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THE PRINCIPLES  
OF  
ENGLISH CONSTITUTIONAL HISTORY



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THE PRINCIPLES  
OF  
ENGLISH CONSTITUTIONAL  
HISTORY

BY

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SPRECKELS

## PREFACE

WERE it now the custom to attach long explanatory titles to modest works, this book would probably have been called, 'The Development of English Institutions : an attempt briefly to set forth the main results of modern historical research, in a form acceptable to the general reader.' In the growing specialisation of the present day it is apparently inevitable that the conclusions reached by the student should commonly be accepted by the public not merely on authority but at second hand. To do justice to the admirable works of those writers who in recent years have made the study of English history into a science is necessarily too weighty a task for the reader lacking leisure or opportunity to give the subject his undivided attention. Yet it is my belief that to very many such readers the historical conceptions resulting from this scientific investigation possess or might possess a great attraction ; greater indeed than that of the picturesque personal details which rightly form a part of any exhaustive historical narrative, but which in themselves are somewhat scanty food for the inquiring mind. This book, therefore, while presupposing a certain knowledge of what are commonly called the facts of English history, deals rather, as its title indicates, with the principles by the light of which alone these facts can really become intelligible. The addition of the word 'constitutional' may stand for an expression of the now widely accepted opinion that up to the later years of the nineteenth century at least,

this particular aspect of our country's progress has been the most interesting and the most significant. It is at any rate certain that in no other field of English activity is to be found so clear a revelation of English national character.

At the Universities the study of constitutional history has of course long been regarded as of primary importance ; and I have some hope that to students entering upon their course this book may be useful as a preliminary to more exact and detailed work. Teachers of the upper forms in schools, moreover, who have specialised in other directions, may not be unwilling to regard it as an alternative to the ordinary historical narrative ; for their convenience, therefore, a list of leading dates has been given at the end of each chapter, and a brief analysis of the contents of the book included in the Appendix.

The book is so obviously without claim to be regarded as the fruit of original research that I have in no case thought it necessary to quote authorities. To any student of history it will be plain from what sources I have drawn, while for others the matter can have no interest. For the same reason I have given no very exact references to the documents from which the extracts in the Appendix are selected and translated. These extracts are merely illustrative ; they may be of interest to readers who have no access to the originals, but in the case of the professed student they could only serve as an introduction or guide to the well-known collections of constitutional documents.

My thanks are due to the Rev. A. J. Carlyle, of University College, Oxford, who very kindly read part of the book in manuscript ; and to my father, who has given great assistance in proof-reading. To my husband I am indebted for much valuable and suggestive criticism.

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# THE PRINCIPLES OF ENGLISH CONSTITUTIONAL HISTORY

## CHAPTER I

### THE GROWTH OF THE ENGLISH PEOPLE

It is customary to begin the narrative of our history with the mention of a very great Roman, who would however have been much astonished to know that a certain little expedition of his was ever to be regarded as the first event in the life of a mighty nation. In truth, the direct connection of Cæsar with the history of this country is very slight, and his importance to us is not by any means that of a conqueror. He invaded our island, then inhabited by the Celtic race which was subsequently overcome by our Teutonic ancestors, but his invasion was not very successful, and was without lasting results. In his latter years Cæsar was playing for bigger stakes than the gain or loss of a desolate island, and it was only in the magnificent security of the early Empire that the rulers of Rome could afford to expend their energy so far from the centre of the world's life.

**Cæsar's place in our history.** The story of the nation to which we belong really begins in Northern Germany, the original home, so far as history can tell us, of the three Teutonic tribes, Angles, Saxons, and Jutes, which migrated to Britain in the fifth century. It is very certain that the ancient Britons, of whose blue paint, wolf-skins, and family customs we have

all heard something, have practically no responsibility for the production of the modern Englishman, and it is equally certain that if the Romans can be charged with any such responsibility it is not in the way of ancestry. A knowledge of the state of things in Britain during the first three or four centuries of the

**Completeness of Anglo-Saxon Conquest.**

Christian era is therefore of less moment to us than a knowledge of the state of things in these districts of Northern Germany; for our sturdy forefathers had no idea of any obligation to respect the customs of a conquered race, and indeed, when they invaded

Britain, they found it necessary to kill so many of their opponents that the laws under which these had lived were no longer of much importance. This being the case, we have better reasons for regarding Julius Cæsar as the first authority on English history than as the first prominent figure in it. He knew more of Germany than of Britain, and no doubt he also considered it better worth while to record his knowledge of the larger country than of the smaller. His account of the German tribes with which he came into contact will always, indeed, be interesting as the comments of an acute observer and great statesman on the primitive conditions of our race; but, owing partly to the fact that the Germans evidently possessed at that time but few institutions worthy of the name, and partly to the difficulty in identifying these people as ancestors of the migratory tribes, it is impossible to regard the well-known passages in the 'Commentaries' as an actual contribution to English history.

**Tacitus' account of our Ancestors.**

For such a contribution we must look to Tacitus, who wrote a hundred and fifty years later. In a century and a half the Germanic tribes had made some little progress towards a social state which a civilised observer could understand. They had abandoned a wandering life and settled down upon the land; they had developed a rude system of government, and well-defined rules of war. It has been objected that Tacitus was chiefly concerned to emphasise the differences in law and custom between the German territories and Rome, less with the object of giving information than with the desire to point a moral.



If this be the case, it is only another illustration of the rule that history which is not written with judicial impartiality is more illuminating than history which is. From a very few pages of Tacitus' narrative we get a clear idea of the condition of things among these people from whom we trace our descent. One thing strikes us at once, which among the North Germans as in other early societies must have made domestic politics

**Division of Land.** marvellously more easy than they can be anywhere in Europe to-day. There was no land question, because everybody had enough, and there was a good deal to spare. Tacitus remarks that the division of land was facilitated by the great size of the plains, and we can well believe that it would be so. The method of division was, he explains, for a certain portion of land to be assigned to each 'village' or group, the size of the territory varying according to the number of men who had to share in it, and being afterwards divided again among individuals 'according to their dignity.' These allotments were so liberal that it was necessary for each village to cultivate only a small proportion of its lands, and the practice was to shift the arable area from place to place to avoid exhausting the soil—a method of farming certainly calculated to save a great deal of time and trouble.

**Social inequality.** It is apparently not in the nature of our race for men who have all the material comforts they require to feel any keen resentment at the existence of social inequalities. The Saxon or Anglian freeman who possessed land, cattle, and arms, was evidently quite content to see a neighbour, if he boasted a nobler descent, owning more property, and also exacting from those around him a certain measure of respect. No doubt the institution of slavery, which existed among these as among other primitive peoples, had something to do with the preservation of social tranquillity, and if the freeman had had to perform really menial services for his superiors he might not have been so ready to recognise their superiority. Yet we hear of a custom by which a number of young men of good birth attached themselves to some distinguished noble, receiving food, clothing, and weapons at his hands, finding their only distinction in fidelity

to him, knowing no law but his will ; and Tacitus remarks with some surprise that it was considered no disgrace to occupy such a position. This respect for good blood was carried so far that even the kings were 'Leaders,' apparently chosen for no other reason. But, with a sound political judgment of which we even now sometimes fall short, the Germans allowed very little power to attach to offices claimed by right of birth, and the 'leaders,' whose really important duty it was to direct the tribe in battle, were chosen for their abilities.

The attempt to trace close similarities between the political state of certain Teutonic tribes in the first century and that of the British nation in the twentieth belongs strictly to the province of the imaginative historian. Yet if we were on the watch for such similarities it would be easy to recognise one in the combination among the Saxons and Angles of these social differences with perfect equality before the law. Every man—excluding of course the slaves, and probably many other dependants of whom we are told nothing—appears to have had the right to attend the general meetings of the tribe and give his vote on questions put before him there by the chiefs after discussion among themselves, to have a voice in the election of these chiefs, and to take part to some extent in the judgment of any of his fellows who was guilty of an offence. Noble blood carried no exemption from the obligations of law and custom, and no authority to assume judicial rights over others. Nevertheless, it is in the description of the system of justice among our ancestors that we find most evidence of ideas and feelings which it is now almost impossible for us to understand. The law was declared by one of the elected chiefs, presiding over a court composed of a hundred men, who gave him, Tacitus says, counsel and authority, and who were perhaps in some sense representative of a district. But in what exactly their judicial duties can have consisted it is difficult to say. The taking of evidence as we understand it was certainly a practice quite unknown to the early Germans, and if witnesses were heard it is improbable that they did

more than give the weight of their opinion towards establishing the good or bad character of the accused person. The final decision, again, as to guilt or innocence would almost certainly be the subject of some mechanical device, an ordeal of the kind which many centuries later it was still customary to apply to old women suspected of witchcraft; the belief at the root of all such practices being that the gods would interfere to reveal the truth. And even the duty of affixing the penalty of an offence was not left by our ancestors in the hands of the judges. With a happy confidence in the virtue of a general

**Fixed  
Tariff of  
Fines.**

rule which in the present day we have quite lost, they were content to abide by a fixed tariff of money payments made in compensation for the offence committed. Indeed, the idea of punishment, as expressing either the resentment of the community or its desire to reform the offender, had a very small place in the minds of the Germans. In the first century, two crimes only, treason and desertion, were considered as irredeemable, and were punished by death. In all other matters the question was simply of making good the damage done: for stealing a man's oxen, so much; for cutting off his leg, so much; for killing him, so much, paid to his family, unless the family had in the first place exercised their customary right of killing the murderer. The arrangement does not correspond to modern ideas of justice, but it has certain practical advantages. And

**Publicity  
of Trials  
an im-  
portant  
point.**

if the early Germans had not advanced beyond the conception of a trial as an opportunity for inviting the opinion of the gods, and of murder as a personal injury done to a man's family, it was still a great thing that such trials were conducted in a public assembly of the offender's neighbours and equals. That custom had in it the germ of great institutions.

**General  
Impres-  
sion.**

On the whole we get from Tacitus the impression that these were people with a very good idea of managing their own affairs; faithful to their own particular gods, and not caring to intermix with any other race; very ready to fight with their neighbours, and looking on every man as naturally a warrior; not fond of seeing much

even of one another, and preferring to live each man in any remote spot to which his fancy drew him ; given to gambling and to gluttony, but innocent of many worse offences ; decent and clean-living in the main, with a strong feeling for family ties and a high standard in their treatment of women and in their marriage customs. Certainly these were men of whom we need not be ashamed to call ourselves the descendants.

**Roman  
Occupation of  
Britain.**

Over three hundred years elapsed between the time when Tacitus wrote his 'Germania' and the time when the three tribes which we believe to have been among those described by him migrated to this country. This interval, with the fifty preceding years, was filled by the real Roman occupation of Britain, which began with the determination of Claudius to conquer the island and ended with the avowed inability of Honorius to hold it. The details of the process, the movements of legions, the fortifications, the massacres, and the treaties, can have no possible interest for any but a professed student of history, and most people will be more enlightened by reading the legends of King Arthur than by inquiring how battles were really conducted in the time of the Britons. The real question connected with the

**What  
traces did  
it leave ?**

Roman conquest is plainly this : What lasting traces of themselves did the Romans leave in this country ? They left Britain forty years before the Saxons and Angles entered it. Were the laws and customs they left behind strong enough to resist this invasion of barbarians who knew little or nothing of either ? Had the Romans any share in moulding the life of the nation which grew out of these barbarous tribes, or did their influence pass away with the last legion which left British shores ? Upon this subject every kind of assertion has been seriously made and hotly supported by contending historians, from the startling theory that modern Englishmen are lineal descendants of the Roman settlers to the more welcome belief that these settlers left nothing behind them but a road or two and a handful of coins. One point, however, is clear—that if we believe in a survival of Roman influence at all we must look for an impress upon the land itself. The whole fabric of an early society like that of the



Saxons hung upon the land ; and if the Teutonic invaders did bring their customs of ownership and tenure with them we may be quite sure they brought nearly all the customs they had. Did the migrating Germans, then, adopt the Roman land law in Britain, with all that depended on it? And was the 'feudalism' of the eleventh and twelfth centuries in England simply the old Roman system, modified to suit a rather more merciful age?

**It was mainly military.** To follow closely the arguments upon this question requires more than an amateur knowledge of history, but the general conclusions at which expert opinion has arrived are interesting to us all. It is now believed that the Roman occupation was essentially a military one—the victory of physical and not moral force. Thus the conquerors left their marks clearly enough on the surface of the country, but upon its customs none that could survive the storm of invasion. They made roads which for many centuries directed the course of travel in England ; they marked out the spots where one day great cities were to stand ; here and there

**Its limitations.** they carved out an estate, which some invader who followed them took from their hands just as it was.

But they neither intermixed with the natives nor filled the remoter parts of the land, because they not unnaturally preferred to occupy their villas near health resorts or military camps, and, if they could, to return to their own country when their term of service was done. That the

**Extermination of Romanised Britons.** Romanised Britons themselves were not strong enough to stand against the barbarian onslaught, the complete disappearance of their language and their religion is an overwhelming proof. And the proof is almost as strong that their land law was not so rooted in the soil as to pass with it from one hand to another ; for the mediæval

**Proof by mediæval Land System.** land system bears upon its face strong evidence that it was originally devised in the interests, not of a landlord, but of men who were in some sense equal.

The land was not held in large portions cut off one from another, but in small, scattered strips, of which a man might possess one or more in each field of the estate. Nothing

but a naïvely earnest wish to give every man his share of advantages and disadvantages could have produced a system at once so elaborate and so inconvenient. The Angles and Saxons, when they came, settled down upon the land with their own customs and laws. But these were not—as with our modern ideas we are too apt to suppose—drawn up ready for reference in a statute-book, or fortified by carefully preserved precedents. Most of them had their only existence floating in minds the vagueness of whose conceptions it would be a long step towards a knowledge of early history to understand. It will not be difficult to account, without looking to Rome, for the differences between the social state which Tacitus describes and that of the Anglo-Saxons just before the Norman conquest of England, when we reflect that the two were separated by nearly a thousand years.

**Slight  
Celtic in-  
fluence**

We may, then, look upon the English nation as one born outside the shadow of the great Empire.

Another very safe assertion about it, which is never disputed but by an occasional Welsh historian, is that upon the large majority of our Teutonic ancestors the influence of the Celts whom they conquered was extraordinarily slight. But this was in all probability due chiefly to qualities in the conquered race of which its representatives have no reason to be ashamed—to its bravery and stubbornness in resistance. It is a not uncommon belief that the Britons, reduced to a helpless and effeminate condition by the fostering care of the Romans, had no spark of energy for the struggle with their invaders, and, in fact, turned to flee before Hengist and Horsa had got well out of Thanet. Never was a theory less borne

**largely  
due to  
stubborn  
resist-  
ance.**

out by what we know of the facts. For a hundred years from 449 the three Teutonic peoples were occupied in advancing and conquering, and it was a long time after that before the Celts were finally driven into those districts of the west and south-west

where we find them now. If a large army had swept over Britain, meeting with little resistance, the mass of the inhabitants would undoubtedly have survived. But the Angles and Saxons did not conquer in the same sense in which, at a later

time, the Normans did. Theirs was not a military expedition, but a migration. They came in a series of small bodies, content to settle on the first stretch of fertile land which they could empty of its inhabitants. Since the inhabitants chose to fight, the emptying process was generally carried out by killing them, though occasionally, no doubt, by enslaving them or driving them away. Had the Celtic blood been less fiery more of it would have flowed in our veins to-day.

Very probably the final result was assisted by that tendency to petty rivalries and that inability to combine of which we may fancy we find traces in the Celtic nations of to-day. But the common statement that in 449 the Jutes came, by invitation of a party among the Britons, to fight for them against their kinsmen in the north, is plainly irrational, since in such a case Hengist and Horsa, or whatever leaders the Jutes may have had, would scarcely have chosen Thanet for their landing-place. When these leaders arrived Britain was not, in point of fact, unknown ground to their race, for during the preceding fifty years or more plundering expeditions had been frequently directed against the southern and eastern shores. This

**Invasions  
of Jutes  
and of  
Saxons.**

particular attack was conducted with greater enterprise and perseverance, and within twenty years it resulted in the settlement of Kent by the Jutes. A little later one body of Saxons landed at Selsea Peninsula, and another, under leaders called Cerdic and Cynric, in Southampton Water, and the Angles began to filter steadily in by the river-mouths of the east coast. The chronicles are ready to furnish many more particulars of these invasions—as, for instance, that Portsmouth is named after a great leader called Port, who landed there; but in the absence of contemporary authority for these interesting details we are, happily, not bound to believe them.

**Influence  
of Physi-  
cal Con-  
ditions.**

In reading the story of this conquest and settlement we cannot but reflect how much, at many important epochs, inanimate nature has chosen to interfere with the making of history. The physical features of the country to which these ancestors of ours migrated, the distribution of its mountains, rivers, forests, and



marshes, its climate, and its isolated position, had certainly as much to do with the determination of its future as had the characters of any of the men who led the Saxons to victory or who strove to save the Britons from defeat. If Britain had not been an island, and of rather forbidding aspect, it is unlikely that conquerors and conquered would have been left to work out their own salvation without an immediate influx of other wandering barbarians. As it was, none but the more adventurous tribes found their way to it during the succeeding centuries, and these only when more attractive regions seemed to be closed to them. Again, the coast of Kent was the spot where the first landing was made by the Jutes ; and, if circumstances had allowed, this tribe would doubtless have spread over the whole south of England and occupied all its most fertile districts. But Kent was cut off by the great forest of Anderida, which bounded it on the north and west, and so the Jutes remained long shut up in a single county. The Angles, who landed on the east coast, were the next in order of time, and they in turn might have had their chance to sweep the country ; but between East Anglia and the Midlands lay a belt of fens and marshes which at that time were almost impassable ; and so it was only gradually and in very small numbers that the east-coast men filtered through. What actually happened was that the Saxon tribe—which afterwards proved itself to be the most enterprising, orderly, and tenacious of all, and which produced that great line of kings amongst whom Alfred is the most famous—effected its landing at the one place from which

**Position of West Saxons.** it was possible to spread in all directions over the country. The West Saxons landed, that is to say, on the coast of what we now call Hampshire ; and from there we find them, about the middle of the sixth century, pushing first westward into Wiltshire, and then north-westward over the Marlborough downs.

From the time of that move the final supremacy of the West Saxons may almost be said to have been determined, though centuries of struggle were still before them. There now lay open three routes along which they might extend their power. On the north-west, beyond the Cotswolds, there was

the valley of the Severn ; on the north, the valley of the Chervell, leading to the centre of the country ; on the east, the rich valley of the Thames. In two directions they could move unopposed, except by the Britons. In the third direction, towards Kent, they had to meet a more formidable opponent, and that fact marks the change from mere migration to something more like the development of peoples. The Jutes, under Ethelbert, the first Christian king, were hard pressed on the east by new settlers who were pushing inland from the coast of Essex. They turned west, were met by the Saxons, and at Wimbledon, in 568, was fought the first battle of the contending peoples in our island.

**Contests of  
the Tribes.** It was the first of a long series, for between 568 and the time when anything like a real sovereignty was established over the whole country lay a period of two hundred and twenty years. The land was filled with contentious little tribes, each of which considered itself as good as any other, and had no idea that its inglorious fate would be to figure in history merely as having helped in the formation of an Anglo-Saxon nation under the leadership of the house of Cerdic. There were East Saxons, South Saxons, and Middle Saxons, North Folk and South Folk, East, West, and Middle English, Hwiccas, Bernicians, Men of the Peak, and many more ; and the clan feeling in each little group was hard to crush. From the beginning of the seventh century, however, it is possible to regard the country as roughly divided among three powers : the Northern, beyond the Humber ; the Mercian, including the Midlands and the eastern counties ; and the Southern, which had at first been in the hands of Kent, but was now passing, as we have seen, into those of Wessex. The boundaries of these three were constantly changing, and each still contained kingdoms within itself. But from this time the sub-kingdoms tended to become unimportant and to disappear, and it is possible and profitable to watch the process by which these three powers were consolidated into a nation.

**Three powers ;**  
**their slow progress towards union.**  
The strongest force which worked upon them was Christianity. It was introduced into this country by way of Kent,

in 597, but for some time it was regarded, like the old heathen religions, as the private affair of the king and tribe which accepted it, and nothing more. During that period it weakened rather than strengthened the hands of the rulers who adopted it, through the unpopularity which for a time was certain to attach to so great a novelty. The power of Northumbria was more or less predominant from about 600 to 660, but an interval during which Mercia was the stronger coincided with the first years after the conversion of the Northumbrian king. But soon the new faith was shown to be strong for war as well as for peace, and its spread resulted in the establishment by the Northumbrians of a sort of supremacy over the greater part of England. Undoubtedly there was little more in such a supremacy than the name, but names have great power over men's minds, and this Christian overlordship may be looked upon as the first shadowy outline of a political union. What was even more important, however, than the martial vigour with which the Northumbrian converts spread Christian doctrine through the country, was their final acceptance in 664 of the discipline and traditions of the Roman Church. The rulers of the north had hesitated long between Christianity as it had been brought by Augustine direct from Rome, and that form of it which had sprung up simultaneously in Ireland, but at last the King Oswiu came to the decision which was so all-important for the progress of England. The story goes that he was deeply impressed by the undisputed claim of St. Peter to hold the keys of Heaven, and hastened to secure, as he thought, his own entry into a better world by recognising the Church of so powerful a saint as the only true one. Probably his advisers, Benedict Biscop and Wilfrid, who were men of some knowledge and experience, were in reality able to furnish the king with better reasons than this for clinging to the greatest corporation of the civilised world. Irish Christianity, admirable though it was for its purity and zeal, was a religion without a framework; it had nothing of the organised strength of the continental church, nothing resembling the great structure of laws and customs which had grown and was destined to grow

up under the rule of Rome. But for the Synod of Whitby, as it was called, Christianity might in a political sense have drawn the Anglo-Saxons back instead of pushing them on.

**Synod of Whitby.**

As it was, the Church in England may claim to have taken a very decided lead of the State. In the Church a hierarchy was constructed and constituted authority was recognised before among the people at large there was much reverence for any authority which was not backed up by the sword. The powers of bishops were clearly defined while those of kings were little understood by themselves or anybody else; and the ecclesiastical rulers took the whole of England into view while the men of Northumbria and the men of Wessex still regarded one another as natural born enemies.

**Church organisation:**

The work was not, happily, done in a day, and the gradual building up before their eyes of so great a structure as a national church must have helped the nation, consciously or unconsciously, to realise that what had been done for them as Christians they might do for themselves as Englishmen.

Within seventy years of the mission of St. Augustine the watchful Mother Church selected and despatched the first great organiser of the English ecclesiastical system—Bishop Theodore of Tarsus. He set to work at once upon the formation of bishoprics, the boundaries of which very generally followed those of the kingdoms, and that part of the work was complete before his death; but the mapping out of the country into parishes, each with its priest, went slowly on for a century or more. Under Theodore's rule, too, an event took place which in the light of later knowledge we must consider as one of the first importance. In 673 a general ecclesiastical council was called together at Hertford to consult upon the affairs of the English Church. Some time was still to elapse before a similar council could meet to deal with secular matters, but, when the time was ripe, here was a model upon which such a one might be formed.

But for this thread of union in the Church it almost seems as if the contending powers within England might at this time, instead of drawing close together, have burst entirely asunder,

to be barbarous and happy each in its own way. For nearly a century and a half after the collapse of Northumbria, about the year 660, such political supremacy as existed was bandied about from hand to hand with a bewildering rapidity. There was a period of Mercian power, a period of West Saxon power, and then again a revival of Mercia, while Northumbria continued meanwhile in a state of such political anarchy as prevented her from either becoming an integral part of another kingdom or forming a strong one of her own. What such power was worth when possessed, and whether the effect of its possession was anything more than to direct with whom the warriors were to fight, is very doubtful indeed. We know at least that during the period of Northumbria's greatest weakness in face of her rivals she produced scholars and churchmen who were famed throughout the civilised world. At this time the learned Bede lived out his quiet life; a little later a great school was founded at York; and the latter part of the eighth century produced Boniface, who took a great share in the work of preaching Christianity to the rising nation of the Franks, and Alcuin, the friend of Charlemagne.

At length, in 802, two years after Charlemagne had assumed the title of Emperor, there appeared in England what she so sorely needed—a man of outstanding ability. This was Egbert of Wessex, the grandfather of Alfred the Great, whom the Saxon Chronicle describes as the eighth king who was overlord of England. Making due allowance for the honest pride of the chronicler, we may safely guess that Egbert's overlordship, without being very strong, was of greater extent and rather less shadowy than that of any of his seven predecessors. He seems to have incorporated Kent and Essex with his own south-western territory, to have defeated the Mercians and Northumbrians, obtaining from them some promise of allegiance, and also to have driven the Celtic inhabitants of Cornwall further back, thus extending his power upon that side. Judging Egbert by his actions, and partly also by the ambitious schemes of continental alliance which his son developed, it seems fair to credit him with a clearer knowledge

**Accession  
of Egbert  
in Wessex.**

**His con-  
quests.**



of what he was doing and might do than any Saxon or Anglian ruler had yet possessed. His sons showed perhaps less capacity; but it is a good proof of the strength of these West Saxon kings that they succeeded in building up their power in the face of such a terrible problem as that of the Danes.

**Danish Invasions:** We may roughly divide the Danish invasions of England into two periods, separated by an interval of comparative tranquillity. There was a long period of more than a hundred years, from the latter part of the eighth century to the end of the ninth, and a short one, from about 990 to 1016. At the end of the second period a Danish king ruled over the whole of England; and even during the first, though Alfred the Great managed to check the progress of the invaders, they were extraordinarily successful. It is almost a temptation to suppose that the conditions of warfare eleven hundred years ago were so radically different from those of to-day that attack was always easier than defence; for, while we read again and again in the history of the first thousand years of the Christian era of the conquest of one people by another, there are no such records of successful resistance. Why were the Angles and Saxons unable to drive these Danish invaders from their coasts? **Why were the Danes so successful?** Not for want of realising the danger or endeavouring to meet it; for it is related in the Chronicle how, when in the year 787 three ships were seen approaching, the 'reeve,' the nearest person in authority, went straight down to the shore to receive them, and tried to lay hands on the men who filled them, 'for that he knew not who they were'—the best ground for suspicion among a primitive people. Not for want of the fighting blood, either, or of skill in arms, for the Anglo-Saxons came from very much the same stock as the Danes: they had been known throughout their history as good fighting men, and they were certainly not so far advanced in civilisation as to yield to barbarian attack in the same way that the Roman Empire yielded to it.

It has been suggested—and there may well be something in the suggestion—that the fatal weakness of the Anglo-Saxon peoples arose from their having developed, and yet

not developed far enough. After three hundred years of the more complex existence which had been theirs since the conquest of Britain, they cannot have been as free from all the problems of society as were the Germans of Tacitus' day. A social order which was based on the content of every man with his share was likely to break down under stress of circumstances; for from the time when any began to want or any to covet, the fundamental equality was gone. In the struggle of the conquest some men, abler or stronger than the rest, must have thrust themselves forward, taking all they could get, and forcing their weaker and poorer neighbours into some sort of dependent position. Others, perhaps, had attached themselves to the person of the king; and as the king of Wessex or of Northumbria must be greater and more powerful than the chieftain of a petty tribe, so his followers would claim power and distinction eclipsing that of the old nobility of birth. Christianity, again, had struck a heavy blow at the old social structure, without as yet providing a new one. The laws of the new religion would, for instance, certainly condemn the old theory that only the relatives of a murdered man need resent his death, and that theirs in the first place was the duty of avenging it. Yet, that theory abandoned, what possible means could there be of keeping order in a society where every man was as much a soldier as every other, where there were no police, and where the chief authority was supposed to be vested in gatherings of the tribe? In self-defence such a society would be driven to entrust the greater men with some authority over the lesser, to restrain wrongdoers, and to protect the weak. On the other hand, it is quite certain that the Angles and Saxons were not yet what all European peoples during the next few centuries tended to become—a nation organised on the feudal system. They had not yet, that is to say, fitted themselves into that framework in which each class depended upon the class above—the lowest most completely—and all depended upon the land. If they had done so, it is not altogether unlikely

**State of  
Anglo-  
Saxon  
Society.**

**Changes  
since  
early  
times  
consider-  
able;**

**but real  
Feudal  
System  
not de-  
veloped.**



that they would have succeeded in sending the Danes about their business, for one of the very few assertions which may safely be made about feudalism is that it was primarily adapted for military purposes. We are told that in modern warfare the all-important thing is individual initiative ; but there can be little doubt that in the old hand-to-hand fighting, where every man was quite sure who his opponent was, discipline was still more essential. We may well believe that in this way the Angles and Saxons of the ninth and tenth centuries fell between two stools. They were no longer tribes of fierce and adventurous warriors, such as they had been and the Danes still were, accustomed to fight, each for his own hand, under the general leadership of some chieftain ; but neither were they an organised fighting people, like the Normans two hundred years later—disunited and unruly, no doubt, in civil life, but in time of war recognising all due authority, yielding to it on the one side and enforcing it on the other.

**Progress****of the  
Danes.**

Whatever the reasons, it is certain that the

'heathen men,' as the Chronicle calls them, though

defeated in many battles, made steady progress,

after the beginning of the ninth century, towards obtaining a foothold in England. More and more frequent, as the years

go on, are the entries in the Chronicle which describe the attacks made by the Danes, their raids from Ireland, the

assistance rendered them by the Welsh, and the efforts of the English kings to overcome them. Egbert defeated the

enemy in one or two great battles, relying chiefly on the help of his ealdormen and nobles and on that of the Church.

Ethelwulf, his son and successor, hit on the expedient of a foreign connection to strengthen his hands, visited the Frankish

Court, and married Judith, daughter of Charles the Bald. But neither these efforts nor those of two of Ethelwulf's sons, who

reigned in turn, seem to have been of much avail ; and we read how, in 851, 'the heathen men for the first time remained

over winter in Thanet,' and again, in 855, how they spent the winter in Sheppey. In point of fact, two very important

means of defence were entirely lacking in England. There was no such thing as a fleet, ships being used for transport

only ; and thus an enemy who came over sea could never be prevented from reaching the heart of the country by way of the rivers, while the impotent defenders stood gnashing their teeth on the banks. And there were no fortifications. Defence from within a walled town was foreign to the whole Anglo-Saxon conception of warfare, and so every centre of such primitive town-life as they had—London, Canterbury, York—lay unprotected and inviting plunder or fire.

**Alfred** At last there came a West Saxon king who, among his other gifts, had that of readiness to learn the Great. by experience. Alfred the Great, youngest son of Ethelwulf, who succeeded to the crown in 871, possessed already some knowledge of affairs. As a child he had shown ability ; at his most impressionable age he was sent by his father to Rome, and on such a journey must have gained some little insight into the life of great nations. During the reign of his brother Ethelred, Alfred saw stirring times. In its last year there were nine great battles fought against the Danes in the south of England alone, where they were now pressing fiercely on. In most of these Alfred must have taken part ; and of one it is recorded that he won the day by leading the

**His** Saxons forward while his irresolute brother still Character. lingered among the priests. His own reign falls naturally into two periods—that in which he fought against the Danes, and that in which he endeavoured, in the portion of England left to him, to repair the mischief the struggle had done and to get ready for the next attack. There seems to be no doubt that as soldier and as administrator he was equally admirable, for he is one of the very few eminent men in history whom contemporaries and posterity have combined to applaud and for whom no one has a word of dispraise. Perhaps he had that personal magnetism which every really great ruler seems to possess ; perhaps in those simple times it was easier to see the purity of a man's motives ; but certainly in Alfred's darkest days his people appear to have still believed in him and trusted him entirely. His greatest merit was the courage to do what few can—to play a losing game till the luck turns. When he took the reins

of government from his brother's feeble hands the struggle looked nearly hopeless ; but Alfred fought, he negotiated, he laboured to rouse the spirit of his people ; and in the end he succeeded. By the Treaty of Wedmore, which he made with the Danes, something like one-third of England, the south and south-west, was kept under Saxon rule, while the rest was yielded to the invader. By these means the Danish invasions were prevented from leading, as they might have done, to a migration, and a way was cleared for a revival of Saxon power shortly afterwards. England was thus saved from a danger which threatened her very nearly. It is hard for us at the present day to conceive of our country growing up as a part of an empire instead of the founder of one ; but there can be little doubt that the project formed by Canute in the next century was to build up a great northern confederacy, of which England was to be a member. If this country had been thickly peopled throughout by Danes when he became its ruler we must believe that his plan would have had an excellent chance of fulfilment.

**His work  
in Govern-  
ment.**

Alfred spent the second half of his reign in preparing for a renewal of the struggle, and in those labours of writing and teaching which have won him so much of his fame. There is no need to suppose that he was a zealous scholar, who loved literature for its own sake alone. He was a king through and through, and he looked upon the encouragement of learning and the revival of the struggling Church as means which he must adopt for the better government of his people. He invited foreign scholars to his Court, founded schools, and restored monasteries which in the chaos of the last thirty or forty years had fallen to ruin ; he caused a trustworthy chronicle to be put together from the different monkish records ; and he translated Bede's 'Ecclesiastical History' and other valuable works into the English tongue, lamenting meanwhile over the small number left in the country of those who could read Latin. Yet all this work the king must have done with his eyes turned to the sea, where danger lay : it was as if Queen Elizabeth should

have set about reforming the Universities while the Armada was preparing, or Pitt begun to educate the working classes while Napoleon gathered his great army at Boulogne. Certainly Alfred never forgot for a moment that his first duty was the defence of the country, although from the chronicles of the time it appears that he had some difficulty in making the nation see how pressing a matter this was. The English seem to have been then as now a little unimaginative, and apt, when they no longer saw danger before them, to be sceptical as to its existence. Evidently the king found them difficult to stir into activity, and it is not surprising to find him inflicting summary punishment on the lazy and disobedient.

Having been quick enough to see the chief defects in his people's means of defence, Alfred set about the work of making them good. In the first place he ordered ships to be built to meet those in which the Danes swarmed up our rivers. These ships were designed by the king himself, but as they do not appear to have been used with any effect during Alfred's own reign, we are driven to suppose that the royal methods of boat-building were not a complete success. Nevertheless, the idea of a fleet for England was a most important and fruitful one, and during the next reign English ships seem to have been able to hold the Channel. Alfred also undertook the organisation, probably the first that was at all systematic, of his land forces. The fighting power of the Angles and Saxons simply consisted, as it had done from the beginning of their history, of the whole mass of able-bodied men. This was all very well for the purpose of repulsing a plundering expedition, but plainly in case of long-continued war there was likely to be difficulty in bringing home to any one in particular a responsibility which was so widely distributed. People must eat, even if the Danes were sacking London, and for that purpose the land must be cultivated. Alfred therefore adopted the plan of dividing the 'host,' or whole body of fighting men, into three interchangeable portions, each in its turn to fight in the field, to till the ground at home, or to defend the towns. This in itself was a great step, and it led the king to provide a remedy for the

And his  
plans for  
defence.

†



other great weakness in Anglo-Saxon defence. If towns were to be defended they must be fortified; not of course as we nowadays should instinctively picture it done, with moats and turrets and battlements, but probably with earthworks and ditches and low walls, which would be enough to give the protectors of the huts and fields an advantage in hand-to-hand fighting. Even of such simple fortifications Alfred himself had not time to erect many, but when his descendants came to the throne it was clear that they had learned the lesson.

**First results of this policy.**

The first-fruits of Alfred's policy were gathered by himself at the end of his reign, though the real harvest came to his successors. The Danes made another attack shortly before Alfred's death in 901, but were repulsed and lost a slice of their territory. Under the two next kings, Edward and Athelstan, the offensive policy was pushed hard, and, during the cessation of external attack, England was rapidly drawn back into some sort of submission to the Saxon house. The Danes who had settled in England were not displaced; but their presence meant rather an invigoration of the old blood than an infusion of new. Their language, laws, and customs were closely akin to those of the Anglo-Saxons, and their heathen religion they very soon cast aside. Edward won his way step by step through the Midlands, and carried his authority to the north. Athelstan,

**Later results: successes of Edward and Athelstan.**

a still more ambitious ruler, established a feudal supremacy over the Welsh and Scots; he formed alliances with such continental monarchs as Henry of Germany; and by him and his immediate successors high-sounding titles were assumed. These eighty or ninety years of conquest within the island and of peace outside it were the triumphant period of the Anglo-Saxon monarchy, the time when it seemed as if this nation, welded together out of warring tribes, might well become one of the great European powers.

**Difficulties of Anglo-Saxons.**

Possibly it might have done so if its enemies had left it alone for a few hundred years more. But the tenth century was not a time when a nation could work, secure and undisturbed, through the stages of

progress that weakened it towards the stage that made it strong. Invaders came again from the north, and England was unable to repel them ; for the growth which made her national life more complex, her kings more splendid, and her nobles more ambitious, was steadily robbing her of the robust barbarian strength of older times. The forces of monarchy and of feudalism were in fact struggling for supremacy, and to their conflict the real strength of the Anglo-Saxon people, embodied in the mass of freemen, was being sacrificed. The development of the monarchy had come first. Alfred, who was a

**Conflict of  
Monarchy  
and Feudalism.**

strong man, and pressed by circumstances, assumed considerably more power than his predecessors. He issued the first real code of laws, using his own judgment in selection from the national customs ; he first defined the crime of treason against the king ; under him we first hear of the Royal Court, where the king gathered his wise men or Witan about him. Under such successful rulers as his descendants it was natural that the progress should continue. The kings spoke and acted always less after the manner of a tribal chief and more after that of a territorial monarch, they appointed such officials as treasurers and clerks, and they steadily extended the scope of royal privilege. We find from the laws issued by the successors of Athelstan that a general oath of allegiance was now demanded—from all men, we may suppose, who were of sufficient importance to be considered ; and we find also that the final appeal from an unjust decision of the local courts or assemblies was to the king himself, who was coming to be regarded as the source of law. But able and ambitious as these rulers were, they found that they could maintain this increase of power only by yielding, in the first place, large privileges to the earls, and by securing, secondly, the support of the Church.

**The Earls.** The earls or ealdormen of the Anglo-Saxon system, though as a rule no doubt men of noble birth, were primarily what we should call holders of office under the Crown. Their duty was to govern their respective districts in subordination to the king ; and from the time of Alfred the Great the theory seems to have been that they were appointed



entirely at his discretion. But clearly, unless a king were personally strong enough to keep these appointments firmly in his hand and to check the natural tendency of the office to become hereditary, his representatives at a distance were likely to become something much more like his rivals. With the best will in the world a king in Wessex could have few practical means of bringing his authority to bear on an earl in Northumbria, unless by removing him from his great office. Most of the tenth-century kings found, in power. fact, that they had to purchase the general acknowledgment of their supremacy and the payment of royal dues by allowing the earls to do very much as they liked in their own shires. What they liked to do was, not unnaturally, to make themselves the centre of authority for all who came beneath their rule, and apparently also to assert within their boundaries some sort of territorial rights. Thus, to what remained of the old feelings of tribal independence there was now added the independence of unruly feudatories. An earl of East Anglia would consider himself not only lord of all East Anglians, but in some sort also owner of the soil, and he would look upon all who held land within his earldom as somehow specially subject to him and owing him service. And although the growth of this theory, by which the king was lord only of great lords—who, in their turn, commanded all lesser men—was more fatal than any other social change could have been to the establishment of the royal power, yet the kings, perhaps unconsciously, helped it in another way as well as through the large licence they allowed to the earls. They introduced the system by which a man who possessed no land could be held responsible to the law only through some 'lord' who did; and as a consequence of such responsibility the lord was recognised as having authority which it was difficult to limit over these obscure and landless neighbours.

**System of  
'lords' for  
landless  
men.**

Some such arrangement was perhaps necessary at a time when the country was reduced to chaos by constant war, when the law possessed only the most primitive machinery, and when there were no means of rapid communication whatever. A man's land was his only

pledge of good conduct, and if he had none, it was the easiest thing in the world for him to slip over the border into the next shire, or even into the next 'hundred,' a division of which each shire held a good many, and leave no trace behind him. But whatever the necessities of public order, it is clear that ambitious landowners were now placed in a position in which the temptation to extend their power was particularly strong.

**Its results.** If a lord exercised authority over a certain number of his poorer neighbours, it would be exceedingly simple for him to claim, by analogy, the right to exercise it over all, and to enforce his claim by the argument, so comprehensible to the most primitive intelligence, of the strong hand. These very Danish wars, again, which had shown the beginnings of the change, must have greatly hastened it. Innumerable small freeholders had been ruined by the failure of their crops or by the ravages of the enemy; they had had to leave their land to follow some powerful leader to battle, and to return to it as his dependants. Thus, while the earls were struggling to make themselves little kings, and the king to make himself a great one, each side forgot how to unite with the other for the defence of their country.

**Union of Crown and Church.** The alliance of the Crown with the Church had existed unbroken since the time when the kings of the Heptarchy had been the first converts, and their people had followed them to baptism as readily as they followed them to battle. Civil government had been helped in its growth by ecclesiastical; royal authority had been supported by the authority of the Holy Catholic Church. In earlier times an archbishop faced a king on equal terms, and even in the later Anglo-Saxon days the province of the head of the Church was but vaguely marked off from that of the head of the nation. The legal and moral obligations of the people were explained to them, with an admirable directness, on the authority of both. 'I and the archbishop,' say the laws of King Edgar, about the year 960, 'command that ye anger not God.' But by the irony of fate this very union of powers transformed itself into a source of weakness for the nation. It was not merely that

each king made large grants of land to abbeys and monasteries, land which might otherwise have supported fighting men; for this was a complaint as old as Bede's history, written two hundred and fifty years before. But towards the end of the tenth century there appeared two parties among the bishops, one clinging to the lax Church system, which had transformed the monasteries into communities of secular priests and clerks; the other, which included the celebrated Dunstan, Archbishop of Canterbury, eager for a revival of the stricter monastic life. The monastic party supported the king and a strong government, the secular party took sides with the earls, whose aim appeared to be to reduce the royal power, as it was being reduced in Germany, to the merest shadow. As too often happens when religious and political controversies are confused, the mass of each party neglected the first issue for the second. In the reign of Edgar, whose chief adviser Dunstan was, what we should call reforms in the administration were carried out with an energy which showed that the archbishop was distinctly more statesman than ecclesiastic at heart.

**Edgar and Dunstan.** Measures were taken to revive or reorganise the old territorial division of the hundred for the purpose of some sort of police system; to provide for the regular meeting of the local courts which belonged to the hundred and to the shire; and to define the rights of the king in jurisdiction. This was all excellent so long as Edgar and Dunstan held the reins, but the party of disorder had only to wait its opportunity. Edgar's successor was murdered after a reign of four years. Ethelred, the next king, was as weak a man as heart of earl could wish; Dunstan fell from power, and the contest between monarchy and feudalism raged again, with all the advantage on the side of the feudatories. Such a time of struggle gave the Danish invader his opportunity.

**Success of Swegen** The attacks of the adventurer Swegen, with a mixed force from the north, were spread over more than twenty years, and the manner of the English defence showed how utterly demoralised the leaders of the nation had become. King Ethelred, called the Unready, had

the vice most fatal to a ruler—irresolution. His policy varied from year to year. At one time he feared and distrusted the earls, and did his best to weaken them; at another he trusted them entirely and left everything in their hands. He fought with all his strength one year, then changed his mind during the next, and taxed his people for tribute to bribe the invaders to go. He levied huge sums to buy an alliance with the Norwegians against the Danes, then struck up a friendship with the Normans instead, and massacred every Norwegian he could lay his hands upon. The earls showed themselves to be as bad or worse, for again and again one or other of them played the traitor. The chronicles almost weary of repeating how, as the battle was about to begin, the English leaders fled and access- with all their men. Such a contest could end only sion of in one way. Swegen himself died, but his successor, Canute. Canute, found himself in 1016, after the death of Ethelred and of his brave son Edmund Ironside, undisputed master of England.

**Character** The statement contains much truth, though it of his has a paradoxical sound, that with the establishment rule. of a Danish king upon the throne the period of the real influence of the Danish invasions upon English society came to an end. Their settlements had never assumed the character of a migration: and even in the districts most thickly peopled by Danes they were so rapidly assimilated by the English that all traces of change soon disappeared. The fact of the invasion had been, as we have seen, highly important to English development; but its results proved to be very much less so. Certainly Canute, when he had removed, by the expeditious methods common in those days, all the persons whom he regarded as dangerous, had no idea whatever of ruling as an alien. He was crowned in the manner of an English king; he directed that the whole nation should swear to maintain the laws of Edgar, as one of the most famous of his Saxon predecessors; he sent his Danish fleet home, and in a very few years after his accession he had filled every important post in the country with Englishmen instead of the Danes who at first had seized upon them. Canute was quite acute enough to see



which must necessarily be the more important element in this union between Denmark and England, and to know that the only way in which he could maintain his hold upon both countries was to identify himself with the stronger. In a charter addressed to his people in 1020 he assures them that his first care is for their defence : ' That have I with God's help taken precautions that never henceforth should enmity come to you from thence ' (Denmark) ; and he points out how much he has already done to secure their safety : ' Now I shrank not from my cost whilst hostility was in hand among you. . . . Then went I myself into Denmark, with the men that went with me, from whence most harm came to you.'

**The extent of his success in uniting the English.** His ability and force of character certainly did something for the English nation as well as for himself, though not enough. He appears to have seen that the great though unconscious need of the English was for a central government, not tyrannical, but of iron strength, for a heavy pressure from above to weld them into a mass and to destroy for ever the distinction between Saxon, Mercian, and Northumbrian. The completion of that task was far beyond his powers, as it must have been beyond the powers of any one man. But undoubtedly he did his best. He strengthened his own hands

**Administration.** by maintaining a number of professional soldiers, the hus-carls ; he appointed Godwin, on the ground of capacity and not of high birth, to be his chief adviser and to represent him in his absence ; he continued the land-tax which had been begun of sheer necessity in time of war, and had his sheriffs (the oldest of all English officials) in every shire to see that it was paid. He renewed all the expedients for keeping order. In his laws we find it commanded that every man shall be in ' borh,' that is to say, shall have a surety responsible for his presence when required ; that every freeman shall be brought into a ' hundred ' and a ' tithing,' which probably means no more than that the local authorities are to know where he lives ; and that every one above the age of twelve shall make oath that he will neither ' be a thief nor be cognizant of theft '—a very simple device which no doubt

we should eagerly adopt to-day if we thought it likely to have much restraining effect. The king seized promptly also upon that weapon of government which had been so invaluable to some of the Saxon line. No doubt he was quite sincerely devout, but no doubt also he saw how great an influence he could acquire over his people's minds by keeping up the fusion of religious and secular law which he found in England. He exhorts the nation to keep the laws to which they have sworn, 'for that all the bishops say' it is a grave offence to break an oath; and in one breath he urges the people to refrain from murder and perjury and to do no work on Sunday. He calls their attention to the sanction his rule had received from the Pope, and orders that bishops and ealdormen shall combine to enforce God's law and his own royal authority.

Yet with all this Canute made one grave blunder, perhaps under the circumstances an inevitable one. He forged tools which, useful as they were in his own hand, could be wielded by no lesser man. The country had from the beginning of his reign been divided into four great earldoms, the rulers of which could not but have enormous power, greater even than those who under the Saxon house had each commanded a shire. Canute could afford to see these men powerful, for he knew that they were in his hand, to be displaced when he chose. But the result was that at his death in 1035 the country was able to fling aside with apparently greater force than ever the bonds of a strong government. For any signs of a national feeling helped into existence by Canute we must look to a rather later time. Under his immediate successors the powerful earls seemed to play with the country as they pleased.

Canute's two sons, who succeeded him one after the other, were so wicked and so contemptible that even if they had not died without issue it is probable that the old line would have been recalled. The two reigns covered little more than half a dozen years, and in 1042 the country chose for its king Edward, son of Ethelred by Emma of Normandy, well known to us under the name of Edward the



Confessor. A saint, according to the religious conceptions of the time, he no doubt was, but as a king he was almost as ineffective as his father. The history of his reign is more properly the history of the great house headed by Godwin, who had been Canute's right-hand man and became Edward's; of its contest with the Mercian house of Leofric, of its ambitious struggle for supreme power, and of its final overthrow through the failure to lead a united nation against the Normans. In the earlier years of Edward's reign the earldoms of Godwin and his sons included two-thirds of England, only the remoter northern parts being in other hands. A daughter of the same family was queen. The temporary disgrace and exile of the earls in 1050 seemed only to result, when they returned, in an increase of their power. But able as Godwin and his sons were, they could not be infallible, and unfortunately their position was such, owing partly to that very weakness in the king which had allowed them to climb to so great a height of power, that they could not afford to make mistakes.

**Norman Party.**

By parentage partly, and by education wholly, Edward was a Norman, and he was unable to free himself from the associations of his youth or to throw off, for the sake of his subjects, the Norman followers who hung about him. Hence there was a strong foreign party at Court, ready to fasten greedily on anything whispered against this powerful family of native earls. Had this party been composed merely of idle courtiers Godwin might have disregarded it, but it contained men like Robert of Jumièges, Bishop of London, who was well worthy of the nation's respect. Moreover, it had the moral support of a very wily enemy across the Channel. William, Duke of Normandy, who had only a very slight connection with the English royal family, but was endowed with a far-reaching ambition, had already begun to watch the politics of this country with keen interest; and between these two, Godwin and William, we seem to trace something like a duel of diplomacy, extending over years, and destined to decide the future of England. If this is the right

interpretation, then Godwin made a skilful thrust by sending an emissary to the Council of Rheims and bringing down the censure of the Church upon many of his Norman enemies on account of their marriages, but a better one still when he succeeded in delaying William's own marriage with Matilda of Flanders, and obtained an alliance at that Court for his own son Tostig. The Norman party had to wait a few years to return the stroke.

About the year 1050, however, Godwin made his first serious blunder by refusing to recognise the guilt of one of his sons, who had committed a treacherous murder. In itself, murder was not an offence which excited much indignation in eleventh century England, but to murder a kinsman, and that not in a straightforward manner, was held to be a hateful crime, and of this Godwin's son was plainly guilty. Yet his father continued to protect him, and refused to allow his earldom to be taken away, thus offending every instinct of rough-and-ready justice which the English mind possessed. Shortly afterwards a violent dispute broke out between Godwin and Eustace of Boulogne, a powerful member of the foreign party. As far as can be gathered Godwin was in the right, but the Normans had succeeded, by whatever means, in gaining the king's ear. The quarrel spread, and both sides took up arms. Siward and Leofric, the earls of Northumbria and Mercia, joined the king; the Witan declared Godwin to be outlawed, and he and all his sons had to flee the country for their lives. As we have seen, they soon returned, and in two years were apparently more powerful than before. But in their absence events had marched rapidly. William of Normandy had paid a visit to England in 1051, taking notes, we may suppose, for future use. He had been busy, too, elsewhere, for in 1053 he succeeded after all in bringing about his marriage with Matilda of Flanders, thus cutting out Godwin's influence at that Court, and also securing the friendship of the whole northern coast to the Scheldt, a wise precaution for anyone contemplating an expedition across the Channel.

**William's  
diplo-  
macy.**

When Godwin died, in 1054, it appeared that his son and successor, Harold, though as ambitious as his father, was not

his equal in political sagacity. A second family complication soon arose, and in dealing with it Harold blundered worse than Godwin had done, for he was afraid of his own policy. On the death of old Siward of Northumbria

**Harold's  
accession  
to power ;  
his diffi-  
culties,**

Harold allowed himself to be persuaded into appointing to the vacant earldom his brother Tostig, whom he well knew to be quite unfit for the position.

The result was a revolt of the whole province against the tyranny of its new ruler ; and when Harold, trying to repair his mistake, banished his worthless brother,

**and mis-  
takes.**

and allowed a member of the rival house of Leofric

to rule Northumbria, all that he had done was to divide England against herself, and to add a native earl, the exiled Tostig, to the number of her enemies. But as yet to all appearance Harold's power was unshaken, and from the time of the death of Edmund Ironside's son, who had been banished by Canute, it was plain that the great earl's eyes were fixed on the Crown.

In 1066 the saintly King Edward breathed his last, and Harold's chance had come. A representative of the old royal house might still have been found in Edmund Ironside's grandson, but he was a child, and the English had never thought very much about the rules of hereditary succession. The Witan exercised its right,

**Death of  
Edward**

**and elec-  
tion of  
Harold.**

chose Harold to be King of the English, and all his ambitious hopes seemed to be realised. But the realisation was no more than a mockery. William,

soon to be called the Conqueror, had of late years defeated all his French enemies and established his position more strongly ; he was now ready for his great enterprise. He collected a great army and prepared to claim the English Crown, on the ground of Edward's nomination, which was nonsense ; on the ground of an oath extracted from Harold, which was a mere pretext ; and implicitly, though not explicitly, on the ground of being strong enough to do as he pleased, which after all was what availed him most. Harold was in grave difficulties already. The disaffected Tostig had persuaded a powerful Norwegian adventurer to join him with a large force for the

invasion of England. They landed in the Humber, defeated the two northern earls, Edwin and Morcar, at York, and pushed rapidly southwards. The new king marched to the Midlands to meet his enemies, and, after a weak effort to buy back Tostig's allegiance, defeated them at Stamford Bridge. But then came the news of William's approach, and the weakness of Harold's rule became apparent. Edwin and Morcar would fight to protect their northern earldoms, but they would not march to the south with Harold: in their eyes he was not a master but a rival. He returned hurriedly with his own forces, and met the Normans near Hastings. Here a great battle was fought, and though there have been many disputes as to the exact nature of the English tactics, it is at least certain that after a stubborn fight Harold's army was overcome by the guile of the Normans and by William's good generalship, that Harold himself and many great men were killed, that the Normans marched first to Dover and then to London, and after a brief resistance secured it. The Witan, which at first had declared the boy Edgar to be king, now prudently changed its mind and elected William, and the English, as the Chronicle says, 'submitted to him for need when the most harm had been done; and it was very unwise that they had not done so before.'

*Leading Dates.*

Cæsar's account of the Germans . . . . .	<i>circ.</i> B.C. 50
Tacitus' account . . . . .	<i>circ.</i> A.D. 100
Roman conquest of Britain under Claudius . . . . .	43
End of the Roman government . . . . .	410
Landing of the Jutes in Thanet . . . . .	449
Arrival of Augustine . . . . .	597
Synod of Whitby . . . . .	664
Accession of Egbert in Wessex . . . . .	802
Accession of Alfred . . . . .	871
Treaty of Wedmore . . . . .	878
Accession of Athelstan . . . . .	925
Accession of Canute . . . . .	1016
Accession of Edward the Confessor . . . . .	1042
Battle of Hastings . . . . .	1066

## CHAPTER II

THE NORMAN CONQUEST AND THE STRUGGLE WITH THE  
FEUDATORIES

**Norman  
Conquest  
the last  
stage in  
the for-  
mation  
of our  
nation.**

THE Norman Conquest was the last great shock which befel the people of this island, and, in its results, the final process in the formation of the English nation. The mass of the people sink out of sight for a century or more beneath a king and a nobility whose language and customs are French, and whose contempt for the subject race is freely expressed. But as the people emerge, united now amongst themselves by the pressure of a despotic central government ignorant of their differences and distinctions, they absorb the nobility into their own body, so that the highest as well as the lowest of the nation answers to the name of Englishman.

**Its  
Effects—  
racial** From the point of view merely of racial development the settlement of the Normans in England was of infinitely greater moment than that of the Danes, for it meant the infusion of a new strain into the purely Teutonic blood of the Anglo-Saxons. The Normans were, it is true, of good Scandinavian stock; they were 'Northmen,' and 150 years before had been of much the same type as the men who followed Swegen to England. But they had intermixed much with the French, had adopted their language and some of their customs, and had assumed, it would appear, many of their characteristics. Their perceptions were keener, their tastes more magnificent, their minds more brilliant, subtle, and logical than is possible, if we may judge by experience, in a purely Teutonic race. Our neighbours across the Channel probably do not regard us as specially distin-



guished by these qualities to-day; yet our small ancestral share in them may well have helped to produce on the one side our English 'hardheadedness,' on the other our love of empire. And if the Norman temper, beneath a brilliant exterior, was fiercer and more merciless than that of the people they conquered, we need not altogether regret the existence of a quality likely to counteract that almost lethargic readiness to submit to law and to circumstances which seems to have been characteristic of the mass of our Anglo-Saxon forefathers.

**and political.** The further question as to the exact nature of the political and social changes produced in England by the Conquest is another of those points round which the contest of the historians once raged so hotly that the echoes of their war-cries penetrated to the outer world. The statement which has perhaps been most commonly made, and which is yet the most difficult of all to accept, is that the whole mediæval system, with its intolerable trammels and its crushing pressure on the humbly born, was simply the result of certain arrangements made by the Norman kings and their lawyers shortly after the conquest of England. Many of us were told when we first learned history that William the Conqueror introduced feudalism into this country; yet that assertion, while it contains some small share of truth, implies so much which is false that it had very much better not be made. The impression left upon the mind by such an account of things is a vague one of William, pen in hand, dividing the map of England into estates suitable for a feudal baron, noting down the names of the lesser men who should hold their land beneath each lord by other feudal tenures, and subsequently sweeping away every vestige of the free and democratic institutions which had existed under the Saxon kings in order to substitute the oppressive customs of his own country. So far from this being the case, it is tolerably certain, first, that the state of things which William found in England was not fundamentally different from the state of things he had left behind him in Normandy; and, second, that

**Defects of the theory that William I. introduced Feudalism.**



he, thoroughly determined to be something more than the chief of powerful feudatories, took immediate measures of which after a long struggle his descendants reaped the benefit by becoming really strong and national kings.

