbuy, and the justly celebrated Roll d'Oleron. They appear to have been first enacted and promulgated in the year 1597, at Lubeck, which is styled the "Mother of the Hanse Towns." They were formed by a general assembly, called together for the purpose, and first appeared in the German language. Afterwards, in the year 1614, they were revised by another delegation from each of the towns, and many new ordinances were added.

For the convenience of their commercial operations, different towns were selected by the confederacy where they established warehouses and factories, and at which their intercourse with other countries was chiefly conducted. Among the principal of these was Bruges and Antwerp, in the latter of which was erected a splendid hall, at that period the boast of the modern world. There, were brought by the Italians, the rich productions of India, with the ingenious manufactures of their own country, to be exchanged for the bulky and useful products of the north. The articles obtained by the Hanseatic merchants in this intercourse, were transported to the Baltic, and from thence along the larger rivers into the interior of Germany.

An intercourse so profitable to those who were immediately engaged in it, produced oth-

er effects than an augmentation of the wealth of the Hanseatic confederacy. The arts of southern Europe began to be known; and a desire to imitate them, and to possess their productions, was the result of this knowledge. This intercourse created new wants as it increased the means of their gratification; and by the demands it excited among the inhabitants of the Netherlands and Germany, for commodities of every kind, industry was promoted; and at a very early period the manufactures of flax and wool had made considerable progress.

As Bruges became the centre of communication between the Hanseatic and the Lombard merchants, the Flemings traded with both in that city, to such extent and advantage as spread among them a general habit of industry, which long rendered Flanders and the adjacent provinces the most opulent, the most populous, and best cultivated counties in Europe.¹

The pleasure which is derived from tracing the progress of such associations to prosperity, and noting their influence and connection with the welfare of other states, has induced us to enter more minutely into the history of the Hanseatic body, than was originally proposed.

If their example stimulated other nations to industry and trade, their laws must necessarily have obtained a corresponding estimation. Those institutions which protected the rights and regulated the contracts of these industrious adventurers, could not fail to obtain a due portion of praise and value. Accordingly we find them in extensive application among the northern powers of Europe, and governing them in their commercial transactions. By the most distinguished men of the fifteenth and sixteenth centuries, whose avocations induced their attention to them, they are spoken of with great respect, and esteemed as the production of great wisdom and extensive experience.

ARTICLE I.

No master shall undertake to build a ship, unless he is assured that his owners and undertakers are agreed upon what model it shall be built, and on every thing relating to the building of it; which undertakers and owners shall be burghers and inhabitants of one of the Hanse Towns, and no others. However, if the master will go through with the building at his own expense, he may do it; otherwise he must always have the consent of those burghers that are concerned

¹ Robertson's History of Charles V.

with him, on pain of forfeiting half a dollar a ton.²

ART. II.

No master shall begin to build a ship,^o after he and his joint owners or partners have resolved upon it, until they have agreed among themselves of what size, height and depth she shall be, how broad and how long, and this agreement shall be taken in writing on pain of forfeiting 12 sols a ton.³

ART. III.

The master in like manner shall not repair the ship, sails or cordage without the owner's consent, on pain of being at all the charge of it himself, unless in case of necessity, when he is in a strange country.

ART. IV.

The master may not buy any thing whatsoever for his ship, unless it is in the presence, and with the consent of one or two of the partners; if he does he shall forfeit 50 sols: nor shall the master, or any of the owners buy any thing for the ship's use, upon the credit of the other owners who would pay ready money for their part of the disbursement.

ART. V.

An inventory shall be taken of every thing the ship wants, that it may be bought by the master and owners jointly.

ART. VI.

The master ought to buy every thing at the cheapest rate without fraud, on pain of corporal punishment; and he shall enter in his account the name of the person of whom he bought the goods, and where they live.

ART. VII.

If a master or mariner keep back any of the merchandize he took in on freight, they shall be apprehended and punished as robbers, unless it was in case of necessity.

ART. VIII.