**Definition of the Feudal System.** The feudal system has been defined as necessarily including, in its completeness, two things—a centralised system of land tenure, in which all land is held directly or indirectly of the king; and the dependence of legislative, judicial, and military functions and of taxation upon land tenure. Thus, A, the king, is regarded as owner, in a certain sense, of every foot of land in his dominions; B, C, and D, powerful barons, will hold their wide possessions in the character of his 'men,' or vassals; they, again, will have lesser barons, or knights, E, F, and G, holding land from them; and so on, through perhaps one or two more stages, down to innumerable little *x*'s, who have each a cottage and a few acres, and who perform the humble but necessary function of cultivating the soil. This is the framework of the feudal state, and everything else is adjusted to its shape. The king's council will consist of B, C, and D and the others who hold land from him direct—not of all of them, perhaps, but certainly of no one else. Each lord of a manor will have a court of justice for his own men, and the right to preside in it, up to the king, who, with one or two advisers, constitutes a court for the affairs of his great vassals. When the king wants an army he calls upon B, C, and D, who go out themselves with a force of unattached followers, and call in their turn upon E, F, and G, till every freeman who holds by military tenure has done his part, leaving the *x*'s behind to justify their existence in a more prosaic manner with the plough. Again, when the king wants money he takes an aid from his tenants-in-chief; but the money comes out of the pockets of the whole hierarchy; and, in fact, every right which A exercises over B, C, and D is duly exercised by them over E, F, and G. If this is true feudalism we may safely assert that it was never completely established in England. The feudal land system was established, but there were too many disturbing causes to allow of the outline being filled in. And

two other good reasons may be given why William should not be held responsible for having 'introduced' feudalism. In the first place, it was far too tremendous a thing for one man to bring across the sea in his ship, like a roll of parchment. The laws and customs of a whole people are not so lightly set aside ; and a system which governs a man's life, not only in great crises, but constantly and in everyday matters, could not have been transferred ready-made from one country to another. In the second place, such a complete transfer was unnecessary, because changes had already been taking place in England—changes which may be summed up in the general statement that she was far advanced on the road down which the Normans appeared at least to hasten her.

**Extent of  
England's  
previous  
advance  
towards  
it.**

We have already seen how the practical equality which had existed among the German tribes necessarily tended to disappear under the conditions of their life in England. There is abundant evidence in survivals and in records that the class of small freemen, neither nobles nor serfs, but something like what in modern days we call peasant proprietors, did for centuries outlive the migration, but their numbers must have steadily diminished. It is easy to see how, as population increased, as many were ruined by war, by lawlessness, or by misfortune, as ambition spurred some and want pressed others, inequality between man and man would inevitably grow. The prosperous villager who had imposed his authority on his neighbours would build a house, force dependants to cultivate his land, and call himself a 'thane,' and indeed we find provision in the laws of Edward that if he thrive to a certain point he may so call himself. At the other end of the social ladder were the king's followers, who would receive grants of land and stand on a level with those who had had royal ancestors, but were no more than vassals at the court of Edgar or Canute. And there was another practice of the kings which did more to create great landowners than even the custom of rewarding service by a grant. This was the endowment of monasteries and abbeys. The Anglo-Saxon kings,

**Changes  
owing to  
growth in  
popula-  
tion,**

**and to  
other  
causes.**

whose religious ideas were primitive, firmly believed that they could secure their own salvation at the price of a sufficient number of broad acres bestowed on the Church. Hence we find them wildly granting great tracts of land, first to one abbey and then to another. What rights exactly were given away on such occasions it is difficult to say, for certainly ownership as complete as we have it now had never even been thought of in those days. But the tribute or dues which the inhabitants of these lands had formerly paid to the king they would now pay to the abbot; he would set up a court of justice partially superseding the popular courts; the people would be responsible to him for good behaviour, and would in a sense become his dependants.

Social and material inequality, the relation of protection and command on the one side and dependence on the other, seemed at this period of the world's history necessarily to develop into some sort of feudalism. And, indeed, among a people whose land was their only wealth, it could hardly be otherwise. Land was the sign of freedom and position, and if a man was forced to earn his bread by cultivating another's he was held to be inferior, even servile. Land must be the pledge of liability to law; therefore the lord of the land was responsible for and master of those who held it from him. It must be the basis for calculation of an army, and the rule

existed in England that a man who neglected the call to arms should forfeit his land to the king. From this it was a short step to the view that a man had rights on his land because he gave military service, and that those who gave none had no rights. A primitive society does not commonly arrange its facts to correspond with a theory, but makes its theory, if it has any, to fit the facts.

**Norman interpretation.** The England, then, which the Normans found, whose fate they did so much to determine, was a country of incomplete developments and contradictory phenomena, a country whose king assumed pompous titles and claimed great powers, yet unless personally strong was helpless before his earls; whose nobles were beginning to

Many facts of Feudalism, though little theory.

forget, in the struggle for power, the primary duty of defending their native land ; whose peasantry, while preserving valuable relics of their old freedom, were being gradually thrust down into a condition of servitude. All this confusion soon began, under the rule of the Normans, to be cleared up, all the floating notions to be crystallised. The men who drew up that great land survey known as Domesday Book had no other thought than to apply to the English institutions which corresponded most nearly to their own the correct feudal terminology of the Normans at home. Customs were defined which had never been defined before, names given to things which had none, and answers supplied to questions which no Englishman had ever even thought of asking. Thus we find that, according to Domesday Book, England was quite full of 'manors,' though some of them turn out to be tiny bits of land held in shares by cottagers. On the same authority, it was chiefly peopled by 'villeins' bound to the soil, of whom, if the Normans had troubled about it, they would have found that many were personally free, though dependent on the land ; some were free to leave the land if they wished, but did not wish ; and many had never inquired whether they were free or not. The courts of justice which here and there a lord had received permission from the king to set up were to Norman eyes simply the courts which the 'seigneur' or lord as such had a right to hold, though in reality no such right had ever existed in England. If we looked only at law-books for two or three centuries after the Conquest, we might well suppose that England had always been and still was a purely feudal state.

**Policy of the kings** Happily, however, for the country, the Norman kings had a quite different idea. William the Conqueror had seen a great deal of feudalism at home, and he accurately measured the possibilities of its use and abuse as an instrument of government. Whatever its advantages, it was not the best weapon for an ambitious king. William's policy and that of his successors, which we owe them a debt of gratitude for being bold enough to construct and strong enough to carry out, was to ceaselessly attack the principle that any subordinate authority could exclude their



own ; to use even feudal land-law as a means of strengthening their hands ; to oblige every one to regard the king not indirectly but directly as his master. To carry out this policy the kings were soon forced to ally themselves with the people against the nobles ; and that alliance resulted first in giving every freeman equal rights before the law, and, finally, in establishing the supreme power of the Commons of England. This part of our history begins with what has been called the Hundred Years' War between the king and the barons, which opened almost as soon as the Norman dynasty was firmly established on the throne.

**the extension of their direct authority.** William's first business, however, was to subdue the whole of England to his authority. He was not a man of gentle methods, and he paid very little attention to the number of eggs he broke in the making of his omelette. 'He caused castles to be built,' says the Chronicle, no doubt as strongholds of Norman power, all over the country ; and again, in a sentence which perhaps applies to William's Norman followers as well as his Saxon subjects : 'They must will all that the king willed if they would live and keep their lands.' The first rising of the English was in 1067, a year after William's election to the throne. During his absence in Normandy there were rebellions in three shires against the representatives he had left behind : the rebels were crushed with a rigour which made the name of Odo of Bayeux, the chief of these representatives, detestable to every Englishman. The second rising was in the following year, under the leadership of the family of Godwin ; the third, in 1069, was avenged by the ravaging of the north, an act which left its mark upon English social history for centuries after. Lastly, in 1070 and 1071, there was the famous rebellion in the Fen country. From that time forward England submitted to her new master.

The much more critical struggle between the Crown and the Norman barons began in 1075, and cannot be said to have ended until the reign of Henry II. a century later. The chief pretexts put forward by the barons who first rebelled



were a doubt of William's legitimate title, and also the insufficiency of the rewards they had received for their share in the Conquest. We may safely assume that the first was a pretext merely, the second the true reason of their discontent; for they were not the men to be much interested in abstract principles of right. Such rebellions were repeated both in the latter part of William I.'s reign and throughout that of William II. All the leading Norman houses were implicated, and with them the Conqueror's eldest son Robert, first as demanding the possession of Normandy, later as a rival claimant with William Rufus for the English throne. In each separate struggle the kings were successful, and they began, cautiously at first, then with greater freedom, to punish the turbulent barons by confiscation of their estates, fines, imprisonment, or mutilation.

No doubt these men honestly felt themselves to be cheated of their just expectations. They had come to England regarding themselves more as William's co-operators than as his subjects, and hoping to receive as the reward of their services the fullest measure of irresponsible power. Power enough they had, over their villeins and immediate dependants. The country groaned under their oppression, and the complaints of the Chronicle are bitter. But this was simply the natural result of placing the weak in the hands of the strong, and to William a matter of indifference. He probably cared very little indeed what went on behind the walls of his barons' castles, so long as he himself could obtain admittance there whenever he chose. An earl was at perfect liberty to ruin or imprison a handful of villeins, if he clearly understood that no freeholder might be treated in quite the same way, because all freeholders were first and foremost, as they had to declare in the famous oath of Salisbury, subjects of the king. Never once was the principle conceded for which the barons strove—the principle that within his own boundaries each feudatory was supreme. Their ideal state was one bound together only by the tie of military duty and of homage paid to a royal head who was certain very soon to lose every fragment of real power. A nation so governed, being quite unable to unite for any pur-

**First  
struggles  
between  
Crown and  
Barons.**

**Attitude  
of the  
Barons.**

pose other than war, could put no burdensome restrictions, in civil life, upon the inclinations of powerful individuals. But William had seen enough in his youth of this kind of thing. He meant to govern by feudal law so far as it suited him, and not an inch further.

**Signs of William's intention.** Had the barons been able to read the signs of the times they might have begun to suspect William's intention on the very day of his coronation. Even after the Battle of Hastings, which probably constituted his best title in the eyes of the nation, he persisted in claiming the throne as lawful heir to Edward the Con-

**Claim on the Throne.** fessor, and he was crowned with the same ceremonies as the last and every other English monarch. He was to be King of the English, not Duke of Normandy and England. Having regard to that fact, there was a startling disregard of consistency in William's subsequent assumption that all the land in England was forfeited to him as a natural result of his conquest. If he was Edward's lawful heir, there had been no conquest, but only an assertion of right ; and what could there be in the accession of a new king to necessitate a general forfeiture of lands? Probably, however, there was no Saxon gentleman with a love of logic so keen as to induce him to point out the flaw in the argument. The Norman kings were not men who liked to have attention drawn to their inconsistencies, especially when the inconsistency was as useful as this one proved to be. It enabled William, in the first place, to distribute the soil of England

with a free hand : certain of the original occupants who at once acknowledged him he was obliged to reinstate in their possessions, less no doubt to his own regret than to that of his followers. His object in dealing with the remainder—the greater part of the country—was clearly to avoid giving to any feudatory a dangerous preponderance of power in any quarter of England. Thus the lands which were granted to each of the great families, though extensive, were scattered. The danger, as William well knew, would be in creating a strong local feeling which should extend over a wide area, in encouraging all the men of the

**Distribution of lands.**

west country to look upon Roger Montgomery, or all those of the south-east to regard Odo of Bayeux, as their only lord and master. That danger was obviated, partly by William's measures, partly by the sound instinct of the English. No Norman rebel ever carried the people with him.

Moreover, the assumption of forfeiture enabled William to push those English nobles who were not dispossessed much more easily into a definite relationship to him as lord. They paid a sum of money for the right to resume their lands, and if this seemed to most of them at the moment no more than the extortion of a conqueror, in the eyes of William and his Normans it was a legal payment and part of the only possible system of land tenure. Finally, the general confiscation and redistribution made it possible for the king to insist that such rights of jurisdiction as the barons afterwards possessed were received by a direct grant from him, and were by no means inseparable from the holding of lands. The Norman barons, accustomed in their own country to the principle that lordship over men carried with it the right to execute justice—or

**Explicit grants of jurisdiction.**

injustice—upon them, were eager to assume that the same theory held good in their new surroundings. But every succeeding king was in a position to say to them, 'No, in England that has never been the case. Show your claims on jurisdiction; you cannot trace them further back than the grant of the Crown. The king is as much the source of justice as he is universal land-lord.' The kings reaped the reward first in their successful despotism, the nation reaped it at last in its union and strength.

There is a curious suggestion made by the chronicler Ordericus Vitalis that one reason why the Normans rebelled was that they were dissatisfied with the comparative contentment of the English. Certain leading barons are, in fact, represented as angrily complaining that this nation which they had conquered continued to tend its flocks and cultivate its fields as peaceably as if nothing had happened. Unless we are to regard these barons as very monsters of malice, we must look for some further interpretation of this. The English were no doubt phlegmatic to a degree almost beyond our modern

understanding, but, subject as they were to foreign rule, oppression, and extortion, it is scarcely conceivable that they can have presented a picture of happiness so idyllic as to excite the envy of the oppressors themselves. The true reason of the barons' resentment, no doubt, lay in their growing perception of the fact that king and people would unite against them and prove irresistible. And William's action with regard to the English laws and customs did not tend to reassure them. Probably he used the exhaustive knowledge given him by the great Domesday survey of England to make sure what these customs were, and he had no idea of forcing in new

**Mainten-  
ance of  
English  
local insti-  
tutions.** machinery where the old would serve. Setting aside his public confirmation of the 'Laws of King Edward,' which was perhaps rather an expression of general good intentions than a definite pledge, William found it convenient to retain many of the

English institutions with which his barons could well have dispensed. The courts of the shire, or, as it was now called, the county, and of the hundred, remained with their old constitution and powers. The president of the former was not to be the great baron of the neighbourhood, but the *sheriff*, an official whose appointment depended almost entirely upon royal favour, and whose power is one of the leading facts in English constitutional history for a very long time. In the hundred court it was natural under feudal land law that the lord's steward should find a place, but the representatives of the townships appeared there along with him. The English system of 'borh,' or surety, also, was soon perceived by William to be a valuable instrument of government, and was retained accordingly in the form of 'frankpledge,' by which every ten

**Restraints  
on feudal  
tyranny.** men were grouped together in mutual responsibility. All these things were regarded by the barons as so many obstacles put in the way of their just freedom of action. English lands and the English people were their fair game, and yet to some extent they were restrained from the chase.

William I. was by no means a conventional hero, but by the side of these men over whom he ruled he appears liberal-minded, far-sighted, almost unselfish. No one could say



as much for his son and successor, William Rufus. He was the very type of a hateful tyrant—cruel, coarse, and treacherous, detested by the whole nation, which was yet powerless against him. But his wickedness, great as it was, could not check the movement which the Conqueror had begun. William II. did enough to have broken the newly formed bond between king and people a hundred times over : he robbed, oppressed, and deceived them ; he issued charters which promised reform of every kind, then scoffed at the idea of keeping his word. Yet so strong was the instinct which bade the English submit at all costs to one powerful tyrant rather than to many petty ones that on every occasion when he needed help they gave it him. They overthrew the armies of the rebellious Normans and kept William on his throne. Horribly as he disfigured it, he was less dangerous there than his elder brother Robert, Duke of Normandy, a typical feudal ruler. The way was kept clear for William's successor, who learned much while he waited for the Crown.

**Henry I.** When William Rufus, falling by an unknown hand, had met with the death proper to a tyrant, Henry, the youngest of the Conqueror's three sons, justified his father's famous prophecy by the promptitude with which he appeared to claim the succession. In the eleventh century dead men, even dead kings, were not held worthy of much consideration. The body of William Rufus, before whom the greatest lords in England had trembled, was left to lie neglected while his servants plundered his household and his younger brother seized the crown the king had destined for another. Robert, the heir chosen by William, was in the Holy Land, and with characteristic ill-fortune or blindness to his own interests he failed to claim the English throne for a full year after Henry was established there. The man who contrived to be on the spot was the one to get what he wanted.

**His Charter.** Henry I. issued a charter shortly after his accession, and re-issued it more than once afterwards when he thought it well to remind the people of the blessings conferred upon them by his rule. Such



documents as this were always a trump card in the hands of a despotic mediæval king who required at times the whole-hearted help of his subjects against external enemies. A charter commonly contained, in addition to rather vague promises of general good government, an enumeration of specific grievances under which the nation had been suffering, with a pledge to redress them; and the people on the whole seldom failed to show as much gratitude for such pledges as if, according to the theory of a well-known character in fiction, the acknowledgment of a debt were equivalent to its discharge. In Henry's case the gratitude was so far justified that he did certainly remove the burdens he undertook to remove, even if no new concessions accompanied the demands for assistance which came later in the reign. From the

**Its** reforms to which he pledged himself we know the  
**promises.** principal evils of William II.'s reign. These seem to have consisted, generally speaking, in an absolute disregard of all laws and customs which stood in the way of his accumulation of money. With the assistance of his clerk or minister, Ranulf Flambard, he had exacted payments from newly-appointed bishops or abbots, which was no less than simony; he had illegally increased the sums due from the heirs to lay fiefs on their succession; he had abused his rights over the minors and marriageable heiresses among his vassals to heap up money in the royal treasury. He wished, as the Chronicle quaintly puts it, 'to be the heir of every man.' These things Henry promised to amend, on the understanding, which was perhaps the most important point in his charter, that the justice accorded by him to his 'men' should be in turn accorded by them to theirs. Clearly Henry knew where his strength lay, and had no intention of relying upon the great barons. His birth upon English soil gave him one great advantage in his dependence on the nation as against the baronage; his marriage gave him another, for he allied himself with Matilda of Scotland, who inherited a share of the claims of the old West Saxon royal house.

Henry was soon in need of all the support he could get, to impress, if not to conquer, the rival claimant to the throne.

The negotiations with Robert, though for a few years there was no actual fighting, were carried on with drawn swords on both sides. Robert was in all probability not very serious in his desire to become King of England; but he was doubtless able to see that his own dukedom of Normandy was imperilled by his ambitious brother's rising power. Yet by going to war they ran the risk, as both men knew, of placing their vassals in that position of vantage from which it was always royal policy to exclude them. The feudatories would fiercely support in battle the leader they chose, but the ensuing peace might find their position vitally improved. For five years the two brothers managed to avoid bloodshed, and to come to a series of agreements, Henry always encroaching, Robert always conceding, the barons on both sides of the Channel seizing each opportunity of disturbance. But in 1106 Henry came finally to the conclusion that his brother was unfit to govern Normandy. The conviction was no doubt forced upon him largely by the fact that his own position, so long as his turbulent vassals had a rival chief in another country with whom they could take refuge, was one of extreme difficulty. At any rate, he lost no time, when the decision was taken, in going to the rescue of the misgoverned duchy. At the battle of Tenchebrai he completely defeated Robert, and became for the time undisputed ruler of Normandy as well as of England.

From that time Henry was in a position to carry steadily on his policy of reducing the power of the great Norman houses. The possession of both countries gave him enormous advantages in the contest, for he was now able to render a rebel powerless for harm in England by confiscation of his estates there, without driving him to desperation by complete forfeiture. One by one fell the descendants of the men who had crossed the Channel with William I., men who had never been able to see why their king should be more than first among themselves. Chief of rebels, and pattern of everything that Henry had made up his mind to crush, was Robert of

**Contest with Robert of Normandy.**

**Henry's Conquest of Normandy.**

**Successful policy against the Barons.**

Belesme, a man so detestable to the nation that the chronicler who records his defeat puts a veritable song of triumph into the mouths of the native English. Such disturbers of the peace were indeed better out of the way, for after ten or twelve years' interval Henry's foreign difficulties began to spring up again in his path. Robert of Normandy had left at his death a young son behind him : as this boy grew to maturity there were barons ready to support him, as they would have supported any one ; and the King of France showed that anxious care for the rights of outcast heirs by which it became common for his successors to be inspired whenever there was a disputed title in the English dominion. And while Henry thus contended with the difficulties of rival claims on Normandy, he was struck by that terrible blow which, as he knew, must create the same difficulties or worse in England. His only son William was drowned in the Channel shipwreck of 1120, a calamity to which, humanly speaking, England owed the nineteen years of anarchy under Stephen. A family such as those with which our modern sovereigns are blessed must indeed have been the boon for which, in these times of danger and blood, Henry chiefly prayed ; but it was denied him. His daughter Matilda, married to Geoffrey Count of Anjou, was the mother of a boy ; but women and children are ill fitted to grasp at crowns with the firmness which was necessary to a twelfth-century heir. The king did all he could for them. He exacted oaths of loyalty to Matilda from the heads of the chief families both in England and Normandy ; he enlisted firmly on her side his illegitimate son, Earl Robert of Gloucester ; and he continued his work of annihilating, when rebellion gave him an opportunity, the most dangerous elements of society.

**Attempt to find a substitute for feudal government.**

To fine and imprison individual barons, even to completely ruin them, was not however, as Henry saw, a real cure for the evils introduced by the lawless feudal spirit. So long as the king depended, not only for a large part of his army, but for his advisers, his officials, the agents of his will in every direction, upon these very barons whose illegal pretensions he was con-

stantly obliged to subdue, so long must the good government of the country depend solely on the strength of character of each individual ruler. Henry set himself to remedy this state of things, and though the work was not completed in his time, Henry II. reaped the reward of what his grandfather had done. William I. had been content to put shackles on the feudal method of government : Henry's ambition was to supersede it. His method was that employed by almost every king who aims at ruling independently of the aristocracy. He raised up and placed in positions of power men of low rank who had nothing to recommend them but their ability and industry, and who for that very reason served their master more intelligently and more faithfully than great nobles would have done. Roger, afterwards Bishop of Salisbury, was typical of the class thus created by Henry. While no more than an obscure clerk he won the favour of the king, it is said, by the unusual rapidity of his celebration of divine service : he received employment, and exhibited, we may suppose, the same capacity for despatch in dealing with the business of government. Henry made him first a bishop and then Justiciar, the Prime Minister of that period, who was empowered on many occasions to represent the king. Other men were chosen in the same way, and the foundations laid of the fortunes of many of the greatest families of later days.

To what extent there was in Henry I.'s reign anything that could be called an administrative system it is not easy to say. We are safe in concluding that a body existed, called the *Curia Regis*, which possessed to a certain degree both judicial and administrative power. Probably such a body would soon assume a shape better adapted to the transaction of business than a mere collection of powerful landowners could be ; yet we know that changes come slowly in government departments even in modern times, and it is particularly rash to attribute methods to mediæval statesmen merely on the ground of their obvious convenience. The same name—*Curia Regis*—had been previously applied to the large assemblies of William I.'s time, which were rather pageants than councils, and later on it was applied to a court



of clearly defined judicial functions, from which our King's Bench is lineally descended. The question therefore for the moment is simply what stage of this process of development had been reached in Henry I.'s reign.

In all probability the king discovered that it was necessary for him to have a certain number of advisers—his justiciar, chancellor, and a few bishops and barons whom he could trust—with him more or less continuously, instead of being obliged to call them together from distant parts of England for

Its functions in Finance the transaction of every piece of business. Financial matters would naturally be the first with which the king would require these councillors to deal; for an absolute sovereign commonly finds his chief interest in matters of revenue, and Henry I. was no exception to the rule. But

men chosen for their ability in organising taxation would soon be employed for the other business of government, or rather,

and other matters. that supremely important matter would, in the king's eyes, include all others. The satisfactory way in which fines paid by offenders against the law swelled

the revenue was the best reason for exacting them rigorously; the sheriff who must be in his county to collect the king's taxes might also serve to administer the county's affairs. On the same principle, the body of men which, under the name of the Exchequer Court, kept the royal accounts, were soon regarded, even when not thus occupied, as sharing the king's supreme judicial authority. The *Curia Regis* was thus a court of first instance for the great nobles, and a court of appeal for the nation.

Strong Government by Henry. From what we know of Henry's character, it seems unlikely that he cherished any high ideals of paternal government or the duty of a sovereign to his people. His view was that a nation which was well governed, and not too discontented, was the more likely to be able to pay the taxes demanded from it, and to be willing to take the field in support of its king. Accordingly, he not only put down disorder with a strong hand, earning for himself the somewhat ill-deserved title of the 'Lion of Righteousness,' but he was at some pains to fit his theory of a strong govern-



ment into the mould of the still existing English institutions, ordaining that the working of the county and hundred courts, disturbed by the rapacity and caprice of William Rufus, should be restored to what it had been in Edward the Confessor's time. Finally, with central and local authorities provided for, the king began to forge the necessary link between them by tentatively introducing the principle of judicial circuits. Hitherto the sheriff alone had represented the king throughout the country, and had exercised the royal power both in taxation and in justice. But if Henry was all unconscious of the theoretical propriety of the division of powers, he was well aware that in practice it was unwise to give any class of his subjects too much of their own way. The sheriffs had threatened to become disproportionately powerful ; and Henry struck at their power, not only by steady opposition to the regular inheritance of the office, but by establishing a rival authority within the county court itself. Justices armed with powers of both civil and criminal jurisdiction were several times sent to different parts of the country, and the foundations thus laid of the system of Henry II.

In these matters of civil government, we seem to see Henry I. planting the flower which was to bloom under his grandson. In one respect, however, the policy of the earlier king was, so far as we can judge, completely successful, while subsequent events have rather the aspect of a retrogression.

This was in a department of life where, from our impressions of Henry's temperament, we should scarcely expect to find him at his best : it was in his dealings with the Church. The importance which the relations of a king to the ecclesiastical power assumed in the Middle Ages is almost inconceivable to us who live in the days of a national church by law established. A king of that time had to face the fact that thousands of his subjects owed their first allegiance to another ruler, to whom he himself and all the nation were in some sense also subject ; who had certain rights in directing the conduct of all Christians, and, unfortunately, certain claims upon their purse ; who could, if he chose, inflict

**Mainten-  
ance of  
English  
institu-  
tions,**

**and esta-  
blishment  
of travel-  
ling jus-  
tices.**

**Ecclesi-  
astical  
affairs.**

heavier penalties upon the disobedient than any that the temporal sovereign had at command. How best to deal with the

**Their complexity.** Pope was the first part of a mediæval English king's ecclesiastical problem ; how to control, to satisfy, and to use to best advantage his own clergy, was the second.

In old English times the solution was found, as we have seen, in

**Old union of Church and State necessarily dissolved.** a union of King and Church so close and with such equality of power as almost to forestall any wish on the part of the clergy for support from Rome.

Bishops and ealdormen sat side by side in the shire court ; the thane enforced by the plain argument of force the commands of the parish priest ; archbishop

and king together endeavoured to guide the people safely through this world and towards the next. But the possibility

of this arrangement passed away with the simplicity of those early times. Church government on the one side, and civil

government on the other, became more complex, more systematic, more conscious, as it were, of their own importance.

On the Continent the study of Canon Law had begun, and the conviction was gaining ground among the ecclesiastical leaders

that the Church must be purified and spiritualised, must draw more apart from the world, in order to retain and extend her

empire over men's minds. The movement was spreading both in Normandy and in England at the time of the Conquest, and

it was hastened in this country by the difficulties which the establishment of feudal land-law and the development of the

judicial system had created in the relation of King and Church. If the clergy who held lands individually could not, on account

of their sacred functions, be subjected to the same law and discipline as the barons, clearly the king stood in danger of

losing control over a large section of his vassals. And since the bishops were not amenable to civil law, neither ought they

to declare it, as in Saxon times they had done. It can never be good government to allow a preponderating influence in

politics and in justice to a body of men who have ambitions, aims, and rules of conduct, apart from those of the mass of the

people.

William the Conqueror faced the question with his accus-

tomed grim confidence in the wisdom of his own decisions.

**William I.'s Policy.** He had come to England armed with the papal blessing, and under a certain pretence of a reforming mission to the English Church in the interests of Rome. Yet he did not hesitate to solve the first part of his problem by regulating with a firm hand the relations of his

**The Three Ordinances.** clergy to the Pope. His three ordinances on this subject are famous. No Pope might be recognised in England, no papal bull might be received, no excommunication might be issued without the royal consent.

His remedy, on the other hand, for the difficulties in the English Church itself was this : a complete separation of the ecclesiastical from the civil courts. Let the bishops

**Separation of Ecclesiastical and Civil Courts.** in future declare their own law and judge the offences of their own body ; the common law and the royal officials should deal with the rest of the nation as the country's good and the king's wishes demanded. Whether William foresaw all or most

of the consequences of his action is doubtful. He had a strong liking for order and a sincere respect for the ecclesiastical power on its own ground. These feelings were enough to draw him to a decision which was undoubtedly regarded as a wise one by the English Church—or, rather, by the Norman bishops who governed it after the Conquest. Some of its results were certainly good. The position of bishops who were tenants of the Crown was now so clearly defined that the special danger from them was gone. They did homage as laymen in respect of their temporal possessions, and in matters appertaining to these they could be dealt with as any other vassal might. The life of the Church itself, too, seems to have become—for a time, at least—both purer and nobler in consequence of its separation as a body from temporal affairs. The time of the great ecclesiastics and saints came on, the new monastic movements appeared and spread, the ignorance and grossness which had disfigured the lower ranks of the Anglo-Saxon Church in its later days began to disappear. The greatness of the ecclesiastical mission was felt even by the poorest parish priest. Among the leaders it became an all-

absorbing idea, and its disproportionate growth marks the point where the good effects of William's policy merged into the evil ones.

**Inevitable conflict of powers.** If the spiritual and temporal powers were to be erected side by side within the country, equal yet unconnected, they might partially cease to confuse but they were certain to conflict with one another. A man who was a Churchman first of all was likely soon to forget that he was a citizen. To the question, 'Do you obey Pope or King?' if we suppose him filled with thoughts of the glory of the Catholic Church, he could not but answer, 'Pope.' That danger, which had always been grave, was increased tenfold by William's decree. A second difficulty was this—that the distinction between things spiritual and things temporal was in reality an impossible one to maintain; for while many so-called spiritual things are but temporal, it is certain that all temporal things are in some sense spiritual. William can scarcely have forgotten that laymen have souls and Churchmen bodies, yet most of the subsequent difficulties may be traced to the natural consequences of that obvious fact. Could any king allow a known enemy of his rule to be raised to an archbishopric, and thus to acquire endless power over the minds of the people, without pledge of fidelity? It would satisfy few monarchs to be told in such a case that an archbishop had no temporal, but only spiritual power. Again, though the king might retain a hold, through their land, upon the wealthy ecclesiastics, there were many thousands of lesser clergy and clerks who gave no such security of orderly conduct. Were all offences committed by such men to be regarded as sins against conscience, not crimes against the State, to be punished merely by a light penance in the bishop's court?

**Temporary solution by friendship of William and Lanfranc.** These were the questions which, one by one, arose and had to be dealt with according to the capacity and the circumstances of each sovereign. During the reign of the Conqueror himself all difficulties were obviated by the perfect accord which existed between the king and the Archbishop of Canterbury. Lanfranc had been chosen by William

for his abilities, and chosen wisely. He was too statesmanlike to put the interests of the Church before those of the nation, too cosmopolitan to cherish or excite national prejudices, and too familiar with the Italy of his day, it has been suggested, to be an adherent of the Pope. He was William's best adviser in home affairs, and supported his policy in the relations to Rome. Under William Rufus Lanfranc's part until his death was to try and hold that treacherous king to some of his promises and to restrain him from his worst outrages on the Church. In the time of the next archbishop, the saint Anselm, the offences by which William earned his censure were so gross as scarcely to involve any constitutional question; but under Henry I. some of the difficulties became at last explicit.

**Henry's  
wish for  
similar  
union.**

Clearly Henry's first wish was for union and friendship with the Church, which, like the Crown, was on the side of order and the nation against disorder and the barons. One of the earliest documents of Henry's reign is his letter to the exiled Anselm, commending himself, with all his subjects, to the keeping of the ruler of the Church. But Anselm, gentle ascetic as he was, felt bound to play the part of the ambitious prelate if his

**Con-  
tinental  
dispute.**

superiors required it. On the Continent the question of papal against imperial rights was being fought out. Should chapters have the right to elect bishops independently of the civil power? Should Church councils be absolutely supreme within their sphere? Should the Pope be free to exercise at will through legates his final jurisdiction in ecclesiastical affairs? Anselm had to take his share in the dispute; and in consequence of Henry's refusal to

**Anselm.**

rescind any of the Conqueror's ordinances the archbishop again left the country—no longer fleeing from a dangerous tyrant, but retiring from the sphere of an authority which, in his view, was encroaching on the just rights of the Church. Here, however, as we have said, Henry's political capacity showed itself at its best. As soon as the

**Henry's  
com-  
promise.**

first lull in his foreign difficulties allowed him to turn his mind to the question he arrived at a decision which not only satisfied both parties for the time, but was a



model for later settlements of the relation between Church and State in England. The chapters retained their right to elect, but the election was to take place in the king's court. Henry knew enough of human nature to be aware that most people are content to lose the essence of power if they retain its form, and that the chapters would generally choose his own nominee. The archbishops were free to call councils together when they chose, but no act of such councils was valid without the king's sanction. The Pope was fully recognised as head of the Church, but no papal legate might enter England without a royal licence. The result of Henry's moderate and judicious use of the large powers he thus appropriated to himself was that the Church remained loyal to him for the rest of his reign.

**Disputed succession after Henry's death.** When in 1135 the king died, the crash that followed showed how entirely dependent upon his personality the comparatively good government had been. He had watched over the birth of a national system of administration and of justice, but he had not taught his child to walk alone. Had he indeed been succeeded without dispute by any heir, however weak and worthless, the statesmen whom Henry had trained might have

**Collapse of administration.**

carried on his work, but the struggle for the throne made even that impossible. The rival claimant with Henry's daughter Matilda, called the Empress by reason of her first marriage, was Stephen, son of the Conqueror's daughter Adela, and Count of Boulogne and Mortain. By his prompt appearance in England in the December of 1135 Stephen showed himself to have, of the two, the quicker eye for the main chance, unless indeed he was actuated by any unnecessary fears that the barons who had sworn allegiance to Matilda should regard their oath as binding. They themselves seem to have had no such thought. They divided themselves afterwards according to inclination or interest, but at the moment all were ready to accept Stephen. Even the Archbishop—no longer Anselm—disregarded his oath, though with such tremors as became a Churchman, and crowned the new king.

**Follies of  
Stephen.**

Had Stephen possessed only an ordinary share of prudence and good sense he might have won the nation to his side and held his throne without having to repel attacks more dangerous than had been constantly made on his predecessors. But though he possessed qualities which are excellent in a captain of dragoons, Stephen had no notion of king-craft, and he went the right way about to detach every element of strength in the country from his cause. His party cry should have been 'England against the foreigners,' for the people had by this time developed enough national feeling to have an honest preference for themselves above all others, and they were already disposed to regard Matilda and her Angevin husband as more foreign than Stephen, whom they had often seen before. Yet the new king made the huge mistake of bringing foreign mercenary soldiers into the country, an act which must have alienated the yeoman class in the nation more than anything else he could have done. Again, he earned the just condemnation of all those nobles who cherished any spark of patriotism, through buying with grants of the Crown lands the temporary adherence of treacherous adventurers, who 'perceived,' says the Chronicle, 'that he was a mild man and a soft.' Finally, he threw into prison, on little more than suspicion, Roger of Salisbury the Justiciar, his son, who was Chancellor, and his nephew, the Treasurer.

**Civil war  
and  
misery of  
England.**

From the year 1139, when this last act of folly was committed, Stephen was king in little more than name. The whole administrative and financial system broke down with the removal of the ministers. Matilda entered the country, and civil war broke out openly. For sixteen years the English suffered all that a nation can suffer when might is right and those who exercise it are relentless in their cruelties. Had the whole people arisen as in former reigns to the support of one of the combatants, the other, in spite of feudal support, must have been overthrown. But the misfortune of the English was that they were divided : some counties were for Stephen and some for Matilda ; and indeed the citizens of London, whose voice had always a

certain authority, inclined now to one side and now to the other. Fortune wavered between the two. Sometimes Stephen was successful and Matilda flying for her life; sometimes she was supreme and his strongest supporters were captive in her hands. Whether king or queen, however, was nominally ruler, the misery of the people endured and increased. The barons 'filled the land full of castles . . . they filled them with devils and evil men. . . . Wretched men starved with hunger . . . never was there more misery. . . . It was said openly that Christ and His saints slept.' If clergy or people had ever doubted the wisdom of the war the Norman kings had waged against the feudatories and the feudal principle, the so-called reign of Stephen was enough to carry conviction to their minds. Licence for the barons meant despair to the nation.

Several causes contributed at last to lessen the bitterness of the struggle. Leading men on both sides had died or left the country, and exhaustion had quenched the ardour of parties, especially of the party of Matilda. The clergy, too, had begun to press for guarantees of order. In the year 1152 an opportunity was given for wholesome change by Stephen's proposal that his son Eustace should be recognised as heir and should take some part in the government. Henry, son of Matilda and of Geoffrey of Anjou, had been growing up to manhood with his eyes on England and certain plans maturing in his mind. He saw his chance when it arose: he landed in England, collected a native force, and marched to confront Stephen. No blood was shed, but the stronger man prevailed, as it was well for England he should. A treaty was drawn up by which Stephen was allowed to retain the throne for his life in return for the recognition of Henry as his heir and as his chief adviser in the immediate work of reform and government. The last provision, however, had barely time to take effect, for in less than a year after the Treaty of Wallingford Stephen died, and his successor mounted the throne absolutely unopposed as Henry II.

**Appearance of young Henry.**

**His accession.**

*Leading Dates.*

	A.D.
Rising of the Barons . . . . .	1075
Oath of Salisbury . . . . .	1086
Accession of William Rufus by English aid . . . . .	1087
Accession of Henry I. . . . .	1100
Defeat of the Barons . . . . .	1102
Conquest of Normandy . . . . .	1106
Accession of Stephen . . . . .	1135
Civil War . . . . .	1139
Accession of Henry II. . . . .	1154

## CHAPTER III

## THE GOOD AND EVIL OF ROYAL GOVERNMENT

PERHAPS it is always difficult to attribute to our remote ancestors greatness in any way comparable to our own. Certainly most of us need some little time for reflection before we can realise how very powerful and splendid a monarch, in the eyes of his contemporaries, this King Henry II.

**Position of Henry II.** must have been. He was ruler, by his inheritance of Normandy and Anjou and his marriage with Eleanor of Aquitaine, of more than half France, in addition to his kingdom of England. He proposed also to bring Ireland and Wales into subjection to the English Crown, and did actually exact an acknowledgment of supremacy both from them and from Scotland. He was regarded, by reason of his descent, as head of the Angevin house which was governing Palestine, and of the Normans who had founded a kingdom in Sicily. So high was his prestige that sovereign princes from the Continent brought a suit for the decision of the English king and his council. There can be little doubt that Henry's well-considered ambition was to rule over a West-European empire, founded not, like the British Empire of to-day, upon the forcible delivery of primitive races from their savagery, but upon the divine right of kings and hereditary dukes. To this end he spent the greater part of his life in the consolidation and extension of his power in France, instead of

**His European affairs.** aspiring, as he was at one time expected to do, to the Imperial crown of Cæsar and Charlemagne. His secondary ambition was, by means of politic marriages, so to establish his children among the reigning families of Europe that not only should each one of them be well provided for, but that the power of the Angevin house



might steadily grow. Finally, he was anxious, partly as a means to these ends and partly from a natural instinct of kingship, to govern England well and secure her prosperity.

Here was work enough to fill the hands of two or three ordinary men. In the days, however, when kings enjoyed so little security of tenure, they seem to have not uncommonly developed powers corresponding in some measure to the calls made upon them. Henry II. was a man of keen intellect; he had boundless courage, both moral and physical; and, above all, his energy was magnificent. For the greater part of his reign the government of England was practically, as has been said,

**His policy in England.** a side-issue of his policy, and it was carried on, as far as the king himself was concerned, in a number of visits to this country, often separated by a residence of years in France. Yet he established on a sound basis the whole English system of government; he developed the ideas of Henry I. and evolved new ones of his own. The matters which occupied him on the Continent were difficult and complicated; yet he never lost the thread of his English policy, and to him very largely we owe it that our nation was ready so long before any other to exercise the rights of self-government. Henry was gifted with the essentially statesmanlike quality of insight, and this enabled him not only to see, as a general rule, exactly what means were the best to obtain a wished-for end, but also to choose rightly the subordinates who would assist him to carry out his plans. To this there were two striking

**His errors.** exceptions in the cases of his eldest son Henry and of Thomas à Becket. But while, on the one hand, we must allow even kings to be partially blinded by paternal affection, on the other it should be admitted that in the affair of Becket not only men but the Fates seemed to be arrayed against the unhappy Henry.

**Prosperity of early years.** The opening years of his reign, however, were unclouded by any forebodings of misfortune. After the indescribable miseries of the civil war Henry was received in England as a deliverer. The historians gleefully relate how he rapidly transformed the country from a condition of desolation into smiling prosperity; how

wolves were changed into sheep and swords into ploughshares and pruning-knives; how good men rejoiced and the wicked grumbled and ran away. Making due allowance for the loyalty of the chroniclers, enough remains to show what great things, even in his first year, Henry must have accomplished. He instantly dismissed the mercenaries who had ravaged the country in Stephen's time; he renewed the national coinage, for which in late years money issued by individual barons had been substituted; he recalled those foolish grants of Crown lands with which Stephen had bought himself treacherous friends. He restored also at once, so far as ordinance could do it, the working of the administrative system. And he set to work, after ordering the destruction of many unlicensed castles which had sprung up over the country, to reduce to submission those feudatories who refused to acknowledge his rule. The Count of Aumale, a great lord in the north, determined to defend Scarborough Castle against the king; and on the Welsh border, always the home of disorder, Hugh Mortimer refused obedience. Henry marched against both, to convince them by arguments they could understand of the advantages of royal authority, and soon succeeded in doing so. It is enough to make the indolent despair to know that even in the middle of the siege of Bridgnorth he occupied his leisure time in hearing causes and giving judgment.

**Restoration of order.**

Probably most of his earlier years were nearly as full as this. The English barons did not, it is true, openly rebel again for many years; but, on the other hand, Henry's relations with his suzerain and his vassals in France offered an almost unlimited scope for his activities. It is possible to regard the feudal system from one point of view as specially constructed for the purpose of raising controversies and affording satisfactory pretexts for war. There was the constant temptation to transform overlordship by force of arms into direct sovereignty; there was the conflict of rights residing in a single man as overlord in respect of one fief and vassal in respect of another; there was the awkward fact that the power of the immediate possessor of lands, though nomi-

**French affairs.**

nally inferior to that of his suzerain, was often practically superior, because it was on the spot. In addition to all this, Henry's relations to Louis VII. were complicated not only by the instinctive opposition between the kings of France and England, but by the fact that Eleanor of Aquitaine had been the divorced wife of Louis before she married Henry. The question of homage between them, too, was more than usually obscure, because the ancestor of Louis to whom the first Duke of Normandy had sworn allegiance for his dominions had not been King of France but Count of Paris. Under these circumstances it is perhaps remarkable that the two refrained for so many years from open war. But at this period Henry had chivalry enough to hesitate about actually drawing sword upon the man who in some relations of life was his feudal superior. He confined himself, therefore, to carrying through with a strong hand his project for the marriage of his eldest son, a boy of a few years old, with a baby French princess; to endeavouring to establish with the help of an armed expedition his wife's claims upon Toulouse; and to conquering Brittany as a provision for a younger son.

In the meantime he must have been maturing in his mind the scheme of those great enactments with which, regarding Henry as an English king, we ought especially to associate his name. Their principle was the same throughout—a steady extension of the sphere of the central authority and a steady reduction of feudal power. To William the Conqueror and Henry I. credit may freely be given for having grasped the same idea and carried it out so far as the circumstances of their time would allow. But the statesman who succeeds most completely will always be held the greatest, just as the best general is he who defeats the enemy. Henry I.'s work could not stand without him. The sapling he had planted seemed to wither away during the anarchy under Stephen; but Henry II. reared it up again so that it took firm root; and it spread indeed so rapidly that after his subjects had thankfully sheltered beneath it for a couple of generations it had in its turn to be pruned and weakened lest it should cast too deep a shadow over the country. But at least

**English  
enact-  
ments.**

the weeds which it had displaced never grew to any height in England again.

**Henry's motives.** Henry's legislation illustrates the truth that in government as in other things good practical work may be done without any very high motives for doing it. Some of his most important improvements were in the region of finance, and we need not doubt that they were carried out simply with the object of putting more money in the royal treasury—money which was afterwards expended chiefly in dowering the king's daughters and conquering dominions for his sons. Anything more completely opposed to the maxims proper to a benevolent despot it is difficult to imagine, yet in the event the nation proved to have been the greatest gainer. Henry's happy political instinct led him to obtain his own ends by means which benefited his subjects, and if at the same time they benefited him personally, that followed naturally from the fortunate identification of the interests of king and people against the baronage.

**Scutage.** Acting with these motives Henry brought about as early as 1156 one of the most generally famous of his reforms. This was the institution of scutage, a payment to be due in future from all, except the greatest, who held lands by military tenure, in commutation of their service abroad. The advantage of this, as is so often the case with a well-contrived law, was twofold. It rendered harmless a body of men very dangerous to the royal government—all those knights and lesser barons who were apt to see their best advantage in serving their immediate lord, and not the king. And it gave the king a much better weapon for offensive warfare than the one it took away. With the money raised by the exaction of a scutage he could hire a large body of mercenary soldiers, excellent fighting men, who were moreover willing to follow their leader with a devotion limited only by the capacity of his purse; whereas a feudal force was apt to begin thinking of the comforts of home when its customary forty days were over. In fact, by an agreeable irony of fate, it was chiefly by the use of these mercenary soldiers that Henry succeeded so well in the great double struggle of 1173.

**Taxation  
of per-  
sonal  
property.**

Another of his financial novelties, which came towards the end of the reign, was the taxation of personal property. England had not yet in this respect advanced beyond the early state of society which looks upon land as the only possession of value ; but Henry, whose mind was always open to new ideas, perceived that by taking a man's ' chattels ' and income also into account in estimating his liability to taxation, he would not only tap a new source of riches for himself, but he would make a distinct advance towards his goal of crushing feudal power. The law which he framed, called the Assize of Arms, ingeniously combined the attainment of these ends with that of others scarcely less important. It provided that every freeman should be prepared with the use of certain weapons, according to his income, for any war within England. And the method of ascertaining the amount of each man's wealth was by inquest, or the testimony of representative men given in the hundred court, and acted upon by the royal justices—a plan which would be un-

**Assess-  
ment by  
sworn  
inquest.**

welcome to those of us to-day who like to evade the income tax, but which was a distinct advance on the old plan of arbitrary assessment by the sheriff. Thus Henry revived the old non-feudal army for home defence, and in doing so by the help of representative bodies he marked a distinct stage in the progress of the nation towards self-government. We need not suppose that Henry II. put the matter to himself exactly in that way. Self-government was not an idea that had any particular charms for him ; his view probably was that it was better that the people should manage their own local affairs than that the barons should do it for them. The more important provision in

**Gradual  
substitu-  
tion of  
justices  
for  
sheriffs.**

the king's eyes was that the information thus collected should be acted upon, not by the sheriffs, who on account of their growing tradition of hereditary office had been recognised as dangerous to the central power, but by the royal justices only.

Certainly the maintenance of these justices, who were politically the apple of Henry's eye, was one of the most valuable and permanent of the benefits which England received



from him, while the spread of the inquest or jury system, which he regarded as a mere convenience, was the other. Many of his enactments, though by no means of the nature of temporary expedients, were aimed rather at the destruction of evils than the foundation of institutions. Scutage and the Assize of Arms inflicted a mortal wound on the custom of feudal warfare ; the taxation of personal property struck the first blow at the monopoly of power by the landowners. But from Henry's Exchequer we can trace the descent of our Law Courts, from his itinerant justices our Judges of Assize, from his inquests for enquiry and for presentation of criminals our civil and criminal juries. And in this inquest system was contained also the germ of a representative Parliament.

as providing an effective substitute for the feudal system.

The difficulty which obviously had to be faced by a mediæval ruler determined to crush feudal government in his dominions was the difficulty of providing an adequate substitute. A king of the twelfth century might very easily declare that he would suffer no other authority to compete with his, but the means of preventing it were far from being ready to his hand. If in our own day it is difficult to keep any real control over a representative at a distance, it was very much more so when there was no speedier method of communication with him than by a messenger on horseback. The attempt to spread an autocratic government over a large territory was likely under such conditions to result in nothing but the establishment of a number of small autocracies. When centuries later the feudal system rotted away in France, the so-called royal rule which was substituted was not only tyrannical but hopelessly inefficient, for there was nothing but the personal character of the king to prevent it from passing entirely into the hands of self-seeking officials. England was preserved from that danger chiefly by the ability of the Norman and Plantagenet kings. From the first they had grasped the principle that local institutions must be kept alive to co-operate with the expert knowledge which was wielded by the royal power ; and within a century they had also discovered the

means of forming a real connection between the two. The itinerant justices, members of the King's Court, whose circuits became under Henry II. a part of the regular business of government, were not merely judicial but also administrative officers. They tried accused persons and they assessed taxes; for both these purposes they relied upon the co-operation of the county and the hundred, and in all cases their decisions were supreme. Thus the principle was established, which has remained part of English political theory, that the interference of central with local authority should be occasional, not continuous; yet none the less irresistible. Henry's justices made their circuits every year or two, and during their stay in each county a salutary terror reigned in the hearts of evil-doers and a very comprehensible alarm in those of taxpayers, for a rigid enquiry was held into the offences of some men and the incomes of all.

**Itinerant justices**

**from Exchequer Court.**

Even the sheriff, whose heart it had doubtless been the custom to soften by suitable gifts, had no power against these inexorable lawyers. Then for a time the county was left to manage its own affairs; but when next the king wanted money, or the country appeared to be getting into a disorderly state, there would be another Assize, not by the same men, but by others fresh from the rules and traditions of the Exchequer Court.

**Development of the jury**

From the twelve men who were elected in each hundred to 'present' suspected persons to these travelling justices we can trace the descent of our modern Grand Jury. Yet they were not, of course, in any true sense a jury at all. Jurors, according to our view of them, must be chosen primarily for their lack of a personal interest in the matter in hand; but the early Teutonic idea, which prevailed in England until the fourteenth century at least, was the direct opposite. A number of men were chosen from those likely to be best acquainted with the circumstances, to deliver a preliminary judgment, so to speak, upon the persons suspected of wrong-doing. In the time of Henry II. the real trial of guilt or innocence was supposed to lie with the ordeal, to which the accused

**from the 'sworn men.'**

persons were put under supervision of the justices. But it is noticeable that one of Henry's Acts provides that even if a man presented as suspect by his hundred should establish his innocence by ordeal, he is nevertheless to leave the country and be regarded as an outlaw. Failure in the ordeal was enough to condemn him, while success in it was not a satisfactory acquittal: a position which would have been singularly hard for a man who was really on his trial. But in point of fact, belief in this method of appeal to Heaven was fast dying out in the twelfth century, and to take the opinion of a man's

**Abolition of the Ordeal** neighbours, prejudiced though they might be, was considered better than waiting for a miracle. In 1216 the Church gave expression to the general feeling of Christendom by forbidding the ordeal altogether; and if we looked on far enough we should find as a result of that the development of the true jury system of England. The necessity of obtaining an impartial answer to the question 'guilty or not guilty' brought about, some time in the reign of Edward III., the appointment of a second body, of quite unprejudiced persons, to decide on the cases of the suspected criminals presented to them by the 'lawful men' of the neighbourhood. This was the true jury, which decides on facts previously unknown to any of its members. After its establishment the custom gradually grew up of calling in any one who appeared to have knowledge of the matter as a witness, and so the distinction was strengthened between those who gave evidence on what they knew and those who decided on the facts laid before them.

**Civil jury developed from Norman inquest.** The civil jury followed much the same lines of development. All the Norman kings had found the 'recognition' or declaration of facts by representative men before the royal officers exceedingly useful for the decision of disputes about land, and for obtaining statistics of all kinds. But one of Henry's most valuable measures was the Great Assize, which gave every freeholder the right to use this method in dealing with any claims upon his land—a great boon at a time when other

processes of justice were so slow that might often became right in the meantime, resulting in the forcible ejection from his land of the weaker party. Throughout Henry II.'s reign the practice spread of using these recognitions before the justices for all sorts of enquiries, answering the double purpose of maintaining local activity and widening the sphere of the king's expert justice. Towards the end of the century it became the practice to employ the same set of recognitors for criminal and civil causes, a change which showed a greater desire for economy of effort than is commonly seen in those who direct legal procedure ; so that from that time forward the progress of the one jury towards its modern form included the progress of the other.

**Ecclesiastical policy ; its motives.** No one can honestly doubt that the same motives which acted upon Henry throughout his secular legislation in England led him also into his dealings with the Church. He found there serious disorder and many abuses, arising chiefly from the absence of any effective authority, and he wished, without any attack on the external glory of the Church, to restore her to a more healthy condition. This we may believe in face of the fact that Henry's action brought on the quarrel with Becket which had so disastrous an effect on the king's personal happiness and to some extent also upon his public policy. Their dispute was of course simply a continuation of the one which had arisen between Henry I. and Anselm, made **Unhappy result.** more bitter by the complexities of the time and the fiery spirit of the two men. Both king and archbishop may be acquitted of anything worse than errors of judgment and defects of temper, the more unpardonable ones certainly on the side of the ecclesiastic. Henry was conscious of the purity of his motives and impatient of opposition ; Becket, with less right to be confident of the soundness of his view because of the very short time he had held it, was as obstinate as the king and even less open to argument. And he certainly appears to have possessed the gift, less common perhaps with his sex than with the other, of doing and saying on every occasion the thing which was more irritating than anything else



could have been. Considering how little the kings of the twelfth century were accustomed to control their anger it is perhaps little wonder that matters ended as they did.

Thomas Becket was, as is very well known, a man of the middle class who was taken into the royal service simply on

the ground of his capacity for business. He was of course in holy orders, like most educated men of the time, and was presented to the king by Archbishop

Theobald, who had done more than any one else to ensure Henry's peaceful succession. Becket took up the king's cause

heart and soul, and was his right hand in all the earlier work of the reign. He took a considerable part in the restoration of

the administrative system, and also in the institution of scutage. But during the year 1162, in an evil hour for Henry,

it occurred to him to make Becket, who had been Chancellor for some years, Archbishop of Canterbury. He soon discovered that by doing so he had transformed a devoted servant

into an active and stubborn opponent. The cause of the first disagreement is obscure. It had to do

with some change which the king proposed to make in the methods of taxation, apparently intended to increase the

profits of the royal exchequer at the expense of the sheriffs. To this Becket, both as baron and as archbishop, refused to

accede ; but whether we are to regard his conduct as that of an enlightened patriot or of a bigoted obscurantist it is no

longer possible to decide. A more serious matter arose however in 1164, when Henry caused the famous Constitutions of

Clarendon to be drawn up and presented to his council.

These Constitutions were avowedly a record and a restoration of the old customs of the country in the

matters with which they dealt. They laid it down, for instance, as established law, that disputed claims to

advowsons were to be decided not in the bishop's but in the king's court, that tenants-in-chief could not be excommunicated without the king's consent, that bishops required the

royal permission to leave the country, and so on with similar matters. But the really burning questions which the Constitutions claimed to decide were two. There was the ever-



recurring problem of appeals to Rome, and that other for the existence of which William I. was chiefly responsible, of jurisdiction over the clergy. According to the Constitutions, appeals were not to go out of the country without licence from the king ; while criminal clerks were first to be degraded from their orders by an ecclesiastical court, then handed over to the civil power to receive the punishment due to their offence. For the restriction of appeals there were English precedents in plenty, since every strong king both before and after the Conquest had firmly taken that line ; but against it were the sentiment and the usage of the whole continental Church. The Pope was very ready to be a general arbitrator among kings, but had no idea of dealing with the clergy through them alone ; it was well to have two doors in every country open to the power of Rome. The provision for the punishment of criminal clerks was one for which common sense pleaded loudly, since it was impossible to conceive why a man, because he had received more education than his neighbours, should be allowed to commit a horrible crime with impunity. William I.'s ordinance had been that the civil power should assist the ecclesiastical in punishing such offences, but in practice nothing of the kind took place. It was at once a comfortable and a flattering theory for clerics that expulsion from their body was penalty enough for any offence.

Perhaps it was too much to expect that a man who had espoused the cause of the Church as warmly as Becket had done should stand by and see these reforms carried through. Lanfranc would have done so ; but Lanfranc was a statesman first and an ecclesiastic afterwards. Becket, however, may fairly be said to have taken the worst course open to him. We can scarcely wonder that to a man of Henry's robust intellect it was irritating to see his former friend, chancellor, and boon companion overcome, in consequence of having given his assent to a useful law, by a sense of mortal sin ; to hear his hysterical protestations that he would never be at ease till the Pope had given him absolution ; to see him despatch a messenger in hot haste to Rome to

**Appeals.**

**Benefit of Clergy.**

**Becket's attitude.**

obtain pardon for the offence. Henry might under the circumstances be excused for wondering whether when a man became archbishop he necessarily took leave of his common-sense. Still more irrational than his remorse was Becket's subsequent attempt to combine acquiescence and resistance, when he declared himself willing to accept the Constitutions, 'saving the honour of his order.' As that clause might be interpreted to mean anything and everything, at the pleasure of the man who used it, an acceptance so qualified was not likely to give much satisfaction to Henry: as well might an archbishop of the present day agree to Disestablishment, with reservation of all rights and privileges of the Church. The king did not care to conceal his anger. Shortly afterwards he offered Becket a direct affront by summoning him to a council, not, as was customary, by special summons, but by the ordinary writ addressed through the sheriff to the landowners of the county. At that council Becket was ordered to produce the accounts of his chancellorship, from which he had retired on becoming archbishop—a demand which, though to modern eyes it seems far from unreasonable, was apparently not commonly made to outgoing chancellors of that time. It seems, at any rate, to have appalled Becket. He expressed the wildest despair, declared himself to be in danger of his life, and fled the country. It would be unfair to accuse him of what is familiarly called playing to the gallery, but we may be permitted to suppose that he was not unwilling to appear publicly as suffering in the cause of the Church.

Henry's continental affairs, which did not in themselves grow simpler with the course of time, were now for the next few years still further complicated by the presence at different foreign courts of his exiled archbishop, issuing impotent threats and fruitless appeals, stirring up ill-feeling, constantly agitating and scheming to bring about his own restoration. Self-exiled as in the first place he was, he could not get permission to return, for Henry's resentment against him had been steadily growing, and the king was not of a forgiving temper. But, as generally happens in cases of divided

authority, the matter was at a deadlock. The king had no power to remove Becket from his office. The Pope might, indeed, have laid his commands upon Henry to receive him back ; but it is extremely unlikely that Henry would have obeyed. Thus the archbishop thundered and entreated helplessly abroad ; the English Church, knowing on which side its bread was buttered, obeyed the law ; the king went steadily on with his work at home and abroad.

**A dead-lock.** Affairs in France had occupied all this time a great part of his extraordinary energies. He was engaged in arranging the betrothals and marriages of his infant family, in making their matrimonial settlements—frequently with the aid of an armed force—and in preserving peace as well as he could with Louis VII. in face of the fact that these settlements seemed curiously often to turn out disadvantageously for the French king. As years went on the strain increased. Henry's sons grew older and more apt to resent the arrangements made for them—**Difficulties with Henry's sons.** in which it must be allowed that their inclinations were singularly little consulted ; Louis became more suspicious and Becket more virulent. At last the train was fired. It occurred to Henry, full of anxiety for the fulfilment of his plans, to follow the example of many continental monarchs by having his eldest son crowned in his own lifetime, thus securing the succession, as he thought, in one part of his dominions at least. The ceremony took place in 1170, and gave every one of Henry's numerous enemies in some way or other a handle against him. In the first place, the coronation took the principle of hereditary succession for granted, and thus provided the barons with a good excuse, in the old cry of an elective kingship in England, for the revolt they were longing for. Then the ceremony was performed in the absence of the younger Henry's child-wife, Margaret, daughter of Louis VII., and this gave him mortal offence. And it was also, of course, performed in the absence of the Archbishop of Canterbury, since he, whose right and duty it was to place the crown on every English king's head, was fully employed in hurling

threats at his old master from abroad. Roused, no doubt, to the most genuine indignation at this slight to his office, and supported by the knowledge that Louis was equally indignant, Becket redoubled his passionate solicitations to the Pope to obtain his recall, and gained his end at last. Henry, a little aghast at the storm he had raised, met Becket abroad and gave him permission to return to England. The disastrous results are well known. Becket landed, and at once began to throw sentences of excommunication about him like snowballs, distinguishing particularly the bishops who had crowned the young king; and Henry, carried away by his rage at the archbishop's intemperate folly, uttered the famous speech which led to Becket's assassination. He died with the dignity of a brave man, and for more than three centuries was honoured by the English Church as a martyr.

**Assassination of Becket.** Henry had good cause for dismay when he saw what he had done; but with his usual promptitude he set about repairing the blunder. His enemies immediately induced the Pope to send legates bearing the sentence of the Church upon him for murder and sacrilege; but, as Henry well knew, the papal court was by no means pledged to consistency in such matters, and his urgent representations soon resulted in the despatch of another body of legates bringing him absolution. Henry's part was now simply to avoid falling in with the wrong party until he had met the right one, and also, no doubt, to avoid the embarrassment of meeting both at once. He therefore crossed over to Ireland on the pretext of business, and remained there for some months, until an opportunity occurred of going abroad to receive absolution from those who were ready to give it when the king had done penance. The King of France was then pacified by a repetition of the coronation ceremony, in which his daughter received all the honours due to her; and Henry's difficulties seemed to be smoothed away. But there were two things he had still to reckon with—the discontent, under his rigid rule, of the great barons of England and Normandy, and the

**Henry's efforts.**

**Discontent of the Barons and Princes.**

enmity of his sons. The one he stamped out; the other pursued him all his life, and conquered him in the end. Both broke out fiercely in 1173, and all Henry's wonderful powers were called into action to subdue them.

The immediate cause was a request which Henry was obliged to make of his eldest son to give up to the youngest, John, a small part of his Norman territory as a marriage portion. The younger Henry refused, broke out into open discontent at his lack of independence and his father's treatment of him, and finally fled to Louis of France and took up arms against his own country and his own king. That gave the signal for a rising of all Henry's enemies. His wife and his second son, Richard, were amongst them, William the Lion, King of Scots, the Earls of Chester, Leicester, and Norfolk, supported by the King of France and the Counts of Flanders and Champagne. Such a coalition might well have seemed too strong to resist. The earls were great men on both sides of the Channel, and so were in the unusually favourable military position of being able at once to invade England and to raise up rebellion within her. Louis had all Henry's French possessions almost under his hand, while the King of Scots could scarcely miss his chance of striking a blow nearer home.

**Outbreak  
of 1173.**

**Henry's  
energy.**

Henry was saved by his great military ability and—with all allowance made—his integrity as a statesman. With that rapidity of movement which seems to be the final cause of success in all warfare, he marched upon Louis in Normandy, defeated him, and passed on to quell the risings in Brittany and Poitou. But in doing so he had to turn his back upon England, seething with rebellion and invaded by mercenary soldiers. Had the sympathy of even the upper class been with the rebels, had the nation ever doubted that the king's interest and its own were one—in a word, had Henry been a mere tyrant instead of a stern but enlightened ruler, his government might well in his absence have been overthrown. But the English held firm. Richard de Lucy, the justiciar, after making an armistice with the Scots, who were

**Loyalty  
of the  
English.**



ravaging the North, marched into Norfolk and defeated the rebel earls with the mercenaries they had landed there. Then for nearly a year the struggle was carried on with William the Lion, who committed the mistake, common to all Scottish invaders of England, of lingering to do mischief in the north

**Defeat of the Scots**

instead of marching straight on London. In the summer of 1174 he was defeated and taken prisoner at Alnwick. The news reached Henry at the tomb

of Becket, to which he had made a pilgrimage on his return from France—a coincidence which was greeted by the civilised world as a sign that the great king had received Divine forgiveness; and of this Henry, though he probably reserved his own opinion about the martyrdom of St. Thomas, was quite ready to take advantage. Within little more than a year from the time of the outbreak he was established on his throne more firmly than before, and he strengthened his claims to admiration as an administrator by the politic way in which he tempered justice with mercy. From the Scots he obtained an admission of supremacy which, if it had not been rescinded in the next reign with the concurrence of Richard Cœur de Lion, might have been useful to his successors in their designs

**and subjugation of the Barons.**

upon the northern kingdom. In dealing with the barons Henry was too wise to be severe. He did not drive them to despair by confiscation of their lands, but he took their weapon away by pulling

down their castles; and in trusting to that and to the power of his laws to render them harmless he proved himself right in the end. This rising of 1173 was the last rebellion of feudatories in England.

**Interval of peace.**

For the next ten years foreign affairs went comparatively smoothly. Louis VII. died and was succeeded by his son Philip II., who, though later on he was indeed a thorn in Henry's side, did not at once take up the tradition of enmity to the English king. However heavily Henry may have suffered during this time under his family troubles—the distrust he must now feel of his wife, and the constant strife among his elder sons—he went steadily on with his work of government in England. He also formed the

project of placing his youngest son John as ruler over Ireland instead of a French province, intending no doubt thus to identify himself and his favourite son the more with the part of his dominions which had remained true to him. John was probably too young to make it apparent that this plan, if carried out, would have been worthy of a high place on the list of the injuries which England has done Ireland, but happily for all concerned, the turn which affairs afterwards took made it impossible. In 1183 the younger Henry, whose redeeming qualities, if he had any, it is hard to find, again came into notice. His father having with some difficulty induced the younger brothers to acknowledge the eldest as their suzerain, he immediately took advantage of the position to open an absolutely unjust quarrel with Richard, winning Geoffrey, the third brother, over to his side. The king had to take arms in Richard's support, the other two found pleasure in tricking and insulting him during the contest, and Philip of France did his very best to embitter the feud. Matters would no doubt have gone far had not two events, a small one and a great one, come in the way—the death of young Henry, and the call to the Third Crusade.

**Third Crusade.** It helps to bring home the fact of Henry II.'s power and splendour that to him before all other monarchs appeal was made by the Christian world in the terrors which preceded and the utter dismay which followed the seizure of the Holy Sepulchre by Saladin. The Church passionately urged that the bickering between the French and English kings should cease, so that the latter at least might be free to use his strength in the cause of Christianity; this was the work, her messengers unwearingly repeated, specially destined for the most powerful ruler of the west. But Henry was in no haste to respond to the call thus made upon him. Probably he had never in his life been carried away by any sort of religious feeling, and for the other motives, the love of battle, the taste for adventure and intrigue, which led such men as Richard Cœur de Lion to take the Cross, Henry was now too care-worn and too old. He vented a few sarcasms on the eagerness with which Churchmen urged others on to the shedding of blood,

and he made up his mind that if he must, as he knew he must, take his share in the Holy War, he would at least do so in the way that suited him best. A commission was sent through the country, collecting heavy taxes for the Crusade, hurrying those away to take up arms who had vowed themselves to it and then repented, and contriving no doubt that all troublesome persons of whom the king wished to be rid should take the Cross whether they would or no. The nation groaned under its burdens, and for the first time was moved to a discontent that amounted to disloyalty. The murmurs reached Henry's ears, smarting as he was from the blows which his graceless sons dealt at his affection and pride, and weary of the constant pressure upon him to do more than he could; and when he heard what his subjects said of him he muttered threats which promised ill for the English people should he ever return from the journey he was on the point of making to France. Henry's spirit was darkening as he grew into an unhappy old age, and perhaps it is well for his good name that when he left England in 1188 he left it for ever.

**Heavy taxes.** The business which took him to France was nothing new: it was the discontent and misgovernment of his sons, and the enmity of the French king. One ground of quarrel was that on his eldest son's death Henry had hesitated to place the second, Richard, in the same favourable position for rebellion by obtaining for him the homage of the barons. Another was Henry's refusal to return to Philip the lands which had come to him as the marriage portion of his dead son's wife. Finally, Philip made Richard's misgovernment in Aquitaine a ground of complaint against Henry; but Richard, feeling that between the King of France and himself there was a bond in their common hatred of his father, and fearing that John was meant to supersede him, first wavered and then openly went over to Philip's side, doing homage for all his French possessions. Thus Henry, come to help his son, found himself faced after some futile negotiations by a coalition of his enemy and rival Philip with that very son. The blow seems to have stunned him, or time had robbed his

**Renewed difficulties in France.**

mind of its quickness. He hesitated to strike and lost his chance. The story of Henry's downfall, his humiliation and his death is one of the most pathetic in English history. How he fled from his enemies to his native town, Le Mans ; how he was forced to fly again from there, saw it in flames behind him, and cursed God in the bitterness of his heart ; how, proud monarch as he had been, he had to submit himself to Philip, do homage for his French provinces, and promise to forgive all who had rebelled against him ; how, when he lay dying, the news came that his youngest and dearest son John had been a leader among his enemies ; how his heart broke when he heard it, and how as he died he muttered shame on himself for a conquered king : all these things have been very often told, but repetition can scarcely blunt the tragedy of that fall from such greatness to utter humiliation and sorrow.

Perhaps it was not the custom of the twelfth century to express or even to feel any very poignant grief over family bereavements, and certainly from Richard, who had remained indifferent to his father's suffering when Philip himself was moved to pity, any such expression would have been flagrant hypocrisy. As the eldest surviving son he now succeeded to a position much more splendid than he had been brought up to expect, and succeeded to it without the slightest open opposition from anyone. The barons had felt righteous indignation when Henry by ordering the coronation of his eldest son took the doctrine of hereditary succession for granted, but that Richard should immediately assume the Crown by right of inheritance alone seems to have disturbed them not at all. No doubt they were assisted in making up their minds by the very firm attitude of the Dowager Queen Eleanor, a lady who, whatever her other qualities, was certainly of a disposition to stand no sort of trifling with her authority.

Richard's view of his duties to his new kingdom and of his kingdom's duties to him was simplicity itself. He was to seek adventure and glory on the Crusade, and England was to provide the necessary money.

**Downfall  
of  
Henry II.**

**His death.**

**Accession  
of  
Richard I.**

**His cha-  
racter,**





He was a brave soldier and an able general ; his exploits in the east won him renown all through Europe, and indeed excited the admiration of his own subjects, but beyond that their relations with him were practically limited to those created by his pecuniary needs. To do Richard justice, the object of the Crusade probably weighed with him almost as much as the desire to cover his name with glory and to rival the display of Philip II., for according to his lights he seems to have been a religious man. But viewing him simply as King of England we cannot pretend to admire his conduct. Whether Richard was merely gratifying his personal ambition or thinking of his soul's welfare he was still selfish ; he was a brave man, but as a king he was contemptible.

The arrangements which Richard made for the security of the realm in his absence illustrate the methods which it was then considered politic to use towards junior members of the royal family. He loaded his brother John with honours and titles, making him earl of several counties, while his half-brother became Archbishop of York ; and Richard then bound both of them by oath to remain out of England for three years. Brothers were all very well, but safer at a distance. The real power was divided between Hugh de Puiset, Bishop of Durham, and William Longchamp, Bishop of Ely and chancellor, the one a very splendid and powerful noble of old family and pure Norman blood, the other a member of the newer aristocracy of the law. Richard's intention in coupling them together was no doubt to prevent either interest from outstripping the other, but the result, as sometimes happens in systems of mutual checks, was a complete stoppage of both. Before the king had been a week gone his two representatives quarrelled and hastened after him to obtain a decision of their dispute ; and within a month or two Longchamp made a new settlement of his own by driving the Bishop of Durham from his position and ruling supreme. In the possession of autocratic power he exhibited all the faults of a self-seeking official. His government was corrupt, his methods were aggressive, and he very soon had the whole

and  
admini-  
strative  
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ments.

Long-  
champ and  
de Puiset.



baronage in an uproar. Such an opportunity was too good a one for John to lose. He promptly had himself absolved from his promise to Richard, and hurried back to England. By virtue of his birth he could command a considerable following, and he threw himself upon the side popular amongst the nobility by supporting certain barons who had refused to yield up their castles to Longchamp. Both parties took up arms, but before any actual battle had been fought, Richard, who had heard rumours of disturbance in his dominions, sent a very able emissary in the person of the Archbishop of Rouen, armed with full powers to settle matters in any satisfactory way.

Before he had been many months in England the difficulties approached a crisis still more acute. The Archbishop of York, who had now been exiled for some little time, thought that his turn had fairly come to be absolved from his oath, and sailed for England accordingly. Longchamp, alarmed at the appearance of this new opponent, had him summarily imprisoned, to the vast indignation, real or assumed, of John and his party. Upon this the Archbishop of Rouen found it necessary to use his powers to their full extent, to remove Longchamp from his post and himself assume the office of justiciar. To pacify those who thought that the king's brother should not be shut out from his share in the government, John was recognised as Richard's representative, but the new justiciar took care that no real power should go with the title.

In the meantime the absentee king was still playing his romantic part in the east, and at the end of 1192 came the effective, though unpremeditated, climax of the whole performance—Richard's capture by the Duke of Austria and his detention in the hands of the emperor. To see the King of England in captivity was a shock to Europe and no doubt a considerable surprise to himself. His negotiations with the emperor, however, were of the friendliest, and the result was very satisfactory to Richard; for in return for a huge ransom which his people would pay, he himself was to receive certain dominions he had long coveted. But he remained a year in prison before this

**Treason of John.**

**Richard's captivity.**

arrangement was concluded, and this was ample time for new disturbances to arise in England. John had seen in his brother's captivity and in the return of Philip of France from Palestine a golden opportunity to redress what he conceived to be his wrongs. If Richard would not entrust him with power his obvious course was to conspire against Richard, and in this Philip, whose friendship for the English king had not survived the alliance in Palestine, was a willing helpmate. For some little time John played his game of treachery treacherously, taking Philip's bribes, but refraining from action. But when the news came of Richard's expected release matters became more serious, and John set energetically about the work of winning the country over to his side. He spread the report

**Rebellion of John.** that Richard could not or would not return, he collected money and arms, he raised his followers in all parts of England.

Energetic as he was, however, his opponents were too strong for him. His mother, who had been out of the country during the earlier escapades, was there now, and ready to use her strong hand against him. Hubert Walter, an able

**Hubert Walter.** minister trained under Henry II., had returned from Palestine, and now collected against John the whole strength of the party which clung to the legitimate sovereign. The people supported him faithfully, and while they paid over

**English loyalty.** a large proportion of their property to ransom Richard, they gave his minister their help in dealing with John. Hubert Walter used against the traitor all the powers inherent in his various offices. He hurled at him all the thunderbolts of the Church and of the law, and to clinch the matter in what was no doubt the most effective way, he marched against him with an army. This was the state of

things which Richard found when he landed in England in the spring of 1194, and his presence contributed more than might

**Richard's brief visit.** have been expected to a pacification. He promptly assumed the part of an active and enlightened ruler, and played it with considerable dignity. He held courts of justice to punish wrong-doers, he filled up a great many offices in order to fill his own coffers for a war with

Philip, and before his three months' stay was at an end he had reconciled both John and the Archbishop of York with those in authority and restored the kingdom to comparative tranquillity.

**Constitutional progress.** Richard never visited England again, and the interest for us of the rest of his reign is almost entirely on the side of constitutional growth. No doubt the king's absence proved more beneficial for England than his presence could have been. He left good ministers to take his place, and the nation thus grew familiar with the idea that the government did not consist of the king alone. He carried on costly wars, and his constant demands for money gave these ministers occasion for the wider and more continuous use of methods of assessing taxes which contained in them the germ of representative government. We can thus trace during these years a perceptible progress towards two of the most vital principles of the English Constitution—the responsibility of ministers to the nation, and popular control of taxation.

**Activity of the justices.** The instructions to the commission of justices sent out by Hubert Walter in 1194 showed at once the line which his government was to take. These officers of the central court were to hear and decide all sorts of difficulties and disputes, to judge offenders and to exact taxes. And local co-operation in these matters was advanced another step by the issue of precise instructions as to the election of

**Elected juries.** the jury for the county. Two knights were to be chosen in the county court, these were to choose four more, and these again ten more. While the right kind of local authority, the representative one, was thus recognised, two blows were also struck at the wrong kind in the person of the sheriffs. They were forbidden, even if they

**Reduction of sheriffs' power.** happened to be barons of the Exchequer, to act as justices in their own counties; and the duty which had hitherto been theirs of keeping the 'pleas of the Crown' was transferred to another officer elected by the county, who in later days became the coroner. In this way Hubert Walter showed himself heir to the whole tradition of

Henry's rule. But by another ordinance of the following year he almost won the right to be regarded as the author of a whole chapter in the history of English local government. In re-issuing the ancient oath to keep the peace, by which every man swore that he would neither steal himself nor harbour thieves, and that he would help to capture malefactors, the justiciar caused new officers to be elected with the duty of seeing that those who took this oath were as far as possible

**The new conservators of the peace.** made to act up to it. These officers were called 'conservators of the peace,' and from them were developed the justices of the peace who under the Tudors and long afterwards were almost monopolists of local authority.

**Two events of interest.** In the year 1198 there were two events interesting to us in the search for constitutional development. One was the imposition of a land-tax, for the calculation of which there was to be employed a most complete system of representation of every hundred and township in the country. The other was the resignation of the justiciar under circumstances which seem for a moment to transplant us into modern political life. In this year he laid before the assembled barons and bishops a proposition, certainly audacious, of the absent king, that they should furnish him with a specified number of knights for his war in Normandy. For the second time since the Conquest a royal demand for supply was disputed. The Bishop of Lincoln took the lead by declaring that the lands of his church were liable to no charge for war outside England : the assembly followed his example, and its refusal to pay was general and absolute. Hubert Walter was obliged to withdraw his demand, and shortly afterwards he resigned the office of justiciar.

**Hubert Walter not a modern Prime Minister.** The temptation is strong to look upon the representative bodies which were to apportion the land-tax as a House of Commons in the rough, soon to be granting supplies by its own sole authority, and to regard Hubert Walter as a Prime Minister appealing to the country from an adverse vote in Parliament. This, of course, would be to read meanings into



facts which as yet they will not bear. Hubert Walter resigned his office partly because the Pope advised it, and certainly more because he was weary of his master than because the barons were weary of him. The people had no means of making their opinion known, even if they were quite sure what it was. Yet the seed was planted, and the nation became gradually aware that it would be possible to remove a minister who had offended. Again, when representatives were chosen to assess the land tax the justiciar was thinking of his own convenience, not of the rights of the people: and in every step of the progress to our modern state of things theory was evolved from practice in exactly the same way, the principle being recognised only because of the pressure of the facts. Yet the process, once begun, did inevitably reach the end we know; and the popular representatives who began by distributing a tax among their own townsmen finally met together at Westminster to grant supplies in the name of their countrymen and to determine how these supplies should be used.

**Richard's** We may be sure that neither Richard Cœur de  
**proceed-** Lion nor the man who succeeded him was disturbed  
**ings** by any idea that a new power was growing up in  
 England, which one day would be strong enough to humble the pride of his successors. Richard was occupied during the last years of his reign in a great contest with Philip of France, whom he was still unconsciously training into a powerful enemy for his brother; and had prepared a great alliance which included many of the Germanic princes. But before these new forces could be brought to bear on Philip, the coalition was shattered by the death of its chief promoter. Richard met his end, as was most fitting, not in the course of any national contest, but while engaged upon an expedition in the interests of his private purse. It is related that on his deathbed he sincerely repented of all his sins, and the list cannot have been a short one. His magnificent animal courage and romantic personal history have surrounded the name of Richard Cœur de Lion with

**His**  
**qualities.**



a glamour which it would be hard to dispel, yet surely the fundamental qualities of the man were such as we must despise. Physically he was brave, but morally a coward; he gladly faced his enemies in battle, but fled from the real duties and difficulties of life. He won a reputation for religious fervour while satisfying his personal ambitions, and a reputation for unselfishness by forgiving a treacherous brother while completely neglecting the welfare of his people. His generosity was of a kind which found it easy to forgive the soldier who tried to assassinate him, but would not spare one single humiliation to a fallen enemy. And in all probability the historians of the time would have perceived much more clearly how bad a man and contemptible a king Richard was if it had not happened that his brother and successor John was in both respects so very much worse.

According to the rules of hereditary succession John was not heir to the English Crown, because his elder brother Geoffrey of Brittany had left a son behind him, now grown to be a boy of nine or ten years. This little prince Arthur had in fact been recognised by Richard as his heir, and it is not perfectly clear why his claims were not put forward with greater firmness when the king died. It has been suggested that the boy's mother, Constance, injured his chances by the imprudent zeal with which she urged the independent rights of Brittany, her own province, for such claims could not but be distasteful to statesmen who recalled the splendour of Henry II.'s empire. The well-grounded reluctance of the time to see a child on the throne has also to be taken into account, and the fact that the

**Choice of John as King.** English had never formally yielded the right to elect their king. John was chosen as the eldest and most distinguished member of the royal family, though for what, except treason and sedition, he can have been distinguished it is difficult to say.

**Support of young Arthur in France.** Young Arthur, however, was not long in want of a champion. Philip of France soon felt himself inspired by that passion for justice which always drove the French kings to support any claim on the English dominions likely to embarrass the ruler in possession. Philip's

proceedings in this matter and their rather serious consequences form the first chief interest in the reign of John, for they date almost from the moment of his accession. Philip began by inducing Constance of Brittany to hand her son over to him, and by receiving Arthur's homage for those French provinces which had declared themselves in favour of his rule. John replied to this challenge by pulling down a town or two, and after some months spent in fencing and negotiations Philip suggested a compromise by which John was to keep Normandy and Arthur to receive the other provinces, except that the little territory called the Vexin was to be handed over to Philip himself as a reward for his labour in making this equitable arrangement. John declined, and war might have broken out if Arthur had not made matters easier for the contending kings by flying from them both to rejoin his mother. His absence enabled Philip to throw aside the pretence of acting in anybody's interest but his own, and accordingly in 1200 he effected a peace with John, no doubt intending it to last until he was ready to open the contest which had become inevitable as soon as a weak king mounted the English throne. This

**Interval  
of peace.**

peace was utilised on each side for the arrangement of domestic affairs. Both kings were anxious to repudiate their wives, as it seems to have been a passing fashion to do without the formality of a divorce. John, fated from the beginning to make the worst of everything to which he put his hand, hastily got rid of his wife Hadwisia of Gloucester in order to marry Isabella of Angoulême, and by so doing offended both the important English family to which his first wife had belonged and a powerful foreign count who was betrothed to his second. Yet John had no need to add gratuitously to the number of his enemies, for in the course of his reign a good many were destined to rise up against him.

**Renewal  
of war.**

In 1201 Philip was again free to attend to foreign affairs. War was therefore renewed, and this time without the pretence of advancing Arthur's claims. The true cause of the antagonism between the kings of France and England was now beginning to appear. National

boundaries were beginning to take something of their present shape in a good many people's minds if not upon the map.

**Its real causes.** England was coming to be regarded as a territory in itself, and the French king had begun to feel that all the land we now know as France was his by right, or subject at least to his overlordship. While Normandy alone, a province which had always been more or less cut off from the rest of France, was under the English Crown, the anomaly was not so striking; but since the great southern inheritance had come under the same sway the struggle had been deferred only till there was a weak king on the English throne or a strong one on the French. John was all that could be wished from a French point of view, and if Philip was not a very strong man he was at least a watchful and cunning one.

Arthur of Brittany had but little cause to regard his uncle with affection, but perhaps even less to feel any good-will towards Philip of France. If the one had been openly his enemy, the other was guilty of the worse offence of using him as a tool and casting him aside when the purpose had been served. But by a peculiarly sharp irony of circumstances Arthur's action at the outbreak of war did more to forward Philip's schemes than all his own diplomacy could effect. Arthur had now reached the age of fifteen years, which for a prince of the thirteenth century was almost mature, and he felt that he could no longer be expected to sit still while his elders tossed the political ball over his head. He raised an army and entered into the struggle in his own person by besieging his grandmother, the Dowager Queen Eleanor, in a castle in Normandy. After making this primary mistake of attacking the one person who might have been able and willing to support his cause, he went on to the still more fatal blunder of attacking her unsuccessfully. He was defeated and taken prisoner by John; very soon afterwards he met his death, and all Europe was certain, though no one could prove, that he died murdered by his uncle's command. Philip of France at any rate had no doubts upon the subject, or knew better than to express

**Action of Philip.**

them. He seized the opportunity of summoning John to his court, to answer, as a vassal to his suzerain, the charges both of the murder of his nephew and the misgovernment of his provinces. When John failed to appear Philip pronounced upon him the sentence most fitting to his own convenience as well as to John's offence, the forfeiture of his French dominions, and himself proceeded to fill the part of executioner as well as judge by invading Normandy at the head of an army. The province yielded to him instantly, and within a very few years Anjou, Poitou, and Guienne also, nearly the whole of the foreign possessions of the English Crown, had passed into Philip's hands.

**His conquest of John's provinces in France.**

Explanations of the rapidity of this conquest have frequently been offered by those who are anxious to give all considerations their due weight.

It has been pointed out that the northern provinces had a very weak strategical position, that they had no feeling of a vital connection among themselves or with England, and that the great baronial families which had formed a link were fast dying out. All this may be true, and yet it is difficult to avoid the conclusion that the chief reason why the provinces

were lost was that King John lacked the courage and the energy to defend them. Henry II. in the

prime of his manhood would not have let his dominions go without raising a finger to keep them, had their strategical position been twice as weak; and could the weary monarch have now returned from his grave he would have brushed aside with scorn any pretext for so betraying the cause of empire into the hands of a rival. It is at least quite certain

that by his subjects John was held responsible for the loss, and if only on that account we ought to regard the event

as peculiarly fortunate. Royal defects of character were just now of the first importance in the progress towards English freedom and self-government. It

has always been the custom to point out how much was ultimately gained in strength by our nation through the loss of Normandy and the rest; but it is just as worthy of note how much was gained by their loss through the weakness

**Suggested reasons for the loss.**

**Probable cause.**

**Importance of John's defects.**



and cowardice of John. He was already known, it is true, to have been a traitor, and he was more than suspected of being a murderer, but the barons of the thirteenth century could pass over a great deal of murder and treachery in their king more easily than only a little incapacity for the duties of a soldier. And if John had not from the very beginning lost the support of his baronage, Magna Carta might have been delayed for another hundred years.

**Second great difficulty of the reign.** While Philip overran France with his army, John was occupied in blundering into the second great complication of his reign, the quarrel with the Pope. The incidents which led up to it are familiar: the vacancy of the see of Canterbury, the hasty election by a chapter anxious to assert its independence, John's anger and unconstitutional action, the appeal to the Pope, his decision and John's refusal to submit. It is worthy of remark that each party to this dispute was guilty of undoubted sharp practice, but that the Pope alone had ability enough so to manage affairs that he gained his end. The monks hurried on their election so as to dispense with the king's consent, which he had a constitutional right to give or withhold. The king in reply induced the suffragan bishops hastily to elect, while appeal to Rome was still pending, a rival archbishop; hoping that the Pope would allow his choice to stand. Innocent III. practically obliged the proctors who came to him with the appeal to elect under his influence the man he himself had chosen. The difference was that the Pope acted after calculation, not in the heat of vanity or anger, and moreover that he selected the right man; for there can be no doubt that of the three Stephen Langton was by far the most fit to be Archbishop of Canterbury. Had John been at all less persistent in following the wrong course he would have yielded after protest to Innocent's decision, for the papal court, whatever its faults, had always been inclined to support England as against France. If Hubert Walter had been alive he might have brought his master to a wiser conclusion, but he had died a year or so before, and John, freed from the restraint



of an adviser who had some conscience and some strength, is said to have malignantly rejoiced over his death.

Upon the king's refusal to receive Stephen Langton as Archbishop, Innocent's next step was to declare England, in 1208, under interdict, and it so remained, John being obstinate, for over four years. When we consider how much misery, for a mediæval people, must have been involved in the prohibition of almost all the ceremonies of its religion, it seems remarkable that the English should have submitted for so long a time to the caprice of a ruler who was already despised. But it has to be remembered in the first place that there was enough of John Bull in the men of that time to make them tolerate the caprices of an English king, even a contemptible one, far more readily than those of an Italian priest. Again, while it was the barons who had reason to know John's weakness, it was the common people who suffered most, through their greater poverty and greater faith, from the interdict. And finally, when the bishops had fled the country, as John's threats forced them to do, his part was made easier by the laxity of the minor clergy, and by the possibility of reducing taxation while he was able to absorb the revenues of the vacant sees. The threat of excommunication came next, but even that in itself had no terrors for John, for he was troubled with no religious feeling himself, and he had lived long enough to see others flourish under the ban of the Church. But Innocent III.

**Excommunication and deposition.**

knew what he was about, and when the sentence of excommunication came it was accompanied by a threat that the Pope would declare John deposed from his throne and entrust the execution of the sentence to Philip of France. Murmurs of rebellion and conspiracy came from all classes of the people and all parts of the country. John lost nerve: it is said that he who for

**Submission of John.**

years had sneered at the wrath of the Holy Catholic Church was moved at last by the crazy talk of some so-called prophet. He yielded all the Pope's demands, recognised Stephen Langton as Archbishop, and did homage for his dominions as vassal of the Papal See.

The thrill of horror which it was once the custom to describe as running through the nation at the news of this surrender is no doubt a conception rather of the poet than the historian. The English are not easily thrilled; and moreover this tie by homage to the Pope was already familiar to them in connection with other countries which could not be regarded with contempt. Yet there was almost certainly a great deal of honest grumbling and discontent; and if any of John's subjects had been willing to forgive him much for the sake of his sturdy resistance to foreign interference, he must now have forfeited their allegiance for ever. In the thirteen years of his reign

**The King's  
isolation.**

John had contrived to snap almost every tie that bound his people to him. The alliance between Church and Crown, unbroken, in spite of disputes between individuals, since the Conquest, was shattered by the king's brutal treatment of the clergy, by his rebellion against their spiritual head, and by his seizure of their revenues. From this time the whole influence and force of the only educated body of men in the country was transferred from the side of the central government to the side of the people; and the importance of this change, in the struggle with the royal power which was now just beginning, can scarcely be exaggerated. Instead of the loyal support of the native Church the Crown had gained only the half-hearted help of the papacy, which had always its separate interests to consider, and which became in a few years so lamentably corrupt that to their instinctive distrust of its authority the English soon added a very hearty contempt. By this too complete submission to Rome and by his previous misgovernment John had alienated also the sympathies of the people, who had stood so firmly by his ancestors in their struggle with a turbulent baronage. As for the barons themselves, their grievances were to a great extent the same as those of which they might have complained under stronger kings, although their aim in demanding redress was no longer the destruction of all law. They protested against the heavy taxation, against the retention of their licensed castles, against the unsparing use of the royal privileges in wardship and marriage. And when John, who moved in an atmosphere

of trickery, did still worse—when he exacted heavy aids for war, and then shrank from the battle; when he called upon his vassals for foreign service which they did not owe; when he broke promise after promise of reform—then the barons grew ready to rise in revolt: no longer, happily, as feudal lords fighting for themselves alone, but taking their place as the natural leaders of the English people.

**Quarrel with the Barons.** The immediate cause of quarrel was John's demand, immediately after the reconciliation with the Pope in 1213, that the barons should follow him to France to make war upon Philip. These proud earls had no wish to be tricked and shamed again, and they refused, as they were constitutionally right in doing, to give military service outside their own country. John flew into one of those fits of uncontrollable passion for which his family was famous, and hurried off to Durham, apparently with the intention of inflicting personal chastisement on the northern nobles, who

had been foremost in resistance. **Stephen Langton.** Stephen Langton, just consecrated archbishop, found that his office already made demands upon him in the character of peace-maker. He hastened after John, eager to soothe the royal fury; and evidently succeeded, since no sanguinary measures resulted from John's expedition. More important were the events which took place in his absence, for they showed how great an advance the baronage had made since the days of William and Robert. The justiciar Geoffrey Fitz-

**Councils at St. Albans** peter called together at St. Albans the first council there had been in England since the Conquest which made any attempt to be really representative. It contained, besides barons, clergy, and knights, a number of men called in from the townships on the royal demesne. Here grievances and remedies were discussed, and, with the simplicity which so often strikes us as characteristic of mediæval statesmanship, the leaders came to the conclusion that what was really wanted was a return to the laws and customs of

Henry I. Langton, on coming back from the north, **and at St. Paul's.** took up this idea with enthusiasm, and at a council called at St. Paul's shortly afterwards he actually

produced from somewhere the charter issued by Henry I. on his accession, which subsequently formed the basis of the barons' demands.

After the two councils, however, came one of those long pauses in the march of events which are so common in mediæval history, and which it is so impossible to imagine as occurring in a similar crisis to-day. For over a year nothing more was heard of revolt or reform. John went to France and worked hard at forming alliances against Philip, while in England, we may suppose, things went on very much as if the throne had been occupied by the most law-abiding of kings.

**Battle of** In all probability it was the battle of Bouvines, where the forces of England and her allies from  
**Bouvines.** Germany and the Low Countries were crushed by the power of France, which in the following year really brought the matter to a head. The barons met together at St. Edmunds,

**Formulation of** and formulated certain demands for redress of griev-  
**grievances.** ances, which were presented to John, and which he promptly refused to consider. The malcontents were not, however, to be overawed into withdrawing

a single one of their articles, and John, pinned to the wall by the fixed determination of an armed people—that power which no English king ever had means ultimately to resist—was forced into a display of wriggling most unbecoming to the royal dignity. He appealed separately to each of the leading barons, he besought the Pope's assistance, he assumed the Cross to make his person sacred from the hand of every

**Collapse of John's** true believer. But all to no purpose. The barons, with a fine disregard of irrelevant considerations, collected their forces and prepared to convince the king of the justice of their claims. John's resistance suddenly collapsed, and in the June of 1215 he signed the Great Charter.  
**resistance.**

**Magna Carta:** That the granting of Magna Carta marked an important epoch in English constitutional history is one of the few traditional beliefs which further inquiry does not oblige us to renounce. This treaty between king and people served to arrest—and only  
**its great importance.**

just in time—the flowing tide of despotic royal power. It formed a basis for the programme, so to speak, of the popular party during the next hundred years. It stated clearly and definitely the theory of those rights to which Englishmen had really been clinging when they cried out for a return to older laws—the theory which proved so excellent a basis upon which to build up a free constitution. From inspection of the Charter itself it is, however, extremely difficult to see how such great results can have been due to the enactments which we find there. We expect a declaration of the rights of the people, and we find a series of propositions apparently formulated in the feudal interest. We look for sweeping measures of reform, and we find no word of anything which could have much astonished William the Conqueror. It is, in fact, very hard for us who live in the modern atmosphere of unceasing legislation to grasp the old conception that the good time lay behind and not before. We are continually hoping to improve ourselves, and are angry with the statesmen who stand still. Our ancestors required to be very firmly convinced by experience of the benefit of a change before they would welcome it, and looked with suspicion upon anyone who they feared might rob them of the political happiness which, with curious obtuseness, they believed themselves to be enjoying. Perhaps it is still more difficult to put ourselves into the mental atmosphere of a time when the English constitution did not exist, when trial by jury would have seemed highly revolutionary, and the idea of a House of Commons had never even been suggested. The ideal of good government for men of the early thirteenth century was simply a well-administered feudal system, modified, for the sake of the smaller freemen, by the introduction of royal justice as Henry II. had made it and left it. This is what is provided for in Magna Carta. The exchequer judges are to continue their circuits: it is perfectly clear that the barons no longer desired to live without any law but their own will. But the most famous clauses of the Charter must undoubtedly be read by the light of an under-

**Character of its provisions.**

**Ideal of the period a modified feudalism.**

**The great clauses:**



standing of feudal customs. 'No scutage or aid shall be taken in our kingdom,' promises the king, 'except for the ransom of our person, the knighting of our eldest son, or the marriage of our eldest daughter, save by the common council of the realm.' And in Clause 14 he goes on to define this council: 'We will summon the archbishops, bishops, abbots, counts, and greater barons' singly, and in general through the sheriffs 'all those who hold from us in chief.' Here is the purely feudal council, with no whisper of anything more democratic. The other famous article is weighty indeed, but in no degree more modern. 'No free man shall be taken, or imprisoned, or disseised, or outlawed, or exiled, or attacked in any way, and we will not go or send against him, except by the legal judgment of his peers or by the law of the land.' We, to whom every commoner is the peer of every other, are apt to read hastily into this an ordinance for universal trial by jury. But criminal trials by jury were not in use in England for many years after this time; and what the article really lays down is that every free man—who is, of course, a holder of land—shall be tried in the court composed of his brother tenants, unless his case is already met by the ancient customs of the country. And if these great ordinances must be regarded in this way, so much the more must the greater part of the Charter—the part concerned with such matters as fines, reliefs, wardship and marriage, castles, forests, the rights of heirs, and the duties of guardians.

But there are two things in particular which have to be taken into account for an understanding of the importance of Magna Carta. One is that the spirit of those who drew it up was patriotic and unselfish. Thus while the barons stipulate that the King shall not arbitrarily exact aids from them, they also provide that they themselves will not arbitrarily exact any from their tenants, or of an unreasonable amount; and if barons, clergy, and freemen are not to be fined to an unjust extent, neither is the villein to be so fined as to deprive him of the means of livelihood. The interests of the ordinary freeman are safeguarded also, so far as may be, with regard to such things as the sheriff's right of

Two considerations.  
Spirit of the Barons.

purveyance, or seizing goods for the King's consumption, the freedom of the county court, the ordinary taxation in the shires, the system of weights and measures, and freedom of travel for merchants. The subsequent conduct of these barons was selfish and unworthy, but the Charter can by no means be considered as designed to promote the interests of their class alone. And the other consideration which must not be left out of sight is that the beneficial effect of a law commonly depends

**Elasticity of the enactments.** much less upon its terms than upon its administration. When the facts of government in England had obviously outgrown the provisions of Magna Carta as first conceived, these were still found elastic enough to fit the new state of things. When trial by jury had taken the place of trial by fellow-tenants it was unconstitutional to 'in any way attack' a freeman without it; when the 'common council of the realm' included a House of Commons, that house inherited one by one the rights of the old feudal body until in vital matters it displaced it altogether. And without doubt the rapid progress of these changes in the fourteenth century would have been immensely more difficult, if not impossible, had the Charter not been there to mark the boundary behind which constitutional custom might never retrogress.

#### *Leading Dates.*

	A. D.
First levy of scutage . . . . .	(circ.) 1156
Constitutions of Clarendon . . . . .	1164
Assize of Clarendon . . . . .	1166
Murder of Becket . . . . .	1172
Great revolt of the barons . . . . .	1173
Assize of Arms . . . . .	1181
Accession of Richard I. . . . .	1189
Appointment of 'conservators of the peace' . . . . .	1195
Resignation of Hubert Walter . . . . .	1198
Accession of John . . . . .	1199
Loss of Normandy . . . . .	1204
The Interdict . . . . .	1208
Magna Carta . . . . .	1215

## CHAPTER IV

## MISGOVERNMENT AND THE PROMISE OF THE REMEDY

**Confusion after the publication of the Charter.** IF the articles of Magna Carta are at first sight disappointing, very much more so is the narrative of the events which immediately followed its publication. It is clear that the treaty was scarcely for a moment felt to be a pacification. The year that elapsed between its signature at Runnymede and John's death was one of complete chaos in England, chiefly due no doubt to the character of the king, but partly also to the provision in the Charter which most clearly overstepped the limits of ancient custom. The last clause, which had seemed necessary to the enforcement of reform, provided that twenty-five barons should be deputed to watch over John's actions, and that if these should detect any evasion of his obligations active resistance from the whole baronage was at once to be authorised. This was by no means happily conceived, for an executive council of twenty-five was unlikely to be long at harmony with itself, and the idea of legalised revolt could not but be attractive to every malcontent. The king, of course, was wild with rage over his defeat, and the barons proportionately jubilant over their victory; and while he could not bring himself even to attempt to govern under the conditions now imposed upon him, they had no idea of exercising their new powers with moderation. The Pope made matters worse by declaring at John's request that his promise did not hold and that the Charter was annulled, a proceeding which was unworthy of the judgment of Innocent III., and showed where the inspired ecclesiastic who believes that in submission to him lies the whole duty of a ruler must fail as a statesman. The appeal to arms

which had so nearly taken place before the signing of the Charter came after it with increased bitterness on both sides. John played his part for some months with considerable skill, showing military ability for almost the first time in his life, and gradually attracting to himself the growing party of malcontents among his enemies. But before he had time to strike any crushing blow a new leader was provided for the barons by the appearance in England of Louis, Dauphin of France. Those who had gone over to John deserted him again in favour of this new candidate for the throne, and the King of England had been for months reduced to the condition of a captain of irregular soldiery when in the October of 1216 he died, and in dying dealt a fatal blow at the cause of his rival. It is indeed a tribute to the utter worthlessness of John's character that it should ever have occurred to his subjects to place a foreign prince upon the throne. Birth upon English soil was not, of course, of the first importance in the view of a nobility among whom there were still so many Norman names, but it would have suited ill with their pride for England to have been regarded in any sense as a province of France. That there was no real enthusiasm for Louis was shown clearly enough, however, by the rapid transformation of affairs when John died and his infant son Henry, who could scarcely as yet be tainted by his father's evil example, was declared king. The child was at first hastily crowned by the small party which had steadily adhered to John, at the head of which was William Marshall, Earl of Pembroke ; but within a year his following had so grown at the expense of the Dauphin's that after a French relief force had been defeated by the English navy Louis left the country, and Henry was generally recognised as King of England.

The ensuing years, when Henry III. was a child in the hands of his ministers, form the only period in his reign during which the royal authority was anything more than the instrument of stupid tyranny and misgovernment. William Marshall, who was appointed *Custos Regni* by the barons, held power until his death

**Civil war.**

**Arrival of the Dauphin.**

**Death of John and accession of Henry III.**

**Good government by William Marshall.**

in 1219, and did all which in the face of such difficulties could be done to restore order. The French army had gone, but traces of a foreign invasion remained in the persons of such men as Fulkes de Breauté, who saw no reason for abandoning a profitable venture because the Dauphin had withdrawn his claim upon the Crown. William Marshall had to subdue these and their followers, to conquer the habit of disregard for law grown up among the people while their king was the most lawless of all, and to preserve peace amongst a nobility each member of which had been tempted by recent events to think himself as capable as any one else of wielding supreme power. One of the Protector's first steps in his work of restoring the administrative system was the re-issue of the Great Charter. This was no doubt regarded as a pledge of general good government; but an interesting commentary upon the idea that Magna Carta had been an immediate remedy for all evils is suggested by the fact that in this re-issue the vital clauses concerning taxation by consent were omitted, and omitted apparently without exciting the smallest opposition. The Protector was too hard pressed to hamper himself with constitutional observances, and as for the barons, it was natural that they should be less eager to lay shackles on the royal power when that power was in the hands of a deputy elected by themselves.

**Attitude  
of papal  
party.**

William Marshall, and for some years his successor Hubert de Burgh, received the support of a party whose disproportionate power was one of the evil legacies of John to his son and his people. The adherents and emissaries of the Pope enjoyed during this reign a period of such prosperity as had never been theirs in England before and was destined never to be theirs again. The legates Gualo, Pandulf, and Otto, successively despatched from Rome to England, were backed by the whole body of monks in the kingdom; they wielded both money and influence, and to some extent they played the part of arbitrator between the foreign party headed by adventurers and the national party led by the ministers. In the light of subsequent events it is perhaps not too uncharitable to suppose that the influence of the papal party was at first thrown upon the side of the minis-



ters rather through its own need for a settled government than from any love of justice in itself. The choice during the king's minority was between the rule of William Marshall or Hubert de Burgh and an anarchy from which it would have been difficult to extract papal dues or contributions of any kind. Between the years 1220 and 1230, however, the Roman party, which was steadily becoming more and more unpopular in the country, began itself to feel the need of help, and turned to look for it among the foreigners. That defection

was the last straw which made de Burgh's burden too heavy for him to bear. He was a man who brought both ability and energy to his thankless task. He had taken arms against Fulkes de Breauté, who tried to play the old game of fortifying castles; and his influence had kept Peter des Roches, the other foreign leader, out of the country for many years. But difficulties rose up against him on every side. The French war, which smouldered on through the whole of this reign, bursting every now and then into flame, was an almost insoluble problem for a responsible government. To prosecute it energetically achieved little and involved heavy taxation; to withdraw from it was a disgrace in the eyes of a baronage which had more regard for its own pride than for the nation's purse. The jealousies among these barons themselves, foreshadowing the bitter struggles of a later century, were another terrible obstacle to a ruler who held his power by consent of his fellows. And, greatest misfortune of all, Henry III., 'the waxen-hearted king,' could not well be prevented from growing up to manhood and assuming the power which was admittedly his. In 1232 Hubert de Burgh yielded

to the combination of forces against him and resigned his office. The immediate effects upon the country were disastrous indeed, since this change inaugurated the era of Henry's personal misgovernment. But in a broader view de Burgh's retirement must be reckoned with other events of the time as having helped to foster that new conception of government which, as we have seen, had probably been suggested in the time of Richard I.'s wanderings in the East, but which must have been steadily developing during

**Difficulties of de Burgh.**

**His resignation.**

Henry's long minority. This was the conception, essential to the growth of a free people, that authority did not subsist in the king alone, but was delegated to ministers who were subject to the criticism and attack of the nation.

**Minis-  
terial  
system.**

Little interest or importance attaches to what may be called the external events of the years between the settlement of the country and the outbreak of the Barons' War. Henry was married in 1236 to Eleanor of Provence, who brought innumerable poor relations in her train to England. In 1242 he made a campaign in France, of which the object was obscure and the result humiliating. But the whole significance of the reign lies in the long struggle between a king born to a fondness for arbitrary rule and a nation awakening to the possibilities of freedom. Henry III., when he grew to manhood, seized upon the reins of government with the confidence of a vain man and clung to them with the obstinacy of a weak one. Whether he had the mental energy to evolve any definite plan for the assumption of absolute power is doubtful, but it is certain that all his inclinations drew him that way, and equally certain

**Signifi-  
cance of  
the reign.**

that he adopted the very worst means for attaining his end. He surrounded himself with foreigners because he had a personal preference for them, and so aroused not only the political antagonism of the English, but every fierce national prejudice as well. He maintained firmly his adherence to Rome; and since the papacy was so little loved in England that even submission to a good Pope met with scanty favour, subserviency to a rapacious one was still less likely to be popular. Finally, Henry consistently squandered his own and his people's money. Whatever a strong king might have been able to do, no weak one could now levy universal taxes without the consent of the assembled barons, and the result was that the character in which Henry most commonly appeared before his people was that of a beggar who could not account for the disappearance of his last dole.

**Royal  
policy.**

We are very apt to speak of the wild and turbulent medi-

æval baronage, and no doubt the attachment of this thirteenth century aristocracy to existing institutions was considerably less marked than is that of the corresponding classes to-day. Yet in reading the records of the years between 1232 and 1258 it is impossible not to feel that these barons had in them after all much of that distaste for extreme measures which is so characteristic of the modern British citizen. For a quarter of a century they allowed themselves to be robbed, cheated, and tricked by a king, personally incapable, who was not in the position of a professed despot, with an army behind him, but had no protection except the traditional loyalty of his subjects. The barons gave what the historians describe as angry answers; they indulged in trenchant criticisms of the royal policy; they enlisted Henry's brother Richard of Cornwall on their side to remonstrate against the oppressive taxation. But they yielded nevertheless again and again to the king's demands; even when about the year 1240 a foreigner was made archbishop; even when the papal legate demanded a fifth of the Church revenues for his master's war against the Emperor, natural ally of England on the Continent—even then the crisis was delayed and swords remained undrawn. Yet behind these barons was a nation through which discontent was steadily spreading; not, as in former days, discontent under feudal oppression, but under a royal policy which left the poorer people helpless in the hands of the greedy money-grubbers from Rome. The weak place in the patience of any nation, perhaps more particularly of our own, is to be found in the region of its pockets; and familiar as this truth should be to every man whose trade is politics, it seems to have been forgotten for the time by both King and Pope. Gregory IX. and his successor Innocent IV. were apparently misled by the simplicity of the means they used to extort money from England, and supposed that the game could be played for ever. One plan was to use their divinely appointed authority to command the investiture in English benefices of numerous followers of their own, who never even saw the flocks whose

**Conduct  
of the  
Barons.**

**Feeling  
of the  
nation.**

**Papal  
extortion.**

spiritual pastors they were, and who no doubt found it convenient to divert a portion of their revenues into the papal treasury. Another device was the famous one of selling pardons and indulgences to the ignorant. Another, simpler still, was to demand a large proportion of the property of the clergy, to hand over a part of the proceeds to the king if it was considered necessary to conciliate him, and to absorb the rest. In later years the nation prepared a tolerably effective reply to such demands, but in the meantime it could only protest with a sort of amazed dismay against this new kind of calamity. In 1240 the rectors of Berkshire became articulate in a reply to certain requests of the papal legate, earnestly drawing his attention to the absence of Biblical authority for the maxim, 'Whatsoever thou shalt exact on earth shall be exacted in heaven.' Grosseteste, the famous Bishop of Lincoln, thundered unceasingly against the organised system of robbery

**Useless protests.** by which more money was actually poured into the pockets of the Italian adventurers than found its way into the royal treasury. His protests were not and could not be to any purpose, for no mediæval people could defy the Pope so long as their king went hand in hand with him, anticipated his wishes, trembled at his threats, and delightedly shared in the profits of his tyranny. But, unfortunately for Henry and happily for his subjects, they became at last fully aware that since the king was not for them he was against them. They were powerless at Rome, but they could strike a blow in England.

**Importance of Henry III.'s attitude.** If we are to thank King John for the incapacity which gave us Magna Carta, the perversity of Henry III. must equally deserve our gratitude for forcing the nation into a practical application of the Charter's principles. He might have won the hearts of the common people by protecting them while he oppressed the rich, but instead of that he permitted disorder even though his government was tyrannical. He might have distracted the attention of the nation by a vigorous effort to recover the French provinces ; but his foreign policy was so feeble that only the forbearance of the saintly King Louis IX. prevented

the loss of the small remaining English territory. He tried to play a dashing part by accepting the kingdom of Sicily for his second son Edmund ; the only result was that he became indebted for a huge sum of money to the Pope. Above all, Henry conclusively proved by his repeated perjury and deceit that some better security must be given for good government than the royal word, and he helped to make it clear that that

security must be, first, the control of the public purse, and second, power over the ministers. These two things are the foundation of our constitution, and we can see the leaders of the popular party groping after them in the latter years of Henry's rule. In 1244 the lords and prelates agreed together, though they were finally unable to carry their point, that no grant should be made to the king until he had appointed a justiciar, a chancellor, and a treasurer such as the assembly should approve, and moreover, that the money granted should be spent according to the advice of a committee of the barons.

In 1255 the assembly definitely refused aid, on the ground that it had not been called together in the manner laid down by the Great Charter. In 1258 matters seemed to have come so completely to a dead-lock that the king, whose creditors were impatient and whose resources were quite exhausted, saw

nothing for it but to put himself in the hands of the barons and to agree in advance to any reforms they might choose to make. In June of the same year, the assembly known as the Parliament of Oxford came together and passed the first of the reforming measures which led up to the civil war.

The history of the next few years is connected in everybody's mind with the name of a man whose character has been the subject of one of those numerous historical discussions which are incapable of a satisfactory conclusion. Was Simon de Montfort a daring adventurer or a self-sacrificing patriot? The data for a positive reply do not exist ; because the question involved is not what de Montfort did, but what his motives were in doing it. His actions we know, and by them it will be safest in the end to

**Develop-  
ment of  
consti-  
tutional  
prin-  
ciples.**

**Parlia-  
ment of  
Oxford.**

**Simon de  
Montfort.**



judge him. It is, of course, perfectly clear that his political attitude changed absolutely during the years in which he is a figure in history. In 1237 he is spoken of by the historian Matthew Paris among the king's counsellors who were 'of ill report, mistrusted,' and 'hateful to the nobles of England'; in 1263 he was the popular champion, and the first to take up arms against the Crown. In the interval he had had bitter personal quarrels with Henry; but he had also watched with the eyes of an able administrator the helpless misgovernment and capricious tyranny under which England suffered. If de Montfort was a mere adventurer, bent on keeping the winning side, he is not the only man in history or politics who has contrived to make his convictions follow his interests. If, as it is pleasanter to believe, he was an open-minded and patriotic statesman, he had seen enough in these thirty years to change the opinions of the firmest adherent of despotic power. His family history and early career were against him in the eyes of his contemporaries, and with some reason, for it is not easy to see from what source he could have drawn an enthusiasm for English constitutional liberties. Though he held the English earldom of Leicester he was not, of course, an Englishman at all. His father, the leader of the famous crusade against the Albigenses, had been a professed soldier of fortune, and moreover was at one time considered as a possible candidate against John for the English throne—a fact which was probably remembered in after years against his son. De Montfort himself had been a royal favourite, had married the king's sister under circumstances which threw some doubt upon his integrity, had quarrelled with his master and left the country in consequence. In the later years of the reign he was, however, sent to govern Gascony. Henry took the worst course that any ruler can take, by hampering while he was unable to direct the action of his representative; and de Montfort showed considerable talent for government; yet it does not by any means appear that he was tender of the rights and privileges of his subjects. But the gap in our knowledge comes here, and we can scarcely venture to say what it was

that caused the popular party to select the Earl of Leicester for their leader when in 1258 the king and the barons stood actually face to face. Certainly the choice coincided with the moment of de Montfort's most acute personal discontent, but also with that of England's greatest need. That the nation believed in him then, and did so to the last, is the fact which must chiefly incline us to the highest estimate of his character ; for whatever blunders the people may make, they do not commonly choose a hypocrite for their champion. And we must always remember that in the end de Montfort died fighting for his cause.

**Negotiations.**

In 1258, however, some years of tangled negotiation had still to pass before the appeal to arms.

Proceedings began by the presentation to the king of a long list of grievances for which redress was required. This document, known as the Petition of the Barons, dealt with such matters as the king's abuse of his feudal rights, the oppressive practices of the sheriffs in exacting fines and holding illegal courts, and other similar defects in the administration. The king having bound himself beforehand to agree to whatever might be proposed, all that was necessary was to find some means of obliging him to keep his word. It was decided to elect a committee of twenty-four, chosen equally from the royal and baronial parties, to create some sort of provisional constitution and to define more accurately the necessary reforms. The leading representatives on the barons' side were Simon de Montfort, Earl of Leicester, and the Earl of Gloucester ; on the king's side they were of course chiefly aliens. This committee then drew up, under the title of the

**Provisions of Oxford.**

Provisions of Oxford, a singularly clumsy and unworkable constitution, which provided for the election by elaborate systems of cross-voting of three more committees to watch over the different departments of government, and which involved an inordinate amount of taking of oaths by everybody in authority. The creaking of all this machinery is a sufficient sign that the system could never have stood, and it is little wonder that a few years

brought about its fall. But it should not be forgotten that the problem with which these unpractised politicians had to deal was really an insoluble one. The executive power could not be controlled until it was dependent for its existence upon the nation. In the thirteenth century the king was still the supreme executive, and his existence remained, however many committees were set to watch over him, independent of the wishes of his subjects.

Under the Provisions of Oxford the original twenty-four were to complete their work by drawing up an exhaustive list of the reforms to be carried out by the new administration when its members had all made their arrangements for checking one another's freedom of action. The zeal of the barons for good government seems however to have evaporated to a great extent when they had got the power into their own hands, and they needed a sharp reminder from the king's eldest son, Edward—who was now of an age to show his great statesmanlike qualities—and from certain representatives of the knights and gentry, to urge them on to their work. At the end of the year 1259 they produced the Provisions of Westminster, which were an enlargement of the original petition made at Oxford, and to which Henry, who knew that in his position he need never be hampered by an oath he did not want to keep, gaily swore obedience. The king then adopted the wise course of absenting himself for a year or more from the country, leaving his enemies a clear field to disagree among themselves. This they promptly did, and a long quarrel ensued between the Earls of Leicester and Gloucester, in which the fact that young Edward supported de Montfort is a good reason for believing him to have been in the right. In 1261 Henry thought that the time had come for repudiating his promises. He therefore obtained papal absolution from his oath, and declared himself free of all obligation, disregarding the remonstrances of his more scrupulous son. In 1263 both parties took up arms, and the year was occupied with intermittent fighting, until in December it was generally agreed to submit the dispute to the arbitration of Louis IX., King of

**Position of the executive.**

**Inactivity of the Barons.**

**Civil war and arbitration of Louis IX.**

France. After a very short deliberation the arbitrator declared the Provisions of Oxford to be null and void and all power to be restored to the Crown.