Nor may they give above the market price for any provisions, and what they shall buy

² In the stile of the Hanse Towns, the owners of ships are called burghers; because none but the burghers of those cities in Germany, were permitted to build ships. The inconvenience provided against by this article is to save the materials of building, that none might undertake what they could not go through with, and thereby the materials be lost: for if he who begins to build a ship, is not very well able to perfect it, and has not the approbation of his joint owners or partners, such is often the end of too rash beginnings of this kind.

³ It is the custom in the Levant, if during the building of a ship, any one of the owners die, his heirs are not obliged to continue the partnership; but the master undertaker is bound to look out for another owner in the room of him that is dead; and this new owner must pay the heirs of the deceased what the latter advanced on this account.

shall be carried to the ship's store-house, and be kept there till she is ready to sail.

ART. IX.

All masters are forbidden to sell any of the ship's provisions, on pain of being punished as thieves, except it is at sea, when they meet with other ships in distress and danger of perishing for want of them: for which they shall however be accountable to the owners.

ART. X.

The master when the ship is returned, is obliged to deliver up to the owners, the remains of his victuals and ammunition.

ART. XI.

The master is obliged to set sail two or three days after his ship is loaden, if the wind is fair, on pain of forfeiting 200 livres; and in case any one of the owners has not paid his quota of the charge of the ship's outset by that time, he shall forfeit as much; and the master may besides, borrow money on bottomry, for the deficient owner's quota. The merchants are bound to load the ship by a prefixed time, on pain of paying the whole freight, notwithstanding the ship proceeds in her voyage light, and in her ballast only.

ART. XII.

When the master gives in his account, he shall summon all his owners together, on pain of 100 livres forfeit.

ART. XIII.

The master shall not take any merchandize aboard on his head, or by the consent of one of his owners, without the approbation of them all: if he does, the penalty is confiscation, or other punishment.

ART. XIV.

The owners having lawful cause, may turn off a master, paying him for what share he has in the ship, at the price it cost him.

ART. XV.

All owners are forbidden to entertain any master unless he produces a certificate of his honesty and ability, and that he quitted the service of the merchants he served last, with their consent: if they do, they shall pay 25 crowns penalty.

ART. XVI.

Before the master hires any mariner or pilot, he ought to acquaint the owners with what wages he is to give them, and have their allowance of it, under penalty of 25 crowns.

ART. XVII.

If several ships are in company on the same voyage, they are obliged to stay for one an-

other, or be liable to all the damages that may happen to the others by an enemy or pirates.⁴

ART. XVIII.

No master shall hire a mariner, before he has seen his pass or certificate of his faithful behaviour in the service of his last master, on pain of forfeiting 100 sols, unless he is necessitated to it in a strange country.

ART. XIX.

Masters are obliged to give mariners certificates of their faithful service; and if any one refuses, or delays, he shall forfeit 100 sols.

ART. XX.

A ship being forced to stay or winter in a strange country, the mariners are not to go out of her without the master's permission, on pain of losing half their wages.⁵

ART. XXI.

If the master maintains the mariners all the winter, they cannot oblige him to give them more wages; but if they endeavour to do it, they shall forfeit half of what they were to have had, and be punished further, according to the circumstances of their offence.

ART. XXII.

No seaman may go ashore without the consent of the master, pilot, mate or clerk of the ship, under penalty of 25 sols for each time.

ART. XXIII.

The seamen who are ashore with the master, are obliged to look after the boat, and return on board as soon as they are commanded: and he who stays or lies ashore, shall pay a forfeit, or suffer imprisonment.

ART. XXIV.

If the master changes his voyage, and steers another course than was intended, he ought to have the consent of his mariners, or pay them what the major party of them shall adjudge to be due to them for his changing of the voyage: and if then any one of them will not obey him, he shall be punished as a mutineer.

ART. XXV.

If any mariner sleep on a watch, he shall pay four sols forfeit: and whoever finds him asleep, and does not discover it, two sols.

ART. XXVI.

All seamen are forbidden to moor any skiffs or boats to a ship's side, on pain of imprisonment.