**His error.** St. Louis must undoubtedly be given credit for having decided justly according to his lights; but he was probably lacking, like many other worthy and useful persons, in the capacity to understand circumstances fundamentally different from his own. He conceived himself to be dealing with a dispute between royal power and unruly feudalism, and decided according to that conception. This settlement of the dispute, however, simply brought about a result which we cannot but believe would be a great deal too common under any general system of arbitration. The dissatisfied party declined to accept the decision, and continued the struggle. The incident was unfortunate. It alienated Edward from de Montfort, and threw a certain discredit on the cause of the barons. But the crime of submitting without question to such an award could scarcely have been less than the crime of resisting it. De Montfort proceeded to justify his position by force of arms, and did so to such good effect that after the Battle of Lewes, in 1264, where both Henry and Edward were taken prisoners, he was for all practical purposes ruler of England.

**Battle of Lewes.**

**Government of de Montfort.** But it was, of course, no part of de Montfort's plan to dispense with the form of royal government; and so revolutionary a proceeding would indeed have accorded ill with his position as champion of ancient rights. Writs were issued in the king's name for the appointment of conservators of the peace, and for the summoning of four knights elected in each county to the assembly of magnates which was to consult upon the state of the realm. It was decided at this assembly that the king's actions should now be guided by a committee of nine, to be nominated by the three leaders of the baronial party—de Montfort, the Bishop of Chichester, and the Earl of Gloucester. In other words, these three men were to exercise absolute control over the government. The situation was a precarious one; for even if the three could agree among themselves it



was certain that jealousies would arise among the rest of the baronage and invite the king's party to a renewal of the struggle. The Pope tried to complicate matters still further by sending a bull of excommunication to the barons ; but the ecclesiastical thunderbolt was intercepted by the citizens of Dover and irreverently dropped into the sea. Nevertheless, de Montfort was plainly anxious to strengthen his position by every means in his power. There was some talk of another reference to King Louis, who perhaps by this time was more awake to the realities of the situation. And, urged by the same anxiety to get all the support he could, de Montfort called together at the end of the year 1265 that **Parliament of 1265.** assembly which, when all allowances are made, forms an important link in the historical chain connecting local with national representation. It was not the origin of popular representative government, for knights elected in the shires had been employed constantly upon local and occasionally upon national affairs. It was not a model English Parliament, for it actually represented de Montfort's party merely, not the whole nation. But it did contain one element which was new in such assemblies, and which was afterwards to prove itself vital. It contained two burghers from **Burgesses summoned.** each of certain towns—summoned no doubt chiefly because the towns as a whole were favourable to the Earl of Leicester's government, partly also because they had more money to give than the small landowners ; but summoned, at any rate, as they had never been before, and providing an all-important precedent for the great legislator who next occupied the throne.

**Action of Edward.** In this Parliament young Edward, who seems to have been gradually taking over from the incapable hands of his father such functions as were still left to the Crown, entered into some sort of agreement with the baronial leaders. What exactly the transaction was it is not easy to say. It cannot have been a complete reconciliation, for Edward, though too much inclined to stand upon the letter of the law, was incapable of an openly dishonourable action ; yet we find him early in the following year escaping from the



restraint in which he had been placed and taking up arms once more. At the same time a quarrel broke out between de Montfort and the new Earl of Gloucester, and these two events seemed to give the signal for the downfall of the great Earl's power. If, as this feud with a young man who had been his firmest adherent seems to show, success had begun to have its evil effects upon de Montfort's character, it is perhaps well that the end came as it did. When in this same year he fell fighting on the battlefield of Evesham, his fame was untarnished in the people's eyes, and their cry was, 'This man like Christ sacrificed himself for the world.' And the good that he had done did not die with him. King Henry<sup>III</sup> of course reassumed his royal power, all de Montfort's acts were declared invalid, and for a time it seemed that it would go hard with those who had supported him; but resistance was still so strong that by the middle of the year 1267 the king had seen fit to accept on easy terms the submission of his enemies, and a Parliament had affirmed as a statute almost all the demands of the original petition of the barons. The next generation lived in an atmosphere of good government which we cannot doubt was partly an outcome of the great rebellion under Simon de Montfort.

To bring the drama to an effective close Henry's<sup>III</sup> death should have immediately followed that of the Earl of Leicester, and Edward should at once have mounted the throne to pacify the country and begin the new era. Matters were not, however, arranged in this way. Henry, who certainly lived an unnecessarily long time, continued to reign till 1272, Edward went away on crusade, and the country did not appear to need any particular pacification at all. The men, it is true, who had been really active on both sides were dead, the Pope had received a warning to leave England alone, and the settlement had left no burning injuries to be revenged. Certainly the country lay for these five years in a state of tranquillity which was almost stagnation. When Henry died his eldest son was proclaimed king without even a preliminary discussion, not to speak of the fierce struggles which had been common a century before. The new monarch finished what

**Battle of  
Evesham.**

**Close of  
the reign.**

he was doing in the East, came home in a leisurely manner, and did not appear in his realm till the summer of 1274.

**Edward I.** Edward I. was one of those kings whose appearance in history seems for the moment to afford a complete justification of the principle of a hereditary governing monarchy. Though he has not, like Alfred the Great, passed from under the scrutiny of history with a reputation absolutely unstained, there can be no doubt at all that he was both a good man and a very great ruler. He had all the Plantagenet ability, and allied to it the desire, which in most of his house had been conspicuously absent, to use his powers for the good of his country rather than for the gratification of his personal ambition. Edward was a great general and a subtle

**His character.** diplomatist ; he presented a sufficiently splendid figure on the stage of Europe ; he had great schemes for the extension of his power within the islands, and, as everybody knows, he brought them very near to realisation. But his true importance in our history lies in another department of his work. It lies in his undoubted gift for salutary legislation, his love of order, his immense respect for the power of law ; and it lies still more in his discovery that it was possible to work for the good of the nation, not by trampling on the slaughtered aspirations of each class separately, but by the help of representatives of all classes. All that Henry II. had done for England had been on the right lines, but in so far as he had helped the nation towards self-government he had himself been in a measure unconscious of what he was

**His domestic policy.** doing. Edward's chief merit was that he did his work deliberately. He openly accepted and declared the great maxim of free government, that what concerns all should be approved by all, and his allegiance to it ranks him as the first ruler since the Norman Conquest who can be called in any sense a constitutional king.

**Final division of Curia Regis.** The point then of paramount interest in this reign is that during its first twenty-five years the greater political institutions of our country received the form which, subject to improvement, was destined to be permanent. The old *Curia Regis*, after a long

process of distinguishing and delegating its powers, was now definitely divided into different bodies holding respectively judicial and administrative authority. On the one side were the three law courts with their separate staffs of judges—the Courts of King's Bench, of the Exchequer, and of Common Pleas, now stationary at Westminster. On the other was the king's secret or continual council, from which we can trace the descent not only of our Privy Council and our Cabinet, but of the Chancery Court and all the Government Departments. At the same time the feudal assembly of the Norman and earlier Plantagenet kings, which however supplemented had never in any general sense represented the country, was transformed into a Parliament such as we know to-day, with lords who were not mere feudatories, and a representative body of commons. In 1295 the first complete Parliament met at Westminster. Two knights and two burgesses, to be elected in the county court, were summoned by a general writ addressed to the sheriff; they sat together with the magnates, at a specified time and place; they were not to be mere delegates, but were to have 'full and sufficient power' from their constituents. To the community of England, to the great middle class, was now conceded the right of speech. A third voice was added to the counsels of the realm, to which both king and barons would soon be obliged to give attentive ear.

**Stages  
of the  
process.**

The advance towards this state of things can be traced step by step in the years between 1275 and 1295, with occasional relapses and omissions which show how unfamiliar to the thirteenth century the principle underlying the advance still was. In 1275 Edward passed the Statute of Westminster the First, with the assent of the 'commonalty of the land' in addition to that of the magnates who had always been consulted; but it is not stated whether or not this assent was given in Parliament. In 1283 representatives of the commons, in the shape of four burgesses from each city and borough and two knights from each shire, were summoned to grant money to the king; but they met, though on the same day, in two different provincial assemblies.

In 1290 two knights from each shire, without burgesses, were summoned ; the king had, however, passed a law important to landowners before their arrival, thus suggesting both the false principle of separate interests in the nation and a general admission of the royal power to legislate alone. In 1294 four knights, but no burgesses, were summoned together with the lords to provide money for a war, the clergy alone being consulted separately. Next year the final steps were taken, and to satisfy Edward's logical mind representatives of the clergy also appeared in this Parliament ; but in the following reign, preferring a separate assembly of their own order, they withdrew to Convocation. Even the small details of this march of events, the exact terms of the writs of summons, have their interest and importance when we consider what great issues may very probably have been decided by them. The number of knights summoned from each shire, for instance, varied during these years between four and two, and at first glance it might seem that the choice of the larger number would have

**Import-** assisted the advance of self-government. Yet had  
**ance of its** four knights been summoned from each shire it is at  
**details.** least quite possible that they would then have formed

too large a body for the all-important purpose of coalescing with the burgesses in a single House of Commons. The practice of addressing the knights through a writ to the sheriff and that of causing their election in the county court had also their effect in helping to throw the influence of the gentry in with that of the citizens. The class which provided the representatives of the shires was for a long time the soundest element in English society, and we have good reason to be thankful that it did not merely form a department of the landed interest. It is true that at the same period another change took place which prevented the land-owning aristocracy from becoming the powerful and exclusive castè which amongst other mediæval nations it necessarily was. Until

**Peerage**  
**by writ.**

Edward I.'s time the legislative rights of the magnates had depended entirely upon tenure, but under him there grew up the custom of creating peers by writ. By that system peerage, though hereditary,



was of course purely personal ; the younger children of the greatest lord were commoners, and any commoner might become a peer. The gain in freedom and elasticity for English society involved in this is almost incalculable, though it would be too much to expect that it should have become obvious in the thirteenth century. The last weighty circumstance for which we have to thank the form of writ drawn up by Edward or his lawyers is that lords, knights, and citizens were all summoned at the same time to the same place, so that the mere external conditions of their sitting tended to produce the fusion of interests which is essential to a really representative assembly. For the fact that from this time forward our Parliament was a truly national gathering, a concentration of local into central representation, and not, like the French one of the corresponding period, a mere collection of 'estates' with different and usually opposing interests—for this we are indebted first indeed to the ancient traditions of our race, but in no small degree to the admirable political instinct of Edward I. and his advisers.

**Fusion of interests.**

But of course we must not for a moment suppose that the position of the commonalty of England in 1295 bore any very strong resemblance to that of the House of Commons to-day. It is true that the king, unlike the mass of his subjects, had a certain fondness for a complete theory ; and as we have seen he had made open declaration of his reasons for summoning representatives of the shires and boroughs to Parliament. But it had not yet occurred to him, still less to any one else, that this body could be concerned with anything but the granting of supplies. Taxes had to be paid by the counties and by the cities ; in justice therefore their representatives should have the right of granting or withholding the money, or at least of assenting to its being given. But to concede to them any part in general legislation was quite another story, and such an idea would have been supremely astonishing to Edward and his council. The knights and burgesses were to 'carry out' what should be decided in Parliament, after due discussion among the earls and barons. And indeed we may very well believe that the Commons would not in any case have been



able to afford Edward much assistance in his legislative plans.

**Position of the Commons.** These men had been well trained in local affairs, but it is unlikely that they could have appreciated the purposes which Edward's measures were intended to fulfil.

**Edward's aims,** These purposes appear to have been, so far as we may safely judge, the union of the nation under the law, the lowering of the great social barriers, the raising up, as it were, of the middle class towards the level of a nobility whose more arrogant pretensions were to be disallowed. Edward seems to try, whenever it is possible, to deal with the nation as a whole, or when he legislates for a single section of society we generally find that the tendency of the measure will be to assimilate that particular class to some

**and measures. Dstraint of knight-hood.** other. Thus one of the earliest ordinances was what was called the Dstraint of Knighthood, which obliged every possessor of land worth 20*l.* a year to become a knight. If this measure, while tending to raise the position of the middle class, was also well

adapted to serve the purposes of the revenue, since many small tenants willingly paid fines to evade the obligation of procuring horse and armour, the same may be said of Henry II.'s institution of scutage, which nevertheless had far-reaching

**Statute of Winchester.** effects. The Statute of Winchester, again, took the whole country into view for purposes of police, providing for the possession of arms by every man according to the old rules, for the guarding of towns, the election of constables, and for the responsibility of a whole district in which a crime was committed and the offender not dis-

**Incidence of taxation.** covered. The changes in the incidence of taxation point in the same direction. This had long been losing its purely feudal character, and instead of 'aids' or scutages, we hear of the king receiving tenths or fifteenths of every man's possessions. But a grant of the year 1275, made no doubt upon a proposition of the king, took into account a new element of English life, destined in the future to be an important one indeed. It was laid down that the king should receive a certain fixed payment upon all the wool, wool

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fells, and leather exported from the country; and although informal payments of a like kind had not previously been by any means unknown, this ordinance forms the legal origin of our whole system of customs.

At the same time Edward kept a watchful eye upon the affairs of the higher baronage, that body which for various reasons no king, good or bad, had yet been able to trust. He held a great inquiry, which went by the name of *Quo Warranto*, into the titles the barons could establish upon their possessions, exciting no doubt much discontent and, if the anecdotes of the chroniclers are to be believed, a good deal of blustering defiance. As we have seen, Edward's practice of creating peerages by writ independently of land tenure went far, though perhaps the nobles did not know it, towards undermining their towering supremacy.

One very famous statute passed in 1290, and called *Quia Emptores*, from the first words of its preamble *Quia Emptores*, though apparently framed in the interests of these very barons, had the ultimate effect of crushing out their lingering traditions of feudalism. It put an end to the practice called sub-infeudation, which in modern language we might describe as sub-letting, by providing that if any tenant granted some or all of his land to anyone else, the same one else should be regarded as holding the land not from the tenant but from the original landlord. The object of this, in the view of the nobility, was to prevent that gradual lengthening of the ladder of tenure which had resulted in the loss to them of many of their feudal dues, fines, rents, or services. The king no doubt was acute enough to see further than this, and to perceive that if the statute secured the barons' power over their immediate tenants it doubly secured the royal power over the barons. But certainly no one was able to foresee what great changes this law was destined to effect in the status of various classes of society. The practice of completely alienating land gradually weakened the traditional veneration which had been felt for it; it slowly came to be regarded, like other property, as the legitimate object of bargain and purchase. Again, the new rule rapidly increased

the number of small tenants-in-chief of the Crown, and the growth of this class not only preserved the balance of the nation as against the great lords, but it also assisted the slow emancipation of the mass of semi-servile dependants below them. These became too numerous for the humbler landowners, and were therefore occasionally allowed to commute the labour they owed for money rents. In a sense the great lords sold their birthright when they admitted the principle of the alienation of land.

**Ecclesiastical policy.** In his dealings with ecclesiastical matters Edward was not, though he worked on the right lines, so entirely successful. The relation between Crown and Pope which John and Henry III. had created presented thorny difficulties to any king who had either to accept or try to modify it. Edward succeeded in stemming to some extent the tide of papal extortion, but not in blocking it altogether; 'first fruits,' 'annates,' and similar trifles were still exacted by the emissaries of Rome, and they only waited for the next reign to repeat the old series of aggressions. At a critical moment in Edward's career a bull of Boniface VIII. helped very materially, as we shall see, though perhaps accidentally, to drive him into a corner. And though in the latter part of his reign Edward was able with the help of his Parliament successfully to repudiate the same Pope's monstrous claim upon Scotland as a fief of the Holy See, he was never in a position to disregard entirely the approbation or disapprobation of Rome. The other problem, the relations to the national Church, had been swamped in recent years by the flood of other questions which concerned the nation more nearly; but under a better dispensation it soon became apparent how vague and ill-defined the solution arrived at under Henry II. had been. Since the renunciation of the Constitutions of Clarendon which had been forced upon Henry, appeals from the English Church to Rome had gone on unchecked, and 'benefit of clergy' had necessarily been allowed to take effect in the administration of justice, to the great contentment of disorderly clerics. In the direction, however, of jurisdiction of the ecclesiastical courts over laymen, Henry had been able to maintain the limitations which the Constitu-

tions had laid down. Edward's difficulty with his archbishops under these circumstances was that they were all eager to play the part either of a Stephen Langton or of a Thomas à Becket ; while he himself had certainly no taste for the rôle of John, and little desire to push on such a crisis as Henry II. had had to face. Heroic defenders of a cause which no one threatens are always a little irritating ; and Edward had no idea of allowing the ecclesiastical leaders to gain popular approval for any infringement of his just authority.

**Peckham's action.** In 1279 Archbishop Peckham made his first move by informing the clergy that anyone, royal

officer or not, who neglected to carry out a sentence of the ecclesiastical courts was liable to excommunication, and also by ordering, in a somewhat unnecessary fervour of patriotism, that copies of Magna Carta should be fixed up on every church door. Edward, who had probably no more liking than anybody else for being forcibly reminded of his duty, replied not only by ordering the retraction of this statement and the stripping of the church doors, but by the prompt production of the famous statute *De Religiosis*, sometimes called the first Statute of Mortmain.

**'De Religiosis.'** The enactment was intended to prevent the bestowal of lands upon religious persons or institutions incapable of performing the feudal services for which the owners should be responsible ; and it provided that if this was done the land should be subject to forfeiture by the superior lord, or, in the last resort, by the king. The grievance was an old one, and, in spite of the strong measures thus taken to provide a remedy, it continued to be a grievance for a long time afterwards. The fact that the law was so sorely needed, and the strong resemblance of its principle to that of *Quia Emptores*, must free Edward from the imputation of having passed it as an act of revenge ; but it was perhaps unfortunate for the harmony of his future relations to the clergy that he chose this same occasion to make for the first time the perfectly just demand that they should take their share in the national taxation. They had hitherto been spared in consideration of their obligations to the Pope,

**Taxation of the clergy.**



and though they now made a contribution it was not with a very good grace. Demands upon the purse are only too apt to have a momentarily damping effect upon public spirit, and probably the murmurs of the clergy meant little more than do the protests of a burdened income-tax payer to-day. Peckham, however, was ready to regard them as the expression of a general discontent. By no means subdued, he now turned more to the à Becket line of action, leaving Magna Carta for the moment alone. He organised the jealous corporate feeling of the clergy until it resulted, a few years later, in a protest to the king on the subject of the prohibitions which were frequently issued from the royal court to put a stop to the course of ecclesiastical justice. The reply to this was the writ or 'Circum-  
specte agatis.' statute *Circumspecte agatis*, which limited the jurisdiction of Church courts over laymen to so-called 'spiritual' offences, such as sins which are not civil crimes, perjury, or injuries done to a church or to the priest. The archbishop's agitation had not, therefore, been altogether successful, and he himself was unable to take any further decided step. His successor happened to be placed in a much more favourable position for making his influence felt upon the king's actions.

**Edward's idea of kingship.** Edward I. was not so fortunate as to live out his whole reign in perfect harmony with his subjects. If we like to call him the first constitutional king since the Conquest, the phrase must not be taken to convey by any means what it conveys to-day. We must not picture Edward as calling together a Parliament, appointing a chancellor and a council, and sitting down to watch the effect. His purpose was by no means to occupy the position of a figure-head, but to be an active ruler with very extensive authority. His legislation was, without doubt, almost entirely his own; the wars and foreign relations of England were completely in his hand. And, in point of fact, he did in the latter years of the reign come into violent collision with the nation, when concessions such as his father had never had to make were wrung from him by what amounted to downright compulsion. A strong king seemed to have made

**Struggle with the nation.**

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a strong people ; and it happened, fortunately for the progress of freedom, that all the elements of opposition were combined against Edward at the moment when he was least able to withstand them.

**Conquest of Wales.** The conquest of Wales, which afforded occupation on the military side for the king's earlier years, was fairly successful, and does not seem in itself to have necessitated any very heavy taxation. The Welsh princes never again wielded any real power ; and although it was not possible at this time fully to incorporate the country with England, and isolated revolts continued to break out, the introduction of some sort of system of government must have prepared the way for future administrators. The Scottish war, however, besides being complicated by its coincidence with difficulties in France, was in itself a heavier task. The contest arose, as is well known, out of the difficulty of making one of those subtle distinctions which were apparently an integral part of feudal law. It would not be easy to say what degree of suzerainty the Scots meant to recognise in Edward when they asked for his arbitration in the disputed succession to the throne, but it is tolerably certain that they had no intention of placing the English king in a position to summon their own as a vassal to his court. Moreover, the selected candidate, John Balliol, was quite unfit to rule ; and the general dissatisfaction found vent in an alliance with France when, in 1295, hostilities had finally broken out between that country and England. In the same year there was a rising in Wales, and Edward found himself with very little money in his treasury and three enemies on his hands. To none of them could he honourably offer peace. Philip the Fair, King of France, had obtained by a trick the cession of the castles in Edward's province of Gascony ; the Scots in his view were vassals in revolt, the Welsh mere rebels. By pressure of circumstances Edward had from the first outbreak of the French war been driven to violent means of obtaining money. The grants obtainable from the barons being quite insufficient, he had seized all the wool and

leather of the merchants and given it up only when a sum had been paid on it amounting to several times the legal custom. After this alarming procedure he summoned all the clergy to meet him and consider what they could contribute. Their delays and procrastinations seem to have been too much for Edward's already agitated nervous system. He had, after all, the Plantagenet temper, and was grandson of a man whose outbursts of rage had amounted to fits of madness. It gives us a vivid idea of what in those days the personal power of royalty could be when we read that the dean of St. Paul's—no doubt some portly and prosperous prelate—died in the king's presence of sheer terror. The assembly finally agreed to Edward's extravagant demand for a grant of half their possessions.

**Continued** Had the king been able promptly to dispose of  
**difficul-** his external enemies after this victory he might have  
**ties.** escaped the constitutional crisis of his reign. But  
too much time had been wasted. The year 1295 had to be  
spent in crushing the Welsh, and the greater part of 1296 in  
the successful contest with Scotland. At the end of that time,  
in spite of the grants of the Model Parliament, Edward had  
exhausted his resources, and was obliged to find some means of  
raising a considerable sum of money if he was to meet the now  
pressing necessities of the French war. Unluckily for the  
king, Boniface VIII. chose that very moment to  
' **Clericis** issue his bull *Clericis Laicos*, by which the clergy  
**Laicos.'** were forbidden to pay any tax upon the demand of  
the secular authorities. The result was a contest between  
king and Church, which not only drew the attention of the  
**Contest** barons to the necessity for some further check upon  
**with the** the power of the Crown, but provided the oppor-  
**clergy.** tunity for effective expression of their personal  
discontents and those of the merchants. The clergy in Con-  
vocation declared their inability to contribute, and Edward  
outlawed them all. The new archbishop, Winchelsea, who  
had many excellent qualities as a leader of opposition, issued  
a general sentence of excommunication against the enemies of  
the Church. The king replied by seizing the revenues of the

see of Canterbury; and he persisted in his unconstitutional action with obstinate disregard of ecclesiastical thunderings. The clergy were very soon forced to yield individually—or, as they put it, ‘each to save his own soul’; but the resistance of their official representatives had done its work. When Edward called together the barons and explained his plan of campaign in France, by which Bigod, the earl-marshal, was to attack from Flanders while the king himself led a force into

**Action of the barons.** Gascony, he was met by a blank refusal from the baronial leaders to strain the obligations of their tenure by going anywhere without the king or by going to Flanders at all. At this Edward completely lost his self-control; and though there is no excuse for him in his aspect as a constitutional king, we must allow for the natural irritation of a general whose plans are upset by the refusal of his armies to move. He rapidly proceeded to raise a ‘talliage,’

**Arbitrary measures.** or arbitrary tax, from the towns, to seize all the wool of the merchants, and to send officers through the country collecting provisions. Moreover, he called together in the July of 1297 a military levy of the nation, and then tried to obtain a further grant from the barons thus brought together for a quite different purpose. It is characteristic of this illogical mediæval time that the king who at one time seems to be labouring with all his strength to give England a constitution should at another be apparently doing his best to take it away again.

The inferior baronage agreed to give supplies, and the clergy, who naturally did not like their outlawed condition, were doing their best to find a loophole of escape from the Pope’s decree; but the leaders of the nobility were obstinate, and busied themselves in drawing up a list of grievances.

**General discontent.** There can be little doubt that the feeling of the country was with them. Edward now tried the effect of issuing a manifesto in which he ignored the specific complaints, but declared, no doubt with perfect sincerity, his general good intentions; and he also had a public and highly emotional reconciliation with the archbishop, whose chief grievance had been removed by the

forgiveness extended to the clergy. But it was little wonder that after these protestations and tears the king's prompt return to the money question should jar upon everybody's sensibilities. The baronial chiefs were still determined, and the new harmony with the Church seems again to have been disturbed, for we find the king warily forestalling Winchelsea's possible action by forbidding him to excommunicate the officers who were collecting provisions for the royal forces. When Edward was once fairly out of the country on his French expedition, the whole nation was united in the determination to obtain some further guarantee of its liberties.

**'Confirmatio Cartarum.'** Articles were drawn up which collectively have received the name of the Confirmation of the Charters, and these had first to be accepted by Edward's son as representing him, and were then signed by the king himself at Ghent.

**Its provisions.** This enactment, which Edward in the last few years of his reign repeatedly promised to uphold, first asserted with new emphasis the validity of the Great Charter and rehearsed the penalties attaching to its infringement; it then provided that the recent exactions, 'prizes' or seizures of goods, and 'maletotes' or illegal customs, should neither be drawn into a precedent nor ever again levied without the consent of Parliament. The *Confirmatio Cartarum* is a final acknowledgment of the right of the nation to tax itself, and when this right was subsequently infringed it was with but a poor show of legality. By giving this pledge and keeping it Edward I. retraced the few steps he had taken towards despotism, and put the finishing touch to the work he had done for England. The fact that a strong king, who had at the moment numbers of mercenary soldiers in his pay, could have been obliged by the united opinion of his subjects finally to renounce every expedient for raising money without their consent shows how much more rapidly than other nations our own had at this time the good fortune to advance. She had passed out of her period of feudal disorder, through her period of absolute monarchy, and into that of a constitutional and partly

**Progress shown by this struggle.**

representative government, while her neighbours were still struggling in the first of these stages. Although it would be impossible to point to any era of violent change, a thing then as now peculiarly distasteful to our race; although at every point the nation supposed that it was returning to the customs of an older time; yet the contrast between the England of William the Conqueror or of Stephen and the England of Edward I. is a sufficiently striking one. In the eleventh century the king had been absolute when he could, the great feudatories absolute within their territories when the king's back was turned; the small holders who formed the only middle class had been too busy in trying to evade the tyranny of their lords to dream that they too might have a voice in the national counsels; taxation had been limited only by the king's needs and the power of resistance in the barons; justice had been largely a matter of private profit; government not very much more than the systematic expression of the wishes of a few powerful individuals. At the end of the thirteenth century, by a steady series of blows dealt at feudal power, the Crown had rescued the nation from the tyranny of the barons, while the barons in return had helped to rescue it from the despotism of the Crown. Though still held to be the source of law, the king had so far delegated his powers that a permanent court was ready to decide disputes between subjects, while royal judges traversed the country and placed substantial justice within the reach of every freeman. The barons could no longer play with the lives and fortunes of their dependants for fear of these active agents of a superior authority; and for that very reason they were the more alert to see that the king also remained bound by his own laws. For the management of local affairs the ancient principle of popular election, which though never extinct had been crushed down by feudal tyranny, was revived in all its strength. More than all, the king had solemnly bound himself to lay no hand on the property of his subjects save by established custom or by the consent of an assembly which now included representatives of the rural middle class and of the cities,

**Contrast  
between  
the  
eleventh  
and thir-  
teenth  
centuries.**



**Edward's merit.** No ruler had done so much as Edward himself to achieve the results which at the end of his reign we can thus measure. Henry I. and Henry II. by their stern good government, John and Henry III. by their wanton oppression, had hammered the English into a nation ; Edward, with his eyes open, provided bonds which, when they began to be really felt, prevented this nation from ever again falling completely asunder. The growth of an aristocratic caste upon the land was one danger, and Edward struck at it by his separation of legislative power from land tenure and by his statute *Quia Emptores*. The degradation of Parliament into a representation of separate and opposing interests was another danger, and Edward destroyed it by mingling the representatives of the land and of the boroughs, and by placing in their hands a power which was of value to all—the control of the purse. He retained what was useful in ancient custom by requiring the country as a whole to provide for defence and for the maintenance of order, yet he took a step towards a new condition of society by regarding trade as a proper subject for taxation. His ideal of kingship was authority not only used for the good of the people, but limited by rights which were logically and permanently theirs ; and by keeping faith with this conception he helped to bring into life in England that great force which is the final check on all kings and rulers—the force of public opinion.

**Effective public opinion made possible.**

**Last years.** The last few years of Edward's reign were occupied with matters of secondary importance. England was tranquil ; the barons and people were satisfied with the re-issues of the *Confirmatio*, and the resourceful leaders of the clergy had discovered a way out of their pecuniary dilemma between Pope and king by laying down that *Clericis Laicos* did not forbid ecclesiastics to forestall with voluntary contributions the wishes of the secular authority. In Gascony affairs had been regulated in a fairly satisfactory manner. In Scotland there was the famous rising under William Wallace, which was speedily crushed by Edward ; and the year 1306 saw the beginning of the more general resistance

of this nation organised by Robert Bruce. The king was on his way to the north, in 1307, to deal with the matter, when disease attacked him and he died, leaving the realm for which he had done so much in the hands of a most incompetent successor, his eldest son.

**Character of Edward II.** Edward II. seems to have been nothing worse than an amiable and weak-willed young man who was very much out of his proper place when seated

upon a throne. He may claim the distinction of having been the first king of England after the Conquest who was deposed by his subjects, and it is possible to adapt a well-known saying and remark that nothing in his reign is so interesting as the manner of its end. Indeed, so far as any definite action on the part of the Crown is concerned, the period of Edward II.'s occupation of the throne—for he can scarcely in any sense be said to have governed—seems like

**Chief importance of the reign.** an interlude between the great legislative era of his father and the stirring times of his son. The chief importance of the reign lies in the clearer emergence of certain questions which were destined to be fought

over with great bitterness for the next two centuries; and the actual events of these twenty years may therefore be very briefly summed up. Edward began by exciting both the justifiable indignation and the illiberal jealousy of the nobles through his exclusive devotion to young Piers Gaveston and his consequent neglect at once of his kingly duties and of those who considered it their right to advise him in the performance of them. Gaveston was indeed driven from court for a few months, but returned in greater favour than ever. In 1310, therefore, the barons, actuated partly perhaps by public spirit and largely, we may suspect, by less admirable feelings, resorted to an expedient which now seemed in danger of becoming too obvious. They marched in arms to Westminster, and insisted on the appointment of a committee of twenty-one

**Lords Ordainers.** of themselves to direct the government. At the head of these Lords Ordainers was Thomas, Earl of Lancaster, the king's cousin, and it must be laid chiefly at his door that the rule of the barons was, if anything,

worse than the rule of Edward and Gaveston. The Ordainers quarrelled fiercely among themselves, and Lancaster, while claiming supreme power, both civil and military, would do nothing to justify his possession of either. The king, who doubtless did not find his capital an agreeable place of residence at the moment, was making futile attempts to overcome

**Royal incapacity.** Bruce in Scotland ; but the barons gave him little help, and preferred to spend their time in hunting down Piers Gaveston and murdering him without pretence of trial. In 1314 came the Scottish victory of Bannockburn, and in the years that followed, with enemies ravaging the borders and no effort made to put down disorder within, England grew so weary of the misgovernment of the Ordainers that it seemed as though the king might have another chance. Edward had meantime fortified himself with the help of two more favourites, the Despensers, father and son, who, though Parliament under Lancaster's influence had secured their temporary banishment, seem to have been able to afford their master effective assistance. In 1322 the royal forces defeated the barons' army at Boroughbridge and Lancaster was executed. Young Despenser afterwards made a gallant attempt to win the game by appearing in the character of champion of the nation against the barons, an attempt which incidentally involved a remarkable declaration by Parliament of the Commons' right to take part in legislation. But Edward was quite unfit to take advantage of his position. He was helpless at home ; he was helpless in Scotland, and had to make peace there on somewhat humiliating terms. He sent his wife Isabella to Gascony to represent him in some business with the King of France, and the consequence was that she was joined there by the Earl of Mortimer, who had been on the Ordainers' side, obtained the custody of her son, and prepared a conspiracy against the rule of the Despensers and of Edward himself. In 1327 the king was formally deposed in favour of his son, imprisoned, and shortly afterwards murdered in his captivity.

**Deposition of Edward.** In a survey, however rapid, of this period and its prominent figures, we cannot but be struck by the obvious degeneracy since

the days of Magna Carta, or even of the Oxford Parliament, in the conduct of the barons. In 1215, not only had the baronial party in opposition to the king held firmly together till its object was gained, but that object was the royal signature to a treaty in which the rights of every class of society were considered. If afterwards the leaders had used their victory with too much arrogance, they had yet never disregarded the obligations of the part they had undertaken to play. In 1258 there was perhaps more personal scheming and certainly more danger of government by a clique; yet that period saw the burgesses first called to Parliament, and if the assumption of power was with some of the barons a primary object, they had at least had the decency to try and conceal the fact. In the case of the Lords Ordainers, however, the elaborate scheme drawn up by them seems to be aimed almost exclusively at lightening their own burdens and increasing their own power. They were incompetent in their government at home, and the attitude of many of them towards the Scottish war was almost treasonable; in fact, it does not appear that they really accomplished anything except the humiliation of the king and the banishment and slaughter of his favourites. The barons of 1258 had hated Henry III.'s foreign friends heartily enough, but they had refrained from murder; those of 1310 could think of nothing better than to avenge their wounded vanity with a sword which was not that of the executioner but of the assassin. Indeed, for many years after this time the English aristocracy did little to assist the progress of their country and much to make her politics hang upon a series of bloody family quarrels. It almost seems as though, now that the key to future supremacy had been placed in the hands of the people, England had for the time no further need of her nobles, and so gave them over to the prosecution of their petty personal ends. The days were past when they alone could carve out a path for the nation, and the days seemed to have come when they thought of nothing but carving out a fortune for themselves.

An old constitutional difficulty was made at once more pressing and more obvious by this change. The legislative



power residing in the sovereign was now checked by the rights of Parliament; but who was to control the executive? Things were now so far advanced that some of this executive power lay in the hands of the council, and under a weak king almost all. But the representatives of the nation must have some firmer hold upon the members of this council than that of simply expressing their discontent and clamouring for the removal of any obnoxious individual. Two alternatives are open to any nation for the solution of this problem. The executive, while supreme under the law, may be made automatically dependent for its very existence upon the approval of the legislative body; or else its powers may be so narrowly limited by custom and statute that they cease to constitute a danger to public liberty. As we all know, the first course has been adopted by our nation in modern times; but the second was the one which commended itself to the wisdom of our fourteenth century ancestors. The story of the elaboration of this method of government and of the manner in which it was found to work forms a large part of the constitutional history of the later Plantagenet and the Lancastrian reigns.

*Leading Dates.*

	A. D.
Accession of Henry III. . . . .	1216
Fall of Hubert de Burgh . . . . .	1232
Provisions of Oxford . . . . .	1258
Battle of Lewes . . . . .	1264
Summons of Burgesses to Parliament . . . . .	1265
Battle of Evesham . . . . .	1265
Accession of Edward I. . . . .	1272
Statute of Westminster the First . . . . .	1275
Statute of Winchester . . . . .	1285
Quia Emptores . . . . .	1290
Model Parliament . . . . .	1295
Confirmation of the Charters . . . . .	1297
Accession of Edward II. . . . .	1307
Deposition of Edward II. . . . .	1327



## CHAPTER V

THE GREAT FRENCH WAR AND THE FIRST RISE OF THE  
COMMONS TO POWER

**Familiar events of the reign.** THERE is one aspect of the reign of Edward III. with which everybody is familiar. The story of the Hundred Years' War, of which the first epoch falls within the fourteenth century, is more vivid to the imaginations of many of us than that of other events much nearer to our own time. We have all smiled in triumph over the battle of Sluys and glowed with pride in the victory at Crecy; we know the story of the six burgesses of Calais who yielded themselves up to save their fellow citizens, and Queen Philippa who begged their lives for them from her husband; we have read how the Black Prince fought the Battle of Poitiers against what seemed like overwhelming odds, and how he brought the French king home a prisoner and waited upon his captive with a humility which had doubtless no flavour of irony. And in point of fact this inclination to place the French war first among the events of Edward's reign cannot be called an altogether misleading one. The direct results of this great struggle were not, of course, of the first importance. Our kings were never able either in this century or the next effectively to unite the crown of France to that of England; they were never even able, as was perhaps their more serious intention, to make a permanent conquest of the provinces that their ancestors had held and lost; the final result from this point of view was simply that the last fragment of Henry II.'s empire went after the rest. But looking rather to the internal life of the country it will be possible to trace the very marked effects upon it of these external

**Internal effects of the war**

relations. While the king and the aristocracy were fighting abroad the people made a tolerably good use of their time at home. Edward III. was fully occupied in being a warrior; if he had little leisure in consequence to be a statesman, neither had he any for a systematic attempt at tyranny.

**and its peculiar interest.** Moreover, the circumstances of the Hundred Years' War must always be of interest to us as marking the political and social progress our nation had made during the preceding century. A war which was sanctioned and even discussed by Parliament, a war which was paid for very largely out of the commerce of the country, a war in which one of the fiercest battles was fought upon the sea; this must necessarily be to English eyes a very different thing from the personal and dynastic contests of Henry II. and Richard Cœur de Lion.

**Scottish war.** Another outbreak of the struggle in Scotland formed a sort of prelude to the more serious business of the reign. Mortimer and the Dowager Queen, who at first divided the power between them, sent an expedition to the north in 1327, but the result was by no means satisfactory. The Scottish soldiers appear to have shared the characteristics of an enemy with whom in modern days we have been dealing; and the English army spent most of its time in waiting for its opponents to leave an impregnable position or in making vain inquiries as to where they might be found. The next year a treaty was signed which fully acknowledged the independence of Scotland. Nevertheless, young Edward—who, whatever his faults, seems to have had the gift of always knowing what he wanted—was at war again with his neighbours very soon after he had thrown off the yoke of his mother's influence. He took part in an expedition of which the object was the substitution on the Scottish throne of young Balliol for the descendant of Robert Bruce, and the chief incident the English victory at Halidon Hill. Balliol was indeed temporarily established as king, but expelled again by the nation very shortly afterwards. Another invasion organised by Edward had no result as far as Balliol was concerned, but a very important consequence of it was an alliance soon after-

wards effected between Scotland and France. Such an alliance was fraught with danger to England. Edward's thoughts were turned to France, and when trouble simultaneously arose in Gascony he conceived the idea of making a most effective reply by advancing a claim upon the French crown.

**Edward's claim on the French crown.**

Edward's claim to be the true heir of Philip the Fair was of course a very flimsy pretence. If, contrary to the contention of the French themselves, it was possible for the crown to descend through female heirs though not to be assumed by them, then there were great grandsons of Philip the Fair who had a right prior to that of Edward through his mother; and to dispose of these he had to base his claim on the trivial circumstance of having been born in the lifetime of the old king. It is certainly possible that Edward believed in his own right, for monarchs are encouraged in their capacity for self-deception. But the year before the outbreak of war he had done homage for Gascony to Philip of Valois, the monarch whom he now proposed to dispossess, so that his enlightenment as to the justice of the case must have come very suddenly if it came at all. Much more probably he

**His real motives.**

saw in a war with France a good opportunity of using the abilities which he felt to be especially his; and this feeling, together with a not unnatural anger at the support given to Scotland, was enough to send a wilful and irresponsible young king to battle. 'I have long desired to fight with Frenchmen,' are the words put into his mouth by Froissart, 'and now shall I fight with some of them, by the grace of God and St. George.' Certainly during the fifty years of Edward's reign he had his desire.

**Early years of the war.**

The first few years of the war, however, resulted in little except the expenditure of a great deal of money. Edward chose to enter France by way of Flanders, in order to combine with his allies the princes of the Low Countries; but it soon appeared that these warriors thought it would be much pleasanter to avoid a combination, and considered their substantial subsidies to be the best part of an English alliance. Even by the great naval

victory of Sluys in 1340 nothing was permanently gained, owing to Edward's mistaken policy of lingering in Flanders.

**Change of plan.** In 1346 he changed his plan, landed in the mouth of the Seine, and after harrying the neighbourhood of Paris, struck right across north-eastern France, **Crecy.**

pursued by King Philip. The result was the battle of Crecy, followed by the siege and capture of Calais. This was a really brilliant military performance, and for some years after it the English rested upon their laurels, with the greater satisfaction since the Scots also had been defeated while invading the northern counties. In 1356 the **Black Prince.**

Prince, Edward's eldest son, took up the tale. He invaded the southern provinces, and being intercepted by the French at Poitiers, won a brilliant **Poitiers.**

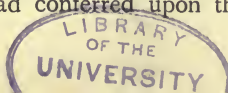
victory there, taking prisoner the new King John, son of Philip VI. So disheartened were the French at their defeat and the captivity of their king that they were only too eager to make peace. By the Treaty of Bretigny in 1360

**Treaty of Bretigny.** Edward, in return for resigning his claim on the crown of France, was to retain the conquered town

of Calais and to receive in full sovereignty the whole duchy of Aquitaine—a considerable extension of the territory he had formerly held merely as a vassal of the French king.

**New outbreak.** This arrangement did not, however, hold good very long. In 1369 a new epoch of war began, and proved disastrous to the English arms. The **Black Prince** must be held partly responsible for the outbreak.

Actuated by a perverted sense of duty or by the ambition of a successful soldier, he had been occupied during the preceding years in maintaining the cause of a hereditary despot whose subjects had driven him from the throne of Castile. In this contest, temporarily successful though it was, not only did the health and character of the Black Prince suffer severely, but a great deal of money was spent for which Edward did not like to appeal to the English Parliament. He therefore attempted to raise it by taxes upon his subjects in Aquitaine, and this brought about the second dispute with France. It is true that the Treaty of Bretigny had conferred upon the English king



full rights in these territories, but the lawyers had found eight years scarcely enough for the formal drawing up of the stipulations ; moreover, it was scarcely to be expected that the people of Aquitaine would in practice resign the great advantage of the feudal system, the power to make trouble by constantly appealing to one ruler against another. They claimed help from the King of France, who on his side was very ready to repudiate the treaty, regard Edward as his vassal, and in that character to call him to account. In the

**Reverses of the English.** hostilities that followed the English suffered reverse after reverse. France had awakened to the fact that professional soldiers were more use in the long run than feudal levies. Her leaders had also discovered the true tactics for a defending force, and, avoiding a pitched battle, they constantly harassed the English army and obstructed its march. More grievous still, the Spaniards, under the new king whom the Black Prince had vainly opposed, won a great victory at sea over the forces of England. Several new expeditions were sent out by Edward, who by this time was growing too old to do battle in person. But all to no purpose.

**Loss of the conquests.** By the year 1374 nothing was left to him in France except the three towns of Calais, Bordeaux, and Bayonne. England would neither own herself beaten nor resign the conquest, but she had to await a new leader and a new era before the glory of her arms could be revived.

**Theory of fourteenth-century history.** There is a certain theory of social history which perhaps owes its origin partly to the interest generally awakened by the incidents of this contest. Stated briefly, it connects the degree of political importance secured at a given time by each class of society in England with the value of the services which circumstances allowed it to render its country in war. The great battles of the fourteenth century—Crecy and Poitiers, Halidon Hill and Neville's Cross—had conclusively proved that the yeoman with his bow and arrows was more than a match, if he were skilfully led, for the knight with lance and armour. It is therefore inevitable, according to this theory,



that we should find during the same period a very marked increase in the political importance of the middle class. But whether or not there is here a relation of cause and effect, it is quite safe to suggest another reason for the assumption of power by the section of society whose representatives now began to be officially known as the 'Commons.' All this fighting and chivalry and gallantry cost money; and the middle class, in its increasing numbers and growing wealth, was the one best able to supply it. War could no longer be carried on with aids and scutages alone, as it was a century before; the records of Parliament show a very different state of affairs. In 1336 and 1338, when Edward was preparing for war, and again and again in the course of the struggle, the grants of the Commons took the shape of extra customs upon exported wool or of subsidies upon leather and fells. Edward III. looked to his nobles to fight for him, but to his burgesses to provide the sinews of war; and these sturdy citizens had a certain perception of the importance of their part in the game. It is a significant fact that they expected to win from this great contest not merely glory for their king but advantage for themselves. There is indeed good reason to suppose that their leading motive, apart from royal compulsion, in supporting the war at all was their conviction of the necessity of keeping Flanders, England's most important market, out of French hands; and they rejoiced especially in the acquisition of Calais on account of its obvious advantages as a trading port. An era in our history must be marked by a war which had in any sense a commercial bearing. We feel that we are separated only by years from controversies as to countervailing duties, spheres of influence, and the open door.

**Import-  
ance of  
the mer-  
chants.**

The men, therefore, who had recently been proving for the first time their special importance were not so much the yeomen who produced the wool as the merchants who traded in it. Purchase and sale of goods there must, of course, have been for many centuries in England; but commerce in any wide sense is

necessarily the offspring of a rapidly advancing civilisation ; and in the reign of Edward III., with its distractions for the adventurous abroad and its comparatively good government for the orderly at home, the era of organised trade seems definitely to have begun. English ships held the western seas and plied regularly as far north as Norway, as far south as Spain. At home the settlements of the Flemish weavers had stimulated the production of raw wool and assisted the beginnings of manufacture. The agricultural villages and the fortified strongholds over the country could now develop into towns which were primarily centres of commerce and industry. They were not indeed destined to reach the height of prosperity and splendour which was attained, for example, by the German cities of the same period ; but they gradually acquired, in the laborious English fashion, a great many valuable rights both in municipal government and, as we have seen, in national representation.

**Growth of the towns.** The story of their growth told in full would form an historical work in itself, and one rich in illustration of the methods and manners of the nation to which we belong. Our cities put themselves together in a casual and haphazard fashion of which we still feel the effects—and most of all in London itself. They were in origin nothing more than villages of the primitive Teutonic type, or collections of such villages, and their primitive customs sufficed them. These were doubtless excellent so far as they went ; but even when the little communities began gradually to develop a higher organisation, and to acquire the privilege of appointing their own officials for administration and taxation, the wisdom of our ancestors never rose to the contemplation of a radical change in existing institutions. The towns, therefore, remained as bundles of townships, lordships, and manors, loosely tied together by a few common interests. As time went on they came to regard themselves as having the administrative rights of the ‘hundred’ ; they were granted charters, and one by one they were recognised by the king as being in some sense corporations. London obtained this recognition of its ‘community’ in 1191, much to the horror of the conservative old

chronicler who records the fact. Others followed the example; and it was the full members of these corporations who, as burgesses, were summoned to Parliament. Upon towns so constituted came the commercial extension of the fourteenth century. The result in all the more important of them was

**Import-  
ance of the  
merchant  
guilds.**

that the merchant guilds, which had long been in existence, rapidly acquired new power and authority. Perhaps it may be laid down as a general rule that no development whose motive force is an appeal

to the pocket can be wholly peaceful or prosperous or can altogether command our sympathy. Although the early self-assertion of the trading societies must have been a clear gain to freedom, we instinctively look forward to a time when it will no longer be so. In their origin these guilds were simply a very proper application of a principle which must be as old as mankind—the principle of association for common purposes;

**Their de-  
generacy**

but before very long they showed themselves to be tainted by motives of the narrowest self-interest.

They became exclusive, illiberal, jealous in the exaction of their privileges and unsparing in the use of them. Almost invariably the guild became, or absorbed into itself, the governing body of the town, and was then much too apt to regard the welfare of the community as necessarily identical with that of individual merchants of influence and wealth. It was inevitable that there should be a reaction against this domination, although, by the hard fate which so often pursues the narrator of English history, the story as we know it has neither picturesque incidents nor dramatic completeness.

**and decay.**

Craft-guilds were formed among the workmen, who had been jealously excluded by the merchants from any share in their privileges; and from confused records we gather that there was something in the nature of a struggle, the one side fighting for the right to regulate its own affairs, the other for its monopoly of power. The end of the contest lies outside our present period; but, looking back, it must seem to have been inevitable from the beginning. The crafts won their way not only to regulation of trade but to municipal supremacy; and for centuries, under other names, they held

their place, monopolising authority and almost monopolising wealth, electing mayors and aldermen from their own body, governing by and too often for themselves. The City Companies of to-day remain as a fragment of a powerful and splendid organisation which long outlived the period of its usefulness.

**Results of commercial development.** Commerce, however, with all that it implies, does not come into history for nothing ; and the material growth of the fourteenth century did more than write a chapter in the long story of the merchant guilds. Two chief results may be seen to follow immediately from this first attempt of the yeoman and mercantile classes to assume their inheritance. The first, suitable enough to the age, was legislation intended to protect the interests of the mercantile classes themselves. The second and much more important was the effective use in various directions by the Commons of the power which Edward I. had given them the opportunity to take into their hands.

**Trade legislation.** The statute of 1336 was typical of the first series of results. It fixed an extra custom to be paid on exported wool, and then, for reasons we can understand if not wholly admire, it provided that a much larger tax should be paid by aliens. In 1337 a law was passed which was intended at once to check the importation of foreign cloth and to encourage the importation of skilful foreign workmen. But a more important matter was the revival about the middle of Edward's reign of the Statutes of the Staple. By this system, which apparently had originated under Edward I., certain specified towns at home and abroad were set apart as the only centres for the collection or distribution of goods subject to the rules, while the privilege of trading in them was granted to the Merchants of the Staple alone. These restrictions had later been set aside in favour of free trading as provided for in Magna Carta. But if merchants were to be protected, as in those rough times it was doubtless necessary that they should, it was thought best that protection should be given by a system which allowed the king and the Parliament to keep a close watch on the profits of commerce. That this was class legislation probably upset no



one's theories. England had a long way to travel before the Repeal of the Corn Laws.

**Constitutional progress.** The more vitally interesting story of the constitutional progress of the Commons begins with the incidents of 1340, and its opening hangs as usual upon taxation. Many patient readers of constitutional history entering upon the fourteenth century have doubtless deceived themselves with the hope that if not by Magna Carta then surely by the *Confirmatio Cartarum* the question of unconstitutional taxation was for ever laid at rest ; but they were all foredoomed to disappointment.

**Taxation difficulty.** Edward II. had taxed unconstitutionally, Edward III. taxed unconstitutionally ; it was apparently impossible for the ordinary mediæval king to refrain from such taxation. He could negotiate separately with particular classes or individuals, or he could abuse to almost any extent his rights of purveyance. Moreover, a loophole had after all been left through which the king might still raise money, regardless of Parliament, without infringing the letter of the law. Talliages might still be laid upon the demesne lands of the Crown, which it seemed could not be strictly held to come under the provisions of the *Confirmatio*. In 1340, however, Parliament saw and seized its opportunity to put an end to this so far as statutes could do it. In the early part of the year Edward hurried back from France with empty pockets, bent upon raising money as soon as possible to continue his operations, and quite prepared, as any Commander-in-Chief would be under such circumstances, to promise whatever might be required of him. Parliament was ready to give liberally, but only upon conditions. Their petitions, when turned into law, forbade once more and in most unmistakable terms the raising of any

**Legislation of 1340.** charge or aid without the consent of the magnates and Commons of the realm, 'and that in Parliament.' They proceeded also to insist upon many administrative reforms with regard to the appointment of sheriffs, the abuses in the decaying hundred court, and the right of purveyance ; but it was this great general provision which was the constitutional mark of the year.



Very shortly afterwards Edward gave Parliament the opportunity to make still bolder demands, though by an unscrupulous trick he evaded the obligation to act upon his promises. He was apparently seized, while attending to those military affairs which he best understood, with a desire to assert his royal authority and show that while absent he was not to be ignored. Unfortunately this outburst of zeal took the form of throwing into prison without any particular cause most of the royal judges and several prominent merchants, and of making a violent attack upon John Stratford, **Stratford.** Archbishop, Chancellor, and President of the Council, with whom no real fault could be found. Stratford had already won some sympathy from Parliament by his known inclination towards the popular rather than the royal interest, and he won more by his sturdy resistance to this piece of aggression. If he tried also to attract attention by the old device of echoing Thomas à Becket, by fleeing to sanctuary and hinting at martyrdom, we must not blame him too severely for trying all possible means to win his game. The result at any rate was satisfactory. The king had to retract, and we find, when the next grant was considered, **His** a formidable list of stipulations presented by Parlia- **success.** ment ; the most important of them being the demand from the Lords that no member of their body should be condemned without trial in Parliament by his peers, and from the Commons the remarkable requests that auditors should be appointed to keep watch on national expenditure, **Bold** that the king's ministers should be such as the **demands** estates could approve, and should be sworn to obey **of the** the law. It is plain that the Commons were feeling **Commons.** their way towards that complete shackling of the executive which they conceived to be necessary for the freedom of the country. Although Edward finally took advantage of a protest on the part of certain officials to declare himself absolved from his promise to observe the new statutes, his first enforced assent is important as marking the progress of parliamentary government.

Nevertheless the Commons probably discovered during the

next twenty years that while constitutional theory was an excellent thing, it would be more satisfactory when the king's personal influence had ceased to hold constitutional practice such a very long way behind. During this time they were vigilant and careful of their rights ; they maintained the principle of redress before supply, and insisted, when they could not prevent Edward from making ordinances on his own authority, that these should afterwards be legalised in Parliament. Yet they had seen the king, when Parliament was obstinate, threaten or cajole the clergy into giving him money ; they had seen him get it indirectly by taking supplies for his soldiers under what were known as Commissions of Array ; they had seen him again and again persuade the merchants to give him a grant which, though nominally paid by the monopolists, came eventually in the form of higher prices out of the pockets of the nation. It was at this last abuse that the Commons struck most decidedly in 1362, doing for indirect what in 1340 had been done for direct taxation. The statute definitely forbade the granting of any subsidy on wool except by Parliament ; and when this prohibition had been confirmed a few years later it really seemed to a great extent to fulfil its purpose. It cannot but strike us as a quaint anti-climax that the next Parliament should for the first time hear the Chancellor's opening speech delivered in the English tongue. In usage we are apparently but just emerging from the period of the Norman Conquest ; in politics we seem to be rapidly advancing towards modern times. But this change was really another striking sign of the steady advance of the middle class in the knowledge and management of affairs. The upper ranks of society, the barons and the prelates, were English enough by now in mind and feeling, but it was a mark of their condition to use the French language. As the Commons became less and less content to see great matters of State kept entirely out of their hands, it was natural for them to demand that the official language should no longer be that of a limited class, but of the nation.

**The laity  
against  
the  
Church.**

This new power which came from united action was not, however, seen only in the self-assertion of Parliament against the king ; it was to be clearly traced also in the self-assertion of the laity against the Church. In private life we are apt to think ill of a man who, to use a homely phrase, kicks down the ladder by which he mounted. But it seems from the history of nations that to do so is for them an almost indispensable condition of progress, chiefly perhaps because the ladder has a knack of transforming itself into a heavy drag upon the climber. We have already seen how the English people received its first securities of liberty after the Conquest from the hands of the barons, and soon afterwards began to push the barons aside ; and in their decaying public spirit, their greed of personal power, and their senseless feuds, we shall find its full justification. More openly declared was the revulsion of feeling in the fourteenth century against that great ecclesiastical corporation which for so many years had played a leading part in the nation's life. In the childhood of the English their

**Great  
services  
of the  
clergy in  
the past.**

membership of the Catholic Church had been, as we know, their salvation. Not only had it rescued them, as perhaps any form of Christianity would have done, from the manners and morals of barbarism, given them teachers and pastors, and provided in its monasteries centres of civilisation where learning might grow and history be recorded ; besides all this, the connection with that great organisation had given the English races their first real insight into the meaning of union and of public law, and had helped them, no one can say how much, to form themselves into a nation. After the Conquest the tradition had been by no means lost, and in almost every phase through which the country passed a great churchman had appeared to fulfil the need of the times. Lanfranc had helped William I. in the opening struggle against feudalism. Anselm had softened the ferocities of William Rufus, and in the end had loyally supported the policy of Henry I. Becket, whatever his faults and follies, had shown how stubbornly a brave man could resist what looked like overwhelming power.

A Bishop of Lincoln in Richard I.'s reign had initiated the first constitutional opposition to taxation ; an Archbishop, Stephen Langton, had headed the revolt against John. Under Henry III. the reputation of the English Church was held high by Grosseteste. Yet in this fourteenth century we are met by a bitter feeling of resentment, against the Pope first and foremost, but undoubtedly also against the whole ecclesiastical body.

**Fourteenth-century resentment against them.** Hatred of Rome there had been indeed ever since John opened the flood-gates of Papal extortion, and perhaps on that side the only difference was that the nation was now in a position to express its opinions. In the thirteenth century there had been pathetic complaints and impotent protests, in the fourteenth there were laws made in Parliament. The Statute of Provisors in 1351 was intended to put an end to the Pope's extravagant claims upon patronage in the English Church. It points out the loss in money, dignity, and tranquillity suffered by the whole realm, and the block in promotion, so to speak, among the English clergy caused by the constant intrusion of aliens at the command of the 'bishop of Rome'; and it ordains that all elections in the Church shall in future be free and all advowsons in the hands of the descendants of their original owners. Although the law was no doubt frequently evaded, it did nevertheless put some check upon the malpractices of the Pope. A Statute of 1353 dealt with an even more delicate matter. Appeals to Rome had gone on unchecked since Henry's renunciation of the Constitutions of Clarendon, and more than ever since the reign of John ; not only were those causes taken out of the country which should have been decided by the Archbishop, but also those which ought to have gone to the king's court. The Statute of Præmunire, which was confirmed and completed forty years later, provided terrible penalties for persons who in future should carry such appeals out of the country. They were to be taken 'by their bodies,' and while all their property was confiscated, they were to be imprisoned at the

**Hatred of Rome an old story**

**Provisors.**

**Præmunire.**

royal pleasure. This law was destined in the future to become a dangerous tool in the hands of the executive, no accused person ever seeming able to prove satisfactorily that he had not incurred its penalties; but its immediate effect was no doubt wholly good. Nor were these the only blows dealt at the fortunes of the Papal Treasury. In 1366 the English Parliament unanimously repudiated the obligation to pay not merely the tribute promised by John, but the Romescot or Peter's Pence which had been regularly collected for over five hundred years.

Legislation against the Pope pleased nearly everybody, and would never have seriously ruffled the tranquillity of the realm; indeed it was difficult for a patriotic Englishman to retain any reverence for a spiritual father who lived, as the present Pope did, under the protection of the French king at Avignon. But the growing opposition between the clergy and the laity, together with certain peculiarities in the situation of the former which were largely responsible for the feeling, was destined to create a wide disturbance, both social and political. Signs of discord were not wanting in the earlier half of the century. In 1344 the Commons presented a petition which is ambiguous but suggestive; they asked that no demand of the clergy likely to prejudice the interests of either House of Parliament should be granted without full inquiry. In 1346 we find them pressing for the taxation of lands held in mortmain. These were the guarded expressions of feeling of the substantial men who represented the nation. But there were also the masses of Englishmen outside the Houses of Parliament, who had no obvious means of calling public attention to their views, but who shared with the knights and burgesses that special detestation of dishonest luxury and of profligacy which is so characteristic of their class. The wrath and the contempt excited in all of these by the abuses which had crowded into their Church have been made clear to everybody by the laughing irony of the 'Canterbury Tales,' and the bitter scorn of 'Piers Plowman.' We cannot doubt that they were fully justified. Bishops drawn from the

**Signs of  
discord  
in Eng-  
land.**

**State  
of the  
Church.**



younger branches of noble houses, who regarded their sees as mere stepping-stones to a life of pleasure or ambition ; benefited clergy who by Papal permission held a dozen charges at once and neglected all ; great numbers of monks and friars who made their pious professions of poverty a screen for lives of idleness and vice ; below them a rabble of disorderly clerks, regardless of law and laughing at the threat of punishment ; these, with a lax and corrupt jurisdiction, were some of the deplorable features of the English Church in the fourteenth century. And full of its knowledge of all this, the laity had to submit to see the important posts in court and council held by ecclesiastics alone : if this had been the case from the earliest times, it was never with so poor a justification. Thus the Church lay doubly open to attack, from the side of politics and from that of purity in religion.

**Parlia-****mentary  
attack.**

The political attack came first, in the modern form of a Parliamentary opposition. In 1371 the Lords and Commons held a great consultation, and endured from a long-winded peer the working out of an allegorical attack upon the Church elaborate enough to drive any modern Parliament to distraction. The result, however, was the presentation to the king of a petition, very decided in tone, attributing most of the evils from which the country suffered to its government by irresponsible clerics, and requesting an immediate substitution of laymen. The king seems to have agreed at once, perhaps having his own reasons for doing so. But although the movement was in the right direction, it appears that Parliament might easily have chosen a better moment for carrying it out and better substitutes for the men thus displaced. The well-known William of Wyke-

**Indiscreet  
action.**

ham was the Chancellor who resigned, and the new lay ministers signalled their assumption of power by a ridiculous miscalculation of the taxable population of England. In the ensuing years, though Parliament by no means slackened in its opposition to ecclesiastical abuses, it probably discovered that every misfortune which fell upon the country could not with safety be attributed to these alone. There were sufferings from purely physical causes—weather,

disease, and dearth. There was the protracted war in France, which now consisted so far as England was concerned in repeated expeditions which cost a great deal and achieved nothing at all. And there was the entry into active politics of John of Gaunt, third son of the king, who by marriage had become Duke of Lancaster and the inheritor of the evil Lancastrian traditions of the last reign. After troubled and excited years in which half the nation's attention was given to the fruitless negotiations for reform proceeding with the Pope and half to home politics, there met in 1376 the most famous Parliament of Edward III.

**Good Par-**  
**liament.** This assembly, known as the Good Parliament, may be taken as representing the climax in nearly every direction of the political activity of the period, although, paradoxically enough, its permanent achievements were little or nothing. Its opening was sufficiently remarkable.

**Impeach-**  
**ment.** Parliamentary impeachment now appears in our history for the first time, and in consequence of it three men, Latimer, Lyons, and Neville, were deprived of their posts and imprisoned. They seem to have thoroughly deserved their fate ; for even if the apparent financial distress of the country was not wholly due to them, they had helped Edward to perform certain financial frauds which do not make a good record for a king of England. The

**Numerous**  
**petitions.** Commons then proceeded to draw up and present in the space of nine weeks as many as a hundred and forty petitions on various subjects, a number which reminds us that the art of Parliamentary obstruction was still in its infancy. The petitions deal with all manner of business, with local and central, judicial and administrative reform ; but the large number aimed at the regulation of trade and the preservation of order mark once more the class which was preparing to undertake the almost purely Parliamentary government of the next century. In the midst of its deliberations the

**Death of**  
**the Black**  
**Prince.** assembly was alarmed by news of the death of the Black Prince. This eldest son of Edward III. would appear to have been as far superior to any of his

brothers in moral qualities as in military ability. He had always inclined, so far as his enfeebled health allowed him to take part in politics, to the popular rather than the royal side ; he had proved his personal integrity ; and he had shown a sounder instinct for statesmanship than it has been the lot of some other successful soldiers to display. The fears that evidently assailed the Commons when they heard of his death are a sufficient proof of the esteem in which they held him.

**Parliamentary distrust of John of Gaunt.** They insisted that his young son Richard should forthwith be presented to Parliament as heir to the throne ; they declined John of Gaunt's proposal to settle the succession in view of Richard's possible death ; and they proceeded at once to 'enforce' the council by naming ten or twelve lords who were to be permanent members of it—yet another futile attempt to solve the insoluble problem. It is not at all certain that John of Gaunt seriously intended, now that both his elder brothers were dead, to substitute himself for his nephew upon the throne ; but we may be quite sure the Commons thought that he did. And as soon as the Good Parliament dispersed he justified all its animosity against him by upsetting with an arbitrary assumption of power the whole of its work. He dismissed the

**Its justification.** new councillors, recalled those who had been impeached, and rejected every one of the hundred and forty petitions. Moreover, he had the acuteness to manufacture a new tool for himself by using his influence on the next elections ; and the Parliament of 1377 contained the first 'packed' House of Commons in English history. Unfortunately also the duke was able to improve his position by a politic alliance with the party of Church reform in the person of John Wyclif.

**Wyclif:** This famous man had not as yet begun that **his earlier theories.** attack upon specific beliefs of the Roman Catholic Church which afterwards earned the title of heresy and made him too dangerous a friend for any one who had so much to lose as the Duke of Lancaster. Wyclif had evolved, it is true, his characteristic social doctrines of evangelical poverty and 'lordship in grace' ; but these had not yet been

subjected to that interpretation by practical men which alone rendered them so obnoxious to the self-respecting and prosperous classes in English society. As a matter of abstract argument, no Christian cared to deny that the only true superiority was superiority in righteousness, and that communion of goods was the worldly condition proper to members of the Church. Many a sturdy burgess subscribed cheerfully, no doubt, to these doctrines, so long as he was not called upon to hand over his property to his neighbours or to allow his authority as mayor to depend upon an inquiry into his moral character. In the sphere of practical politics, meanwhile, Wyclif had hitherto confined himself to such activities as his countrymen could cordially approve. He had been their representative at that conference with the Pope in which, though the result was disappointing, the position of the English nation had been stated more clearly than ever before ; he had made other public protests against the papal aggression ; he had drawn attention again and again to the abuses in the life of the ecclesiastical body at home. We must of course assume that the thoughts which afterwards took such definite shape were all this time maturing in Wyclif's mind. A man who in 1378 was prepared to deny the doctrine of transubstantiation and declare excommunication to be a farce cannot have been perfectly orthodox in 1377. But even when Wyclif's teaching was condemned he himself suffered no sort of personal persecution ; and at the time when the Good Parliament was dispersed he commanded a considerable following in the Commons and stood high in the estimation of the nation.

**Alliance with John of Gaunt.** The motives which led a man of ideals so high and ambitions so pure to show active friendship for an unscrupulous adventurer like John of Gaunt are peculiarly difficult to discern. Can he have been misled by his own zeal and earnestness into accepting as of real value Lancaster's adherence to the principles of Church reform ? John of Gaunt was plainly gambling for power. He decried the great ecclesiastics like William of Wykeham because they were his political rivals ; he urged the righteousness of evan-



gelical poverty because he hoped by emptying the pockets of the clergy to fill his own. His present device enabled him not only to press doctrines from whose public acceptance he hoped to reap solid advantages, but to gain some of the support due to those who adopted them with sincere conviction. Was Wyclif blind to all this? or was he, perhaps, not altogether without guile, and capable for once of making friends of the mammon of unrighteousness? When afterwards confronted with the logical deductions from his own doctrine he showed himself prepared to draw a very sharp line between theory and practice; he admitted that expedience compels us to recognise the ordinary conventions of society. For whatever reasons, the most powerful noble in England was pursuing ends which Wyclif believed to be good; and it is quite conceivable that he held himself bound to take advantage of the fact.

The Duke of Lancaster gained for the moment every advantage he can have hoped to gain. An attack led by Courtenay, Bishop of London, upon both Wyclif and Lancaster came to nothing; a subservient Parliament granted money and confirmed all the results of the duke's recent exercise of power; Wykeham and his following were jealously excluded from office. But the triumph was not for long.

King Edward, who in his feeble old age had submitted entirely to the rule of the women of his court, was now able for the first time in many years to upset the arrangements of his ambitious son. In the summer of 1377 he died, and the councillors who surrounded his young grandson quietly took the power out of John of Gaunt's hands.

It would, however, have been too much to expect that Lancaster—or, indeed, his younger brothers—should entirely refrain during the new king's minority from interference and intrigue. Edward III. undoubtedly had too many sons, as well for the tranquillity of his grandson's reign as for the subsequent welfare of the country. Besides John of Gaunt, there were still living Edmund, afterwards Duke of York, and Thomas, afterwards Duke of

**Death of  
Edward  
III. and  
accession  
of Richard  
II.**

**Royal  
family.**



Gloucester ; and, unfortunately, none of the three was bound to the throne by the tie of presumptive inheritance. Edward's second son, Lionel of Clarence, had left a daughter behind him, who was married to the Earl of March and mother of a son ; so that this boy represented an elder line, and in case of Richard's death without issue would naturally succeed. The king's uncles, kept out of the council and thus deprived of the appearance of authority, had nothing to do but to make mischief by means of their social and political influence ; and John of Gaunt's son, Henry Earl of Derby, was in much the same position. The Wyclifites were another element of discord ; for, although they never represented a serious danger to the doctrinal supremacy of the Church, their attacks on her temporal power and prosperity met with very general approval.

**Strained relations.**

There were strained relations between the royal family and the Parliament, then between Lancaster and the Church. The Commons made an excellent beginning by declaring their right to appoint a certain number of the councillors to watch over expenditure and to superintend the royal household. But the French war still dragged on at great expense and with absolutely no success, and the inevitable pressure of taxation was such that no concessions could satisfy either the Commons or the country. Parliament

**Poverty and taxation.**

came unwillingly together every year to impose fresh exactions. The Commons tried the new plan of a poll tax, then the old one of fifteenths and tenths, then again the new one—all this with bitter complaints against the ministers, the magnates, and the clergy, until the pressure of a common danger forced the three governing classes together in close alliance. Clergy, lords, and commons forgot their differences in the face of the great peasants' rising of 1381.

**Peasants' rising : its great interest.**

This rebellion, brief and easily suppressed as it was, is one of the most interesting events of mediæval English history. It is the first emergence of a power then unknown, but recognised in our own day as potentially supreme. It is the first clear utterance of that great mass of men who for centuries had been dumbly providing materials for the history in which their rulers acted.

It throws a vivid light upon a chain of causes which in the end were completely to transform the social state of England. And it rudely shatters the belief, born of the study of parliamentary history, that all the fears and wishes of the people were now duly collected every year within four walls at Westminster. After all, there were wild hopes and schemes in the nation's heart of which its worthy representatives had never dreamed. But it had not been taught the polite expression of them ; and now, pressed by the puzzle of life, it suddenly rose from its toil and went out with spears and clubs to persuade its masters. The masters were not convinced, but the nation had had a first lesson in speaking its mind.

**Its chief** Chief among the many immediate causes of the **immediate** rising was, as we have all been told, the plague **cause.** called the Black Death, with its effects upon agriculture, and the clumsy efforts of Parliament to restore what never could be restored. Immediate causes, however, become such only by their relation to other events, and the Black Death owed its influence, as the rising its importance, to changes in the state of rural England which had been the affair not of months but of centuries. The distinctive feature **Mediæval** of early mediæval society was, as we have seen, that **land** not merely one class but the whole nation was **system.** directly connected with the land. The nobles paid for theirs by military service, the clergy by masses and prayers, the free tenants by money rents ; and the villeins earned their modest share by cultivating both their own fields and everybody else's. This class had suffered many things at the hands of its masters. It had been ignored, despised, and oppressed ; it had no rights of citizenship, no access to the national courts of law. But the villeins could never be deprived of their hold upon the land, for their privileges were as carefully recorded as their duties, and they were protected, even if they were oppressed, by the custom of the manor. This being so, they **Inevitable** could not but profit by every change which progress **changes.** brought. Population increased, and the villeins born upon any one manor became more numerous than was necessary for the cultivation of the land. After the

statute *Quia Emptores*, again, the number of small freeholders increased with some rapidity, and these could not, like the great lords, support a swarm of servile dependants. The result was **Condition of the peasants.** that the peasants, keeping their own land, paid for it very generally by money rents instead of by labour; that they, again, were commonly paid in money for the services they still, of course, in most cases rendered the landlord; and that the surplus drifted off to the wars or to the towns, where they joined a craft and earned their freedom. A majority of the cultivators of the land in the fourteenth century were at once small tenants and hired labourers—still servile in theory, but in practice almost free, and very fairly prosperous.

**Horrors of the plague.** Upon this state of things came the great plague—‘the foul death of England’—its first and most terrible visitation in 1348, others not quite so overwhelming a few years later. In itself it was after all a catastrophe almost great enough to mark an epoch in history. Often as the story has been told, we of modern days can scarcely picture the scenes the chroniclers describe. In Bristol ‘almost the whole strength of the town died.’ At Leicester 700 persons fell in one small parish, 380 in another. Shepherds and their sheep were struck down together, and their bodies lay rotting in the fields. It has been seriously estimated that throughout the country one-half of the population died. And, characteristically of the age, nothing is heard of any attempt to lessen the horrors of the plague, very little of any attempt to escape them. The chief anxiety was to place the last ceremonies of their religion within reach of those who were being thus swept away. The Pope granted full remission of sins to anyone absolved in peril of death; and everybody was to choose a confessor at his will. The Bishop of Lincoln gave powers to every priest in his diocese to absolve the dying with full episcopal authority, except—an odd exception—on matters of debt. The fear of sudden death was such that ‘there were very few,’ as the chronicler remarks with a certain measure of mild astonishment, ‘who cared about riches or anything else.’

**Its effects.** It was inevitable that the poor, worse housed, worse fed, harder worked than their superiors, should fall in even greater numbers. The effect upon agriculture was for the time absolutely disastrous. The harvest was not reaped, and rotted where it lay; the land went unploughed; the sheep died in thousands of disease and neglect. While the plague raged no one cared, but when the lords and their men began to look about them again they made discoveries. The lords found that ruin stared them in the face. Not only did their own fields lie uncultivated, but the holdings of their tenants, falling empty all round, failed to supply the rents of money or of produce which were due from them. Practically no labourers could be hired, while tenants could hardly be induced by extravagant promises of reduction in rent to take up the land. This cloud of disaster had however a very bright silver lining, which was turned full towards the peasant class. The discovery of the labourers was that they could command almost any wages they pleased, and even then make the giving of their services a favour. The position must have been highly agreeable to men who had never heard of trade unions; and we can scarcely wonder that they took what they could get from landlords who in their first dismay thought of nothing but how to see some measure of activity restored upon their estates.

**Great rise in wages.** **Dismay of landlords.** **Statute of Labourers.** But when the classes which suffer in any national misfortune are also the classes having the largest share in the government, some attempt to help them is not likely to be long delayed. The Statute of Labourers, passed at the end of 1349, was the remedy which first suggested itself to the Parliamentary mind. It certainly showed a reckless disregard of the eternal laws of political economy, but these rarely win much veneration from the people who are on the wrong side of the wall. The statute naïvely directed that the customary wages and no more should be paid to the labourers, under pain of heavy penalties to fall both on him who gave and him who took. But if the peasants did not know that they had economics on their side they soon found

that they had human nature ; the lords continued to pay wages at an increase of 50 or 100 per cent. because their necessities pressed them, and it was very certain that the king could not place a constable in every meadow and field to see that the law was obeyed. Quite naturally, though the chroniclers relate it with sorrow, 'the labourers were so lifted up and obstinate that they would not listen to the king's command.' The view taken at court seems to have been that both parties, employers and employed, were equally contumacious. A great number of labourers were imprisoned and made to swear that they would work for the old rate of wages ; while large fines were levied upon nearly all holders of land to punish them for their share in the general disregard of the statute. The peculiar irony of the latter measure lay in the fact that a majority of the landlords were quite innocent of paying higher wages than before, because being unable to find any labourers they had had no opportunity of paying wages at all.

**Claim of  
the lords  
upon  
villeins'  
services.**

Such childish legislation as this could create discontent, but it could never have prepared the way for a great revolt. When the lords, however, became themselves aware of its futility, they hit upon a new method which proved for the time much more effective. They remembered that these men who claimed to ask their own price for their labour were, after all, bound by the conditions of their birth to render it without payment of a penny. They declared that the whole system of money-rents and money-wages was a modern structure without any foundation in law. They searched the manor rolls for proof of the servile birth of every peasant on their lands, and for the record of the labour-rents due from him in return for his holding. For thirty years after the first visit of the plague this struggle had gone on, growing, no doubt, more bitter as the country gradually filled up again. In the cases where the labourers were able to hold out for money payments, they seem to have received them at the higher rates ; but many others must have been forced to submit to the demands which were in reality as unjust as

**Grave dis-  
content.**



if they had never been heard of before. The peasants gave unwilling service, and did not forget their debt to those who exacted it.

**Other causes of the rising.** The state of feeling thus created was the leading cause of the rising in 1381, but by no means the only one. Indeed the cries of the rebels were almost as numerous as the counties in which they rose. There were the journeymen of the towns indignant at the stupid selfishness of the merchant guild; there were the village politicians who detested government by factions at court; there were the socialists and visionaries who were well read in *Piers Plowman* and had heard of Wyclif's startling doctrine of 'lordship in grace.' The imposition of a poll tax was a measure well calculated to set a spark to all this gunpowder. The exaction had all the qualities which make a tax detestable; it was new, it was inquisitorial, it was impossible to evade. Soon after its second collection was ordered the revolt broke out.

**Short duration of the revolt.** It is almost a disappointment, after all the preparation and organisation, the preaching and the mystery, after the men of Kent and Essex and Hertford had camped round London, and their fellows in the more distant shires had followed their lead so well, to find that within a fortnight the revolt was at an end. We should not have been sorry to hear that the Kentish men refused to be tricked by the young king's promise of freedom, and that Wat Tyler met with a better fate than death without a hearing. Perhaps Englishmen have the law-abiding instinct too deeply rooted in them to carry out a rebellion with consistency and bloodshed; certain it is that when the peasants had burned a great many manor rolls and similar accounts and had murdered two or three prosperous gentlemen, they were ready to accept the false pledges of the Government and lay down their arms. When the country was tranquil, the king and the council had only to withdraw their promises of enfranchisement and hope that everything would go on as before. In a sense, no doubt, everything did: England was not cut up into little communes as some of the rebels had

dreamed ; the Church was not purified in a day ; the distinction between lord and villein was not swept away. But in

**Continuation of the process of emancipation.** reality the chains which bound the peasant to the land were broken. Later generations found that they had gained their freedom, but found also that freedom which meant separation from the land was by no means an unmixed blessing. There were of

course on the one hand those who prospered, who rented lands on lease, who helped to form the yeoman class of the ensuing centuries and to swell the ranks of the substantial commons. But there were also those who found that in winning back their human birthright of freedom they had too hastily flung away their mess of pottage. From the reign of

**New problems created.** Richard II. onwards there were two new problems in English domestic politics: problems which are now familiar to us as the questions of agricultural depression and of provision for the destitute. In feudal days the

villein had to perform laborious services to earn his livelihood, but earn it, at any rate, he did. Under the new system the landlords very commonly found that they could not afford to pay such wages as the labourers could afford to take, and unfortunately for the peasant, the remedy lay ready to hand.

**Enclosure of land for pasture.** Throughout the fifteenth and sixteenth centuries a process went steadily on by which a great proportion of English soil was changed from arable land into pasture. Sheep paid best for the landowner, and fewer

labourers were needed ; the value of land went up, wages went down. It would lead us too far to trace to the end the history of this revolution, for some of its effects were such as we can still feel to-day. But beginning from the statutes of 1389, which aimed at preventing migration from the country to the

**Condition of English agriculture.** towns and at provision for the impotent poor, we shall find evidence enough in the legislation of Tudor, of Stuart, and of Hanoverian times that the English agricultural labourer stood for better or for worse

upon a footing quite different from that of his fellows in any European country.

The immediate successes of the rebels were not great, but

**Retirement of John of Gaunt.** what at any rate they did was thoroughly to frighten John of Gaunt. They seemed to have expressed so hearty a detestation of the man and his methods, that even when thousands of them had been executed and all was quiet the duke could not regain courage or inclination to play his old part at court. From this time he withdrew into the background and left to his son Henry of Derby and to his brother Gloucester the leadership of the Lancastrian interest—the constitutional party or the turbulent party, as it may be called according to the taste of the historian. The game which these men had to play inevitably became more difficult as time went on. Richard II. was growing up to manhood, and was exhibiting some of those conflicting qualities which make his personal character a more complete puzzle than that of any other of our kings. Was he a careless and indolent trifler, visited by an occasional flash of genius in the management of men? Was he the typical royal despot, self-deceived into the belief that his will is the only possible law? Or was he in intention at least a sufficiently good sovereign of the mediæval kind, unfortunate chiefly in his surroundings and in the strength of the opposition with which he had to deal? His reign seems to supply evidence for the supposition that he was any one of these, or all by turns. Certainly his subjects came to a very definite conclusion; but who can say how far they visited on the king's head the evils of the time, or were instruments in the hands of an ambitious family?

**Character of Richard II.** The first unexplained puzzle is how the young king can have been induced, after his display of courage and resource at the meeting with Wat Tyler in 1381, to retire again as he did into obscurity behind his uncles' chairs. His inactivity did not, it is true, prevent Gloucester's party from having within five years loud complaints to make of him, but probably it would have been difficult for any manner of king to satisfy the leading nobles of the time. The disturbance of 1386 was the old story of an attack by the barons on the king's friends. Perhaps their motives were wholly ignoble, perhaps some right

**His early inactivity.**

**Gloucester and York.**

lay on their side. Neither Gloucester nor his brother of York could be called a national leader or even a particularly honest man, yet the Earl of Suffolk and Robert de Vere, Richard's chosen advisers, seem to have merited some at least of the evil things said of them. Suffolk was at any rate impeached and driven from court in 1386, and the king's two uncles, after forming the usual committee of barons, took over the royal duties with a readiness which did credit either to their ambition or their patriotism. This situation gave the signal for one of Richard's

**Richard's energy.** brilliant strokes, in which we recognise the boy who faced the rebels and miss the indolent youth who had idled away the last five years. He toured through the country, appealing to the people against the selfish policy of the dukes, using his personal gifts to stir popular feeling in his own favour; he persuaded or forced the judges to declare the committee unconstitutional and the impeachment illegal; within a year he had his friend Suffolk back at court and York and Gloucester out in the cold. They were, of course, very far from content to remain there, and, after a few months in which civil war seemed terribly near, another political transformation placed Gloucester, the leading spirit, in power again. Together with Henry of Derby, son of the Duke of

Lancaster, and the earls of Nottingham, Warwick, and Arundel, he 'appealed' Suffolk and others of treason; and backed by a Parliament which showed a most un-English taste for hasty condemnation, the appellants carried their point by wholesale execution of those who had been against them in the preceding year. The English aristocracy could win no glory in this kind of warfare, and perhaps it was as well for their credit that the records of so many noble houses were soon to be washed out in blood.

**Lords appellant.** The young king, however, rose to the occasion once more, and appeared in the new character of a bold yet politic statesman, standing firmly upon his own rights, yet careful to respect those of others. In 1389 he quietly claimed the position due to him as King of England and dismissed the lords appellant from his council. Whether these gentlemen were simply too much astonished to

**Second royal success.**

In 1389 he quietly claimed the position due to him as King of England and dismissed the lords appellant from his council. Whether these gentlemen were simply too much astonished to



protest, or whether the country had given some indication of decided feeling, it is not easy to say; but it certainly appears that their resistance was confined to a subsequent petition to be received back into the king's favour. The really astonishing thing, in face of the fact that Richard was afterwards deposed for despotism and misrule, is that during the eight years following this *coup d'état* he governed with ability, moderation, and success. He made no attempt to collect the scattered fragments of the old court party. He admitted the appellant earls to a fair share of power. The enactments which he passed are creditable to himself and his advisers, while the one which he refused to pass was a disgrace to its promoters. The Statutes of Provisors and Præmunire were repealed, trade was regulated, the number of the justices of the peace increased; the petition against 'maintenance,' which simply amounted to intimidation in the courts of law, became a statute; but the request of the Commons that villeins should be forbidden to acquire lands or send their children to school was promptly rejected. The king made two very fairly successful expeditions to Ireland, where the system of conquest by private enterprise encouraged by the early Plantagenets was producing its natural result in strife and turmoil. On the whole Richard laboured industriously to preserve the country in a condition of tranquillity more complete than had been enjoyed for many years.

**Two theories of Richard's action.** According to one theory of Richard's character, these eight prosperous years were a period of continuous dissimulation on the part of the king, a time during which for his own sinister purposes he suppressed his naturally tyrannous instincts and lulled his people into a false sense of security. According to a second theory, he was sincere, but was kept on the right path solely by affection for his wife, Anne of Bohemia, a lady whose influence for good threatened at one time to become a sort of King Charles's head in narratives of fourteenth century history. But whatever may have been the real supports of this surprisingly good government, it was not destined to stand. In 1394 the fabric was shaken by the death of the queen and of John of Gaunt's wife, by his marriage with Catherine Swynford and the subse-



**Collapse of the administration.** quent legitimisation of her children, by Gloucester's discontent at this and other favours bestowed upon his brother. In 1397 the whole structure fell with a crash, and Richard was soon trampling with suicidal audacity on the constitutional usages he had so carefully maintained. Two of the former appellants, the Earls of Derby and Nottingham, united with the king for the destruction of the rest: Arundel was executed for his treason of ten years ago, Gloucester escaped and died abroad, Warwick was imprisoned for life. But Richard did not stop at personal revenge.

**Richard's despotic theory.** A petition from the Commons which criticised the administration was violently rejected, and the life of the petitioner threatened; while court influence was so far brought to bear upon elections that a subservient Parliament not only granted the king supplies for life, but assented to his wild assertion of unassailable, divinely bestowed, and absolute power.

**National danger.** The nation found itself face to face with a despot as unscrupulous as any that had yet occupied the throne, and a good deal more dangerous. The whole system of free and constitutional government seemed threatened with destruction. The safeguards wrested by the barons from the struggling John, the concessions finally exacted from his slippery son, the great institutions nursed into life by Edward I. and carefully protected by the nation during the succeeding reigns—all this, if Richard were left upon the throne, was to weigh nothing against the caprice of a man whose sanity many had begun to call in question. Every English instinct must have risen in revolt among the people. Their common sense condemned the folly of Richard's assumptions, their pride of possession resented the attack on institutions especially their own, their obstinacy refused to admit that the long struggle against royal tyranny was to end after all in defeat. To us who can foresee the Tudor reigns, the deposition of Richard II. appears no more than a postponement of the despotic period; but to men of the time it must have seemed that they stood at the parting of the ways. Yet, as happens so curiously often when a change is the result of deep-seated feeling, events seemed actually to turn upon a matter of trivial

importance. Richard's two new supporters, Henry of Derby and the Earl of Nottingham, had a quarrel, and the king, to rid himself comfortably of all complications, condemned them both to exile. It was in his next step that he overreached himself. At the beginning of 1399 John of Gaunt died, and Richard, choosing to regard Henry of Derby as disinherited, took possession of the Lancastrian estates. The

**Invasion  
of Henry  
of Derby.**

opportunity was too good a one for the new head of the house of Lancaster to neglect. Choosing a time when the king was absent in Ireland, he landed

on the Yorkshire coast and marched southwards, declaring his only object to be the resumption of his estates, while men flocked to his standard as if the future of England hung upon Henry of Lancaster's material prosperity. But all knew that the Crown was the prize at which he aimed and that 'constitutional government' was the motto his banner should have

borne. When Richard, who, unaccountable to the last, yielded to his fate without laying hand to sword, had been formally deposed, Henry claimed the

throne as descended 'in right line from Henry III.,' for, as belonging to the younger branch, he could claim no more; but the archbishop did not lead him to his throne until 'the estates with one accord agreed that he should reign over them.' The nation had freed itself for the time from kings ruling by right of birth alone, and the ground was clear for the constitutional system which was the best that mediæval England could devise.

*Leading Dates.*

	A. D.
Beginning of the Hundred Years' War . . . . .	1337
Final prohibition of direct taxation without consent . . . . .	1340
First visitation of the Black Death . . . . .	1348
Statute of Provisors . . . . .	1351
Statute of Præmunire . . . . .	1353
Prohibition of indirect taxation without consent . . . . .	1362
Good Parliament . . . . .	1376
Accession of Richard II. . . . .	1377
Peasants' Revolt . . . . .	1381
Appeal of the five lords . . . . .	1388
Richard's assumption of power . . . . .	1389
Deposition of Richard . . . . .	1399

## CHAPTER VI

## MEDIÆVAL CONSTITUTIONALISM AND ITS DOWNFALL

**Accession of Henry IV.** WHEN Henry of Lancaster mounted the throne of England as King Henry IV. the restless ambitions which for generations had haunted his house attained at last their full realisation. He was the first to claim the Crown, but everyone knew that he was not the first to covet it. Yet he won the prize more by the blunders of his opponents than by any transcendent merit in himself. Richard was intolerable, and the Lancastrian of his time was less dangerous than any who had come before; so the nation made its conditions and took the better chance of the two. Both parties found out in due course what they had got by the bargain. The king died a disappointed man, for his object lesson was too simple to be misunderstood. The people, slower to learn, were convinced at last by a demonstration in blood and steel that even a government prevented from governing was not the cure for every national ill. Henry's accession brought England a long step nearer to the Wars of the Roses.

**A constitutional experiment.** Edward III. had certainly served his country ill when he reared five ambitious sons to manhood, but for the source of the evil which was to come upon England we must look further back. Henry III. had not been a man of many ideas, yet he appears to have originated a certain kind of royal policy destined to have serious results. To him more than to any previous king except his father it was brought home how great a drawback to sovereignty is the existence of subjects who know their rights and can claim them. His plan therefore was simply to transform his most dangerous opponents into his firmest

**Difficulties of a large royal family.**

supporters by bestowing the principal earldoms upon members of the royal family. Unfortunately for Henry's descendants this policy rested upon a certain miscalculation. History does not tend to convince us that family ties have any particular sanctity in the eyes of politicians gambling for power, or that princes, and even humbler men, cannot hate their brothers and cousins as heartily as anybody else. Oriental monarchs who murder all their male relatives have at least the merit of consistency, while the Plantagenets' remedy for civil disorder turned to poison on their hands. In Edward II.'s reign, Thomas of Lancaster, cousin of the king and lord of five earldoms, created the tradition of opposition to the Crown, and the watchword of those who deposed Edward was revenge

**Lancastrian ambition.** for the great earl's death. John of Gaunt, who married the heiress and the earldom, added the influence of a discontented prince of the blood to the Lancastrian power, and did more to endanger the peace of the realm than any other man of his time. Now John of Gaunt's son had sent his cousin to imprisonment and death and had seated himself upon the throne to try the experiment of governing by the will of Parliament. With the question whether or not his ambition was tinged by genuine patriotism and love of freedom we have little concern. History cannot afford to be too scrupulous in its judgments or to take much note either of motives or of methods; and had the Lancastrian experiment been finally successful the first of the line must have been justified in our eyes if he had waded to his throne knee-deep in blood. Henry IV. however incurred no such responsibility, and deplorable as the fact may be, his humanity undoubtedly added to the already sufficiently numerous difficulties of his rule.

**Henry's difficulties.** In all probability Henry had been able to guess that the task he had before him was none of the lightest; but quite how hard it would be, how complicated by the weakness of friends and the stubbornness of enemies, by extravagant demands and insufficient performance, by external difficulties as well as by domestic problems—this he can scarcely have suspected. His

misfortune, of which every politician will appreciate the magnitude, was to have come into power hampered by numerous promises. What indeed would be the sorry plight of a ministry

**His promises.** of to-day which could count on keeping its majority only by fulfilment of its electioneering pledges? It is an injustice to our premiers to suppose that they would not rather see the whole parliamentary system go by the board than accept office under such conditions. Yet exactly this was the position of poor Henry of Lancaster. He was placed upon the throne as champion, not merely of Parliament against the Crown which was now his own, but of middle-class respectability in every form against the forces which threatened it; of the Church against the Lollards, of the yeomen against the villeins, of everything, judging by what we know of Henry's youth, with which he had little sympathy against everything with which he had much. In itself perhaps

**Characteristics of the middle class.** no task can be much harder than that of a man called upon to represent and satisfy a narrow-minded middle-class, newly come into a position of power. The qualities which were admirable in an oppressed section of the community become marvellously less so in a prosperous one, and its sturdy insistence on its rights is too apt to develop into an insistence upon other people's wrongs. We are obliged to respect the Commons of the fifteenth century, but the gold of their legislation was undoubtedly mixed with a very great deal of sand. And in Henry's case there was this further complication that he had promised explicitly or implicitly to these people more than he could by any possibility perform. With the Commons expecting always what he could not give, with the nobility growing steadily more turbulent and destructive to the peace, with the shadow of his dead cousin haunting him and the fear of another claimant to the throne continually before his eyes, Henry must often have cursed the day when he shifted the burden of royalty from Richard's shoulders to his own.

**Finance.** The question of money, with everything it involved, forms a sort of thread to which nearly all that is of interest in Henry's reign may be attached; and for



the rest we have only to look to the inevitable difficulties of a king whom many still held to be a usurper. The first conspiracy, however, the result of Henry's impolitic moderation, was betrayed in its early stages and easily suppressed, and the king set himself to the work of strengthening his position. The truth was as familiar to him as it is to any modern Chancellor of the Exchequer that the way to gain popularity is to remit taxation ; and this plan he thought it well to adopt for some little time after his accession to the throne. A government bent upon retrenchment is commonly obliged to take peace along with it, and Henry had no wish to be an exception to the rule. But in the international disputes of five hundred years ago diplomacy had not yet become the unfailing refuge of those who desire delay, and the uncomfortable habit was prevalent of taking up arms and killing some-

**War in Scotland and Wales.** body as soon as difficulties arose. Thus within a year of his accession Henry found himself at war with Scotland and confronted by the rebellion of Owen Glendower in Wales ; his budget showed a deficit such as makes orthodox financiers shudder, and his policy of non-taxation was blown to the winds. The king had

**Decline in Henry's popularity.** to meet his Parliament, which, sure of an impregnable position, made its demands before it gave its grant. Much worse, Henry's popularity, the fruit of the reaction against Richard, began at once to wither upon this evidence that he was a king much as other kings were. The country murmured and regretted before the revolution was two years old.

The war in Wales, again, was far from successful, and the spectacle of Henry's repeated expeditions to that region, from which he returned with bad news and a draggled army, did not tend to restore his credit among the people. Nor did the common fate of kings crowned by a revolution delay long in overtaking him. In 1402 Edmund Mortimer, uncle of the boy who, according to the rules of hereditary succession,

**Plots against him.** should have sat upon the throne, took up arms in his nephew's name and joined Owen Glendower. Rumours began to spread that Richard

was alive and free of prison ; and these had to be silenced by the sword. Things went so far as an attempt upon Henry's life. Even the successes in Scotland, the only gleam of good fortune, brought evil in their train, for the victory of Homildon Hill gave the signal for the rebellion headed by the Earl of Northumberland and his son, the famous Harry Hotspur. As to the true cause of this, the most formidable rising with which Henry had to deal, there must be some little uncertainty. Great events have turned before now upon the question of somebody's arrears of pay, yet we are loth to destroy Harry Hotspur's halo of romance by supposing that he took up arms solely because the king had left him a good deal out of pocket. Yet that the demands for administrative reform were merely a blind was proved by Hotspur's subsequent alliance with the Welsh ; and personal objection to Henry as king he seems to have had none. But the men of the west and the north rose and joined him ; the story went that Richard lay at Chester awaiting release ; the country was threatened with civil war. Henry's prompt action saved his throne, and if the battle of Shrewsbury, where Hotspur fell, was in some sense a prologue to the Wars of the Roses, there was still to be a long pause before the play began.

From that time forward we seem to see Henry clench his teeth and set his back to the wall. Money was required ; Henry called Parliament and demanded it, facing the discontent of an honestly impoverished nation. The Commons called for retrenchment on the navy, on the royal household, on the Church endowments ; he resisted where he could and yielded where he must. The French played havoc in the Channel, and threatened the English coasts ; Henry did his best to prevent further mischief by adroit interference in the internal struggles of France. He had another rebellion to deal with in 1405, when Scrope, Archbishop of York, and the Earl of Nottingham rose in arms. The king crushed the disturbance and sent the prelate to the block with a callousness which shocked his subjects, but convinced the insurgents of their mistake. In 1408 the old Earl of Northumberland made his final effort to upset the throne,

**Royal  
policy.**

and paid for it with his life. So, with war in Wales, with rebellion in England, with continual struggles in Parliament, the reign wore on. He is a pathetic figure, but far from a contemptible one, this king who had come to his throne upon a full tide of popularity and goodwill, who suffered so bitter a disillusionment, and yet, like a true Englishman, would never own himself beaten. What no doubt he must have hoped for

**Henry's dis-appoint-ment.** was an active and prosperous reign in which through all difficulties he would have the loyal support of the nation and of the Parliament whose rights he was so willing to admit. What he had actually to bear was growing unpopularity, and opposition too strongly tinged with caprice ; besides this, disease and weakness, and those family jealousies which were the curse of mediæval royalty. Yet he played his part well to the end and left a harvest of success for the son who came after him to reap.

**Constitutional aspect of the reign.** To appreciate the constitutional importance of Henry IV.'s reign we must look rather to the subsequent results of the position assumed by the Commons than to any immediate action by them or the council for the benefit of the nation at large. No great piece of legislation dates from this reign, no law was enacted for which we can look back with gratitude to the men of the fifteenth century. To feel any great esteem for them at all we must forgive the acts and the proposals which were obviously selfish, arising from their prejudices ; and we must excuse those which were merely stupid, arising from their inexperience. Thus the first great statute, passed in 1401, was

**Illiberal legislation. De Hæretico Comburendo.** the famous, or infamous, *De Hæretico Comburendo*, which provided that an impenitent heretic condemned by the ecclesiastical courts should be handed over to the secular authorities to die at the stake. This, the first English persecuting law, was an unavoidable concession by Henry to the fear of criticism in the Church and the hatred of novelty in the Parliament ; an evil first-fruit of a genuinely limited monarchy. This was the worst act of the reign, but the Commons won themselves no honour by neglecting, in their anxiety to save

**Selfish-  
ness of  
the  
Commons.** their own pockets, the naval defences of the country ; or, from a higher standpoint, by their absolute indifference to the welfare of the unrepresented masses of their countrymen. Indifference, however, was not a fault of which in general they could be accused, and we can only lament that much of their zeal was so astonishingly ill-directed. It is, indeed, almost impossible to understand how men of lively intelligence, as many of these must have been, should not have perceived the vicious circle in which they moved. They deplored, and very justly, the disorderly state of the nation, the decay of justice, above all the impunity with which the great lords overrode law and custom by force of arms ; but they failed to see that by constantly cutting short the king's supplies, by hampering the action of his council, by depriving him of servants whom he especially trusted, they took away from him every weapon which he might have used to fight the growing evil. Thus, for example, we find the Commons in 1404 demanding the removal of every 'alien' from the king's household, and insisting upon the ludicrous arrangement that a large portion of the supplies granted for war should not be entrusted to the ministers, but to special officials elected for the purpose. In 1406 they explained at length the line of policy they required the king to adopt for defence against Wales and France, a policy of which the leading feature was the abandonment of naval defence to a company of merchants. In the same year a long series of articles was drawn up, setting the narrowest limits to the royal authority in every direction : while a council was appointed and mistrustfully requested to make bricks without straw, or to govern without supplies. At the same time a light is thrown upon the advantages and drawbacks of payment by the day to members of Parliament ; for we learn that this session of 1406 was so prolonged that the sum due to those who attended—and prolonged—it amounted to within 1,000*l.* of the sum granted to the king to carry on the government of England.

All this tempts us to throw the records of Parliament aside and to wonder whether the mediæval House of Commons was



after all such a valuable institution as we have been led to suppose. But it is necessary to recognise that the Commons of Henry's reign, in spite of their blunders and their inconsistencies, were doing excellent work for the future.

**Value  
of their  
action  
for the  
future.**

It would be absurd to forget what later history so clearly shows, that England was as yet by no means free from the danger of royal despotism. The Plantagenets had been a self-willed race, and only thirty years had elapsed since John of Gaunt arbitrarily set aside the statutes of the Good Parliament. It was most salutary for the grandson of Edward III. to be literally controlled in his actions by a representative assembly, to be called to account for the expenditure of the national revenues, and to be forced to choose his advisers as his subjects directed. The administration of the country was ruined for the time, but a democracy was made more possible for the future. Our own House of Commons is so directly descended from this fifteenth-century assembly which in one sense it resembles so little that everything gained by the one may fairly be said to have added to the riches of the other. The parliaments of Henry IV. set some excellent precedents, which were destined to be useful long after the device of the responsible executive had been discovered. They demanded and obtained the audit of public accounts ; they refused point-blank the king's suggestion that he should be allowed to collect certain taxes when the estates were not sitting ; they came very near to establishing the rule that money bills must originate in the lower house. In short, though Henry's parliaments spent a great deal of time in knocking their heads against a stone wall, still they helped to point out the place where their descendants might best climb over it.

**Death of  
Henry IV.**

The king died in 1413, a broken-down invalid and a disappointed man, but deriving some comfort, we may hope, from the knowledge that he left able representatives behind him to uphold the rights of the House of Lancaster. Were it not for the astonishing freaks which in royal families especially heredity seems to play we might indeed regard the character of Henry V. and his brothers as



good evidence that the first Lancastrian king was a man of greater qualities than history has led us to suppose. **Character of his sons.** Henry himself and John, afterwards Duke of Bedford, stood both morally and intellectually in the very front rank among men of their time. Of the others, one died before he could fulfil his promise; and the youngest, Humphrey of Gloucester, though in the end he contributed largely to the ruin of his house, did so from the misuse of his powers rather than from any defect in them. Here at least was nothing of the mediocrity of an old-established royal race, and so far no one could deny that the change of line had answered well.

**Old-castle.** The first incident of Henry V.'s short reign was the persecution of Sir John Oldcastle for Lollardy and the brief insurrection which he headed after his escape. The new king thus found immediately thrust upon him the one among his inherited obligations which we may guess him to have found most distasteful. It is quite possible that Henry believed he saved souls by threatening all heretics with fire, for he was a genuine Catholic of the simple mediæval type; but there is evidence that it was not a duty he was by any means eager to perform. It would be agreeable to believe that his distrust of Archbishop Arundel, whom he at once removed from the Chancery, arose partly from the fact that this conscientious prelate had been the chief promoter of the act *De Hæretico Comburendo*. But the heresy of the Lollards, like most doctrinal schisms in England, was too much bound up with political action to be safely ignored by the king any more than by the respectable middle class in Parliament. The creed did not include any very definite theory of government, but it seemed to involve a great deal of discontent with the one which actually existed. Oldcastle became a declared rebel, and his followers were apparently much less concerned with breaking the law of the Church than that of the State. There was a large and excited gathering of Lollards near London; rumours spread that a hundred thousand more were ready to rise; the pressure of the safety-loving public would have driven Henry to

act even if he himself had hung back. But he was not the man to see the stability of his throne endangered. By his energetic measures the disaffection was stamped out almost as quickly as it had spread, and though Oldcastle himself escaped capture for two or three years he became comparatively powerless for harm.

**Renewal of the French war.** The year 1414 found Henry already determining upon a renewal of the great war with France, a proceeding of which the only possible justification, to the modern mind, must be its brilliant success. It

is difficult to believe that even Henry, mediæval and royal as he was, can have persuaded himself that his claim upon the French crown could really for a moment hold good in law. Even if Edward III. had had a valid claim his right had passed, by the same rules upon which he based it, through the daughter of his second son to the Earl of March ; clearly no shred of it could have passed to Henry V. What, however, we must realise is that even upon the most high-minded men of the fifteenth century the modern idea of the iniquity of war had not yet dawned. Henry probably looked upon the contest with France as a sort of royal possession inherited by him from his predecessors, and considered war in itself an occupation as proper to kings as the judgment of their vassals, and as little harmful as hunting their stags. Shakespeare's Henry hotly repudiates the responsibility for the souls of his dead soldiers, but to the historical Henry it probably never occurred that there could be any question of such a charge. Moreover,

**Henry's motives.** being a statesman as well as a general, he may well have thought that a foreign enterprise was an excellent safety-valve for the energies of his subjects, now employed according to their station either in private war or in turbulence and insurrection. A high-sounding pretext of some sort was no doubt due to the dignity of his adversary, and this claim upon the crown was as excellent a one as need be.

**Harmony in England.** Parliament readily agreed to the king's proposals, granting him supplies with a readiness and liberality which might well have won a sardonic smile from poor Henry IV. in his grave. All was unanimity and satisfac-

tion ; the army seems to have been collected without difficulty, as indeed when private soldiers were paid at 30 per cent. over the current rate of labourers' wages we should naturally expect that it would. The gaiety of the embarkation was somewhat marred, it is true, by that ominous episode known as the Southampton Plot. In its aims this conspiracy was like others of the previous reign, and by Henry's customary good fortune it was crushed before it was ripe. But its leader was Richard of Cambridge, son of that Duke of York who had been one of Edward III.'s numerous family : he was married to Anne, sister of the Earl of March and heiress of Clarence ; and when he died for his treason he left behind him a son who, uniting under the title of York the rights of these two lines, was one day to challenge the claim of the Lancastrians to their crown. But the gods did not reveal their purposes to Henry when he sailed for France. The story of his setting forth with high hopes of success and of the fulfilment of those hopes is another of the stirring chapters in English history. His ranks were desperately thinned by disease and thinned again by the necessity of leaving a garrison in the captured town of Harfleur ; but Henry had the courage of his youth and his prowess, and he pressed on towards Calais, meeting the French where they awaited him at Agincourt. Without detracting for a moment from the excellence of an English king's generalship, it must be admitted that that of his opponent, the Constable of France, was exceedingly bad. By showing a little more activity he could easily during Henry's laboured march have advanced his own army to the bank of the Somme and entrenched himself there ; but instead of doing so he was content with the far less advantageous position at Agincourt, and merely impeded where he might well have prevented Henry's passage of the river. On the field he played his part no better, drawing up his immovable masses of men-at-arms in close order to be mown down by the English archers, and attempting no flank movement of any kind. The victory was complete, the slaughter great, and Henry returned to England in a blaze of glory.

**South-  
ampton  
Plot.**

**York and  
Lancaster.**

**Agin-  
court.**

**Second epoch of the war.**

The second epoch of the war, if not quite so brilliant, was as successful as the first. France was still torn, as she had been for a generation, by the struggle between the factions of Burgundy and Orleans; Henry seized the opportunity to ally himself with the Burgundians, and thus supported made a rapid conquest of Normandy. The French endeavoured to unite against the common danger, but a gross act of treachery committed by the followers of the Dauphin, who led the party of Orleans, raised feeling on each side to boiling point once more. At a peaceful conference between the two leaders these men broke into the neutral ground, and murdered the Duke of Burgundy, a crime which threw the Queen of France as well as the victim's son into the arms of

**Treaty of Troyes.**

Henry. The result was the Treaty of Troyes, by which Henry was to marry the French princess Catherine and be recognised as heir to the throne, an arrangement whose mediæval simplicity is almost comical to the modern mind. The treaty was laid before Parliament on Henry's second return to England, and joyously ratified. No cloud had arisen in the king's absence to dim the brilliant prospect. His brother Bedford was governing successfully; the Beauforts, his uncles, gave cordial support; the old Duke of York, whose reputation made him a danger if his character did not, had been conveniently killed at Agincourt. In the general good feeling Parliament made liberal grants and instructed the Council to find security for all the king's debts. It was indeed fortunate for Henry that he had no domestic friction to deal with, for his presence was again required almost immediately in France. In 1421 the Duke of Clarence fell in an attack upon the Dauphin at Beaugé; Henry hurried back

**Death of Henry V.**

to resume his command, but before much could be accomplished he was attacked by illness and died, leaving a son of nine months old to inherit his sword and his crown.

**His character.**

Our view of Henry V.'s character and reign has been settled once and for all by Shakespeare, the historian from whose verdict there is no appeal. It

would be scarcely possible for any one of us to conceive of Henry otherwise than as Falstaff's reckless companion in his youth, and an inspired leader of men in his maturity. It is a matter of trivial importance if the evidence for the first of these phases is flimsy ; and of the nobility of Henry's developed character we have ample proof in the unanimous praises of his contemporaries. He was religious, pure, and honourable ; he did not see his duty as a modern sovereign would see it, but he strove with all his strength to do what he believed to be right. His conquest of France was not, after all, mere slaughter. In Normandy, the only region thoroughly subdued, Henry and Bedford made a conscientious effort to introduce that form of constitutional government upon which they had been bred to believe a nation's welfare must depend. In England the king never once attempted to use his great military success as a means of winning back any of those royal prerogatives which his father had repudiated. The traditional view of Henry V. scarcely recognises, it is true, that like other kings he had to meet his Parliament, ask for supplies, and keep together a working council ; and, although we may be very certain that he had to do all these things, it matters the less that we should forget them because no constitutional question of importance hinges upon the few brilliant years of his reign. It was the climax of the Lancastrian prosperity, the zenith of mediæval constitutionalism, a time not of sowing but of hasty reaping. Henry V.'s success was the reward of his father's courage and self-control, and for the time it

**His pro-** cheated the country into believing all political  
**prosperity.** problems to be solved and the race of truly national leaders to be found. The signs of trouble to come passed unnoticed. The conspiracy of the Earl of Cambridge was looked at as the dying flame of an old rivalry, not the first spark of a new one. The large royal family worked so well together that no one remembered how dangerously many were the different interests it embraced. The sins of the great lords at home were forgotten in their excellent service abroad. The next reign, with its external disasters, its unceasing domestic troubles, and its tragic close amidst the clash of arms



in civil war, was to reveal to England the extent of her mistake.

We must not, however, suppose that the glory of the great king's rule was extinguished as he breathed his last like stage lights when the curtain goes down. Cause and effect seldom present themselves to the historical student with such accommodating rapidity. Henry had left his dominions in the hands of able men, and though their want of harmony was a difficulty impossible to

**Rule of  
Bedford  
and Glou-  
cester.**

overcome, individually they could still do much for the glory and welfare of England. Bedford, the elder surviving brother, received the office of defender of the whole realm and chief counsellor to the baby king, but the government of France was to be his chief concern; Gloucester, the younger brother, was to represent him in his absence. Their most valuable assistant, though Gloucester failed to recognise the fact, was

**Beaufort.**

their uncle, Bishop Beaufort, who became chancellor shortly after the new reign began. The family of John of Gaunt by Catherine Swynford seems to have inherited a very fair share of the Lancastrian ability; and its legitimisation, coupled with formal exclusion from inheritance of the throne, had apparently attached its members firmly and disinterestedly to the royal interest. The chancellor was an excellent specimen of the worldly-wise ecclesiastic: well adapted for statesmanship and not at all for sainthood; ambitious, yet seldom led astray by his ambition; a trifle unscrupulous perhaps in his methods, but essentially honest in his aims. Moreover, he showed his loyalty and attachment to the court in a way which none but the most prejudiced of administrators could fail to appreciate, for on more than one occasion when the treasury was empty Bishop Beaufort's private fortune supplied its needs. The prospects of domestic government seemed excellent, and Bedford set out almost at once to carry on the series of triumphs in France.

**Successes  
in France.**

The battle of Crevant in 1423 cleared the French out of the territory between Paris and Burgundy, thus securing the communications of the English with their great ally, and the battle of Verneuil in 1424 established

Bedford's authority over all the lands from Paris to Brittany.

It is humiliating to be obliged, in tracing the history of a great nation, to bestow serious attention even for a short time upon the caprices of a vain and irresponsible young prince. Yet so nearly balanced in England at this time were the forces tending to union and those of disruption, so great under the conditions of mediæval life must the influence of a man in Gloucester's position inevitably be, that the story of his moods and his personal antipathies really forms the main thread of

**Caprices of Gloucester.** English history for some twenty or twenty-five years. His mischievous attentions were not confined, during the earlier period especially, to internal affairs.

While Bedford was devoting all his energies to the consolidation of the Burgundian alliance, his brother with maddening perversity was destroying it behind his back. Bedford, like a good statesman, married his ally's sister ; Gloucester chose to wed Jacqueline of Hainault, a lady occupying an ambiguous position with regard to a former husband, and also, unfortunately, with regard to the Burgundian territory, upon which she inherited certain claims. Possibly Gloucester thought he was within his indefeasible rights in marrying whom he pleased, but it is certain that persons who act upon that view ought not to be princes of the blood. In any case, there was no excuse for Gloucester's invasion of Burgundy in the autumn of 1424,

**Loss of the Burgundian alliance.** an act which so weakened this important alliance as almost to outweigh the advantage gained by Bedford's victories. This piece of folly was repeated in spite of parliamentary protest a few years later, and

it seemed to bring the turn of the tide in the French war. The imbecile old king, Charles VI., had unluckily died a few years before, and as his son, who succeeded to a good deal of power if not to the royal title, had always been the avowed enemy of England, it was impossible for Bedford to keep up the useful fiction that he was fighting with the French royal family against a faction. The only King of France whom he could now claim to be serving was the poor sickly boy at home, who bore the title even to the end of his troubled life,

while Fortune mocked at the pretences of men. In 1428 came Jeanne d'Arc and the relief of Orleans, and the enthusiasm which the Maid excited until her capture gained the French a few victories and brought about the coronation of Charles VII. Little more was done for some years, but English influence was on the downward grade. In 1433, Bedford himself, whose wife had inopportunately died, made a blunder in the marriage market ; and in 1435 his death and the final defection of the Duke of Burgundy hastened matters on towards the disastrous period of loss in the middle of the century.

Meanwhile the discord in England increased with the bitterness of the rivalry between Gloucester and Beaufort. Now one of them gained a triumph, now the other ; and if the bishop busied himself during his periods of supremacy with the affairs of the country, the duke thought of very little but his own private gratification. This substitution of personal for social ambitions may well have been, as is so often remarked, a feature of the time ; but the greater share of blame must surely fall upon a scheme of government which allowed the perversity of a powerful individual to assume the proportions of a national calamity. Thus in 1425 we find Gloucester fuming with rage because during his absence the Tower of London had been garrisoned by men who owed special allegiance to Beaufort ; the duke, apparently considering himself personally insulted, replied by closing the gates of London against his uncle ; riots and fighting followed, the council was distracted, and Bedford had to be implored to arbitrate. In 1426 Beaufort went away on pilgrimage, and Gloucester jumped at the chance of reducing the bishop's influence and increasing his own. He began by trying to persuade Parliament formally to grant him new powers ; but as the House of Lords was by no means so easy to manage as the council the effort proved fruitless. Beaufort's appointment to the cardinalate, however, gave another opening, as it was possible to take advantage of English anti-papal sentiment, and even to threaten the bishop vaguely with the penalties of Præmunire. Indeed, that competent prelate

might have found that for once he had made a serious mistake and completely lost his hold upon English affairs, if the Parliament had not been stubbornly on his side in the dispute. That assembly with its sound commercial instinct doubtless preferred Beaufort's habit of lending money to the Government to Gloucester's of calling upon it to pay his debts; and the stipulation was that the cardinal, being kept clear of Præmunire, should hand over the troops he had raised for the Hussite crusade to carry on the war in France. Gloucester was in no way pacified by this substantial concession, and was soon ready with a new attack and with hot accusations of treason.

**In-** From the year 1435 many circumstances com-  
**creasing** bined to make all difficulties more keenly felt. In  
**difficul-** France the English were steadily losing ground.  
**ties.** Bedford's death deprived the State of its most able  
 and self-sacrificing servant. Worse still, national finance was  
 in a disastrous condition, the revenue scarcely amounting to  
**Finance.** two-thirds of the expenditure, which was estimated  
 at nearly fifty-seven thousand pounds. Such a  
 figure may sound ludicrous in days when war costs a million  
 a week; but it is a well-established and famous doctrine that  
 the principles of finance are the same whether income be  
 reckoned in tens or thousands of pounds. Every source  
 of revenue seemed to be declining. Trade was apparently  
 stagnant, since the customs did not increase; while the land  
 was either less profitable than of old or its dues were less  
 rigidly exacted. Parliament devoted much ingenuity to de-  
 vising new forms of contribution—graduated land and income  
 taxes, subsidies on wool and wine, besides the old fifteenths  
 and tenths. But this was of little avail when all  
**Impover-** classes were suffering alike. Few people can extract  
**ishment.** water from a stone, however many different ways  
 they squeeze it; and what with prolonged and expensive wars,  
 devastating plagues, and grasping nobles in office, the country  
 had grown steadily more impoverished since the days of  
 Edward III. There had been a brief revival under Henry V.,  
 and his son's administration was suffering from the reaction.