ART. XXVII.

He who shall be found incapable of discharging his duty as a pilot or mariner, for which

he has received wages, shall forfeit all that was promised him, and be besides punished according to his demerit.

ART. XXVIII.

Masters shall pay their seamen at three payments, one third when the ship sets sail, outward bound; one third when she is unloaden, and the other when she is returned home.

ART. XXIX.

A master may at any time turn away a mariner that rebels against, or is unfaithful to him.⁶

ART. XXX.

If one mariner kills another, the master is bound to seize him, and keep him in safe custody till he arrives at his port, and then to deliver him up to justice to be punished.

ART. XXXI.

The seamen may not feast and carouse in the ship without the master's leave, on pain of losing half their wages.

ART. XXXII.

No seaman shall let his wife lie aboard under penalty of 50 sols.

ART. XXXIII.

No seaman ought to carry powder and shot without the master's consent, on pain of paying double the value of it.

ART. XXXIV.

The master is bound when he returns home, to give an account before the magistrate, of what forfeitures he received, and for what, under penalty of 25 crowns.

ART. XXXV.

The seamen are obliged to defend the ship against rovers, on pain of losing their wages; and if they are wounded, they shall be healed and cured at the general charge of the concerned in a common average. If any one of them is maimed and disabled, he shall be maintained as long as he lives by a like average.

ART. XXXVI.

If the mariners, or any of the company refuse to assist on the like occasion, and the ship be taken or lost, they shall be condemned to be whipped as cowards and rascals.

ART. XXXVII.

If the mariners resolve to defend the ship, and the master is afraid and against it, he shall be turned out of his post with infamy, and declared incapable of ever commanding a ship afterwards.

ART. XXXVIII.

The ship's ballast shall be carried to the place designed for it, and those that are re-

⁴ Laws of Oleron, art. 28.

⁵ Laws of Oleron, art. 5; Laws of Wisbuy, art. 17.

fractory, and will not help in it, shall be punished by the magistrates of the place.

ART. XXXIX. .

If any seaman is wounded in the ship's service, he shall be cured at the charge of the ship, but not if he is wounded otherwise.⁷

ART. XL.

If any one of the seamen goes ashore without leave, and the ship happens to receive any damage in the time, or to be lost for want of hands, he shall be kept in prison upon bread and water for one year; and if any seaman dies or perishes with the ship for want of the assistance of the absent seaman, the latter shall be punished with corporal punishment.⁸

ART. XLI.

If a mariner behaves himself ill the master may turn him off; but if he discharge him for no reason before the voyage begins, he shall pay him a third part of his wages, but shall not charge it in the ship's account.

ART. XLII.

If the master discharges a seaman during the voyage, for no lawful cause given, he is bound to pay him his whole wages, and defray the charge of his return; but if the mariner desires the master's leave to quit the ship, he shall be bound to restore all the money he received, and pay his own charges.⁹

ART. XLIII.

If an officer or seaman quits a ship, and conceals himself; if afterwards he is apprehended, he shall be delivered up to justice to be punished: he shall be stigmatized in the face with the first letter of the name of the town to which he belongs.

ART. XLIV.

If a ship is lost the mariners are obliged to save as much of the goods as they can, and the master ought to reward and satisfy them for it, and pay the charge of their journey home: if the mariners refuse to assist the master, they shall have neither wages nor reward.¹⁰

ART. XLV.

If any mariner falls sick of any disease, he shall be put ashore and maintained in like manner as if he was on shipboard, and be attended by another mariner.¹¹ How-

ever, the master is not obliged to stay for him; if he recovers his health, he shall be paid his wages as much as if he had served out the whole voyage; and in case he dies, his heirs shall have what was due to him.¹²

ART. XLVI.

If mariners mutiny, and force the master to enter into any harbour or port, and the ship or cargo is lost, either in whole or in part, for which the seamen run away; if afterwards they are taken, they shall be corporally punished.

ART. XLVII.