**Peace party.**

This financial crisis was formidable to our ancestors, but the student of to-day will note with gratitude that it introduced an epoch in which two distinct lines of policy can at last be traced. The ignominious defeats abroad and the exhaustion at home created a party in the court and in Parliament which definitely aimed at peace. It included all the Beauforts, the cardinal and his two nephews—who were successively Dukes of Somerset—and it was supported by the gentle instincts of the young king. The war party consisted primarily, as we might expect, of the untiring obstructionist, Gloucester. Curiously enough he seems to have won the approval of large classes in the nation, and to have enjoyed at this moment as great popularity as ever during his career. But it is always to be remembered that historical characters when they walked the earth were not visibly labelled, as to our minds they so often are, good, worthless, or dangerous. Gloucester had engaging manners and considerable ability, and he had always given his actions a sufficient appearance of disinterestedness to deceive a public which was inevitably so ill informed. On this occasion he took advantage of a proposal to release the Duke of Orleans from the captivity in which he had lain since Agincourt, and issued a manifesto full of jingo sentiment and well calculated to stir the more vulgar feelings which assume the title of patriotism.

**Popularity of Gloucester.**

The classes to which he appealed were too weak or too apathetic to carry out their opinions in effective actions; and no doubt the pressure of their own necessities made them less warlike in practice than they were in theory. So the result of Gloucester's action was not to alter the policy of the council, but, by adding to the sullen discontent of the nation with its rulers, to drive one more nail into the coffin of the Lancastrian government.

**Suffolk's ministry.**

His career, however, for good or for evil, was nearly at an end. From about the year 1444 the most influential minister in England was the Earl of Suffolk, a member of the newer nobility of office and apparently a well-meaning servant of the Crown. He embraced the peace policy with enthusiasm, arranged for the



king's marriage with Margaret of Anjou, and brought joy to old Cardinal Beaufort's heart by holding out glittering prospects of a complete reconciliation. Moreover, he did what it is a standing wonder that no one had been able to do before : he threw Gloucester into prison, where he solved a good many difficulties by dying within a few days of his arrest. His old enemy Beaufort soon followed him to the grave ; and the field was left clear for another struggle with new opponents, which was to carry the country on into open civil war. Suffolk was now what we should call Prime Minister, and had the support of Queen Margaret, of the Duke of Somerset, and, so far as it went, of the gentle, weak-minded young king. But within

**His errors.** three years of his accession to power he had made an irretrievable blunder. The contemplated terms of Henry's marriage with a French princess had been that England should yield the conquered provinces of Anjou and Maine, and that the war should be finally at an end. But so disastrous to the English arms had been the events which followed the agreement that the demands of France rose by leaps and bounds, and when in 1448 the cession of the provinces took place all that was purchased by it was a truce for two years. Worse still, the Duke of Somerset, commanding in Normandy, proved to be quite incapable of

**Loss of Normandy.** holding even that fragment of the great English conquests against the victorious armies of France. In 1449, when the truce was broken by a vassal of England, and in 1450, Normandy was rapidly overrun by the French ; stronghold after stronghold surrendered ; by the end of the year the last Norman town had fallen and the King of France was threatening an invasion of our southern coasts.

**General discontent.** Here was a humiliation to sour the blood of men whose fathers had fought with Henry V. upon St. Crispin's Day. It was now a hundred years since this nation had first known the intoxication of military glory and foreign conquest, but it had never been allowed to forget what Crecy and Poitiers had taught. Before that time there had been conquering kings and warlike nobles enough, but it was the fourteenth century which had glorified the simple

yeoman and made him believe that no man's prowess could be equal to his own. The end of the century had brought defeats indeed ; but rebellion, revolution, and the struggle with the Crown had left little time to brood upon them. Then when the Lancastrian government had yielded to the nation all the freedom it demanded, Henry, the greatest of his line, had offered his subjects such another draught of glory as had carried the very steadiest off their feet. For thirty years they had paid in poverty and disorder the cost of the war their hero had begun, and now the servants of that hero's son had wantonly thrown his conquests away. To the ordinary bulldog Englishman, harassed by years of misgovernment, this blunder of Suffolk's looked very like treason. The country began to wear an ugly look, and in 1450 mischief began with the murder by a party of sailors of Bishop Moleyns, a councillor high in the confidence of the court. Suffolk himself was impeached by Parliament ; but the process was slow, and the people settled the matter more promptly by assassinating him as, upon the king's order, he left the country. Immediately afterwards there broke out the rebellion under Jack Cade, who declared himself the champion of the common people, killed one or two prominent men, and—rather significantly—assumed the name which really belonged to the heirs of Clarence.

It was Richard Duke of York who undertook to express the inarticulate rage of the people in terms of a definite policy. His action was from this time to the day when swords were drawn the propelling force in English politics ; its justice must remain, like so much else in history, a matter for discussion. He was descended through his mother from Clarence, second son of Edward III., and that hereditary claim upon the throne lends some support to the view that he plunged his country into civil war to serve the ends of his own ambition. Yet for many years York had faithfully served the House of Lancaster both in England and in France ; and his partisans may well claim that only when his hand was forced did he bring forward

any but purely constitutional demands. He was suspected of a share in the deaths both of Suffolk and of Gloucester, but there was little evidence for either accusation. It was supposed with more reason that Jack Cade had been his tool, yet the rebellion which this man led was to all appearance as spontaneous as any other of the kind. Whatever the stains upon York's private character, it is at least certain that he did not come forward before there was every need for energetic reform. Henry as a king was a nonentity; his advisers were thoroughly distrusted by the people; Parliament seemed utterly powerless to find a remedy. A nation is scarcely in a healthy state when with a highly constitutional government it can find no cure for its ills except rebellion and murder.

**His  
declared  
object.**

York's declared object was the removal from court of the Duke of Somerset, to whom Henry clung with such firmness as he possessed. The king refused York's first demand, but agreed to include

him in the council and to call a new Parliament together. This assembly, whether the elections had been unduly influenced or not, proved to be full of York's adherents, who criticised the administration, urged Somerset's dismissal, and even suggested that Richard should be declared heir to the throne. This request having been refused, in 1452 the Duke of York fortified himself with a declaration of loyalty which he doubtless reserved the right to interpret as he chose, collected an army, and marched out to argue with the king as to the propriety of retaining Somerset in office. Fighting was still delayed by formalities and by a hasty reconciliation. But in 1453 three events occurred which shattered the weak fabric

**Loss of  
Guienne.  
Henry's  
insanity.  
Birth of  
a prince.**

of friendship. The province of Guienne, over which some sort of hold had been maintained, was irretrievably lost; the king fell a victim to temporary insanity; and the queen gave birth to a son. By the first the nation, hurt both in its pride and, through loss of trade, in its pocket, was stirred to a fresh

burst of wrath. By the second the queen, York's fiercest enemy, was placed in direct rivalry with him for the Regency.

By the third his hopes of a peaceful succession to the Crown were cut off for ever. The duke had secured new supporters, and by their aid he now pressed firmly forward into predominance in the council, threw Somerset into prison, and had himself named Protector. The next year, when the king recovered, sealed the fate of the country. Henry, influenced no doubt by his wife, dismissed York and his friends the Nevilles from the council, released Somerset and prepared to govern by his aid. York replied by gathering his forces and marching on London. At St. Albans, in May 1455, the first battle of the Wars of the Roses was fought.

In one sense undoubtedly it is by a quite arbitrary arrangement that we date the beginning of the civil war from this outbreak of open hostilities. Blood had been shed before, reconciliations took place afterwards ; it would be as rational to regard the struggle as beginning earlier, when York first pressed for reform, or later, when first he claimed the Crown. Yet the fact that a subject, prince though he might be, had marched against the king in his own capital, defeated him and taken him prisoner, must have brought home to many an Englishman that if the Lancastrians had saved the country from despotism they had led it into anarchy. Both in letter and in spirit they had kept their contract, yet the result was poverty, misery, and civil war. To the honest citizen who paused to reflect, if any did, upon the disastrous close of so promising an experiment, its causes must have presented a sufficiently puzzling problem ; and to the historical student of to-day the matter is not altogether plain. What, during this unhappy time, had become of that House of Commons which we saw steadily accumulating its powers through the fourteenth century and using them so zealously in the early years of the fifteenth, and which was destined, as we know, ultimately to become the supreme power in England? Why did it not insist upon peace, crush the unruly nobles, and establish an economical administration? Where again was that invaluable doctrine of ministerial responsibility of which we eagerly traced the begin-

**Civil war.**  
**Battle of**  
**St. Albans.**

**Failure**  
**of the**  
**Lancas-**  
**trian**  
**Govern-**  
**ment**

**not easy**  
**to explain.**

nings under the early Plantagenets and the growth under Edward III. ? And if the people elected the Commons, who were necessarily a party to all legislation, why was the will of the nation not carried out ? Parliament did indeed effect in this reign, considering what evils waited to be redressed, extraordinarily little. It certainly retained with absolute

**Inactivity of Parliament.**

firmness its control of the purse. During Henry's minority it watched and endeavoured to regulate the action of the council. It hindered a few of the

wilder manifestations of the Duke of Gloucester's ambition, and it afforded some support to Cardinal Beaufort. But its

**Franchise laws.**

only legislation of any moment, besides commercial regulations, was a series of statutes, beginning in 1430, for the restriction of the parliamentary franchise.

The county vote was confined to persons of the degree of knight or gentleman and possessed of a freehold worth forty shillings a year.

**Limitations of the mediæval commoner.**

This characteristic measure marks in point of fact the extent to which the mind of the mediæval commoner had been informed by love of liberty.

It was the same spirit for good or for evil which led him to hand over every town to the domination of its merchant guild, to cry out in horror at the failure of the Statute of Labourers, to persecute the Lollards and yet attack the Church. With an admirable simplicity he defined justice as the satisfaction of his own rightful claims ; and while we owe him gratitude for asserting his definition, we must be still more thankful to later events for having enlarged it. The Wars of the Roses must count as one among these events, proving as they did that there was after all something vitally wrong in the state of the country. On the bed-rock of middle-class respectability Parliament had hoped to build up a strong and perfect system of public order ; but the structure proved to be pitifully ill adapted to its end. The exaltation of the forty-shilling freeholder did nothing to reduce the power of the nobles, and mischief even worse than that made by Gloucester was the result. It excluded the masses of those to whom fortune had denied the possession of this particular portion



of land, yet provided no means of lessening or suppressing their discontent : the revolts of Jack Sharp and of Jack Cade were a not unnatural consequence. The constitutional government of the Lancastrians did not fail, as many of us were brought up to believe, because the passionate adherents of the House of York, the champions of the White Rose, could no longer be held in check. It failed partly because the liberty which underlay the new method of government was in itself illiberal, and partly because Parliament, though it had tried to control the executive, had never controlled it in the right way.

**Causes of failure :** illiber-  
**ality and the diffi-**  
**culty**  
**of the**  
**executive.**

**Parlia-**  
**mentary**  
**supremacy**  
**admitted :**

**but also**  
**inde-**  
**pendence**  
**of royal**  
**power.**

**The**  
**result.**

These fifteenth-century politicians had stopped short, and not unnaturally, of the logical application of their own principles. The view of the men who brought in Henry IV., though it was seldom formally expressed, was that the chief power in England should belong to Parliament, acting not merely with negative force, but taking a considerable part in home administration and foreign policy. If, however, the legislative body under a monarchical government is to be in this sense supreme, the king must either be elective and removable at will, when he practically ceases to be a king, or he must be, as in our own system, politically a figure-head. But it is scarcely a matter for surprise that men who were removed by only two centuries from the reign of John and by no more than thirty years from Edward III. were unable to grasp the necessity for either of these alternatives. They considered that the royal authority should be strictly limited by pledges, by statutes, and by the more potent argument of refusal of supplies, but that upon the narrow track thus left to the Crown as administrator it must choose its own method of progress. And the inevitable result was that the success of the government remained largely dependent upon the personal character of the king. Henry IV. was able and courageous, so that against innumerable difficulties he succeeded in establishing his throne. Henry V. had more than his father's ability and had besides

the power to rouse the enthusiasm of his people. Henry VI. was a child when he came to the throne and utterly weak when he grew up ; under him the whole system came down with a crash, to be replaced after a chaotic interval by a method of government which, whatever its faults, was intelligible and consistent.

**False position of the council :**

An inevitable consequence of this false position of the Crown was the equally false position of the council. In one view of the matter the councillors were not only technically but actually the servants of the Crown ; in another their principal duty was to control it. The king was obliged to choose ministers, and they, unless they were very strong men, were certainly bound to obey him. Yet if the royal policy became seriously distasteful to Parliament the councillor upon whom it chose to fasten the responsibility might be impeached, accused of treason, imprisoned, or exiled ; he might be called upon to pay with life or liberty for what was no more than an administrative mistake. The only alternative to these violent measures was the plan of binding the newly-appointed minister in a complicated network of restrictions intended to keep him straight

during the indefinite period of his power. All parliamentary criticism was therefore purely negative, criticised, not assisted or controlled. purely destructive, with council as with king ; it restrained, but it never seriously attempted to direct.

To hobble a horse is, however, by no means the same thing as to guide him with the reins, and threatening to cut his throat if he stumbles will not bring us the more rapidly to our journey's end. Thus we find the Commons constantly complaining of riots, of disturbance, and of private war between the nobles ; but were they prepared to give the council constant and effective support in combating the evil ? Not at all ; they merely petitioned the king for 'good governance' and added the lack of it to the list of accusations to be brought in due time against his ministers. Again, one of the most crying evils of the time was the manipulation by powerful men of the ordinary legal processes to their own advantage. But the Commons of 1406 forbade, among other things, that

the council should interfere in any way with the common law ; in their eagerness to guard against tyranny they did their best to stifle equity. In short, the parliaments of the fifteenth century were well aware that the control of the ministers was the key to the situation, but they never quite succeeded in fitting this key to the lock.

**Difficulty with the powerful lords.**

It must always be admitted that this disproportionate power of individual lords, with their selfishness and disloyalty, would have formed a very knotty problem for the strongest of popular governments to attack. A student of the English constitution is bound to condemn despots and all their ways, yet it is impossible not to feel that a good strong bloodthirsty tyrant, untroubled by scruples and responsible to no one, would have been the very man to bring these unruly barons to a sense of the value of law. For the ministers of a constitutional king and a peaceable representative assembly to be confronted with nobles who fortified castles and carried on private war

**Private war.**

was a disconcerting mixture of the modern and the mediæval. In 1464 the Earls of Northumberland and Westmoreland were in arms against one another, openly leading small armies about the country. In the house of Berkeley there was a feud which lasted from 1421 to 1475. There were private wars in Bedfordshire in 1437 and in Westmoreland in 1438 ; there was one case in which two noble lords contested with swords and spears for a responsible post under government. The more unruly among the nation were not slow to profit by the example set them, and the general condition of the country districts was such as it is

**General turbulence.**

difficult to picture in connection with political institutions in many ways so strongly resembling our own. The students at Oxford occupied their scholarly leisure in open war against the county ; bands of brigands wandered at large ; the remoter regions of the north were inhabited by declared outlaws. Nor did the evil practices of the lords stop short at warfare, which, whatever its disadvantages, is in a sense an honest occupation. Much of their energy was devoted to heaping up fortunes by forced marriages,

**Corruption of nobles.** by multiplication of well-paid offices, by all sorts of corrupt dealing. The Nevilles, a family well known in history, heaped estate upon estate and office upon office. Parliamentary records abound in complaints that the lords thought first of their private interest and very little of the public service; it was an ordinary proceeding to pack juries, or influence elections, or pervert if not simply disregard the law. Contemporary evidence makes it startlingly clear that no one of humble station had any more chance of justice in proceeding against a great lord by legal process than in attacking him sword in hand; while a burgess who led the way in any parliamentary attack on his neighbouring magnate was only too likely to suffer for it severely in his private affairs. Against such a mass of corruption, disloyalty, and turbulence, what could be done by a weak-minded king held in leading-strings by his cousins and his wife, or by a minister who knew that the penalty of failure was more likely to be loss of life than merely loss of office? The Wars of the Roses were after all no more than the crisis of the disease, and they led the way to a slow recovery.

As for the incidents of the struggle, they have always afforded excellent material for the picturesque historical narrative; perhaps, indeed, an early familiarity with these events has tended to make them assume a disproportionate importance in our eyes. We are rather apt to picture a vast majority of the people as eager to give their lives for the cause of Lancaster or of York, to suppose that for thirty years their attention was as firmly fixed upon the dynastic struggle as in more peaceful days it had been upon the rearing of sheep and the trade in wool. It is perhaps worth while to remember that this was not the case. The numbers engaged in the battles of this war, with the single exception of Towton, were comparatively trivial, not more than a few thousands in the two armies; while one of them, the first battle of St. Albans, though important in its results, was from a military point of view no more than a mere disorderly skirmish. The middle classes, weary of misgovernment and



almost hopeless of remedy, had fallen into a lethargic condition, and were far from allowing themselves to be deeply stirred by a struggle which seemed only an aristocratic squabble on a large scale. Undoubtedly the men of some counties were inclined to favour Lancaster and of others to favour York, and when the lords who were more or less their masters commanded them to fight they fought; but never once in these thirty years did the burgesses of a town trouble to hold it in either one interest or the other against a besieging force. As for the common people, they had no cause to love either Yorkists or Lancastrians. Neither side proposed to better their condition or in any way to relax the upper-class monopoly of power; neither side contended for a principle which a plain man could understand.

The battle of St. Albans in 1455, where Somerset and others were killed, was a victory for the Duke of York, and being immediately followed by Henry's second relapse into idiocy, it resulted in another provisional government with York at its head. A general reconciliation was notified by a procession to St. Paul's, in which every prominent person made a point of appearing side by side with his or her bitterest enemy. Prayers were also offered on this occasion for the souls of those who had fallen on the field, a ceremony which it was not found practicable to repeat as the numbers of the dead increased in the later years of the war. Unfortunately this compact of peace, even sealed as it was with Somerset's blood, lasted only a very short time. It seems probable that Queen Margaret was chiefly responsible for the next outbreak, although there is no need to suppose that York was at all unwilling to try his luck in another round of the game. The Queen certainly played double, with her eyes on France and the help that might come to her from there; but it is not clear that York ever knew of her treachery, while her action against his two great supporters, the Earls of Salisbury and Warwick, which really reopened hostilities, was by no means so unjustifiable. In 1459 the ministers of Yorkist sympathies were



removed from Court, and an attempt was made upon Warwick's liberty in which Margaret was supposed to have had a hand ; and in the same year she attempted the arrest of Salisbury, who was marching across country with the bands of irregular soldiery described by the nobles of the time as retainers. Salisbury refused to recognise the queen's messenger, Lord Audley, as representing the majesty of law, and fought a battle with him at Blore Heath instead of submitting to arrest. Being victorious, he marched on with his son Warwick to join York at Ludlow, where it was proposed to open a new campaign. But to the amazement of the Yorkist leaders, who had never felt any undue reverence for the present King of England, their forces were seized with alarm when confronted by Henry and his army, and, in fact, melted completely away. York, Salisbury, and Warwick, with York's son Edward of March, fled in different directions, and the Lancastrian king seemed safe again upon his throne.

**Earl of  
Warwick.**

The dramatic interest of the next year or two turns less on the action of York himself than on that of the Earl of Warwick. The duke was destined to die on the very eve of the victory of his house, so losing at once his prospect of the throne and his claim to be considered as the hero of the piece. Richard Neville, Earl of Warwick, is very well known under the title of 'the king-maker,' though on a general view of his career it is plain that in the making of kings his ambition considerably outran his opportunities. He was a skilful soldier, and, by dint of heaping together offices and estates, a very rich and powerful noble. His connection with the house of York was so close that with its fortunes it seemed that his own must stand or fall, and it is therefore easy to account for the devotion which did so much to place that dynasty on the throne. Margaret's attempted revenge after the dispersal at Ludlow included both Warwick and Salisbury, but it defeated its own end. The sweeping

**Return  
of the  
Yorkists.**

attainders passed by a strongly Lancastrian Parliament roused the Yorkist leaders and caused a certain revulsion of feeling in their favour ; they returned

to England in 1460 and defeated the royal forces in the battle of Northampton. York then solemnly claimed the throne as heir of Lionel of Clarence, and when Parliament proposed that he should be content to inherit after Henry's death was apparently only prevented by Warwick's influence from forcibly seizing upon the Crown. But even when he yielded to more peaceful counsels, and agreed to wait his turn, he found he had reckoned without the tigerish maternal affection of Queen Margaret. She was not prepared to endure the exclusion of her son; and after collecting her forces in the north she marched upon the Yorkists and won a complete victory at Wakefield, where York himself was slain in the battle and Salisbury was executed after it. Two more battles—a victory for the Yorkists under the young Earl of March and a defeat under Warwick—followed in quick succession, but without apparently serving any particular end except the shedding of blood, for the final event depended after all upon a race to London between Queen Margaret and Edward of March. It is said that some respectable but certainly inopportune scruple of Henry's about disturbing the citizens of the capital delayed his army on its march, and if that were so it may fairly be argued that the best man won. The Earl of March was declared king by the Londoners in 1461 under the name of Edward IV., and the men of the home counties rallied round him when he marched out to secure his position by killing as many of the Lancastrians as were still prepared to dispute his claim. His good fortune had identified him in the minds of the strong middle class of the south with the cause of order and a stable government, and he reaped the reward at the battle of Towton, where the most powerful army of the whole war was under his command. In another two or three years Margaret was driven to France, Henry was lodged in the Tower, and Edward IV. was firmly established on his throne.

**York's death at Wakefield.**

**Rivalry of Margaret and Edward.**

**Accession of Edward IV.**

*Leading Dates.*

	A. D.
Statute <i>De Hæretico Comburendo</i> . . . . .	1401
Rebellion of the Percies . . . . .	1403
Accession of Henry V. . . . .	1413
Renewal of the French War . . . . .	1415
Accession of Henry VI. . . . .	1422
Statute regulating the Parliamentary Franchise . . . . .	1430
Cade's rebellion . . . . .	1450
Final loss of Guienne . . . . .	1453
Outbreak of war . . . . .	1455
Accession of Edward IV. . . . .	1461

## CHAPTER VII

## THE NEW MONARCHY OF YORK AND TUDOR

**Super-  
ficial  
aspect of  
Yorkist  
reigns.**

THE reigns of the Yorkist kings seem at the first glance to be very little more than a continuation under different leaders of the weary struggle of the previous years. Up to 1464 Edward IV. was chiefly occupied in crushing his Lancastrian rival, or rather his rival's wife. In 1470, after an interval of peace, his throne appeared to be lost again, and was secured only by force of arms. Edward's son reigned but two months, his brother two years; and then the dynasty was changed again upon a field of battle. As a chronicler plaintively tells us, the people expected prosperity and peace, yet it came not. Nevertheless, it is possible to recognise through the confusion of these troubled years the power which in the exhaustion of all others was

**Real  
tenden-  
cies.**

destined again to rise supreme in England; to trace the development of those principles of government upon which, under a new line of princes, a great fabric of power and splendour was to rest. Edward IV. was logically the ancestor of Henry VII., and from one point of view the struggles which distracted his reign are nothing more than irrelevant detail. To the men of the time it doubtless seemed that all things were decaying, but the student will have little difficulty in discerning amid the ruins of the older English life a steady foundation for the new. The time was one of those which are described as periods of transition, and whatever may be the philosophical value of the phrase, it suggests an explanation of the remarkable change of atmosphere between the reigns of Henry VI. and Henry VIII. During the turmoil of the Yorkist period and the embarrass-

ments of the first Tudor reign the conditions were being created for the popular despotism of Queen Elizabeth.

That Edward Earl of March was chosen by the nation to begin this gradual transformation was rather, as we have seen, the result of circumstance than of any proof he gave of peculiar fitness for the task. In much the same way that sixty years before, when Richard II.'s bad government had been found intolerable, his cousin had stepped quietly on to the throne, so now the incapacity of Henry VI. for any government at all was his rival's chief source of strength. It was plain that **Henry's** the gentle and saintly monarch, even if he had been **inca-** sure of keeping the wits with which he was born, **capacity.** could never be the man for the English throne; he was at home in founding colleges or building chapels, but not in subduing unruly barons or struggling to keep a hold on his father's conquests in France. Moreover, worse **Hatred of** to his subjects' minds than Henry's weakness was **Margaret.** Margaret's wickedness. Popular opinion, never very logical, threw on her much of the responsibility for the loss of the provinces which Suffolk had sacrificed to win her hand for the king. A better ground for distrust lay in the fact, which gradually became known, that she had looked for French help in her earlier struggles with York. Worst of all in the eyes of the resentful burgess of the south was her action in bringing an army of barbarous northerners to vindicate the rights of her son, and incidentally to loot houses and ruin crops. Yet if the identification in the nation's mind of misgovernment with the rule of Henry VI. had been the only result of this troubled reign, his final overthrow might well be regarded as a matter of small importance. The first Yorkist king would very probably have been able to do as little as the first Lancastrian if he had been faced by a Parliament determined to have its way. But the logic of events was forcing Englishmen to connect, more or less consciously, the discomforts they were groaning under with the constitutional system which ought to have ensured their well-being. Representative government, as we have seen, had of late years exhibited the weakness that must necessarily hamper it in an only half-civilised community. The force of



**General  
desire  
for peace  
and sta-  
bility.**

the people was as valueless as the force of the tides. To be used it must be entrusted to a few individuals, and these, in the absence of any effective machinery of control, were helpless before the stronger man. Peace and security are after all the two things most necessary to the happiness of the ordinary citizen, worth much more to him than the most advanced theory of government. These the English had made up their minds they could not have under the system which had come in with Henry IV., and these they were willing to give up a very great deal to obtain.

**New  
monarchy.**

Edward IV., when he grew to full manhood, had a certain understanding of what his subjects required of him, and it cannot be denied that he made some little progress towards achieving it. But he proved to have his own views as to the best methods of securing a stable government, and in the extent to which those views were realised lies the justification of applying the term 'new monarchy' to the period now before us. That the king ascended the throne with any deliberate intention of destroying the constitution is neither probable in itself nor in any degree proved by the result. He was a young man with a certain number of good impulses, if very few principles, and the intentions he expressed at the beginning of his reign were as excellent as was customary under such circumstances. Neither Edward nor his Tudor successors indulged in any rhetoric about the divine origin of kingship, and if they could have looked into the future they might have found excellent proof of their wisdom in the history of Charles I. and James II. Edward was apparently able to see that it was possible to preserve most of the forms of constitutional government and yet to rule nearly as despotically as he pleased. Perhaps he also saw how many circumstances besides the national craving for security were combining to assist him in his policy.

One of these was the general acceptance of the Yorkist line upon the ground of strict hereditary right. Their claim had been formally based on the close application of feudal

rules of inheritance to the royal succession ; they admitted no dependence on parliamentary sanction. The fact that kings who claimed primarily by right of birth were in possession of the Crown was likely to make its mark upon the imagination of the people, just as the opposite state of things had done in Lancastrian times. And in a society too simple for great constitutional fictions it is necessarily difficult to draw the line between an inalienable right to rule and a right to rule arbitrarily. Even in the present day we may see the confusion existing in the minds of European sovereigns who have not the advantage of basing their claim upon an illuminating Act of Settlement. In the fifteenth century, moreover, reliance upon autocrats was in the air, for other European nations were just now emerging from their early state of feudal disorder, passing into the phase which England had first reached under Henry II. three hundred years before. The influence of the great lawyers, too, who naturally inclined to a consistent theory of government, was used upon the same side. It was possible to draw up satisfactory definitions of the crime of treason ; it would have been beyond their powers to reconcile the claims of the Lord's anointed with the claims of a progressive House of Commons. Again, the theory, never altogether extinct, that the king was the source of all justice was likely to gain new life now that the primary demand upon the sovereign was once more the subjugation of a turbulent nobility. Finally, there were Edward's personal strength and popularity, the local influence of his house, and the fact that for some years the most startling events of public life had turned less upon the conflict of principles than upon the moods of prominent men.

**Methods  
in finance.**

The king, however, was perfectly well aware that the all-important point for a monarch who desires to be untrammelled in his government is to gain at least a partial control of the purse-strings. Popularity was exceedingly useful—and doubtless Edward's was more explicable to him than it is to us—hereditary right was an excellent thing ; but unless he was able to direct his parliaments as he pleased or to raise money without calling them

together he might almost as well be a constitutional Lancastrian king. Days were to come in which the sovereign could usually adopt the first of these alternatives, but the new monarchy in its earlier stage frequently preferred to choose the second. To Edward IV. belongs the credit of inventing

**Benevolences.** for this purpose the system of benevolences. The plan was, as its name implies, for the king simply to demand from wealthy individuals as much money as their loyalty to him, or rather their fear of unpleasant consequences, impelled them to give. Benevolences were naturally unpopular among the well-to-do—and only articulate—classes of society, and they were of course glaringly contrary to the spirit of the law; yet the weary income-tax payer of to-day might be excused for feeling that there was a sort of rough justice in the system, and that if carefully regulated it might be a valuable resource for a modern Chancellor of the Exchequer. Unfortunately however Edward's unconstitu-

**Commissions of array.** tional exactions were not confined to the wealthier classes. 'Commissions of array,' by which soldiers and military supplies were raised at the cost of a particular district, pressed hardly upon the poor. So indeed did the activity of the local courts, which it was part of Edward's policy to encourage—a profitable part, for owing

**Fines.** to the extended system of fines no mediæval ruler who exerted himself to enforce judicial severity was obliged to regard virtue as its own reward. There were other methods of money-making besides, less oppressive but not very dignified, to which Edward, who had few prejudices, did

**Commercial enterprises.** not hesitate to resort. His private commercial enterprises were not perhaps objectionable so long as he traded honestly; and at any rate he had the

**Foreign policy.** example of Edward III. to justify him. But the Yorkist king's foreign policy was all his own. In 1475 he raised a magnificent army and invaded France; but after an interview with Louis XI. at which a sum of 75,000 crowns changed hands, the King of England sailed home without striking a blow.

Edward had a royal taste for expensive pleasures, and it is

**Compliance of the Commons.** probable that if the Commons had embodied their opposition to his methods in a firm refusal to grant supplies he would have been forced, in spite of his irregular resources, into a fairly regular assemblage of the estates. But the Commons did nothing of the kind. On the contrary, they began by granting to Edward for life the taxes called tonnage and poundage and the subsidy on wool, and they seemed ready, whenever in the earlier part of his reign he called upon them, to supplement this provision with liberal grants. Of men who acted in a manner so opposed to their interest we can only suppose that they were pressed by an overpowering fear of a renewal, should they not content and support this king, of confusion and civil war. Like their ancestors who first enfeebled the Lancastrian power, they were rapidly creating new difficulties for posterity by yielding too hastily to their own. During the five years from 1478 to 1483 no session of Parliament at all was held, the king persistently raising money by unconstitutional means. The change ought to have been nearly as alarming to the men of that time as it would be to ourselves, yet scarcely a protest seems to have been raised. The national weariness must indeed have been great, for the middle class had tired of hearing its own voice. Yet with the absence of Parliament there came other practices which were new in English political life and form an ugly stain upon its record. The Yorkist kings took full advantage of their opportunities for judicial and military murder, slaughtering impartially the prisoners they took upon the field of battle and those they entrapped by the new and subtle doctrine of 'constructive' treason. But even this was not enough. The High Constable of England was very early invested by Edward with the most extensive judicial powers: to proceed in all cases of treason 'without noise or show of judgment, on simple inspection of fact'; to act as the king's vicegerent, with full powers and without appeal, 'notwithstanding any statutes, acts, ordinances, or restrictions made to the contrary.' Here was plainly the Star Chamber, which later on was to weigh so heavily in the

**Its explanation.**

**Judicial murders.**

**Arbitrary jurisdiction.**



indictment of the Stuarts. Yet it was by virtue of these powers, so openly illegal, that many of the leading Lancastrians were condemned to death. Worse than mere murder, judicial or arbitrary, was Edward's introduction of **Torture.** the systematic use of torture. It would be rash to say that no English king had ever employed it before, for some of our rulers had had little to restrain the impulse of cruelty which is so extraordinarily strong in half-civilised man. But of the use of fire and the rack to obtain confessions or evidence, perhaps the most diabolical of all human contrivances, we find no record until the reign of Edward IV. For two centuries afterwards it had a certain recognised place in English administration, and so falsified the boast of the contemporary political philosopher, Fortescue, that England was in this respect so far superior to France. It is significant that this same Fortescue, though a declared enemy of the Yorkist house, was selected for pardon and restoration to his property on condition that he refuted his own arguments in favour of the Lancastrian government. It appears that like a modest man he valued his life more highly than his opinions, and complied with the royal demand; perhaps recognising, in the very fact that a successful king had made it, the reluctant homage of brute force to intellect.

**Rebellion of the King-maker.** The danger which in the middle of Edward's reign threatened to scatter his prudent devices to the winds and fling him from his throne came from the side of that famous champion of the Yorkist cause, Warwick the Kingmaker. The Wars of the Roses have often been described as the final struggle of the mediæval with the modern, but if we are to accept that very plausible account of them it at once becomes difficult to define the position of the man who is always regarded as their hero. Lancaster represents mediævalism, York the forces of modern life; on Henry's side we should expect to find all the representatives of turbulent feudalism, on Edward's only the sober merchants and prosperous yeomen. Yet we find the Yorkist king placed upon the throne by the last of the mediæval barons, feudalism apparently cutting its own throat, romance leading the way to



its own destruction. Possibly then when Warwick led the revolt of 1471 in the interest of the deposed family, he was merely turning to where his instincts should always have kept him, justifying himself historically while he destroyed himself politically. There may, however, be some little reason to doubt whether Warwick really possessed in full measure that

**His relations with the House of York.** fine simplicity of character with which we are always anxious to credit mediæval barons, knights of chivalry, and romantic persons generally. His attachment to the House of York was scarcely of the nature of blind devotion, and it certainly left him ample time to look after his own affairs. A parliamentary attainder which never took effect seems to have been the only hardship he had to face during the struggle for the throne. In Edward's reign he was not only Earl of Warwick and of Salisbury but Great Chamberlain of England, Chief Admiral, Captain of Calais, and Lieutenant of Ireland, drawing an official salary of 20,000 marks. He was ambitious and diplomatic, cherishing many schemes both for Edward and himself. And when all did not go to his liking trouble soon began.

**Causes of the rebellion.**

Warwick had probably expected to find the task of guiding the young king a much easier one than it actually turned out to be. In the early years of his reign Edward showed an appreciation of the services of the Neville family which was all that its members could desire. One of Warwick's brothers was made Earl of Northumberland, another became Archbishop of York; everything seemed to be prepared for a comfortable family administration. But the young king was possessed from the first of a very keen sense of his own importance and of definite ideas as to what he liked and did not like to do. Moreover he had brothers, Richard Duke of Gloucester and George Duke of Clarence; and although the first has been accused of every crime in the calendar, while of the second we commonly hear little except that he was drowned in a butt of malmsey, it is probable that there was really not much to choose between them. Under these circumstances we need scarcely wonder that the tranquillity of the court did not long

survive its need for combination against external enemies. In 1464 the Earl of Warwick, who doubtless had a fair share of statesmanship, was deep in a negotiation for marrying Edward to a French princess, and thus securing a permanent peace. Whether the king distrusted the plan or suspected the alternative scheme of a marriage with Warwick's daughter it is impossible to say ; perhaps he was merely indifferent to political considerations of this kind. In any case he promptly carried out and announced his marriage with Elizabeth Woodville, an act for which he has been praised by poets, but was strongly condemned by the whole body of his nobles. It is pleasant to believe that Edward was carried away by a noble passion, but there is no precedent for the manner in which this was extended to his wife's relations. For the next two years indeed he occupied himself largely in finding offices and honours and arranging profitable marriages for members of her family.

In the fifteenth century an adviser who had lost the royal favour was not in a position to appeal to the country against his master's decision, nor did it ever occur to him to express contempt for all worldly ambitions and retire into a dignified seclusion. He could seek to undermine his rival's influence, or in the last resort he could rise in arms against the whole system of administration. Warwick's first step was to secure the assistance of George of Clarence, heir presumptive to the throne, and a young man who was apparently always ready for treachery of any kind. In 1469 these allies took advantage for their own purposes of a popular rising in the north, headed by a knight known as Robin of Redesdale. It was an old trick but an effective one for a subject rebellious on purely selfish grounds to identify himself with the justifiable discontent of a class ; and the 60,000 men who followed Robin of Redesdale served Warwick well by defeating the royal forces and so isolating the king that he was taken captive by George Neville. But the allies were not yet ready to proceed to extremities, or perhaps Warwick had the other scheme in his head which promised better than the original one of placing Clarence on the throne. The king was

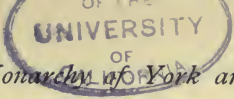
**Treason of  
Clarence.**

released, a hasty reconciliation was patched up, or at least both parties agreed to pretend that it was ; and next year, having gained a little more time for preparation, the king-maker fled into France and declared himself a supporter of Queen Margaret and the Lancastrian cause. What Clarence can have expected to gain by this it is difficult to see, unless indeed he was already contemplating his second treachery. Warwick's line is clear ; if a puppet king could not be found among the Yorkists he must be sought upon the Lancastrian side.

**Alliance  
of War-  
wick with  
Queen  
Margaret.**

**Brief Lan-  
castrian  
triumph.** It would appear that in these weary times everybody in England had become so thoroughly accustomed to revolutions that each one was passively accepted as a necessary sequel to the last. Edward's supporters scattered, he himself fled the country, the triumphant Lancastrians occupied London, and having released poor old Henry VI. from the Tower they declared him to be king again. Why the nation at large should have troubled itself to recognise one sovereign rather than another it is not easy to understand, but a king of some sort seems to have been regarded as an evil as necessary as taxation or the plague, and men were still prepared patiently to give up their lives for the title of Henry VI. or Edward IV. The Nevilles disbanded their forces, and enjoyed their victory until the exiled king, who had collected an army in his foreign retreat, suddenly made up his mind to return. His formula on landing was one which others in his position had found useful. He had come, he said, to recover not the crown but his duchy, and with that proclamation on his lips he marched straight upon the capital to fight for the throne. The struggle which followed was in one sense the very climax of the civil war, for every stage of it was marked by treachery. Lord Montague hung back and failed to oppose Edward's march ; Clarence first misled Warwick so that he refrained from attack, then openly went over to Edward's side. At the battle of Barnet, where the King-maker was killed and the crown won back once again for the Yorkist line, Montague was more than suspected of actual foul play upon the field. At the battle of Tewkes

**Edward's  
return.**



bury, which finally extinguished Margaret's hopes and robbed her of her son, the Duke of Somerset and many men with him simply ran away.

**Quiet** Edward was firmly re-established on his throne in 1471, and remained there with full liberty to **close of the reign.** extort money from his subjects, shed the blood of his enemies, and indulge himself in horrible debaucheries until his death in 1483. His popularity remained unabated, as that of almost any king would have done who knew what he wanted and was able to get it. The only danger that remained from the rivalry of the two houses was the existence of a child of Margaret Beaufort, great-granddaughter of John of Gaunt, but the boy was too young to cause much uneasiness to a king in the prime of life. Moreover, in 1470, Edward's queen had borne him a son, thus securing, as everybody supposed, an undisputed succession. In 1478 the royal family had rid itself of the member to whom suspicion of treason might most easily attach, for Clarence's determined rivalry with his younger brother had led to incessant quarrels and finally to his condemnation for complicity in the revolt of 1470. Though the execution had never taken place Clarence had come somehow to his death, and every party at Court had felt his disappearance a relief. In all probability Edward's death-bed was a tranquil one, and he had no suspicion that

**Richard of Gloucester.** the ruin of his family was to come from the man who throughout the reign had been his right hand, from his brother Richard Duke of Gloucester.

It has become a commonplace to say that Richard III., as Gloucester very shortly became, was something more than the mere monster of superhuman wickedness familiar to us in the pages of Shakespeare. It is quite true that he was a **His crimes.** usurper, for his assertion about the illegality of Edward's marriage with Elizabeth Woodville was a wild one, obviously made to preserve the theory of hereditary right. But most of the English kings in recent years had been in some sense usurpers, and the rules of primogeniture are scarcely the same as the rules of morality. It is also true, however, that Richard was an unscrupulous

murderer, who deprived many innocent people of their lives in winning his way to the throne. He had taken a large share in the slaughter after the battle of Tewkesbury, he was most probably responsible for the subsequent death of the captive Henry VI., and very possibly also for that of his own brother Clarence. He caused the protectors of his little nephews to be killed, he executed the nobles whom he suspected of sympathising with their party, he almost undoubtedly ordered the assassination of the two boys themselves. He is said to have hastened his wife's death by ill-treatment, and it is certain that he scarcely waited to see her buried before he proposed marriage with his niece. All this may be unspeakably revolting, yet no one can deny that other great adventurers in history have spilt just as much blood and escaped execration by means of their success. In point of fact Richard's is a case which it is exceedingly difficult to know how we should have judged if the award of fortune had been for him instead of against him. He was absolutely ungoverned by ordinary morality, but that may be as much the condition of the man who sets political expediency before all as of him who is swayed by his evil passions alone. If England's fate had been to be ruled by Richard III. it would have conduced much to her tranquillity that all pretenders to the throne should be safely out of the way. If the usurping king had committed one murder more instead of less, disposing of Margaret Beaufort's son, and had then used his abilities in governing England through a long and prosperous reign, we should probably have found ourselves admiring his unity of purpose and excusing his thirst for blood with the analogy of the omelette and the eggs.

**His** For there can at any rate be no sort of doubt  
**abilities.** that Richard was better qualified for kingship than many monarchs who have gone down into history with a much less unsavoury reputation. The records of the previous reign show in the first place that in the administrative activity which was Edward's chief service to England he was assisted and advised if not actually guided by Gloucester. The work of restoring order in the country was very far from



being fully accomplished under the Yorkist kings, but its advance was most rapid during the years between 1473 and 1483, when Edward gave himself up more and more to debauchery and left the government in Gloucester's hands. The most shameful of Edward's public transactions, the truce with France in 1475, is said to have been carried out against Richard's strongly expressed wish. And there is one institution at least, of the highest importance in modern times, which Gloucester must have the credit of originating : for during an expedition conducted by him against Scotland in 1482 the system of communication was so elaborate that it may fairly be described as the first attempt at a postal system in England. The time immediately following the king's death was that of Richard's darkest crimes ; but proofs may be gathered from the very record of his guilt of the success with which he might have reigned if he could have preserved the appearance of

**His following.**

innocence. There was for one thing the popularity which allowed him to mount the throne and even created a party in Parliament to petition him to do so. The good feeling of a considerable section of the community had been won by Gloucester during his brother's reign, and such a feeling is a greater tribute to the agent than to the head of a tyrannical government. There was also the

**The usurpation.**

striking adroitness with which the usurpation was carried out, a mark of that political genius which has been said to consist in the capacity to seize opportunities. Richard instantly saw who among his opponents were irreconcilable : they were the Woodvilles, members of the queen's family, and at them he struck promptly and decisively. Lord Hastings, a noble powerful in the council, could be won to support the claim of the protectorate, but not the usurpation ; Richard established himself at court by Hastings' help and then ordered him to the block. The Duke of Buckingham, whose wealth and influence made him an invaluable supporter, was somehow won over to the whole of the plot, and by his aid the city of London was overawed, the young princes removed, and Richard's solemn claim to the crown brought forward in Westminster Hall.

**Government of Richard III.**

Richard III. reigned two years only, and for more than half that time he was engaged in armed defence of his crown. Within three months of his accession the Duke of Buckingham rose in revolt, assisted by several prominent ecclesiastics and by the widow of Edward IV. Large forces were raised and negotiations were carried on to assist the invasion of Henry of Richmond, son of Margaret Beaufort and Edmund Tudor. This rebellion was crushed, but within a year the first signs were visible of another, which was to end in Richard's defeat and death. It would seem that the king had little time left to think of the civil government of his country, yet the legislation of his brief period of quiet is by no means without its interest and importance. He had grasped more firmly than his predecessors the really fruitful idea of the new monarchy—the idea, which the Tudors were to work out, of a paternal government, despotic perhaps but not necessarily oppressive, which would preserve men's property, leave them leisure for their private affairs, and save them the trouble of thinking, politically, for themselves. Richard's House of Commons was chiefly occupied with the regulation of trade ; it passed several of those protective statutes which formed the only commercial policy possible to a mediæval statesman ; it approved the appointment of the first consuls who ever represented England in foreign countries. Parliament pressed for nothing that the king was not disposed to give, and seemed to have adopted the submissive attitude

**Legislation.**

which became usual with the assemblies of the following century. The most important statutes of the reign must have been due to the king's initiative. Two of them dealt, and not unwisely, with the land-law ; one aimed at simplifying titles, the other at putting an end to the secret transfers which had become common during the years of civil war. A third law foreshadowed the Statute of Liveries, and was intended to reduce those great establishments of armed followers maintained by the nobles, which were a standing danger to peace and order. The king also contrived the maintenance of peaceful relations with France and with Scotland, devoted much care to the improvement of shipping,

and, most popular act of all, announced his intention of raising no more benevolences. Such a policy as this, calculated to give the people security and peace for the prosecution of their own affairs, to foster trade and crush lawlessness of every kind, was well adapted to the humour of the time. That liberty itself might be bought too dearly was the melancholy lesson which England had been learning, and the monarchs of the new order were very ready to encourage her in the belief.

**Success** But whatever Richard's abilities may have been,  
**impos-** whatever his judgment, his energy and his courage,  
**sible.** there was one unsurmountable obstacle to his enjoy-

ment of a peaceful reign. He had killed all whom he knew to be his enemies, but he had forgotten to secure himself a single friend. A wise historian has pointed to that fact as the reason why this man in particular has been branded with eternal infamy, while the crimes of others, perhaps quite as hideous, have been boldly justified or decently veiled. Richard had slain Henry VI. and his young son, so that every man true to the House of Lancaster must hate him as the destroyer of the direct royal line; but by the murder of Clarence and the two princes he had merited equally the enmity of the House of York. The whole of the queen's connection detested him as a bloody usurper, while the older nobility, headed by Lord Stanley, soon saw the danger to its own position of a master who had to protect his crown with the sword. Richard III. could have found no one willing to be his eulogist except perhaps some inarticulate north-country peasant who had no reason to care which nobles were left alive and which sent to the block; and such a one was nearly as powerless to help the king living as to glorify him dead. About the Christmas

**Invasion** of 1484 rumours spread over England of the intended  
**of Henry** invasion of Henry of Richmond; and in the  
**of Rich-** summer of the following year he landed and marched  
**mond.** through the country with a small force, rousing Welsh enthusiasm with the name of his father, Edmund Tudor, and Lancastrian loyalty with his claim of descent from John of Gaunt. Richard did not fail in courage, but he was guilty of a blunder which probably hastened the end. Lord

Stanley was still upon the royal side, yet the king, who perhaps had too much blood upon his conscience to trust any man completely, held the young son of the family confined as a hostage. When the battle came the Stanleys deserted to Henry's side; Richard was killed, his forces were scattered, and the invader entered London to be recognised as King Henry VII.

**Close of the civil war.** The battle of Bosworth Field was the closing scene of the Wars of the Roses. Henry VII., claiming the throne by the right of Lancaster, secured his position by a marriage with Edward's daughter, Elizabeth of York. At last the red rose and the white were united, and it was still more conducive to peace that the chief among those who had worn them were safely dead and buried. Henry had to face revolts, but nothing like a revolution; and during his reign or the early years of his successor's every dangerous person was adroitly put out of the way. With the civil war thus finally at an end, the new principles of government and social life which had been slowly shaping themselves beneath the turmoil of the last twenty years found room fully to develop. An era had plainly begun in which fresh forces were to push men on, and fresh ties to hold them back. With Henry VI. and Warwick the Kingmaker we seemed to be still in the Dark Ages; when we reach Henry VIII. and Cardinal Wolsey we shall fancy ourselves almost in modern times.

**State of fifteenth-century England.** Certainly it was time for changes to come in English society. Perhaps in the whole of our history there is no period so uninspiring and so dreary, so full of meaningless brutality and so barren of all noble achievement, as the period of the Wars of the Roses. The old pillars of political life were decayed, the old sources of strength exhausted, the old bonds worn to the point of breaking. The bulwarks of mediæval society had been the loyalty of one man to another and of all men to the Church, and if these gave way there was no defence from the flood of cruelty and passion. At the end of the fifteenth century the condition of the Church in England was at once a partial cause



**Degene-  
racy of the  
Church.** and an unmistakable symptom of the general de-  
moralisation. For a hundred and fifty years  
there had been bitter complaints of the ecclesiastical  
system, of the papal extortions, the judicial corruption, the  
luxury of the priests and monks ; there had been the attacks of  
Chaucer and ' Piers Plowman,' and the great heresy of Wyclif.  
But in the course of this century all the evils had grown to  
such a height that the tolerance of them can be explained only  
by the supposition that men's indignation was now largely  
mingled with contempt. Of actual taxes paid to Rome there  
were not many, but the scandal of indirect exactions was greater  
than ever it had been. Indulgences were publicly sold ;  
English benefices were frequently filled, in defiance of the  
Statute of Provisors, with Italian adventurers, sometimes  
defective in intellect and usually defective in morals. Nor was  
the character of the genuine English ecclesiastics always high  
enough to contrast strikingly, as in the days of Grosseteste, with  
the depravities of these agents of Rome. Peacock, Bishop of  
Winchester, gained an evil notoriety by his public contention  
that bishops had a right to practise simony and to exact first-  
fruits, and that they were under no obligation to live or preach  
in their dioceses. The Archbishop of York ordered his priests

**The dig-  
nitar-ies.** to demand fees from every penitent before giving  
him absolution. Throughout the century the prac-  
tice was common of selling licences to preach  
to the highest bidder. The apostle's command to be all  
things to all men was interpreted so literally by some of the  
leaders of the Church that to a plain man they seemed guilty  
of a very sordid kind of dishonesty. Thomas Bourchier was  
Primate for thirty-three years, throughout the period of civil  
war ; he accepted every change, and crowned every king who  
knelt before him with his bloody sword just sheathed. There  
was a Welsh bishop who carried the doctrine so far as to refuse,  
with the most cynical arguments of expediency, to interfere  
with the openly immoral lives led by the clergy of his diocese.

**The mo-  
nasteries.** If the dignitar-ies of the Church, men more or  
less in the public eye, had so far degraded their  
standard of conduct, it is easy to infer how much



worse would be the state of things among the masses of monks and friars, whose position was highly privileged and almost empty of responsibility. So much has been written and said about the luxury and the immorality of monastic life in the later Middle Ages that it certainly cannot be necessary to add a word to the indictment. From reasons which become obvious when we read the history of the next century, the verdict of historians who discussed the position of the regular clergy at this period was for a long time uncompromisingly against them. The parish priests might escape censure, but no accusation was too bitter to be levelled at the occupants of the monasteries. In this attack there was doubtless an inclination to generalise from particular instances, to exaggerate evils for which so drastic a remedy was ultimately found; and we have the less reason to wonder at the modern tendency to take up arms for the opposite side. It is argued that the very energy with which the preachers and satirists denounced a corrupt or profligate ecclesiastic is a proof that such qualities were very far from universal; and that the feeling of our nation against the particular practices imputed to the monastic clergy

**Difficulty of the question.** has always been so strong as to render a widespread indulgence in them practically impossible. In point of fact, the matter resolves itself into one of those inconvenient questions which cannot be decided without an accurate knowledge of the evidence on both sides, a knowledge in this case by no means easy to acquire. Most people will be quite ready to believe that the monks and friars, considering their temptations to idleness and luxury, were no worse than anybody else would have been in their place. But the difficulty was that their profession compelled them to pretend not only that they were no worse than other people but that they were a very great deal better. The mind of the average Englishman is even now less remarkable for ingenuity and subtlety than for strong common sense, and it would seem that he has always had a certain difficulty with that doctrine of the separation of person from office so clearly enunciated by the Catholic Church. In many ways we may recognise our intellectual kinship with our fifteenth-century ancestors; and

just as the many personal virtues of the late Queen filled two generations with a new loyalty to the institution of monarchy, so the spectacle of wickedness in a man whose duty it was to exhort others to a holy life roused hot indignation in these worthy burgesses of four hundred years ago. When they saw a man take the vow of obedience and pass his time as he pleased, the vow of chastity and live more laxly than his fellows, above all the vow of poverty and help his community to amass such riches as were unheard of among any other class of men, then their hearts grew bitter within them, and contempt began to take the place of the old reverence for the mother Church. The conditions were being very carefully prepared for the ecclesiastical revolution of the sixteenth century.

**Chief cause  
of the  
popular  
resent-  
ment.**

**Decay of  
military  
honour.** If loyalty to the Church had fallen low in England, so it seemed had loyalty in war. Through all these centuries of political development, fighting had remained the chief interest in the lives of the nobles and of the masses of men dependent upon their favour. So long as this great department of activity was subject to the rules of honour there was something to keep the very worst classes in English society from degradation : a man might riot, blaspheme, plunder a church or rob an orphan, but at least he would not turn his back on an enemy in the field or strike him down by a coward blow when the fight was over. But now it seemed that even this was gone, and almost every stage in the Wars of the Roses was marked by a murder or an act of treachery. At the battle of Northampton, Lord Grey of Ruthyn, who led Henry's vanguard, deserted to Warwick's side ; before Barnet both Montague and Clarence were treacherous ; the Duke of Somerset and ' the most part of the people ' fled from the field of Tewkesbury. After the battle of Wakefield the Earl of Salisbury and the young Earl of Rutland were murdered in cold blood ; after Tewkesbury Prince Edward of Lancaster was slaughtered in the same way. If these were the practices of the nation's leaders, nothing better could be expected from those who fought under their command. Indeed, though a civil war in which all are deeply concerned for one side or the

other may be materially the most disastrous, its moral effects are infinitely less pernicious than those of one where nine men

**Pernicious effects of the civil war.** out of ten are fighting for no cause that they can understand. To look on for thirty years while his countrymen needlessly spill one another's blood ; to don some lord's livery and take a share in the work

when commanded to do so ; to see first one king and then another win his way to the throne by the sword and reign as prosperously as his predecessor ; this is an experience to make a man feel love of country a mockery and war no more than organised murder. The theory is not unpleasing that when Englishmen begin to run away in a fight it is a sign that the nation has sunk to the lowest depth she is capable of reaching ; some

**Parallel with Saxon period.** violent change must necessarily come if she is to escape dissolution. In the days when the later Anglo-Saxon monarchy was vainly trying to resist the invasion of the Danes, there was scarcely a battle in

which the nation was not disgraced by the cowardice or treachery of one of her nobles. England seemed to be sick to the point of death, but under the salutary discipline of the Danish and Norman conquests she ejected the poison from her blood and recovered her vitality. So with the Yorkists, and still more with the Tudors, there came to her rescue the conquest, not so much of a new king as of a new idea—the idea of an unquestioning devotion to the Crown, which should bind all men together for every national purpose, and loose them from those old feudal ties which now seemed to hamper instead of supporting them. Loyalty to the lord was a worn-out superstition, and through the next phase of an exaggerated veneration for their king Englishmen were to pass at last into that of an unwavering loyalty to their country.

**Accepted close of the Middle Ages.** It is this change and others even more obvious which have been taken to justify the common saying that the Middle Ages came to an end upon Bosworth

Field. The popular despotism of the Tudors, leaning for support on the great body of the upper middle-class, was to banish the old hierarchy of gentry, nobles, and the royal family ; the tie of citizenship was to take the place of

that of homage ; the Church, once theoretically supreme over men's souls, was to occupy a humbler rank as partner of the State. All this is in a great measure true ; and it is of course clear that the chain of causes from which these results may be traced began not only upon Bosworth Field but many years before. Nevertheless we must remember how seldom it is

**Difficulty of the distinction.** possible in history to make so sharp a distinction without reservations which rob it of much of its meaning. We may ring for the removal of the

Middle Ages and peremptorily call for the appearance of Modern Times ; but the scene-shifting is apt to be clumsy, and before we know it we may find ourselves conversing with the leading reformers upon the ramparts of a baronial castle. Thus in the reign of Henry VII. trade was developing, but there were still dynastic revolts ; gunpowder was coming into use, but men enough were still slain with the pike ; the Renaissance was dawning, but kings had still to combat the lofty pretensions of their bishops and curry favour with the Pope. Fortunately, however, for those of us who like history to be symmetrical, the time which may most reasonably be called the turning-point of Henry's reign coincided almost exactly with the end of this bloody and miserable fifteenth century.

**Position of Henry VII.** Henry VII. had, as we have seen, but little reason to fear an actual rivalry for the throne, since no one was left alive who had the strength to stir

the exhausted country to any serious action. But there were several quarters in which even a less watchful eye than that of the new king would have detected the danger of enmity and

**Dangers.** disturbance. There was in the first place young Edward Plantagenet, son of the unhappy Clarence and Earl of Warwick through inheritance from his mother, who thus was bearer at once of the old royal name and of a title which had weighty associations in Englishmen's minds. Him Henry promptly imprisoned in the Tower, with the characteristically prudent intention of keeping the young man out of the temptations which might have necessitated stronger measures. There was also John de la Pole, son of Edward IV.'s



sister Elizabeth, who was at first induced to give in his adhesion to the new order of things, but soon changed his mind and fled the country. His younger brother was entrapped towards the end of the reign by a promise that his life should be spared; and the king showed his excellently legal mind by keeping him a close prisoner and advising the Prince of Wales to order the execution as soon as he succeeded to the throne. Over the sea Henry had an irreconcilable enemy in the Dowager Duchess of Burgundy, another of Edward's sisters; and that determined old lady could strike at Henry in his tenderest place by interfering with the constantly increasing trade between Burgundy and England. Another difficulty, for which the king had to thank the ingenuity of his predecessor, was the lingering doubt as to the fate of the two little princes. Richard III. had enveloped this particular crime in such impenetrable mystery that any pretender who chose to proclaim himself Edward V. or Richard of York had a good chance of securing a following among the people. Impersonation was in fact the favourite plan of the rebels under Henry VII. Lambert Simnel, of whose inglorious destiny everybody has heard, attracted the rank and file of his army by pretending to be Edward Earl of Warwick, though the

**Plots.** leaders, Lovel and de la Pole, probably felt as much contempt for the imposture as Henry showed when he placed Simnel in his scullery. In the most serious insurrection of the reign, that of 1497, Perkin Warbeck represented himself to be young Richard of York. He was recognised in Scotland and to some extent in France, he received help from Burgundy, and he made great friends with Edward Earl of Warwick, whose head, if he had been the man he pretended to be, he would probably have been exceedingly anxious to cut off. But the Duke of Burgundy soon came to see that the wool trade was more important than a royal prince, genuine or not: he withdrew his help, Warbeck's vogue passed away, and he was finally captured and imprisoned with his friend Plantagenet. This brought the stormy years of Henry's reign practically to an end, and there was no further question of a serious attack upon his administration. One part of the king's



policy there was, however, for which it would be pleasant to consider the necessities of self-defence responsible. His first plan in dealing with Ireland was to send over a governor whose name has been handed down to us in connection with one of the most permanently galling regulations ever devised by a dominant race. Poynings' Law provided that no Irish

**Ireland.** Parliament should be called together until the matters with which it had to deal had been laid before the English council and approved. Yet if this was in origin a police measure necessitated by the chronic disorder in Ireland and the strong Yorkist tendencies of the more powerful princes, it was excusable ; and indeed the subsequent recall of Poynings in favour of the Earl of Kildare tends to show that the law did not represent Henry's considered policy.

**English domestic policy.**

The main lines of action in England were as clearly marked out for Henry VII. by the circumstances of his accession as for any modern Prime Minister put in by the country on a programme of Imperialism and social reform. He had to build up a strong government, not likely to be overturned by every bold adventurer ; he had to bring the degenerate nobility to some sense of order and responsibility ; he had to discover, if possible, some means of reconciling the nation with the Church ; he had to give permanent security and peace to that growing body of the middle-class which was soon to perceive new and vast opportunities for money-making. These things he was bound to attempt, less by any conscious demand of his subjects than by the force of circumstance, which pointed out the only way in which the nation could continue to exist.

**Henry's abilities.**

He seems to have been very fairly well fitted to succeed in the task which was laid before him. We have seen that he was crafty and vigorous enough to overcome all armed rebellion and dispose of the rebels by fair means or foul ; and the nation, which could not afford to be fastidious, no doubt applauded him for doing so. With

**Relations with the nobility.**

regard to the nobility he had to proceed in a rather different way. The drawn sword was an excellent thing to have in reserve, but legislation was needed

if the country was to be at ease. The Statute of Richard III. against 'liveries,' or the maintenance of a great number of armed retainers, was confirmed and made more stringent. Henry was in a better position than his predecessor to see that the law was obeyed, and there is a well-known anecdote which relates how he repaid with a heavy fine the too ceremonious hospitality of a certain obstinate lord. An even more effective instrument was a new court of justice, the powers of which, theoretically those that had always belonged to the king's privy council, were probably modelled on the jurisdiction entrusted by Edward IV. to the Constable of England. The special advantages of this body were that it consisted of any one whom the king chose to appoint, and that it could convict and sentence the accused entirely on its own responsibility. In

**Star Chamber.**

later years this court, known as the Star Chamber, came into very evil odour indeed ; but at the period of its foundation and long after it was an instrument of government thoroughly approved by the nation, which cared little for informalities where only the nobles were concerned. The rest of Henry's legislation was aimed in an equal degree at promoting the interests of the yeoman and merchant class.

**Commercial legislation.** The Commons passed a law to fix the wages of labourers and journeymen ; there was also a statute foreshadowing the Navigation Laws, which forbade

the importation of 'wines and woads' except in English ships ; and another which was intended to keep the wool within the country and named a maximum price to be paid for cloth. This ever-increasing production of wool seems indeed to have presented itself as a problem of considerable difficulty to Henry and his assistant legislators. There could be no doubt

**Enclosures.**

that the practice of enclosing arable land for pasture was a most profitable one for the freeholders, whether large or small, who adopted it ; and from the point of view both of the Commons, most of whom were themselves freeholders, and of the king, who needed the support of the wealthier yeomen against the nobility, it was inadvisable to do anything to check this prosperity. Yet neither Parliament nor king could see without alarm the diminishing production of corn,

the dismantlement of farmhouses and the ruin of villages which accompanied this gradual transformation of England. To quote the history of Bacon, who no doubt was capable of evolving the principles of Free Trade from out his capacious brain, 'enclosures they would not forbid, for that were to strive with nature and utility'; but they took a middle course by ordering that existing farmhouses should be kept up with a fixed quantity of arable land. Such a measure could of course do nothing to check the process of change, and in the next reign it continued even more rapidly, with considerable effects upon English society.

**The Tudor view of kingship.** To assist in this work of restoration and reform Parliaments were called together with fair regularity in the first half of the reign; but the king then showed a thoroughly royal readiness to govern upon his own responsibility. The Tudor conception of kingship was a bold one, and Henry VII., though he made less display of absolute authority than some of his successors, possessed perhaps as strong a will as any one of them. Sufficient supplies of money were the first essential, and the king encountered little difficulty

**Taxation.** here. Tonnage, poundage, and the custom on leather were granted to him for life, and so long as he chose to summon Parliaments they were liberal with further grants. To make up deficiencies Henry not only adopted the Yorkist invention of benevolences, but he devised an improvement upon Edward IV.'s plan of peace with money: he obtained special supplies for a proposed military expedition to France, and then agreed with the French king, for a further pecuniary consideration, to remain at home. The council,

**The council.** again, which in Lancastrian days had been the chief weapon of parties, was nothing more since parties had ceased to contend than the tool of the sovereign. Henry was careful to include few powerful and possibly refractory nobles in the circle of his advisers. The Howards, who alone represented the older nobility, held subordinate positions; Archbishop Morton, the only one of Henry's ministers who exercised anything like independent power, was a man of no high family; Empson and Dudley, whose names have gone down into history with an evil reputation attached to them,

were lawyers taken from the middle class. Moreover, Henry had hit upon the plan of attracting the leaders of the Church away from their pursuit of ecclesiastical independence by offering them, in his own service, a large share of temporal power. Morton, Fox, and Warham were all prominent Churchmen who were induced to give their services to their sovereign instead of to the Pope or to themselves. The nation was thus partly relieved from the pressure of a corporation grasping always at new privileges, the king had some of the keenest intellects in the country at his disposal. The result was the creation of a body thoroughly capable of restoring order and of getting through four or five times the amount of business ever transacted in the stormy gatherings of Lancastrian days.

**Henry's person-ality.** Henry VII. is one of those historical figures of whom it is unaccountably hard to realise that they ever walked the earth as men. What he did we know with tolerable accuracy ; as to how he lived, how he looked, we learn as much as would suffice to fill out a picture of almost any other king. But to the ordinary reader of history Henry VII., the man himself and not his works, remains a shadow. Among the other sovereigns of our history we instinctively compare him with his ancestor and namesake, Henry IV., yet this rather with reference to his fortunes than to his qualities. Each of them invaded England to claim his crown, and won it with cold steel. Each came still more effectively armed with a theory of government which, though in neither case original or entirely new, seemed well adapted to rescue England from an intolerable condition of things. Each struck a great blow for the glory of his house and no mean one for the welfare of his country ; yet the fame of each was soon outshone by the brilliance of a more able and triumphant successor. Of the two, Henry VII. had the happier lot, since his reign was not, like that of the earlier king, a constant struggle to keep what he had won. For Henry IV. the burdens of royalty must have been unspeakably greater than its rewards, for Henry VII. we may guess that it was not so. Both were fated to be the founders of famous dynasties, but the lifetime of the Tudor king saw unmistakable



signs of his destiny, while for the Lancastrian in his grave it was cold comfort that honour and glory were being gathered in by his successful son.

**Strength of his position.** The strength of Henry VII.'s position lay, as we have seen, in the fact that the store of energy which a nation seems to find anew at every turning-point in her history was used in the England of his time for anything rather than interference with the forms of her government. And when we remember the dates of Henry's accession and of his death there is little reason for wonder that it should be so.

**Dawn of the Renaissance.** Between the years 1485 and 1509 great events had taken place in the world, and changes still greater were steadily approaching. In the middle of the century the Turks had unintentionally done Europe the greatest service in their power by taking Constantinople. The results were manifold. Columbus in 1492 and Cabot in 1497, seeking a route to India by sea now that the old one by land had become impossible, discovered America, and Vasco di Gama doubled the Cape of Good Hope. The scholars of Constantinople fled before the invader and turned westward, bringing the knowledge of Greek with them. The printing-press was ready to spread this new civilisation through western Europe. Modern commerce and colonisation, which were to transform the life of civilised man, were rendered possible if not yet begun. The Renaissance had opened, the Reformation was soon to follow. And the eyes of Englishmen, no longer occupied with scenes of battle and bloodshed at home, could look abroad and see something of what was to result from this new birth of the world.

*Leading Dates.*

	A. D.
Rising of Warwick and the Lancastrians . . . . .	1470
Restoration of Edward IV. . . . .	1471
First collection of 'Benevolences' . . . . .	1473
Accession of Edward V. . . . .	1483
Usurpation by Richard III. . . . .	1483
Victory and Accession of Henry VII. . . . .	1485
Establishment of the Star Chamber . . . . .	1487
Death of Henry VII. . . . .	1509



## CHAPTER VIII

## THE RISE AND GREATNESS OF TUDOR ENGLAND

**Character of the Tudor period.** THE period beginning with the accession of Henry VIII. and ending with that of James I. is fortunately one of those in which it is not the historian's first duty sententiously to point out the disparity between the outward appearances and the true tendencies of the time. It is a period of great deeds, great changes, and great enterprises ; full of audacity, of movement, and of life. The sovereigns of England transform themselves into spiritual potentates, or lay low the power of the greatest of European monarchies. Their subjects strike terror into the hearts of all other peoples upon the sea, or write such poetry as the world had never seen. Individual sufferings are at first great, but they are lost sight of in the national expansion ; everywhere there is an atmosphere of hope and confidence, of pride of race and love of country. And that this is to be the character of the time seems somehow plain to us, and appears to have been divined by the actors in it, from the very beginning. The note is sounded in the acclamations which greeted the accession of the new king.

**Henry VIII.** Henry VIII. was one of the most remarkable men who have ever sat upon the English throne, and that not merely in the superficial sense which may first present itself. In our childhood's view of history he was labelled as the king who married six wives, and the fact becomes the more illuminating if it is taken rather as an indication of character than as vital in itself. The man who was ready so lightly to defy all ordinary rules of conduct proved himself equally ready to defy the power of the greatest corporation in

the world. There can be little doubt that Henry was personally responsible for all the great practical changes of his reign.

**His qualities.** He possessed two qualities which above all others fitted him to be a despotic sovereign: he had that quick and audacious mind which can break through the prejudices and traditions of centuries to realise its own conceptions; and he had an absolutely overwhelming strength of will. Great ministers served him, and he used them as he chose. The commanding ability of Wolsey, the moral force of Sir Thomas More, the adroitness of Cromwell were all equally useless when the king had made up his mind. There is a school of historians which deprecates the devotion of others of their kind to the annals of courts and camps, urging them to substitute the simple story of the merchant or the peasant. But if kings make history they must be allowed their place in it, and of no English ruler can this be more truly said than of Henry VIII. The Tudor despotism with all that it included is a great fact in the history of our nation, and it

**What he accomplished.** was he who perfected it. If the Reformation means the separation from Rome, he made the Reformation. That he could have done these things in any other century is perhaps unlikely; that he did them without direct suggestion from anybody is practically certain.

**Foreign policy.** The king, however, was only eighteen years of age when he mounted the throne, and in his first phase, a comparatively unimportant one, he concerned himself chiefly with foreign politics. The form his activity took is significant of the change which a century had wrought in Europe. There was no question of carrying a great army over sea or of claiming other people's crowns; there was a network of alliances in which moral and material support were or pretended to be factors of almost equal value, and blows were struck only when careful calculation had shown where they would take most effect. In point of fact the kingdoms of Europe had become in the new order of things possessions of

**Changes in Europe.** so much higher value that they could no longer be allowed to change hands through the gain or loss of a few battles. In the old feudal conception

there had been the Pope and the Emperor, each in his sphere, the supreme rulers of the continent ; the kings in a sort of subordination to them, and, in all countries but England, the nobles in a subordination to the kings which was the same in kind and varied in degree according to the strength of either party. But this theory was expiring in the weakness of both Papacy and Empire and in the growing strength of the different monarchies ; as the kings subdued their feudatories on the one hand, on the other they felt their independence of the old rulers of the world. Two great sovereigns were now contending for the leadership of Europe. The Hapsburg power had been slowly built up by politic marriages until Charles, son of the Archduke Philip of Austria, was heir to Spain, Burgundy, and the Netherlands, besides the Austrian dominions. The kingdom of France, less in extent but strong in its unity and its material resources, was governed by Louis XII. when Henry mounted his throne, but it passed in a few years into the hands of the famous Francis I. Charles and Francis dreamed in turn, when each had arrived at the maturity of his powers, of a great monarchy which should hold Europe in awe. But the new era which encouraged such dreams cruelly placed obstacles in the way of their realisation. The simple days had gone by for ever when every man was free to play for his own hand and win what he could from his neighbours. The paralysing new conception of the 'balance of power' had arisen in Europe and threatened to put an end for ever to these honest activities. A sixteenth-century king who beat his enemies too thoroughly had instantly to face the intervention of some other power or league of powers, the plotting of subtle politicians, the resistance of that inert mass which nowadays we call the concert of Europe. Again and again did Charles V., and less often Francis I., seem to be on the point of gratifying this proud ambition. And again and again the influence of secondary states was thrown into the scale to preserve as far as might be the independence of the continent.

The foreign politics of Henry's reign consisted in his relations to this great rivalry. Full of her new ambitions, England

grasped eagerly at the opportunity which seemed to be offered

**Henry's  
foreign  
schemes.**

her of arbitrating between the mightiest monarchs of Europe ; free as she hoped for ever from the internal struggles which had weakened her, she was more than ready to make her voice heard in the

counsels of the world. But with the best will possible to magnify our country, we shall scarcely find in the complicated diplomatic records and voluminous correspondence of the reign any evidence that international affairs ever really hung upon the deliberations of English politicians alone. The number of alliances entered into by Henry and Wolsey and the rapidity

**Their com-  
parative  
futility.**

with which they changed sides are bewildering, but on closer inspection we shall find that their policy had a knack of leaving things in the end very much as they were in the beginning. It is noticeable that,

in spite of repeated offensive leagues with France, Henry never once declared war upon Charles V., and indeed the actual military doings of the reign, putting Scotland aside, reduced themselves to three or four unimportant expeditions. Moreover, we cannot avoid the suspicion that in matters of real moment the two great adversaries acted entirely without reference to their relations with England. Spain deserted the alliance created by Henry VII. and confirmed by his son's marriage with Catherine of Arragon. France tossed English friendship overboard when it suited her policy to be at peace with Spain and devote her attention to Italy. Charles won the Imperial crown, in 1519, without the assistance of Henry, who had played for it himself—a sign of that magnificent self-confidence which in the really serious affairs of his life was to stand him in such good stead. Finally, when Charles's great victory at Pavia in 1525 had made his vast power undeniably the danger of Europe, the efforts of our country to check it were only temporarily successful ; and the Peace of Cambrai in 1527 left the Emperor undisputed master of the richest regions of Italy, which at that time and long after formed in its disunion and weakness the most enticing prize for an avaricious sovereign.

— It was well for England to test her strength ; but the time

was not yet come when she could dictate terms to her neighbours. Her own union was too recent, her resources too scanty, to allow her effectively to dispute precedence with Spain and France. Relations with the other nationalities within the islands offered a field in which solid achievement was more practicable. Henry, like most of the Tudors, was fully aware of all his opportunities, and he neglected neither the tranquillisation of Ireland and Wales nor such means as offered themselves for union with Scotland. Wales was in the course of his reign brought entirely under the rule of English law; it began to send members to the English Parliament; and in order that the little principality might lack none of the blessings of civilisation Henry finally provided it with a council of its own, to administer its affairs and judge its offenders by the same expeditious methods as were used in England. Our kings had long claimed for their heirs the title of Prince of Wales while doing very little indeed to earn it for them; but Henry VIII. endeavoured at any rate according to his lights to make his rule a reality. In the same way he did something negatively, if not positively, to earn that title of full sovereignty over Ireland which he was the first to adopt. The Earl of Kildare, who even in his capacity as Lord Deputy remained one of the most troublesome of Irish rebels, was induced about the year 1513 to turn his abilities for a time in another direction; and to the recommendation of Lord Surrey, a few years later, that a policy of wholesale colonisation should be begun in Ireland the king replied with a refusal and an order that the administration should 'ensearch' of the Irish 'by what laws they would be governed'—an answer which has the ring of the true imperialism. In working towards a union with Scotland, which had to be dealt with as an equal, there was only one practicable plan. Bloodless conquest by means of royal marriage was a policy the excellence of which became fully realised for the first time in the sixteenth century. The marriages of princes and princesses had always, indeed, been carefully arranged by watchful fathers, and vast schemes had been built



upon the alliance of many a pair of babies; but it had too commonly happened in the days before public opinion became a force in Europe that the sword was required to open the way to such a union or to make sure of its fruits when it was made. The splendid success of the Hapsburg scheme of marriage had now, however, set a model before the eyes of all European sovereigns. Henry, whose sensibilities in matrimonial affairs were not, as we know, particularly delicate, disposed unceremoniously of his sisters' hands as his own plans dictated. The younger, Mary, he married to Louis XII. of France during one of his early alliances with that country; while the elder, Margaret, was given to James IV. of Scotland. Had Henry been at all less confident that the whole world must bow to his will he might have considered himself fortunate that the two princesses consented to marry for the first time to please him; for they were Tudors too, and neither of them had the smallest hesitation in marrying for the second time to please herself. Mary, left a widow within a year, chose the Duke of Suffolk. Louis's inconsiderate haste in dying made the first marriage politically useless, while the child who was issue of the second became in her turn the mother of the luckless Lady Jane Grey. Margaret's alliance did, indeed, finally give a monarch to the united kingdoms of England and Scotland; but the accession of James Stuart to the double throne can hardly be accounted other than a blessing in disguise. Moreover, Margaret's second marriage, with the Earl of Angus, was agreeable neither to her subjects nor to her royal brother, and family ties signally failed to keep the national peace. There was almost continuous friction from the time of the great English victory at Flodden Field in 1513 till the years at the end of the reign, when Henry, still hotly pursuing the marriage policy, intrigued to win a famous Scottish princess for his young son Edward, and had to resign her to the Dauphin of France.

**Royal  
mar-  
riages.**

**Their  
results.**

**Domestic  
govern-  
ment.**

But the real work of Henry VIII., to which we find him turning more and more as the first few years of the reign pass by, lay within the boundaries

of his own kingdom. The Yorkist kings had begun, in the nation's utter weariness and disintegration, to lay the foundations of a despotic government. Henry VII. had carried on their work rapidly, aided by the dangers which threatened the country's peace at the beginning of his reign, by his own prudent policy, and by the wealth of fresh interests which the later fifteenth and early sixteenth centuries poured upon England with the rest of Europe. It remained for Henry VIII. so to impress the new theory of kingship upon the minds of Englishmen that they ceased to question its truth or to resent its consequences—that they accepted it, no longer as a temporary expedient or a necessary evil, but as an essential part of the national life. To those who live under a democratic government such changes, however well accounted for, must always remain unaccountable. What could lead a nation which had spent centuries in securing its political liberties to place them all beneath the heel of an absolute king? Was there no middle way between the chaos of previous years and a submission so complete that it seems as though the monarch left the constitution unbroken only because he could bend it as he pleased? The king exercised unquestioned a supreme control over affairs of state. He signed foreign treaties and trade licences, summonses of Parliament or Convocation, creations of nobility, *congés d'élire* for bishops and abbots; and all this by no means as a formality, but because he and no one else possessed the actual authority. He gave presentations to livings, stewardships, and appointments of all kinds, distributed lands and pensions, and in fact wielded a patronage incredibly greater than that possessed by any previous king. In his council he had a perfect instrument of government, absolutely dependent upon himself, unchallenged in its authority through him over the country at large. In its judicial capacity it was the Star Chamber, a body of almost unlimited powers. It could and did call prominent men before it to answer for a few unguarded words, and condemn them to fine or imprisonment. It could send the head of a noble family to the block more

**Henry's  
despotism.**

**The  
council.**

easily than the council of Lancastrian days could prevent a great lord's retainers from rioting in the streets. Proclamations of the king and council had practically the force of law, and by means of these they regulated trade, kept the peace, and organised finance, negotiating loans or adopting the simpler expedient of commanding a locality to be liberal. Towards the end of the reign, that theory might be assimilated to practice, the subservient Commons laid down **Sub-** that royal ordinances should be in every respect **servience** valid, as if they had been statutes duly passed in **of the** Parliament. Poor Richard II. had lost his throne **Commons.** and his life for declaring that the king's will was law, yet under Henry VIII. the people's representatives seemed only anxious to place the doctrine beyond the reach of doubt. When the king did think it necessary to meet the estates he had no more hesitation in using them as his tools than he had in dismissing a secretary from his chancery. He expected no opposition, and he met with practically none. If Henry was obliged to abandon a purpose it was by agitation in the country, not by remonstrance in Parliament, which scarcely did more than register, with murmuring or without, the decrees of this magnificent monarch. When Cromwell entered Parliament it was his first duty to 'know the king's pleasure how he should order himself' in the assembly. When, at a much earlier period of the reign, the Commons made a money grant which seemed unsatisfactory to the court, Wolsey calmly invalidated their proceedings and directed them to deliberate anew. For us who know by the light of later history how vital was the preservation of the constitutional forms until the time when a new spirit should be breathed into them, it is a possible argument that Henry's Parliaments were wise and far-seeing to submit. Had they tempted him by resistance it is conceivable that he might have found some such means as other monarchs did to minimise the power of the representatives and oust them from their place. But it seems none the less strange that the men of the time should have acquiesced as calmly as they apparently did.

Yet of course it is always to be remembered that the

Tudor government was one which could be, and undoubtedly was, popular with the majority of the nation. It was a despotism, but a despotism different not only in degree but in kind from that which was endured, for example, in France under Louis XIV. and his successors. In England there was no centralised system of administration which gave over a locality bound

**Tudor government a popular one.**  
**No general oppression.**  
 hand and foot into the power of the royal agents, no iron bar between class and class, no network of regulations to trip up the poor man and the commoner wherever they might turn and prevent encroachment upon the privileges of the rich. The mass of Englishmen lived, as they had always done, under old common law and custom. With such proceedings of the central government as touched them nearly they were usually in very fair agreement; their local affairs were entrusted more and more completely to the justices of the peace, who, though they were nominees of the Crown, were excellently adapted, in their respectable limitations, to represent middle-class opinion.

**The nobility**  
 Henry VIII. mercilessly sacrificed the great among his subjects, but—more perhaps by instinct than by effort—he satisfied in most directions the needs of the majority. The story of this sacrifice of the great has been written so large upon the page of history that it need scarcely be told again. Everyone knows that Henry's first wife was divorced because she brought him no male heir, and that others lost their lives upon a mere suspicion of misconduct. Everyone has heard how the old nobility of England, terribly diminished at the king's accession, was all but crushed out of existence to make his throne a little more secure. Edmund de la Pole, the Duke of Buckingham, the Marquis of Exeter, the Countess of Salisbury, the Earl of Surrey, all were condemned to death solely or chiefly because of the blood which ran in their veins. Nor were the men whom Henry and ministers raised up round him in their place by any means sacrificed. He chose them as servants, not supporters —for their ability and devotion, not for the possession of wealth or territorial influence. If, then, their loyalty



to his caprices wavered for an instant or lagged behind, the king swept them ruthlessly aside. Wolsey, More, Fisher, Cromwell, died for a momentary opposition to the royal will or for a blunder in carrying it out. But such things as these, which to our minds have always made half the history of Henry's reign, had after all but little effect on the great masses of his subjects, who were born, who married, and who died without ever coming near his court. The yeoman or the merchant might live very much at his ease under a ruler who cut off the heads of dukes and cardinals, but kept the peace, regulated trade according to the prevailing ideas, and allowed quiet middle-class people to do very much what they pleased. It is an old maxim that nothing is easier to bear than the ill-fortune of others; and now that the nation had gained security of life and property for itself its equanimity was little disturbed by the knowledge that this was less fully enjoyed by the court. The days were past when the name of one family would raise a whole county in arms; and had it not been so, the names to conjure with would certainly not have been Wolsey and Cromwell. There is a sort of rough justice in the sudden descent of those who have presumed to raise themselves to such heights of power which seems particularly to appeal to the Anglo-Saxon sense of the fitness of things.

**Growth of the middle class.** This great middle class, whose steady growth was the surest indication that the feudal era was past, busied itself meanwhile in its enviable obscurity about its own affairs. It had room to spread upwards now that the pressure of the old aristocracy was removed; at the other end of the ladder it increased by the inclusion of many from the old dependent classes whom changed conditions obliged either to rise or completely to fall. The prominence of the substantial commoner seems on the whole to have answered well, as it usually does, for the material progress of the country. In a young country growth must always be the surest sign of prosperity, and in England the population rose from about two and a half millions at Henry VII.'s accession to nearly four millions at the death of Henry VIII. It appears moreover that it was the habit of



the lowlier Englishman in the sixteenth century as in the twentieth to eat more than his neighbours, and to reap the reward in energy and physical strength. With the numbers of the people increased their belief in their own powers and their confidence in the future of the country—qualities which, if they have not endeared us to the citizens of other states, have doubtless had much to do with the winning of our Empire. The discovery of the new route to India and of the existence of the American mainland and islands had in fact placed the commercial future in the hands of those nations which most easily had access to the ocean, and although our ancestors under Henry VIII. had not yet come into their inheritance

**New beginning of maritime expansion** they seem to have had more than an inkling of what it was to be. 'When we would enlarge ourselves, let it be by sea,' said certain of the king's counsellors. The shipping of London increased, and so did that of Southampton and Bristol. The bold little vessels from these ports, proudly termed 'tall ships' by contemporary history, went out to Sicily, Candia, Chios and Cyprus; there was trade with Tripoli and Beirut as well as the old-established relation with Burgundy and Flanders: Henry VII. had made commercial treaties with Denmark and the Italian towns. And the tall ships did not merely contain, as in older days, raw produce such as wool and fells. The production of wool was indeed greater than ever, but the ordinances of the first two Tudors show clearly that English skill in manufactures was steadily increasing. Henry VII. had 'set the manufacture of wool on foot' in different districts, particularly in the West Riding of Yorkshire; and in his reign and that of his son there are regulations dealing with the worsted trade in Norfolk, the clothiers and weavers in Worcestershire, the leather trades, the dyers, the pewterers, and others. We read also that industrial 'villages,' as distinct from the corporate towns, appeared in different parts of the country—villages which, if they could have known it, had a great future before them, for three of them were known as Manchester, Sheffield, and Birmingham.

Whether what is called the progress of civilisation in a

country necessarily brings with it better conditions of life for the inhabitants is a question which is often asked and receives very varying answers. There are those who dwell upon the security and peace of the old feudal days in England, when almost every man's life was mapped out for him by the circumstances of his birth and parentage, when he took his duties whole as he found them, and the chief one generally consisted in obeying someone else who rewarded him with protection and maintenance. A poor man might very probably lose his life, but he did not often lose his living, and there may well be a doubt as to whether the latter is not the more important. In the same way there are those who think that in getting rid of the social and economic ideas which attempted to direct the industrial advance of the Tudor period we have lost a good deal more than we have gained. What these ideas were we may easily understand from a moment's consideration of the circumstances of the time. The individual was gradually escaping from the restrictions of law, but could scarcely as yet throw off those of custom: industry had begun to show its possibilities, but no one dreamed that it was to be the great power of the future. The personal ties which in the old days had kept the nation together were nearly all broken, yet the idea of a community as a number of separate units would have been incomprehensible to any thinking man of the time. Hence the anxiety of the ruling class to protect the nation as a whole from disproportionately prosperous individuals, and to preserve the old associations wherever they were not glaringly unsuited to their object. Merchants who bought land and raised the rents, tradesmen who sold at high prices, rich men who lent money and asked interest were all stigmatised with official gravity as 'covetous persons' of 'insatiable appetites and minds,' and their evil practices were forbidden. Upon the manner in which every trade should be carried on a council of the masters of the craft was allowed to decide, and no one was at liberty to resist these ordinances merely because he thought that other methods might prove more profitable. Under Henry VIII. we find a statute which provides that

**Economic  
ideas of  
the period.**

merchants refusing to sell their wine at the fixed price shall receive no price at all. In 1536, since it grew daily more apparent that the growth of pasture at the expense of arable land was causing great misery to the peasant class, landowners were commanded to repair such farmhouses as had fallen to decay; and it was provided at the same time that no grazier might possess a flock of more than 2,000 sheep.

With the motives which suggested such legislation as this it is easy to sympathise, yet we cannot but feel that Englishmen being what they are it was futile for them to try to gain the desired end by these or perhaps by any other means. The capitalist had made his first appearance in the country, and was destined, let Parliament legislate as it chose, to play a rather important part in English society. Under the last of the Tudors we shall find the nation filled with the intoxication of its new wealth and opportunities and revelling in its prosperity; in Henry VIII.'s reign the impression is rather of the pressing forward of those who saw their chance, while the rest tried vainly to draw them back. The Government confirmed the power of the craft guilds; yet it could not for very shame allow them to interfere as they wished to do with the journey-men who set up in business outside the towns in order to escape from their tyrannous legislation. Parliament could

pass statutes to forbid enclosures, but it could not keep a constant check upon the justices who, being landowners themselves, declined to administer the law. We cannot doubt that the gradual social change brought great misery with it. These enclosures for pasture and for the improvement of husbandry, which could not be stopped because the force of a nation's self-interest is stronger in the end than its traditional scruples, too often included also enclosures of commons, which was neither more nor less than robbery of the poor. The labourers thrown out of work or deprived of half their subsistence 'fell daily to theft,' as the preamble to an Act has it, 'or pitifully died from hunger and cold.' Yet the methods of this paternal ruling class with those whom progress had driven to the last extremity were anything

**Limits of their usefulness.**

**Enclosure difficulty.**

rather than gentle. Vagrants were liable to flogging and the pillory ; an able-bodied man found begging a third time suffered the punishment of death. As for Henry, his Tudor instinct for popularity did not prevent him from debasing the coinage when it suited his convenience, and so increasing the misery of the poor ten-fold. Both king and Parliament might with much advantage have set themselves to smooth the way for these inevitable changes instead of trying to prevent them, to ride upon the tide instead of wasting their strength in a useless effort to arrest it.

**Severe treatment of vagrants.** All this time, however, greater movements were beginning to stir in England—greater by just so much as the things of the mind are more important to man than the things of the body. It was during the earlier decades of the sixteenth century that our country first entered upon the marvellous era of mental emancipation known in its European aspect as the Renaissance. It would be absurd to deal as a mere incident in English history with the whole of that world-embracing transformation : the decay of institutions and beliefs which had served Europe for centuries, the discovery of new worlds of thought behind scholasticism and theology as well as new physical worlds beyond the ocean, the invention of such mighty agents of man's purposes as gunpowder and the printing-press. Momentous as was the extension of human power in the material world, not this but the accompanying change in the greater region of ideas must be taken as the essence of the Renaissance. It consisted first and foremost in the throwing aside of all the traditional shackles of the mind, in the assertion of man's right to question everything and judge freely of what he knew. It was a universal idea, and its interpretation by each race can be no more than one aspect of the whole. Yet the story of the rise of the new thought in England is not without an interest of its own, and in the great national expansion of Elizabeth's reign it has a sequel which places its importance beyond dispute. Owing partly to the insular position of our country and partly perhaps to that peculiar capacity for resisting ideas upon which we are

**The Renaissance.**



apt to congratulate ourselves, the Renaissance influences touched England only when a great part of their work in Europe had been done. Our ancestors had had their Wyclif and their Roger Bacon, but they had silenced the one and allowed the other to starve. When Italy was absorbing the thought of Petrarch, England was passing the statute *De Hæretico Comburendo* ; while the Romans and Florentines were welcoming Greek scholars from Constantinople, Englishmen were slaughtering one another for the colour of a party badge. Only when the strong government of Henry VII. had restored some measure of order and peace did the nation find leisure to produce scholars and thinkers, and even under the magnificent security of Henry VIII.'s throne the new learning filtered into the country rather than swept over it. Thus it happened that

by the time Englishmen as a whole were fully prepared for the Renaissance its chief discoveries had become familiar, its principal doctrines had been popularised. Our country had books with her printing-press and translations with her classics. More vital still, she received almost simultaneously with the new criticism of ecclesiastical tradition the vigorous interpretation of that criticism which was supplied, as we shall see, by Henry's repudiation of the authority of Rome, and by the violence of the Puritan party under his successor. Scholarship had scarcely become firmly established in England before it was subordinated to the uses of middle-class education ; reform had hardly begun its work before it was swamped in the Reformation ; the new ideas were so late in coming to the few that almost at once they became the property of the many. Thus our forefathers were able, according to their eminently practical habit, to transform the speculative problems which had occupied the civilised world into questions of English politics and national religion ; they developed, instead of a school of humanity, a nation which defeated the Armada, loathed the Inquisition, and applauded Shakespeare's plays. The learning and polish of Warham, More, Colet, and the rest must be viewed by the English historian chiefly as a prologue to the drama of the real national revival, of which we shall find the

**Charac-  
teristics of  
the move-  
ment in  
England.**



rather violent opening in Henry's Act of Supremacy in 1534, and the crisis in the splendid achievements of Elizabethan times. The prologue is interesting in itself, but vitally important only because it forecasts the incidents of the play.

For of these men two at least had minds characteristic of their nation as well as of their time, and were practical Englishmen as well as enlightened scholars. To Warham, the learned archbishop and patron of letters under Henry VII., to Linacre, and to Grocyn, whose teaching of Greek attracted Erasmus to Oxford in 1499, the Renaissance may fairly be said to have meant progress in the sphere of pure intellect; for Dean Colet and Sir Thomas More it meant a great deal besides. Colet, a true son of the land destined to be the home of Puritanism, held that the progress of knowledge must bring a new morality as well as new methods of logic, that the time had come to throw aside the contemptible superstitions as well as the narrow doctrines of mediæval theology, to return to the pure maxims of Christianity as taught by its Founder. That a man should degrade his soul by the worship of relics was more abhorrent to Colet than that he should degrade his intellect by discussing the daily occupations of the angelic hierarchy; for a professing Christian to live an immoral life was worse than that he should cling to the worn-out doctrines of the schoolmen. In the same way More, statesman as well as student, used the great powers of his mind to show rather the evils in English society than the defects of contemporary scholarship, and to devise means for the better government of the whole country rather than for the progress of the select few in classical learning. Both these men were encouraged by the attitude of Henry VIII. in the years following his accession to push more keenly on in the direction they longed to see England take. In 1510 Colet founded his grammar school near St. Paul's, in which the object was to be the training up of the pupils into earnest Christians and rational enlightened men. In 1512 the Dean, protected by the young king, addressed Convocation in terms to which that august assembly was little accustomed; he exhorted them fiercely to a reform of the Church, and above

**Sir Thomas More.** all to a reform of their own lives. In 1515 More produced his 'Utopia,' marvellous both in its bold criticism of existing evils and in its anticipation of remedies which his countrymen took centuries to discover. Restriction of the hours of labour, popular education, modification of the merciless criminal law, limitation of the royal power by recognition of the people's rights, are among More's suggestions for the better government of England. If there were few who dared follow where More led there were many who could and did pursue the work of Colet. Latimer, destined to outstrip his master on the path of reform, preached the same doctrine with zeal and fire ; Fisher, Bishop of Rochester, approved and protected the new school. The great European scholar Erasmus received help from England and paid her due homage in return. His works reached our countrymen

**Erasmus in England.** first of all nations ; his edition of the Greek Testament, which cast aside all traditional interpretation, was received with a rapturous approval scarcely checked by the audacious accompanying wish for the publication of an English version. The universities were already almost won for the new ideas, and Wolsey's magnificent foundation of Cardinal College, the present Christ Church, showed that worldly prosperity was to attend on the pursuit of knowledge. Now, too, began the foundation all over the country of grammar schools modelled upon the one at St. Paul's, where boys were to be taught the classics and brought up with free minds as well as pure hearts.

**Henry's attitude.** The king, on whose youth, enlightenment, and ability such great hopes had been founded, cannot be accused of having ever become quite indifferent to the progress of thought in England. At first, as we know, he threw himself with as much zeal into the encouragement of learning as into the signing of treaties. Warham he honoured ; Colet he enthusiastically claimed as the very teacher for him ; for More he expressed the warmest affection and kept him constantly about the court. Henry was himself to some extent a scholar, and his children studied Greek from their babyhood. But in a sense this love of scholarship was a phase of Henry's

youth, or at least it soon became subordinate to the other purposes of his life. Perhaps he felt that philosophy could never be more than the pastime of a monarch, and undoubtedly, for his egotism was infinite, he came to believe that the most trivial incident of his own life was of greater moment to England than the unshackling of the national mind. And if in his earlier years Henry had needed a guide to help him to see what a king's business was he had found such a one in the person of Thomas Wolsey.

Wolsey, who sprang from that prosperous middle class which supplied most of the ability of Tudor times, had served in a subordinate official post under Henry VII., and in 1513 he attracted the notice of the new sovereign by his excellent organisation of the Flodden campaign in Scotland.

**His rapid rise,** In the sunshine of the royal favour he rose so rapidly in Church and State that by 1515 he was chancellor, cardinal, and a minister of most extensive powers. Two years later he was declared Papal Legate, and from that time forward he possessed, under Henry, supreme authority in both civil and ecclesiastical affairs. It has been not unwisely said that the importance to English history of Wolsey's career lies more in the position which by this combination of offices he was allowed to occupy than in any specific action of his own. For thirteen years the

**and wide powers.**

country saw supreme power in both Church and State wielded in the name of the king by one man alone. The transition was easy to a formal recognition of that king as lord over all ; and here, in spite of the cardinal's greatness and splendour, lies the permanent significance of his life. Wolsey himself undoubtedly possessed qualifications for the greatest statesmanship—a mind at once subtle and powerful, courage, and strength of purpose. Above all, he had that invaluable instinct for measuring all things in their relation to his own ends which led him, though no true lover of scholarship, to give his lordly patronage to Oxford, and enabled him, though a dignitary of the Catholic Church, to conceive the possibility of using her as a tool of the State. Yet in the record of English policy during these years we can find but little for which Wolsey, in any

sense of opposition to his master, can be held responsible, and from the time of his fall his influence passed away as though it had never been. Almost any other king would have been moulded by so great a minister; Henry VIII. chose to learn from him as long as there was anything to be learned, and cast him away when the purpose was served. What in point of fact the king did learn was more probably the extent and limitations of his power than how to use it, and we cannot doubt that even without his minister Henry would have come to the knowledge before very long.

**Henry's** In domestic policy Wolsey was indeed an  
**relation to** inexorable upholder of the royal authority. No  
**Wolsey.** other councillor dared dispute what he laid down as his master's will; he expected to silence parliamentary protest with a frown. Yet Henry's despotism was even more complete after the cardinal's death, and the most determined opposition of the nation to an administrative measure, the agitation against the 'benevolence' commission in 1525, came at the time of Wolsey's greatest power. In foreign affairs Henry lent himself for long to the guidance of his minister, who revelled in diplomatic combinations, and might indeed have rivalled the great French cardinals of the seventeenth century if he had had equal resources at command. But as we have seen, the king in his maturity was too prudent to expend much blood or money in the furtherance of these schemes; and where Wolsey would have used the prestige he gained to give England a voice in the counsels of the Church and of nations, Henry decided in the end to use it for an assertion of her independence of both. Wolsey's aim, so far as ecclesiastical matters were concerned, was what has been called a conservative reform. His methods would probably have been neither encouraging to the ambition of the Church nor  
**Wolsey's** flattering to her vanity, for he was no respecter of  
**ecclesias-** persons, and had the habit, highly objectionable to  
**tical aims.** sixteenth-century ecclesiastics, of judging institutions by their utility. Wolsey would have applied much of the wealth then absorbed by religious communities to more useful purposes, as indeed he began to do when he transformed the



convent of St. Frideswide into a college; and he would have transferred a great part of the existing ecclesiastical authority to the civil power, which in his view gave the best proof of divine appointment by its capacity to do its work. But he held that a valuable element in European politics was supplied by the papal power, which he would have wielded himself if he could, but would never in any case have destroyed. Henry's settle-

ment of these matters turned out to be very different. **Henry's decision.** The time came when he chose to make a decision, and then Wolsey's ministry and the Pope's authority in England fell with poor Queen Catherine's murdered happiness and honour into the grave which this lordly monarch had prepared for them.

**First stage in the process of change.** The first stage in the process which was to prove so momentous is generally assigned to the year 1526, for it is then that we find the earliest open expression of uneasiness as to the royal succession and the suggestion of a remedy by means of Henry's divorce and re-marriage. The queen, Catherine of Arragon, who was the widow of Henry's brother Arthur and had been the king's wife since his youth, had no son living, and it was considered impossible that she should again become a mother. Her daughter Mary would no doubt legally inherit the throne, but Henry, who was led by his egotism to underrate both the princess's strength of character and the loyalty of the people to the office as distinct from the person of the monarch, was unwilling to trust his sceptre to the hands of a delicate girl.

**The proposal for divorce.** His proposal was to divorce Catherine on the ground of her previous marriage with his brother, and marry Anne Boleyn, a lady of the court. To weigh his motives accurately is scarcely possible, and to discuss them at length would profit us little. Henry himself might not have been able to say how far he was anxious to gratify his personal wishes and how far to promote England's welfare; perhaps indeed he would have seen no reason to distinguish between them. No doubt he felt real concern about the future of his dynasty, for a few years previously he had taken occasion to send the Duke of Buckingham, a descendant of Edward III.,



to the scaffold, and even Henry VIII. would not have sacrificed a man's life to anything less than a distinctly perceptible feeling in his own mind. No doubt also he had tired of Catherine and fallen in love with Anne Boleyn. And finally it is probable that the aspect of foreign affairs may have influenced him, through Wolsey, in the same direction. In the existing phase of diplomacy the object was alliance with France against Charles V., and to have obtained the sanction of the Church, which was of course necessary, for the repudiation of a member of the emperor's family, would have been to deal him a rebuff in the face of all Europe. Moreover, the cardinal privately hoped that if Catherine were disposed of he could induce Henry to look to France rather than in his own court for another bride.

**Reluctance of the Pope.** He calculated, however, without the unfortunate disproportion which existed between the king's eagerness for a prompt decision of any question affecting himself and the Pope's readiness to grant it him. Perhaps poor Clement VII. was not altogether blameworthy for his reluctance at the moment to offend Charles V., since it happened that he was the prisoner of that masterful ruler and was living surrounded by the imperial troops in the castle of St. Angelo. Clement's obvious course under these unpleasant circumstances was to offend nobody more than he could help, and to that end he determined to adopt the time-honoured policy of Popes and seek safety in delay. He evaded the demand for a definite annulment of the marriage, and broadly hinted that Henry would have done well to obtain a decision in the first place from the Church in his own country. The feeling in England, however, so far as it found expression, was distinctly adverse to the king's project. Most of the divines, headed by Bishop Fisher of Rochester, had declared against the divorce, and the majority of the nation, either from a chivalrous regard for the blameless queen or a practical concern for the prospects of the Flemish trade if the emperor were alienated, inclined to the same side. Wolsey stood alone between an indignant monarch magnificently unable to understand these *délays* when his pleasure was at stake and a

vacillating pontiff whose reluctance to take the first step no prudent Churchman could fail to understand. The great minister was soon to pay the penalty of playing with fire. He pacified his master for the time by obtaining leave to form in

**Henry's** his own person and that of Cardinal Campeggio  
**resent-** a legatine court to decide the matter in England ;  
**ment.** but when in 1529 Queen Catherine appealed from

this tribunal to the papal authority itself, Clement, hoping still for delay, called the case to Rome, and matters were infinitely worse than before. To Henry in his fury the minister who had failed him was the most obvious victim. With a royal disregard of equity he chose to discover that Wolsey, in appealing to the Pope and indeed in holding the office of legate, had incurred the vague and awful penalties of Præmunire. The unhappy man was deprived at a stroke of

every honour he had enjoyed, and within a year he  
**Fall of** would have fallen a victim to an accusation of high  
**Wolsey.** treason if death had not mercifully carried him out of reach of his master's arm.

**Separation from** The future of the English Church, so far as  
**Rome.** it was affected by Henry's repudiation of Rome, was decided from the moment when sentence was passed upon Wolsey. The king had discovered at once what weapons he held in his hand and what a victory he might win with them. To sweep out of his realm an authority which dared to claim supremacy over his own, to establish the right of England to decide for herself in ecclesiastical as in civil affairs, to place the property of individual clerics and perhaps also of the Church as a corporation at the disposal of the Crown, all these ends Henry began to see that he could attain with the help of the people and of the Statute of Præmunire. The confiscation of Wolsey's riches gave the plunderer his first taste of the spoil, the extinction of so great a power gave the despot a final confirmation of his authority. So rapid and decisive was his action that within half a dozen years, by means of a few laws passed through an assembly accustomed to submission, the Pope had lost the contributions of thousands of English ecclesiastics and the formal allegiance of three millions of the

**First reforms.** laity. The earliest measures, however, dealt only with the Church in England, and with such abuses in it as had long been obvious to the nation. In 1529 acts were passed enforcing the residence of priests and prelates, limiting pluralities, and restricting the pecuniary demands of the clergy in connection with legacies, probate, and mortuaries.

**Second stage.** In 1531 the next phase began : a royal proclamation forbade on pain of death the introduction of bulls from Rome, and an act of Parliament attached heavy penalties to the sale of indulgences. Moreover Henry ingeniously discovered that the whole body of the clergy, in recognising Wolsey's legatine authority, had incurred the penalties of *Præmunire*, and by the threat of imprisonment and confiscation he obtained from them a large sum of money and a qualified admission of his supremacy over the Church in England. In 1532 the clergy consented to a reform of the Canon Law and to a renunciation of their right to independent spiritual legislation ; and the *Annates Bill*, which put an end to this species of payment to Rome, was passed through Parliament. The same year saw Cranmer, one of the first of the true English Reformers, made Archbishop of Canterbury ; a decision of his court granted the divorce and allowed the re-marriage, and Henry had burned his ships by this practical defiance of the Pope. In 1533 came the final Statute of Appeals, which laid down that no cause whatever might be taken out of England for trial. By the following year Sir Thomas More, Wolsey's successor in the royal counsels, had practically withdrawn his adherence to Henry's policy and had been replaced by Thomas Cromwell. If the king needed support he had it from this man, whose principles were supple, and from Cranmer, who honestly approved his master's action. The year 1534 saw the crisis of the revolution : two statutes forbade the payment of tenths to Rome, and the interference of the Pope in the appointment of bishops ; a third, the famous Act of

**Act of Supremacy.**

Supremacy, declared the king to be supreme Head of the Church of England and invested him with the power 'to suppress and amend all such heresies as by any manner of spiritual jurisdiction might and ought to be law-

fully reformed.' Upon a refusal to accept this act and to recognise the divorce More and Fisher were executed, suffering not of course for heresy, but for what the king called treason. Henry proceeded next to what from one point of view was the most daring measure of this remarkable series.

**Dissolu-  
tion of  
the mona-  
steries.** In 1536 the smaller and in 1539 the larger English monastic communities were dissolved, and their property declared forfeit to the Crown. At the same time this monopolist of power over men's souls and bodies drew up with his own hand certain Articles of Religion, not only reducing the Sacraments from seven to three, but pre-  
**English  
Bible.** scribing the Bible and the three Creeds as the sole grounds of faith ; and in 1536 an English version of the Scriptures was issued under the patronage of the king and as a gift from him to the nation.

So great were the issues apparently decided by the changes of these years that it is little wonder if controversy has raged about the narrative of their origin. To the vexed question of the relation of the Church of England as we have it to day with that universal Church of which our mediæval ancestors undoubtedly formed a branch no one but a student of this particular aspect of history can profess to find an answer. But

**Question  
of the  
signifi-  
cance of  
these  
changes.** there is another point to which with less learning and less concern to prove ourselves right we may not unprofitably give a moment's consideration. Was this revolution, the importance of which whether as cause or effect it is useless to minimise, carried out by Henry not only without the suggestion of his subjects but in opposition to their instincts? Or was he, in the repudiation of papal authority and the adoption of an attitude which in the end placed England on the side of Protestant Europe, simply the agent of his people's unconscious wishes? Did the English Reformation consist in the Annates Bill and the Act of Supremacy, or was it a slow transformation of thought and feeling of which these measures were no more than a symptom?

There can as we have seen be very little doubt that Henry acted quite independently of any definite suggestion reaching



him from without. No minister of the reign except Wolsey could ever have been strong enough to press ideas upon the king, and Wolsey's policy was diametrically opposed to the separation. More lost his life for opposing it ; Cromwell did not attain his power until the course of the king's policy had been clearly indicated. Moreover, we have evidence that as early as the fourth year of Henry's reign his thoughts had already turned to the question of the relations of Church and State. In 1513 the minds of the English bishops were greatly exercised over the famous case of Standish, who had publicly supported the doctrine that Canon Law could only be valid in England if accepted and ratified by the nation ; but the young king, entirely refusing to be overawed by episcopal authority, protected the offender and approved his opinions. Wolsey's moderate scheme of reform was terrifying to the ecclesiastics less for its own effect than because they guessed what, with such inclinations in Wolsey's master, might be likely to follow. 'They justly feared,' as Fuller has it, 'that the king would fell the oaks where the cardinal had begun to cut the underwood.' And if it is true that Henry began his work without help from his ministers it is still more clear that its completion was greeted with no applause by the nation. The statutes of 1529, which dealt only with obvious abuses, did indeed receive a spontaneous welcome from the Commons, the lay peers, and the country ; but not so the crucial measures which involved the rupture with Rome and the change in religious customs. The ravings of the Nun of Kent against the divorce, half-witted peasant girl though she was, undoubtedly gave expression to a certain kind of popular feeling. The sufferings of the agricultural poor were increased by the dissolution of the monasteries, and these institutions, in spite of admitted defects and notorious scandals, had many friends in those of the higher class who knew what their services had been in agriculture, in education, and in charity. The one serious instance of parliamentary opposition during the whole decade was on the occasion of the first suppression act—a proof that though the well-grounded national distrust of

**Independence of Henry's action.**

**State of popular feeling.**



the monks as a class was enough to disarm resistance to the king's will it was not enough to make his subjects see entirely with his eyes. In 1536 the northern counties rose in the rebellion known as the Pilgrimage of Grace, which, though largely an outbreak of discontent over continued hardship and of resentment against Cromwell's domestic rule, was also fomented by those who clung to the old ways in religion. It is to be remembered how few Englishmen there can have been who, when the Act of Supremacy was passed, had the same substantial reasons as its author for welcoming its more obvious consequences. The king not only gratified his ambition and consolidated his power, but he filled his treasury to overflowing with the wealth which his new authority allowed him to make his own. But his subjects had still to make their contributions, though to a different master, and except the new nobility which surrounded the court no class of the population can have derived much benefit from the huge confiscations of Church property. The later acts had to be helped through Parliament by diplomacy or forced upon it by royal authority. The Statute of Præmunire could be applied to a layman as well as to a cleric, and the Commons knew that the king's threats were seldom empty ones. The antagonism of the upper and lower clergy, the old jealousy between Parliament and Convocation, were additional weapons in the hand of a ruler who was in reality too strong to need them. Henry, with his able and unscrupulous servant Cromwell at his elbow, laid his will before the representatives of the nation and forced them to adopt it as their own.

**English religious thought.** It is indeed tolerably certain that England as a whole had not in 1536 been led by the progress of thought very far towards a repudiation of the old religious system. The excitement which during the years of Luther's bold challenge of the papacy, his condemnation and his defiance, thrilled Germany through and through, had met as yet with little response in our own country. The leaders of thought in these years, Colet, More, and Erasmus, were men of so different a mental cast that they would have been more than human had they felt any real sympathy with the audacious

reformer of Wittenburg. To these, who looked for the regeneration of the race in the tranquil progress of knowledge and morality, in tolerance and enlightenment within the shelter of a universal Church, Martin Luther with his zeal, his dogmatism, and his fiery denunciations could seem no other than an inspired fanatic. In his written attack on the new sect Sir Thomas More showed a bitterness which the follies of his countrymen and the tyranny of his king were equally powerless to excite in him, while Bishop Fisher brought arguments to crush the Lutheran dogmas which breathe the calmest assurance of intellectual superiority. Nor is there any good reason to suppose that the mass of the people were shaken by any such revulsion of feeling against the doctrines of Rome as it has pleased the more imaginative of our historians to depict. William Tyndale, with his emotional temperament and his leaning towards martyrdom, was by no means representative of his race or class, and in his complete preoccupation with religious matters he was many years in advance of his time. His translation of the New Testament, written in poverty and exile, had reached England in 1526 and been received by those for whom it was meant with the interest which so great a novelty could not fail to excite. But under the administration of Wolsey, who was before all things a man of the world, there was lacking that system of persecution which at all times is the best instrument to fan the sparks of heresy into a flame. Lutheranism and the English Bible were disapproved at this time by the authorities, but when Hugh Latimer was Henry's own chaplain there was little prospect of martyrdom and little need for stolen midnight meetings of the faithful. The potential religious fervour of Englishmen was not yet called into being, and most of them lived on through Henry's reign in their old creed because they felt no urgent pressure to change it. The king himself, as everybody knows, had earned the title of Defender of the Faith by his reply, written in 1521, to Luther's attack upon Roman doctrine. Perhaps indeed the most significant, though in another sense the most humorous, feature in the whole history of the English Reformation is that the king who more

**Henry's  
orthodoxy.**

than any other single man was responsible for it never lost his own belief in the principal dogmas of the Catholic Church. His patronage of the English version of the Scriptures and his new Articles of Religion were merely part of the process of severance from Rome ; and when within a few years he feared that Protestantism was gaining ground he withdrew the encouragement he had given it and published a new code, called the Six Articles, which reiterated all the chief points of Roman doctrine. In the critical time immediately after the Act of Supremacy he gagged every rebellious pulpit and forced the Church to proclaim its defiance of the Pope ; yet three years later he declared death by fire to be the penalty for the denial of transubstantiation. He formally released his characteristic subjects from their allegiance to the Roman Church, but never dreamed of allowing them to think as they pleased. Henry VIII. illustrated his attitude of mind with an admirable lucidity when in the latter years of the reign he sent together to execution three Catholic priests whose denial of the royal supremacy constituted treason and three Protestants who refused to accept transubstantiation and were therefore guilty of heresy. Stupendous as from one point of view this king's presumption must seem, his proposal was simply to manipulate the spiritual life of his subjects as best suited his convenience. To his mind the true Reformation meant primarily the assertion of his own authority and England's independence.

**Extent to which Henry represented England.** And in point of fact it is exactly this which justifies the theory that Henry VIII. did in reality act as the representative of his people. When he expressed the abstract ideas which lay behind the Reformation movement in terms of national politics, when he translated the repudiation of authority and the claim for private judgment into the Statute of Appeals and the Act of Supremacy, he showed himself, the immense force of his personality notwithstanding, as the very type of the race over which he ruled. Just as Englishmen throughout their history have consistently failed to show any inclination for purely speculative thought, so they

**The practical English mind.**

have refrained from theological controversy which is to have no connection with conduct and religious observance. It is their peculiar gift to extract from new discoveries in the world of ideas exactly what will serve their turn in politics, in morals, or in religion, and to cast the rest indifferently aside. And the more concrete, the more particular, the more national the form in which such a discovery is first presented to them, the more certain they are to grasp it firmly in the end and give it the widest possible application. So it was with the great root idea from which both Renaissance and Reformation sprang—the idea of freedom. Freedom from the mediæval restrictions upon thought came to England, as we have seen, in the form of widely-spread education, of more enlightened morality, of social criticism ; and its fruits, when these had done their work, were the English Bible and the greatest dramatic literature the modern world has produced. Freedom from the tyranny and superstition of the Roman Catholic Church came, thanks to Henry VIII., in the form of intelligible laws which proclaimed the national independence. The people murmured,

**Fruits of the Renaissance and Reformation.** but they profited by the interpretation nevertheless, for it was made by one of themselves. The pride and boldness of England in the later sixteenth century, the power she was able to oppose to the gathering forces of tyranny and reaction in Europe, the strength she gathered for the coming struggle with the Stuarts, all these were worthy fruits of her characteristic acceptance of the new idea. Through national politics moreover Englishmen were able to work towards what experience seems to show was quite as much a need of their nature—a national Church. There were two characteristics of Roman Catholicism which could never perhaps be altogether acceptable to our nation—its cosmopolitanism and its separation of morality from religious observance. And just as the corruption of particular members of the Church had excited the resentment of our ancestors in the fourteenth and fifteenth centuries, so a perception of these special defects won them to agree to a permanent separation in the course of the sixteenth. An ecclesiastical corporation which should be entirely



English was gained for the majority of us, a religious system which recognised the primary importance of the rules of conduct was gained for all of us by the spreading of Protestantism under the Tudor monarchs. The reformers of Henry VIII.'s reign were with a few notable exceptions a disorderly mob which smashed images and desecrated sacred places; in the time of his younger daughter the Protestants were the larger half of the nation. Growth in the capacities of the people necessarily meant the extension of a movement so well adapted to develop new qualities of its mind and character. Theological speculation which showed no plain points of contact with everyday life had left our countrymen cold, but they were stirred to the depths by diversities of view with which problems of government and of morality could be identified. For a century and a half from the reign of Edward VI. the main thread of English history is to be found in the different phases of the religious question.