The master shall not give the seamen any cause to mutiny, but supply them with what is convenient, and pay them what is their due punctually and faithfully.¹³

XLVIII.

The master who shall debauch a seaman, and hire him after he had hired himself to another master, shall pay 25 livres, and the mariner shall pay to the first master for damages, half the wages the second had promised him.

ART. XLIX.

If a ship is stopped in a strange country, or the mariners are forced to stay there for their freight, or on another account, they shall all that time be maintained as is usual; but shall not pretend to demand any extraordinary wages; and what is due to them shall be paid to them or their assigns, when the ship is discharged. If any seaman is so bold as to leave the ship because of her stay, he shall be corporally punished according to his demerits.

ART. L.

If a master takes any gold, silver, diamonds, or other merchandize of great price, which obliges him to have a more than ordinary care of it, a fourth part of the freight of such rich goods shall be allowed him, and the owners shall have the other three fourths.

ART. LI.

The master ought to put a mariner in each boat or lighter that is to carry salt to land as well to take care of it, as to see that a right account is kept of its measure.

¹² The Spaniards are the most unkind, and indeed unjust, to their sick mariners of any people: for they neither pay them any wages, nor maintain them, unless they pay for others to serve in their stead: and what is still worse, if during their sickness any accident or damage happens to the ship or goods, those mariners that were ill, are obliged to make satisfaction, their sickness being no plea for them, according to the *Laberinto de Comercio*, libro tertio, cap. "Navigantis," numero 18.

¹³ Laws of Oleron, art. 13.

⁶ Laws of Oleron, arts. 12, 13.

⁷ Laws of Oleron, art. 6; Laws of Wisbuy, art. 18.

⁸ Laws of Oleron, art. 20.

⁹ Laws of Oleron, art. 18.

¹⁰ Laws of Oleron, art. 3.

¹¹ Laws of Oleron, art. 7.

ART. LII.

Mariners hired aboard ships bound for France or Spain, shall not be maintained by the masters when they are outward bound, but shall live on their own provisions; but when they are homeward bound, the master shall maintain them: and if the master advances or lends them any money, he may pay himself by deducting it out of their wages. If the ship is not laden home, the master is not obliged to maintain them.

ART. LIII.

The masters may not alienate or sell any part of their provisions or furniture until the voyage is made, and when they do, the owners shall be preferred to any other in the sale of them.

ART. LIV.

The mariners shall not take any grains of salt belonging to the ship's loading, but shall put some aboard for their own use, with the knowledge and consent of the merchant or others concerned, on pain of being severely punished.

ART. LV.

The master or the pilot may each load 12 barrels on their particular account; the other officers six each, and the seamen four each; the cook and the boys two each.¹⁴

ART. LVI.

If a master, to displease his owners, sells his part of a ship for more than it is worth, the said part shall be appraised by men of

¹⁴ This is what is called "portage" in France, where 12 barrels make a last, and one last 2 tons.

experience; after which the owners may take it or leave it at the price it was appraised at, as they think fit.¹⁵

ART. LVII.

If a master, fraudulently, shall borrow money upon bottomry, and mortgage his ship for it, or stay with it in any port a long time, and sell it, together with the merchandize, the said master shall be incapable of having the command of a ship afterwards, and never be admitted into any city, but shall be punished without mercy.

ART. LVIII.

A master being at home, may not borrow any more money on bottomry, than his own part of the ship is worth; if he does, the other shares of the ship shall not be liable for it; neither shall he take any freight without the knowledge and consent of the owners.

ART. LIX.

If the owners are at variance, and cannot agree about the freight of their ship, that opinion shall carry it, which has the majority on its side by two or three. The master may also in such case, take up money upon bottomry, as well on their shares who do not consent, as on theirs who do.

ART. LX.

A master being in a strange country, if necessity drives him to it, may take up money on bottomry, if he cannot get it without, and the owners shall bear the charge of it.¹⁶

¹⁵ Laws of Oleron, art. 45.

¹⁶ Laws of Oleron, art. 27; Laws of Wisbuy, art. 45.