**Importance of the religious question in future history.** The story begins with the situation which Henry, through his varying policy or capricious affections, created and left behind him. The king's marriage with Anne Boleyn, though he had almost literally moved heaven and earth to bring it about, was of short duration. She was recognised as his wife in 1533, and in 1536, after she had borne him a daughter, he had her executed on a charge of misconduct, and replaced her two days later by Jane Seymour. This lady answered in every respect to Henry's momentary requirements. She had no high foreign connections to complicate his policy; she was of a family deeply pledged to support the king's ecclesiastical supremacy; she gave him a male heir to his Crown, and, dying in childbirth, made room for a successor. Two years later a new queen was fetched from Germany by Cromwell, whose fertile brain had conceived the plan of a great Protestant alliance with France and Northern Germany against the empire. This scheme fell through, and it was in Henry's fury of disappointment over his bride's ill-favoured appearance that he sent Cromwell to the block; so that if the beauty of

**Henry's family situation.**

**His wives:**

**Protestant**



other women has swayed the fate of nations, Anne of Cleves may at least claim that her lack of it brought to a close the career of an unusually powerful and able politician. Anne was got rid of within a year, for divorce was now an easy matter; and neither she nor the king's other two wives—

**and Catholic.** Catherine Howard, chosen as a concession to the small remaining party of the old nobility, and

Catherine Parr, who survived her husband—left any children living. Henry's family, therefore, consisted of one son, whose connections on the maternal side were politically—and, as it afterwards appeared, doctrinally—Protestant; an elder daughter, Mary, who inherited from her mother the strongest sympathy with Catholicism of the Spanish type; and a younger daughter, Elizabeth, who had Anne Boleyn's easy adaptability to circumstances, with brains and character all her own. An Act of Succession in 1533 had provisionally settled the Crown upon the children of Anne Boleyn, but Henry had demanded and received from Parliament the privilege of further defining the line of inheritance at his own pleasure. Provision for this was found at the king's death in 1547 in a will the authenticity of which was hotly disputed but by no means disproved. The Crown was to pass to Edward,

**The succession.** Prince of Wales; in the event of his death without heirs, to Mary; failing issue from her, to Elizabeth.

Henry's wish also was that in the absence of heirs to any of his own children the line of his elder sister, Margaret, should be set aside—thus reversing the policy of the marriage union with Scotland—and the children of Mary Tudor and the Duke of Suffolk should succeed. James V., father of the later Queen of Scots, was the heir whose right was to be disregarded; the mother of Lady Jane Grey was the one whose claim was to be preferred.

**Accession of Edward VI.** Though there could, of course, be no dispute as to the right of the boy Edward to ascend the throne,

the question of the influences which should surround him, since in 1547 he was but nine years old, was necessarily considered to be of the first importance. Seven years before, at the time of Cromwell's downfall and Henry's marriage with

Catherine Howard, the hopes of the Roman and reactionary party had risen high. For the moment it seemed as if the king's determination to assert his orthodoxy and his anger at Cromwell's mismanagement might combine to make him partially undo his life's work. But in 1545 the famous Council of Trent had met, and by advancing anew every temporal as well as spiritual claim of the papacy had destroyed for ever every possibility of a compromise between the Church and the reformers, and had marked out the line of the political and religious counter-Reformation. Henry was not the man to abandon his purpose at the close of his life, and it appeared that the favour he had shown to the Howards and their like

**His advisers.** was little more than an easy prodigality of power natural to a ruler absolutely secure in his position.

One of his last acts was to imprison the Duke of Norfolk, head of the Howard family, and to execute his son. The men of the new nobility gained complete control of the council of regency, and at their head was the Earl of Hertford, uncle to the young Edward VI. Whether his supporters

**The Protector's administration.** were, in the mass, concerned for anything but to establish their power and fill their pockets as they had filled them under Henry VIII. may very easily be called in question. Disinterested patriotism was

scarcely as yet the habit of politicians, and the Protector himself made out of his office a much larger fortune than we should expect to see a statesman retire on to-day. Yet it is almost certain that Hertford—or the Duke of Somerset, as he afterwards became—was so far filled with the spirit of the coming time that religious reform was to him the primary end in the government of England. He was very far from being a discreet or successful ruler. His home administration left the country disturbed and weak; his campaign of 1547 in Scotland, intended to win Mary Stuart for Edward's wife, had the diametrically opposite effect, in spite of its military success, of driving the Scots into the arms of France. But of his personal sincerity, or of what in such a man must strike our modern minds as more extraordinary, his religious fervour, there can be practically no doubt at all. With Edward's reign and his

uncle's rule we have passed from the time when political and doctrinal reform were arbitrarily separated to the time when they are inextricably bound together. Somerset's instinct was against despotism, and interest as well as inclination commanded him to win popularity; yet his ecclesiastical measures were as arbitrary and sweeping as the ordinances of Henry VIII. He encouraged Parliament to repeal the statute which had given royal proclamations the force of law, and abolished at a blow the devices invented since Edward III.'s time for entrapping men into the guilt of treason; but his conception of England's liberties did not include the right to say her prayers as she chose. It is true that if the Protector had doubted his own ability to judge for his countrymen in matters so essential and profound, the approval of their spiritual representative was there to encourage him; for Cranmer was advancing more and more rapidly in the direction of extreme Protestant doctrine. The public was amazed to see an Archbishop of Canterbury openly eat meat in Lent; but during recent years Cranmer, with his eyes on the continent, had come to believe more startling things than the uselessness of fasting. In point of fact, however, Somerset does not appear to have been at all troubled by the thought that he was rushing in where angels fear to tread. He took the view so natural to statesmen of that age, so incomprehensible in our own—he understood the dictates of his own conscience as general laws binding upon the nation at large.

**His reforms.** Somerset certainly showed little liking for gratuitous bloodshed, and for contumacious bishops like Gardiner and Bonner he used deprivation instead of the rack and the stake. But his repeal of the penalties attached by Henry to a denial of the Six Articles, though it has been made much of by those who wish to attribute to the Protector an unusual liberality of view, can scarcely have been anything more than a necessary preliminary to his own doctrinal legislation. Serious work began in the very year of the new king's accession. A general visitation of the kingdom resulted in the injunction that the Litany and

Lessons should be read in English throughout the country, processions discontinued, and images removed. A few months later it was enacted in Parliament that the Sacrament should be administered in both kinds, and that bishops should be nominated by letters patent from the king. At the same time the property of all chantries and free chapels was confiscated by parliamentary authority and appropriated to the royal treasury. In 1548 the use of holy water and holy bread, as well as other articles common in Catholic worship, was forbidden, and a new Order of Communion was issued. By the March of the following year the changes for which the Protector, with Cranmer's assistance, must be held chiefly responsible had been summed up by the issue and parliamentary adoption of the first English Book of Common Prayer and by the passing of an Act of Uniformity.

**Public opinion.** Somerset, bold and ambitious as he was, had neither the mind nor the will of Henry VIII. If, then, he was able to impose upon the country changes which affected its daily life even more directly than did those of the great despot, we must necessarily believe that he had the support or at least the consent of its influential classes. The parliamentary debates which ended in the adoption of his chief reforms were indeed less of a formality than any which had taken place for many years, and there is no evidence that the Government used what was then considered undue influence either in the conduct of the elections or in determining the results of the divisions. A majority of both peers and commoners were clearly willing by this time, fourteen years after their reluctant assent to the Act of Supremacy, to recognise the breach with Rome in doctrine and customs as well as in organisation. There are, however, one or two considerations which should not be forgotten. The first is that Parliament, which after all represented only the upper and upper middle classes of society, probably contained almost all those who were led by motives of self-interest to assist the Reformation. The new nobility which had enriched itself by the suppression of the monasteries sat in the House of Lords; the prosperous

**Possible motives of Parliament**



burgess class from which this nobility sprang sent up members to the House of Commons ; neither party, in an age when the spirit of competition had all the vigour of its first awakening, could have been prepared to resign its possession or its hope of material advantage. Further, the small but energetic sect of advanced Protestants, men who had brought their convictions home from Germany or Switzerland, had not slackened in its efforts during the last years of Henry VIII. Its members had not unnaturally used their persuasions chiefly upon men of good standing and presumably of some enlightenment ; while upon the prelates in the Upper House and the minor clergy in the lower the example of Archbishop Cranmer must

**and the  
educated  
class.**

have had considerable effect. Finally, it is worth while to note that Somerset, though firm in conviction, was not really extreme in doctrine. He was too zealous a reformer to allow his countrymen to remain for a single year under the burden of what he believed to be superstition ; but he was far too true an Englishman to be prepared for a complete abolition of traditional customs and beliefs. It is in a sense a misleading custom to refer to the two Books of Common Prayer which appeared in this reign as the First and Second of Edward VI. ; they would be better described as the Prayer Book of the Protector Somerset and that of the Earl of Warwick. Even the latter may be said to be of the nature of a compromise, but it is much more decisively Protestant in tone than its predecessor of 1549. The first Book of Common Prayer not only assumed a belief in the Real Presence, but it allowed prayers for the dead and encouraged auricular confession. Such as it was, its exclusive use was confidently prescribed by the Act of Uniformity on pain of heavy penalties.

**Discon-  
tent of  
the poor**

The mass of the poorer classes in England, however, had neither prospect of material gain nor understanding of Protestant principles to make them rejoice in the change of customs, and the consequence was that Somerset's visitation added one more to the list of almost intolerable grievances which in this day of great movements and ambitious men were oppressing the



obscure. Enclosures continued with unabated rapidity, and it was estimated that since the accession of Henry VII. as many as 300,000 persons had been deprived chiefly social, in this way of their ordinary means of livelihood. To the misery thus caused Henry VIII. had added in his later years by a reckless depreciation of the currency. Compared with such evils as these the religious reforms may have been a straw, but they were the last. It would be absurd to picture the people as roused by the spoliation of their churches to an outburst of wrath such as no other ill-usage could rouse in them. But we may well believe that a mass of ignorant men already groaning under cruel and increasing hardship might see, in the sudden sweeping away of customs dear to their fathers through many generations, a but partly religious. final stroke in the destruction of the poor man's happiness. The Protector was popular, as for his earnest endeavour to deal with the necessary evils of enclosure he deserved to be, but his popularity did not avail against the discontent of the people. They rose in half the counties of England, led, particularly in the west, by the priests, and crying out for the restoration of the mass, the images, and the Six Articles, but urged on in rebellion by the more truly potent arguments of poverty and hunger. Their revolt sealed Somerset's fate, and opened the way for the second period of Edward VI.'s reign. The Protector's indulgent attitude towards the rebels, proof perhaps of good qualities both of heart and mind, was a hopeless one for a ruler to adopt; at critical moments statesmen cannot afford to look at too many sides of a question. Somerset was deprived of power, the revolts were suppressed with merciless severity, and the government passed into the hands of the Earl of Warwick.

**Rule of North-umberland.** This man, under his later title of Duke of North-umberland, is known to many of us chiefly through his connection with the tragic incident of Lady Jane Grey; but in the view of his contemporaries that audacious scheme formed only a very small part of his activities. To the keen Protestants among them he seemed the most enlightened of leaders; to the Catholic clergy and to those

who clung to the old ways he was an angry persecutor ; to the greedy adventurers he was a very prince among themselves. A Reformer by conviction he was not, but by policy the most zealous champion of the Calvinistic faith. He saw which side promised the most immediate gain, and perhaps guessed which must also triumph in the end ; and we may imagine he thanked his patron saint he had no beliefs strong enough to hold him back. Somerset had held his form of religion

**Rapacity  
of the  
council.**

with a sincerity which led him to argue and persuade before he struck ; Northumberland was free to bully and plunder at the first sign of resistance. He secured himself in his position by a merciless suppression of the revolts and by escaping, through a surrender of Henry's conquest of Boulogne, from the difficulties with France into which Somerset had led the country ; and he then set himself heart and soul to the completion of the Protestant Reformation. The property of the religious guilds was confiscated as that of the chantries had been, and went to enrich the council and the courtiers, hot Reformers for this purpose and ready to adopt any doctrine suitable to the occasion. Cranmer and the bishops of his following assisted Northumberland's measures with all honest conviction, the lords whose eyes were on the treasures of churches supported him

**Violent  
reforms.**

with sincerity of another sort. The dependence of the episcopate upon its royal head was secured by robbing the sees of their lands and making their holders salaried officers of the Crown. A new Catechism was issued and a new Book of Homilies provided to be read in churches, both formulating the more advanced Protestant doctrines current in Switzerland. It was ordained that the altars in all churches should be destroyed and replaced by wooden tables, though fortunately the ordinance was never fully carried into effect. In 1552 Cranmer and his party were employed to revise the Prayer Book and draw up the Forty-two Articles of Religion, afterwards reduced to Thirty-nine. A code of ecclesiastical law for the English Church was composed by a board of commissioners ; attendance at the new services was enforced throughout the country by the penalty

of imprisonment ; acceptance of the Articles was demanded from all clergymen and schoolmasters. Other bishops besides Gardiner and Bonner were deprived and imprisoned, while humbler offenders who remained obstinate were sent to the stake.

In 1553 Northumberland became aware that the young king, whose health had long been failing, could not live to see his majority, and it was plain that the question of the succession was a critical one for his present circle of advisers. Edward, a delicate boy over-weighted with the responsibilities of his position, was a fervent Protestant and had warmly approved the recent violence in reform. But if the Princess Mary became queen, the Protestant administration and what no doubt seemed to Northumberland still more important, his own tenure of power, would inevitably come to an end. The remedy he proposed was, as every one knows, the establishment on the throne of Lady Jane Grey, grand-daughter of Henry's younger sister Mary, and wife of Northumberland's son Guilford Dudley. Edward was persuaded to draw up

**North-  
umber-  
land's  
plot.**

a will naming her as his successor, and the *coup d'état* was carried out with considerable energy and cunning. But the country had outgrown its readiness to acquiesce in every well-contrived usurpation. A

civil war between two branches of the Tudors would have been a battle of giants indeed, and the only way to avert its horrors was by clinging to the established order of succession. It was known that Mary adhered firmly to Roman Catholicism, but even if her subjects could have foreseen the misery and danger her fierce bigotry was to bring down upon them it is probable that they would still have insisted upon her accession as the only way to insure peace. Moreover, at the first blush it seemed as if Mary had enough of the family instinct for

**Mary's  
action.**

government to meet her people half-way. She sent Northumberland to the block, ordered Lady Jane Grey to the Tower, and broke up the ring of un-

scrupulous adventurers who had been governing England for their private profit ; but these measures were by no means too severe in the eyes of a nation whose loyalty to the autocracy

had suffered much under the strain of recent years. She restored Gardiner, Bonner and the rest to their sees, depriving Ridley and the others who had displaced the Catholic bishops. But Latimer, most extreme of Protestants, was the only one imprisoned at first, and mere deprivation was principally a matter for Convocation, of which only a small minority inclined to the reformed doctrines. Cranmer was somehow proved guilty of treason in connection with Northumberland's plot, but the queen did not attempt to have the sentence of death carried out. She urged upon Parliament the repeal of the ecclesiastical legislation of Edward's time, and obtained it with some little difficulty from the first assembly of her reign in the autumn of 1553. Yet she gave way, outwardly at least, before the determination of her subjects to uphold the Act of Succession which acknowledged the divorce and Elizabeth's legitimacy, to retain their independence of papal jurisdiction, and, last but not least, to remain undisturbed in their possession of the lands of the religious corporations. Most of the peasant and artisan class were very ready to hear mass instead of Cranmer's church service and to put back the images and altars; and a fair proportion of the gentry also were privately relieved to see these restorations so long as they were not required to submit themselves to an Italian priest or give up their slice of what had been monastic possessions.

But the event which showed that Mary's religious fervour had waxed into fanaticism destroyed at the same time and for ever any chance she might have had of imposing her creed permanently upon England. This event was her marriage, in 1554, with Philip, son of Charles V. and heir to the crown of Spain, with all its mighty possessions in Europe and America. To Mary the union promised new bonds with the mother Church and new strength to deal with heresy; to her subjects it meant, above all things, submission to a foreign power and the sacrifice of a proud record of independence. Few daughters of the Church have done her, in all unconsciousness, so ill a turn as did Mary Tudor when she proposed this Spanish alliance. That Philip was a

**Recon-  
ciliation  
with  
Rome.**

**Its limita-  
tions.**

**Spanish  
marriage.**



Catholic might have been but a small obstacle ; that he was a Hapsburg was almost too much for the patience of Englishmen. Rebellion broke out at the first rumour of the marriage, and Parliament, gradually rousing itself from the stupor into which Henry had lulled it, protested vehemently against the negotiations. But the instinct of submission was still too strong for the nation to carry its will against that of the sovereign. Those prepared to use force were but a small minority. Sir Thomas Wyatt, who marched with an insurgent force upon London, was defeated and imprisoned ; even the innocent Lady Jane Grey lost her life and the prudent Princess Elizabeth her liberty. Mary was given an opportunity to identify Protestantism with disloyalty and press for a reconciliation with the Church as a remedy. Already she had pointed to the danger lying in Mary Stuart's marriage with the Dauphin, and named the imperial power as the best safeguard. An unwilling assent to the alliance was extracted from the Houses of Parliament, and shortly afterwards they were induced by persuasion and threats to vote for a formal submission to the authority of Rome. That this was really meant to convey more than a vote of confidence in and loyalty to the queen is in the highest degree improbable. Parliament still stood firm on the two cardinal points of the divorce and of Church property ; and an allegiance which denied the Pope's power to declare the marriage law and placed worldly wealth before the rights of the Church must have seemed something of a mockery even to the pliant Julius III. But Mary interpreted the concession to mean that she was now free to bring England back to the old faith with fire and sword, and she began the work which was to complete the alienation her marriage had gone so far to define. To connect Catholicism before the eyes of all England with dependence on a foreign power was for Mary's purpose an irreparable blunder, and to fan by persecution every spark of Protestantism into a flame was no way to mend the matter. A royal ordinance for the deprivation of all married clergy was an ominous sign ; and in the spring of 1555 the



storm broke. The ex-Bishop of Gloucester was the first victim of the year, and its end brought the famous scene at the death of Ridley, who had been the Protestant Bishop of London, and old Latimer, perhaps the most honest man of the whole Reformation time. Cranmer, archbishop in three reigns, was burned in 1556; Rowland Taylor died with a smile on his lips; young boys were tied to the stake and met the flames without a cry. Meanwhile, if men looked abroad they saw the new Pope, Paul IV., threatening a revival of every claim his predecessor had made upon England, and France, very ready to regard the English as allies of her rival Spain, capturing Calais, our last foothold upon the Continent. At home civil administration was neglected in the ecclesiastical zeal of the government; the country was ill cared for and disorderly. Here was an object-lesson which Mary Tudor's subjects were not likely to forget. The Smithfield fires were neither the first nor the last that blazed for martyrs in England, but the queen who lighted them might well have wept to know how much they helped to build up the connection in the nation's mind between Roman Catholicism and tyranny, misgovernment and foreign rule.

Englishmen have, indeed, never shown in the periods of their hottest religious fervour any consistent liking for persecution to the death. Impatient as they have often been of men who presume to think for themselves, such a one when brought to the last extremity has always been apt to excite that characteristic revulsion of feeling in favour of the beaten side. There has been plenty of brutality done in the name of religion, but comparatively little systematic slaughter. Our Courts of High Commission have had after all but little in common with the Inquisition. The victims of Mary's reign were, in all, under three hundred men and women, in an age when human life weighed comparatively lightly; yet there was no one save the queen herself who did not long to abandon the work. Bonner, zealous Catholic as he was, wearied of persecution; Gardiner had come to it unwillingly from the very first. It is a marvellous testimony both to the power of the tradition Henry VIII. had created and to Mary's

personal strength that Englishmen bore so long what she chose to inflict upon them. Certain circumstances there were, however, which strengthened them in their endurance. It was not only that anything was better than civil war, which with Mary Stuart married in France and Philip of Spain the royal consort would have meant at least the temporary extinction of the independent existence of England; but the queen was childless—there was no prospect of the country's falling into the hands of a prince of the Spanish stock. Consequently, Mary's successor on the throne, whose right Parliament had untiringly defended, would be Elizabeth, a Protestant by breeding, no friend to Spain, an Englishwoman to the core. The queen, in fact, had failed so completely that her subjects had only to wait for their own success. Her husband, now come into his great inheritance, had little time or thought to spare for England when his hope of effective help against France had proved practically empty; her sister, or what that sister represented, was hateful to her, yet Philip, who feared Mary Stuart's French connections more than he feared Elizabeth, combined with the nation to preserve her rights unimpaired. So while Protestant Scots and Protestant Frenchmen, according to their kind, were rising against their rulers in the name of true religion or gathering devoted refugees together at Geneva, Englishmen were waiting for the event which their plain good sense told them would bring the best

deliverance from their troubles. Towards the end of the year 1558 their patience had its reward. Mary fell ill and died, and Elizabeth came peacefully to the throne. The persecutions ceased, the English Prayer Book was quietly restored, the royal supremacy, without the extreme inferences which Northumberland's party had drawn from it, was re-enacted in Parliament, and a revolution as noiseless as might be had placed the Church of England on the road towards the position she occupies to-day.

Beyond slight modifications of the Prayer Book and the reduction of the articles to thirty-nine, there was no enactment

during Elizabeth's reign or after to define more accurately the position of the national Church. With a past created by the legislation of Henry VIII., by the violent reforms under Edward VI., by Mary's repeal of these reforms, and by the quiet reassumption at Elizabeth's accession of what it was easiest to reassume, this curiously constituted body was set down by her rulers to satisfy the needs of the nation as unhesitatingly as if a plébiscite had voted upon every one of her articles. She could hardly have been more carefully protected from attack if her first establishment had been greeted with universal applause and defended with the nation's heart's blood; and though heresy was no longer a capital offence under Elizabeth, dissent was regarded as an utterly unreasonable misdemeanour. More remarkable even than the fact that this was the attitude taken by the authorities is the fact that they took it with what in the end proved to be complete success. The Church of England is the result of a compromise, the fruit of a determined policy of leaving principles in the air, of acting very often without principles at all. And surely no policy has ever had a more triumphant vindication. Elizabeth and her bishops calmly disregarded the requirements of the two parties which alone were really zealous in their religion—the Catholics, still a large and active section of the community, and the growing body of the advanced Protestants or Puritans. Both these were sternly enjoined to submit themselves to a system open on all sides to logical attack. In dogma this national Church had broken away from Roman Catholicism, yet shrank from the tenets of the fervent Protestant. It denied Transubstantiation, yet admitted the Real Presence; implicitly denied the power of the priest to remit sins, yet exhorted his flock to confess themselves to him. In ceremonial the Church, shunning Calvinistic simplicity, plainly inclined, within certain limitations, towards the usage of the great community from which it had cut itself off. In government, though it had renounced for ever its allegiance to the old spiritual ruler of Europe, it repelled with indignation any attack upon the authority of consecrated bishops; and these bishops were appointed by the paradoxical plan of

**Peculiar  
situation  
of the  
Anglican  
Church.**

giving the chapter a royal permit freely to elect the person therein named to them. To this system the primates of the reign, Parker, Grindal, and Whitgift, most seriously expected a complete external submission. Men were not, as a rule, called upon for confession of faith, but they must take care to give no outward sign of vagaries within. Catholics must take the Oath of Supremacy, Presbyterians and Independents must submit themselves to the bishops, all must attend church to hear the service drawn up by the keen reformers under Edward VI. and modified to suit the more ornate taste of Anne Boleyn's daughter, or suffer upon refusal the penalty of fine or imprisonment. And the final result of all this was the building up of a Church which has been and is most truly national, a Church admirably adapted to the mind and temper of the classes which hitherto have best represented our nation, a Church which in an era of complete toleration still counts

**Its great  
success.**

among its members a numerical majority of the people of England. Whatever may be our estimate of our countrymen we cannot hesitate, in our knowledge of this piece of history, to ascribe to them the possession of a marvellous political instinct. The separation from Rome, the changes in doctrine, and the establishment, were all the work of a few leading minds, unsupported by anything in the shape of a national mandate; yet the genius of the people for accepting the accomplished fact enabled them to extract from each something of the highest value. They were able, as we have seen, to find in the action of Henry VIII. the vindication of their national independence, accepting his subordination of Church to State and his defiance of Rome; rejecting on consideration the doctrinal orthodoxy he tried to combine with it; they took from the reformers of Edward's time almost the whole of their liturgy and ecclesiastical laws, but declined in the end to be content with the Calvinistic ritual or government. They were confirmed by the events of Mary's reign in the choice of the Protestant side in Europe, and learned from Elizabeth the needlessness of combining with this those extremes of doctrine which repelled them. So there was finally built up a national Church which has undoubtedly been one

of the most successful among the political and social institutions of our country.

**Its defects.** This was the future that lay before Anglicanism ; but, as Elizabeth had sufficient and her Stuart successors had very bitter reason to know, there was a price which must be paid for it. A system which rests upon a compromise, however admirable and judicious, will generally suffer even in England under one disadvantage. Its supporters may be a majority, but their loyalty will be passive rather than active ; many of them perhaps will adhere to it rather for what it is not than for what it is ; it must at least have time to gather associations and traditions before it can contend unaided against those whose peculiar strength is that they know no compromise. So it was with the English Church after its re-birth in the sixteenth century. Protestantism had not after all come into the country only to clear away a few immoral and superstitious doctrines, and the Protestantism of those whose fathers had suffered exile or death for their faith, of the men warmed with the holy fire that burned in Calvin and John Knox, was a very different thing from Elizabeth's cool calculation of chances. Catholicism was being finally driven out, and something must take its place with those whose religious cravings were too violent to find their satisfaction in the dignified formularies of the Book of Common Prayer. The Church of England has never been properly the Church of the labouring class, and perhaps for the same reason, never the Church of the zealot, the devotee, the religious genius. It embodies with its dignity and order, its caution and reserve, qualities typical indeed of Englishmen, but of educated Englishmen ; and in no case typical of those who take their religion hard. Neither the man who has never been bred to control his emotions nor he whose emotions are too strong to control is likely to be a really loyal son of the Established Church. In later days her limitations have been marked by the history of dissent ; in the sixteenth and seventeenth centuries they were shown in the rise and progress of militant Puritanism. This was the really living form of the Protestant

**The results: modern dissent: seven-teenth-century Puritanism.**



religion under Elizabeth, and the force which in the interest of the Crown and the governing classes she had the greatest need to restrain. For if religion in England is never mere theology or pure philosophy, if it seldom fails to identify itself with questions of conduct and government, this was most of all the case with Puritanism, whose essence was a conviction of the supremacy of conscience, of the equality of high and low in the eye of the higher law. And while throughout the century this force was gaining strength in England, all the nations of Europe had reason to see the need for the political lesson it had to teach. The old religion had called the power of despotic monarchy to its aid. Kings, princes, and potentates had rallied to the call, and with their help Rome at last won back more than half of what had escaped her. But it followed that the countries lost to Rome were lost to despotic monarchy as well.

**Elizabeth and the Protestant Dissenters.** When Elizabeth mounted her throne, however, things had not yet come to such a pass. Puritans she certainly had to deal with, from the time when she made it clear that the Established Church would advance no further in the direction of Calvinistic doctrine and practice; and her drastic methods, if they diminished the number of dissenters, took away for ever from those who remained the hope of admission to a comprehensive Church. But she was well aware that as yet the Puritans did not constitute a definite political danger. For them as for others it was a choice between one sovereign or another, and there could be no sort of doubt that Elizabeth's ecclesiastical policy was sufficiently marked to secure her the enthusiastic support of every Protestant in the country. For this very reason she was able to deal with their lapses from conformity more unsparingly than with those of the Roman Catholics. A love of order, of uniformity, and of dignified ceremonial formed perhaps the chief element in what Elizabeth would have called her religion, and specially distasteful to it was the wild confusion in the smaller observances of the Church which continued for years after the legal adoption of the Prayer Book. The Puritan clergyman who refused to wear a surplice

merited in her eyes more severe treatment than the Catholic who went to church with his rosary under his cloak, while at the same time there was less danger in its administration. Elizabeth's first primate, Parker, was a strong lover of order, but during his tenure of office the heroic exertions necessary to keep up the Establishment were largely undertaken by the queen herself. In 1566 a body of Puritans proposed to separate itself formally from the Church, and a considerable section of the House of Commons was actively in sympathy with the proposal. The Anglican body seemed threatened with disintegration. But Elizabeth, with her boldness, her immense popularity, and her Tudor strength of will, was fully equal to her task. With one hand she bridled the Parliament, absolutely forbidding its interference; with the other she urged on the bishops to enforce the law. The Presbyterians who claimed membership of the Church though they had an organisation of their own within it were a shade less objectionable than these aggressive Independents, and it was against the latter that the queen used the whole force of her government and her ecclesiastical authority. The powers of the bishops were so ill-defined as to be in practice absolute, while the Court of Star Chamber, utterly irresponsible except to the Crown, allowed the queen in her turn to direct the episcopate as she pleased. Archbishop Grindal, Parker's successor, was actually suspended from his office by a sentence of this body, his offence being a refusal to suppress what were known as 'prophesyings' among the Independents—a by no means ineffective method of training preachers. In Whitgift, primate from 1583, Elizabeth had such a disciplinarian as she desired. With the help of the new Court of High Commission he **strict** deprived hundreds of ministers in the year, threw **Anglican** many into prison, tracked out relentlessly the **discipline.** smallest deviation from the established ritual. All this was done while the spirit of Puritanism was steadily spreading through the nation, only ten years before Oliver Cromwell was born, little more than half a century before the 'Pilgrim's Progress' was written. We are a law-abiding people, and Elizabeth was a remarkably clever woman; and she was

assisted, as sooner or later the opponents of almost every movement are, by the extravagance of some of those whom she desired to check. The 'Brownists' proclaimed any national church whatever to be against the law of God; some of them were so ill-advised as to choose the time of the Armada excitement for an attack upon the government. Parliament, which in 1571 was so far puritanically inclined as to limit by statute the powers of the bishops and to reduce the number of the articles to which ministers must subscribe, was thrown back by this apparent identification of dissent with disloyalty into a strong support of the Establishment. The Test Act necessarily excluded all extremists from the legislative body, and the party in the Commons which still hoped for enlargement of the Church's boundaries from within was so small as to be successfully controlled by the Crown. In 1593 non-conformity was made an offence at common law, and while this measure drove into still fiercer opposition such irreconcilables as Cartwright, who held the rule of the bishops to be the rule of the devil, and while it helped to keep alive in the small sect of the Independents the fire which in the next century was destined to burst into so terrible a blaze, it brought many of the Puritan temper to seek a quiet life within the communion of the Church. When Mary threatened men with the stake to save as she hoped their immortal souls, she

Eliza-  
beth's  
attitude  
intelli-  
gible  
to her  
subjects.

was doubtless in a sense more logical than her sister, but she did not so well understand her people's nature. A government which simply claimed that its head must be supported and the law obeyed, let men's convictions be what they pleased, took a position thoroughly intelligible to the English mind and congenial to its temper. The cry of 'Church

and King' on the lips of the cavalier of the following century was no meaningless phrase; it summed up a creed which the great Tudor monarchs had used the loyalty of his ancestors to teach him.

The  
Roman  
Catholics.

But the real difficulties and dangers of Elizabeth's reign lay in her relations, not with Puritanism, but with Roman Catholicism and all that it involved.

Protestant non-conformity was a matter that could be dealt with at the queen's own discretion and within the bounds of her realm ; with the fortunes of the old religion all sorts of grave political issues were bound up. Since the divorce which alone could have made Anne Boleyn Henry's lawful wife had never received the Papal sanction, it was open to any faithful son of the Church to deny Elizabeth's legitimacy and her right to the throne. If Elizabeth were not queen, Mary Stuart, as the descendant of Henry's elder sister, had the best claim, and Mary Stuart, though her country was chiefly Protestant, was a Catholic, and married to the Catholic Dauphin of France. Upon the other side stood Spain, Catholic also, and heading that great movement called the Counter-Reformation which was to win back so great a part of Europe to the ancient faith. But Philip of Spain, when Elizabeth mounted her throne, was closely bound to England by political alliance and by his marriage with the late queen, and was very eager to draw these ties still closer for the advancement of his religion and the extension of the Hapsburg power. The traditional enemy of the country was France ; the friend whom it had for the moment most reason to fear was Spain ; Scotland, allied with the French, would be a powerful foe almost within the gates. The problem was to keep the friendship of Spain without submitting to her influence, to hold France at arm's length without exciting her active enmity, to coalesce with the Protestant party in Scotland without driving the Catholics of England to despair.

Past all the rocks and shoals which this state of Europe prepared for her Elizabeth was helped by her native ability, by good fortune, and by the intense loyalty of a majority of Englishmen, to steer her ship with triumphant success. Her foreign policy was not the cause, but it was at least a necessary condition of that triumphant national expansion which was the feature of the time ; and her merit is none the less because the crisis of the expansion necessarily involved a reversal of the policy or because the policy itself consisted in doing, so far as

**Queen of Scots.**

**Foreign complications.**

**The Queen's policy and good fortune.**



it was possible, nothing at all. Elizabeth clearly understood that just as the security of her own throne was bound up with the maintenance of the religious settlement at home, so the independence of England was bound up with the maintenance, till the nation's strength was fully grown, of neutrality abroad. Typical of her whole attitude was her treatment of those questions which to her subjects, and to herself in another sense, seemed vital—the questions of her marriage and of the succession to the throne. She was ambiguous when she was urged, elusive when she was pressed, passive when she was let alone; for she saw, as her honest Commons did not, that any decision would have broken down her guard before one of the great dangers that threatened her. To have allied herself in marriage with either of the two great European courts would have been to declare herself the enemy of the other, while to have chosen a husband among either the Protestant or the Catholic nobility of her own country must have driven those of the opposite party into disloyalty or revolt. In the same way to name Mary Stuart as the successor to the throne or to name any one else would have forced Elizabeth into the position of a party leader where she meant to be queen of the realm. The principle of detachment, of caution, of making no promises, or if they were made, of keeping none, saved the country at a critical time, and it is for Elizabeth's promptitude in mastering the principle and her constancy in holding it that we owe her both admiration and thanks. No fervent Protestant eager to complete and confirm the Reformation, no ambitious diplomatist anxious to secure a high position in Europe, could have served England's turn so well as this cool-blooded queen, who saw her own safety in the unextinguishable rivalry of her enemies. Making a rough division of her reign we may say that in the first period she maintained the alliance with Catholic Spain while working with the Protestants of Scotland and afterwards helping those elsewhere; in the second she used the possible alliance with France as a means of preserving neutrality; while the final rising of Protestant and patriotic England was an outbreak of forces it was no longer possible or necessary to control.



**The  
English  
Catholics.**

**Eliza-  
beth's  
attitude  
in her  
early  
years.**

As for the Catholics of her own realm, it was certainly the intention of Elizabeth's earlier years to treat them as she treated everything else—in the way least likely to raise a storm. She showed no inclination at this time to catechise men as to their faith, and seemed very willing to let them compromise between conscience and expediency. She laughed with a happy impartiality at the zealots of both religions; and if her intellect and her interest both led her to accept the principles of the new faith, her tastes inclined her rather to the old one. By the letter of the law all those who refused the oath of supremacy were liable to the severest penalties, but we are told that 'quiet persons,' whatever their record, 'could live safely'; and there is evidence that the Puritan dissenters found reason to complain of the comparative leniency with which the Catholics were treated. The central idea, as we have said, of the first decade of the reign was rather a moderate support of the forces of Protestantism than any attack, however cautious, upon those of the Catholic Church. Everywhere those forces were taking the form which, in the face of the coalition of monarchy and Catholicism, was logically theirs. Where kings are persecutors reformers must be rebels. In Scotland the Protestant party, inspired by the fiery John Knox and led in practical affairs by the Lords of the Congregation, was in revolt against the government of Mary of Guise, widow of James V. and mother of Mary Queen of Scots. England's interest in the contest was made clear by the death, in 1559, of the King of France, and the consequent accession to the French throne of Mary Stuart's husband as Francis II. Elizabeth had certainly no love for John Knox, who was perhaps of all men ever born the most outspoken, but she was always able to put her personal feelings aside when a serious occasion required it.

**Union  
with the  
Scottish  
Protes-  
tants.**

The Treaty of Edinburgh in 1560 secured at least the temporary supremacy of the Scottish reformers by engaging the power of England in their cause; and that supremacy was confirmed by the queen-regent's death in the following year. Very shortly

afterwards Mary Stuart, left a widow, returned to enter into her full rights of sovereignty in Scotland ; and from that time Elizabeth, always awake to the danger of a European conflagration, brought no more armed force to the help of her Protestant neighbours ; yet the loyal friendship of their leader, Murray, was never lost to her till the day of his death. At the same period the opening of the religious struggles which disorganised France during the minority of Charles IX. gave the watchful queen another chance of weakening a possible enemy without changing the possibility into actual fact. She sent both money and supplies to the Huguenot armies, she allowed and even encouraged hundreds of English volunteers to cross the Channel and fight for their cause ; yet she neither declared war upon Charles IX. nor placed herself in such a position that his government, under the lax sixteenth-century definitions of the *casus belli*, was forced to add to its difficulties by declaring war upon her. Her attitude was the same when, shortly afterwards, the Protestants of the Spanish Netherlands rose in rebellion against the tyranny and bigotry of their masters. Elizabeth was willing to be their secret ally, but she steadily refused to appear before Europe as their champion. Rebellion in itself she disliked, religious fervour she did not comprehend ; but she would give them both a certain measure of support when they tied the hands of her powerful neighbours and enabled her to stand, in the midst of her endless negotiations, safe and unfettered between the two.

**Attitude  
of the  
Pope  
towards  
Elizabeth**

All this time there were those in Europe who watched Elizabeth's proceedings with uncompromising disapproval. To the leaders of the Catholic Church it was grievous to see the plans of her most faithful son, Philip of Spain, so constantly impeded by the cunning of a heretic queen. Elizabeth's refusal to marry her sister's widower had prevented England from being drawn back by the most obvious means into the fold ; she was now doubling her guilt by encouraging men who were rebels and heretics at once ; and by some unknown but diabolical

machinations she hindered those amongst her own subjects who were true sons of the Church from depriving her of her throne in favour of Mary Stuart. This princess was necessarily regarded by all good Catholics who could put political bias aside as the most hopeful centre of all designs upon England. It proved indeed to be her destiny to give Elizabeth, as well as everyone else who had anything to do with her, a great deal of trouble; but the crisis which at last she was one immediate cause of bringing about was not exactly of the kind for which the Pope and his advisers hoped.

**Mary's  
career.**

In 1561 she returned from France to rule over her Scottish subjects—a task for which she was perhaps as well adapted, in spite of her great abilities, as Elizabeth herself would have been to head the Third Crusade; and from the very opening of her stormy career the ambition she cherished to succeed to the English Crown was openly proclaimed, the desire to win it by more expeditious methods was only too plainly to be seen. Mary Stuart will never lack advocates anxious to represent her as a persecuted innocent, but most people are now agreed that her beauty, her talents, and her absolute lack of scruple combined to make her one of the most dangerous women that modern times have known. The one gift she had not was Elizabeth's coolness of blood, and for that want she was destined to suffer. Mary placed herself at the head of the energetic minority of Roman Catholics in Scotland; she used the royal prestige for the overthrow of the existing Protestant government upon her own side of the Tweed, while upon the other she intrigued to win over the Englishmen of the old religion to support her claim on Elizabeth's throne. Her first blunder was the hasty marriage with her cousin, Lord Darnley, a young man who was fitted neither to satisfy her needs as a woman nor assist her ambitions as a queen. His neglect and misconduct, culminating in the assassination of Mary's secretary, Rizzio, roused her passionate nature to so tigerish a fury that she eagerly sanctioned, if she did not originate, a scheme for her husband's murder. More terrible still, she had fallen violently in love with Bothwell, the ruffian who actually put the scheme into

execution ; and she married him very soon after Darnley's death had made her free to do so. The act was equally revolting whether her passion arose out of gratitude for the murder or whether, as is more likely, the murder had been done at the instigation of her passion. The nation was almost unanimously against her ; such forces as she could collect were crushed at once by the Protestant lords at Carberry Hill ; Mary was taken prisoner, forced to abdicate in favour of her infant son, and sent into captivity. She escaped, and, with the help of such a party as remained to her, raised an army to fight for her crown ; but the Earl of Murray, now appointed regent,

**Her flight into Eng-land.** was too strong for her with the country behind him. Defeated in the open field, Mary Stuart fled in 1568 to England, and threw herself upon the protection of its queen.

**Eliza-beth's em-barrass-ment.** Whether the action was one of pure impulse or of premeditation, Mary can scarcely have helped seeing that it must cause Elizabeth no little em-

barrassment. The attitude of the English queen during these seven years of Mary's struggle in Scotland had been, like so much of her policy, consistently inconsistent. Her alliance with the Protestant lords was still fresh, her interests were bound up with their success ; yet she had never for an instant yielded to the temptation of openly taking arms in their cause. She had never publicly denied Mary's claim to the succession, but she had never publicly admitted it. Nothing could therefore be more unwelcome than the sudden transformation of her secret enemy into a helpless suppliant, who, on the one hand, appealed for protection by all the obligations of their common order and blood, and who, on the other, was accused by her subjects of the most detestable crimes. Circumstances seemed to cry out for what was most distasteful to Elizabeth—a very definite line of action. Her first effort at a compromise consisted in a proposed investigation of the charges against Mary, which resulted in the production, as damning evidence, of the famous Casket Letters, apparently in her hand, and which ended in the refusal of the Queen of Scots to submit to formal trial of any kind. She was there-

fore consigned to a dignified captivity by Elizabeth, who was doubtless much relieved at the hitch in the proceedings. But if Mary's hope was that the English Roman Catholics would be roused by her presence in their midst to a desperate struggle for supremacy, events at first went far to justify the calculation. The design of the Duke of Norfolk to marry the Queen of Scots and champion her cause was in itself treasonable, and it was connected with the open rebellion in 1569 of the Catholic earls in the north. Both were rapidly crushed, but at first sight they seemed ominous of further trouble to come. The **Papal bull of deposition.** Pope, also, was now encouraged to enter the lists, and his challenge took the form of a bull not only of excommunication but of deposition against Elizabeth. It seemed that the time had come for some sort of reply; or if the queen herself had any doubts upon the matter her advisers had none. By an Act of Parliament in 1571 it was made treason to receive bulls of any kind from Rome. In the following year the Treaty of Blois between Elizabeth and Charles IX. of France marked a stage in the process which was drawing England away from her old friend, now harmful and dangerous, towards an old enemy from whom there was daily less and less to fear. To French eyes Elizabeth seemed now the best card to play against the growing power of Spain; to the English queen, though the treaty was a break with her precious neutrality, it was clearly, now that Mary Stuart's credit was destroyed, the least dangerous that could be made. It is an interesting revelation of the nature of Elizabeth's statesmanship that she, the heretic queen whose obstinacy caused such disturbance to the high authorities, who had encouraged and helped the Huguenots, should have been ready to ally herself with the government which a few months afterwards sanctioned the massacre of thousands of these on the horrible day of St. Bartholomew.

**The Pope's miscalculation.** In point of fact the blunder which upset the calculations of Elizabeth's enemies, which made Mary's endless intrigues fruitless and diverted the course of the papal thunderbolts—this blunder was always the same.



Both Pius V. and Philip supposed, not altogether unnaturally, that the large body of English Catholics were only awaiting a good opportunity to rise and do battle for their religion and for the woman who by the theory of the Church was their legitimate queen. But the English Catholics, as a body, were doing nothing of the kind. Nearly all of them wished, or had wished, for Mary Stuart's peaceful succession after Elizabeth to the throne; and a small minority, as we have seen, were ready to take up arms rebelliously, either from religious conviction or from general disaffection. But in the mass they were unmistakably Englishmen first and Roman Catholics afterwards. With that admirable capacity of the practical man for putting theories aside where they interfere with important affairs, the ordinary Elizabethan Catholic was able to admit the Pope's right to declare the law of marriage, to admit that Henry VIII. had never been legally divorced from Catherine of Arragon, and yet strenuously to deny in acts if not in words that anything could oblige him to rebel against his beloved Queen Elizabeth. The outbreak of the northern earls was the last genuine effort of any considerable number of her subjects to win back their religious privileges by force. Plots there undoubtedly chiefly of foreign origin. were against the queen all through the years between the papal bull and the declaration of war; but these, though individual Englishmen were concerned in them, were of foreign origin and design. The real danger lay in the stream of Seminarists and priests which, set in motion by the Pope and by Spain, found its way as long as was possible into England, and more steadily into Ireland. In 1571 there was the conspiracy in which the Italian Ridolfi was the chief agent and the Duke of Norfolk was implicated, the object being the assassination of the queen. In 1580 came the plan for an invasion of Ireland by the forces of Catholicism. Later years saw the plot of certain Jesuits and others to crown Mary Stuart, Throckmorton's scheme for a great Catholic league against England, and finally, in 1586, the murder-plot of Babington and the priests. These dangers had to be met by measures which, though directed primarily

against the actual originators, pressed hardly upon all who held to the old religion ; and that these measures caused no wider discontent than they did is a striking testimony to Elizabeth's power over her subjects. It was made treason to convert anyone from the established religion, while the penalty for non-attendance at church was declared to be imprisonment until submission. Soon afterwards the Jesuits and Seminarists were banished altogether, and it was held illegal to harbour them for any purpose whatever.

**Activity  
of Eliza-  
beth's  
foes.**

The events of these years therefore went to show principally how firm was the support which Elizabeth might expect from her own subjects, but also how great were the activity and influence of her foreign foes. Spain, her enemy over

**Spain.**

**Mary  
Stuart.**

seas, was fast dominating Europe. She had annexed Portugal ; while the death of William of

Orange, the great Dutch leader, seemed to promise her an easy close to the struggle in the Netherlands. And Mary Stuart, the enemy shut up at home, appeared to be holding open the gates of England to let this Spanish horror in ; for it was proved that both the Queen of Scots and Philip or his ambassador had been privy to most of the plots directed

**Popular  
feeling.**

against Elizabeth's throne and life. The nation was coming to feel that now if ever this combination of evil powers against its independence must be met

and destroyed, and the age was one in which national feeling was learning to find expression. Exulting in the strength they had gained during thirty years of peace, Englishmen were very ready for battle ; fully aware at last of the danger Elizabeth had foreseen ever since she mounted the throne, they longed to test its reality. For years indeed, in 1586, facts had been against the queen in her persistent assumption that there was no war, need be none, was no likelihood of a war. The English sea-dogs, Drake and his fellows, had scarcely carried into Spanish America the policy of cautious moderation which found favour at Court ; for nearly a decade they had fought and plundered in a manner which to-day would have meant a concert of Europe at the very least. Even Elizabeth herself

had advanced a step in 1585. Her ally France being rendered impotent by the struggles of a disputed succession, the queen had made a definite treaty with the Netherlands, had despatched an army under her favourite Leicester and sacrificed the lives of her subjects in the contest. When therefore Mary Stuart was reported to have made over her claim upon the English crown to Philip of Spain and was proved to have taken part in Babington's conspiracy, Elizabeth's council began to press for some open and decisive measure. The plain masculine argument of Burleigh and Walsingham was that if you have an active and unscrupulous enemy, though she be a hundred times a queen and the representative of a European cause, and perhaps all the more for these reasons, the best thing to do is to strike at her as hard as the strength of your arm will allow. And if the execution of Mary Stuart meant war with Spain, thought the ministers and the nation, let her only be executed with the greater despatch.

If Elizabeth still hung back it was much less, we may rest assured, from any conviction of the sanctity of Mary's life than from that inborn reluctance to commit herself which had stood her in such good stead. But the persistence of her advisers broke through her obstinacy as the strong and simple policy of the nation was breaking, now that the time was ripe, through the net of her subtle statesmanship. There were greater forces now at work than kings and queens can wield or understand. What Elizabeth did quite correctly see was that her subjects would fight, if she were driven to let them fight, for their national life and freedom. The Anti-Reformation, that great crusade of the Church to win back her rebellious sons, would have troubled England little if it had been carried on with spiritual weapons alone. A people which for the most part had supported Henry VIII., submitted to Mary, and worshipped with Elizabeth could have had no emotion to spare for the reverses in other lands of the reformed faith, though that faith was in some sense its own. The Anti-Reformation with a sword in its hand, led by a king who

commanded soldiers as well as priests, threatening to dominate other people's affairs and making plots to assassinate other people's queens—this was indeed a very different matter, and every quality of the Englishman, his pride, his obstinacy, his steady personal loyalty, rose to resent it. Yet there was something beyond, clear perhaps neither to the nation nor to its leaders, which makes this of all wars in our history one of the most significant. It marked, upon one side at least, the climax of the English Renaissance, yet showed that climax as a means and not an end. It was not for nothing that Hawkins was

**but the  
rise of the  
sea power  
of Eng-  
land.** harrying the Spaniards in their own wealthy settlements and Frobisher finding his way round the North American coast. The future greatness of England was to be won upon the seas and in her colonies beyond them; and to reach it her first need

was to thrust aside the power of Spain, which lay, an inert mass, blocking the way into the New World. The riches of the Indies, 'the golden fleece that yearly stuffs old Philip's treasury,' was the bait that attracted these light-hearted pioneers of Anglo-Saxon supremacy; but the mastery of the sea and the entry to the whole western hemisphere were the real prizes they gained for their country. These were the earliest empire-makers, though they thought nothing of empire and only knew that they hated the Spaniards and liked nothing better than to seize their treasure-ships. Happily perhaps for the world, it had not yet developed that overweening respect for the legal rights of nationalities which confronts us so constantly to-day. We may rest assured that there was

**Drake  
and his  
followers.** no English party to cry shame upon Sir Francis Drake when he sailed along the South American coast and plundered Valparaiso; yet by all the rules of property and propriety he ought to have stayed at home. Elizabethan Englishmen were content to cheer him on and to send off to sea the young sons who longed in their turn for adventure on the Spanish Main. They had their reward when Philip's great fleet was steering for English shores.

For in 1587 Elizabeth gave her reluctant consent to the act which, as she knew, must inevitably start the blaze. In Feb-



ruary of that year Mary Queen of Scots was formally accused of high treason, tried, and executed. And with her death, as Pope Pius and King Philip saw with equal clearness, the door by which their religion might have entered England was finally closed, and the only remaining hope was to break it down with sword and cannon. Mary Stuart's will, bequeathing her claim upon the English Crown to the Infanta of Spain, provided a pretext if any were required, and very soon the Spanish ports were busy in their preparation of the great Armada. So lengthy indeed were the necessary preliminaries before the great lord of the west could strike a blow worthy of him that his active little enemy gained one piece of advantage from the very insignificance of her power. The small English trading ships were always ready for sea, the nation could not afford to build any new ones, and so narrow had been the parsimony of the government that there were very few stores of any kind to put on board. Francis Drake therefore, who had no respect for ceremony, took a fleet over to Cadiz, burned 10,000 tons of shipping, and delayed the great expedition for nearly a year. When at last in 1588 the Armada set forth, it suffered still from two defects, and those rather serious: it had neither an admiral fit to direct it as a whole nor captains who could successfully handle the huge vessels of which it was mainly composed. Medina Sidonia, who held the chief command, made the fatal blunder of postponing his attack. Instead of making straight for the English coast and landing as many as possible of the heavily-armed soldiers who crowded his decks, he sailed eastward along the Channel, hoping to unite near Dover with the forces of the Duke of Parma, who held the Spanish command in the Netherlands. He thus exposed himself for days together to the attack of the nimble little English ships, which had plenty of cannon if little ammunition, could strike a blow and run away, could cut off a single unwieldy member of the Spanish fleet and replenish their powder magazines at the enemy's expense. In those days at least, though our country had no

**Execution  
of Mary  
Stuart.**

**War with  
Spain.**

**The  
Armada.**

**The  
blunders  
of its com-  
mander.**



watchful daily press, she was ready in the adoption of the newest methods, and her victory over the Armada was partly the victory of sails over the clumsy oar. In the Straits of Dover the harassed Spanish admiral learned that Parma could not join him; pausing there, he was driven suddenly to sea again at dead of night by an unexpected attack from the pursuing English fleet. Heavy galleons ran ashore on unknown coasts, panic set in, the whole force was demoralised. Another two days' action sufficed to send the great Armada flying for safety into the North Sea, there to meet enemies and encounter storms, to founder in dangerous waters and to struggle miserably round by the west coast to the ports of Spain.

**English victory.** Only 53 out of the 130 ships which Philip had sent out returned to him, defeated and humiliated by the enemy he had despised. And our own Lord Howard returned meanwhile with his fleet to England, there to tell the full story of his victory. It must stir our blood even to-day to read of the scene he found at Tilbury, where Elizabeth, a warrior-queen after all when occasion pressed, had gathered her land-forces together to meet the enemy who might have come, and herself rode amongst them to urge them on to the battle. The men gathered there knew nothing, we may be sure, of the hypocrisy, the callousness which figure so largely in Elizabeth's biographies to-day. To them she was a great queen who loved England, and for whom in turn they would very willingly die. The nation had indeed triumphed over her enemies within as well as her enemies without, over religious disunion which meant treachery as well as over the galleons of Spain. Protestantism had established itself for ever in England by combining with the forces of nationality, while the old religion was to suffer for generations the penalty of identification with the common foe.

**Successful continuation of the war.** With the defeat of the Armada the war was not over, but it was magnificently begun. Henry IV. of France, the Protestant king whom the bitter struggles in that country had ended in placing upon the throne, looked on with unmistakable approval at this successful defiance

of his great enemy. His English sympathies indeed survived his conversion to the Catholic faith, and developed, in 1589, into a definite alliance which lasted for some little time. There was no further question of a Spanish invasion of our country. Englishmen seemed indeed to have taken to the sea as to a natural element, and the past thirty years had trained them not

**Exploration.** only in heroic piracy but in adventure that required courage of a more enduring type. Drake sacked the Spanish cities in South America, but before that he had sailed round the world. Raymond and Lancaster also succeeded in rounding the Cape of Good Hope; Frobisher, seeking for the north-west passage, had come upon Greenland and Labrador; Davis, pushing on in the same direction, discovered the Straits which bear his name. Gilbert endeavoured, though in vain, to plant a colony in New-

**Attempted colonisation.** foundland, and Sir Walter Raleigh made a more successful attempt at a settlement further south, which he named Virginia. And with adventure commerce went necessarily hand-in-hand. English shipping grew after a fashion it had scarcely known since the days of Edward III. New trading companies were formed, whose names in themselves tell the tale of the times; the Turkey Company, the Russian Company, and most important of all the East India Company, established to trade with that wonderland to which Englishmen were just finding their way. The

**Internal prosperity.** towns increased steadily in population and prosperity, entering now upon the second stage of their history; and the shopkeeping class which always profits by a rise in prices grew steadily rich on American gold. Free trade was, of course, still far in the future, but the restrictions of mercantilism were being gradually relaxed, and such as the system was, it seemed to suit the time. Only raw produce was as yet exported, but this in continually increasing quantities; and from the French and Flemish weavers who came into the country as religious refugees or otherwise, Englishmen were rapidly increasing their knowledge of manufacture for the home market. Even agriculture, round which old customs cling so determinedly, was invaded by this eager spirit of commercial

enterprise, and the consequent improvement both in pasture and arable land provided a sound basis for this marvellous growth of industry and commerce.

**Elizabethan literature.** Yet we know that these new victories in the material world, sufficient achievement as they might have seemed for a single age, did not exhaust the energies of the later sixteenth century. There is reason in the convention which names Sir Walter Raleigh, soldier, explorer, scholar, and statesman at once, as the type of the Elizabethan hero; for as he was almost everything that a man may be, so the nation accomplished almost everything that a nation can accomplish. It was not content with beating its enemies, making money, building beautiful houses, and sailing round the world, but it must needs produce poets who will always rank among the giants of the human race. We cannot but envy a half-century which possessed both Spenser and Shakespeare; still more since we feel that of the two Shakespeare was more truly the child of his time, and that scattered among his fellows there was almost enough genius, did the gods allow such economy, to have given us yet another national poet. When life was so magnificent a drama, the greatest poetry could take no other form. And it was necessarily a drama which scorned conventions and threw restrictions aside, ransacked romance and history for incident, and swept round the world of thought with a magnificent confidence in its own power.

**Necessary absence of constitutional landmarks.** In the midst of this outpouring of genius and strength, there is one element of national life which we shall instinctively expect to find, if not altogether lacking, at least markedly subordinate to the rest. This was not a period of distinct advance along the line of constitutional development. Sailors, explorers, and soldiers of fortune are even less likely than poets to be concerned about the rights of the many, while as for Elizabeth herself she more than once remarked that in her opinion there were far too many laws already. The enactments for which her reign is famous were merely measures of administration; no question was raised of restricting the rights

of any privileged class or of increasing the powers of the people's representatives; parliamentary proceedings were throughout a minor interest in the action of the reign. To do the queen justice, however, this was due not merely to the Tudor tradition of autocracy built up by the two Henries, nor even to the fact that the brain and heart of the nation were fully occupied elsewhere. It was due also to the

**Popular-  
ity of the  
queen.**

immense personal popularity of Elizabeth and to the ability and devotion with which, according to her lights, she applied herself to the government.

In our whole history there is no instance of a sovereign who awakened so strong a passion of loyalty as did Elizabeth, among her courtiers as well as among the masses of Englishmen who in the nature of the case can have known little of what she thought and felt. The stories of the peerless knights who would have given their lives to serve her are as familiar as the tale of the mutilated Quaker who used his remaining hand to wave his cap in honour of Queen Elizabeth; Philip Sidney, poet and hero, and Walter Raleigh were as unwavering in their devotion as the rough sailors who set forth to fight the Armada. The power to excite such love without the capacity to feel it is perhaps one of the compensations of royalty, and one which might account for this fervour in a nation seldom known to choose its favourites for their cool blood and strong brain. It is at least certain that Elizabeth with a softer heart or hotter passions, though perhaps a better woman, would have been a much worse queen. The best affection that she had to give she gave, as it was, to her people, and it was in contact with her subjects in the mass that she was stirred to her most genuine emotions. Much has always been said

**Her  
favourites.**

about the queen's weakness towards her two chief favourites, the Earl of Leicester and, in the last years

of the reign, the young Earl of Essex. But, applying to these sentiments the only test which for sovereigns is really important, the test of public utility, it does not appear that they ever really dominated her judgment. If Elizabeth had married Leicester, as was at one time thought likely, it would very possibly have been no worse a match than any other; and the fact

that she was at one time very eager for him to become the husband of Mary Stuart proves her liking to have been tolerably well controlled by political expediency. Leicester was not a man of first-rate ability, and it may well have been a blunder to give him the command of the army for the Netherlands in 1585; yet though he failed in his task he was not held incompetent by his contemporaries, and though he is known to have intrigued with some of Elizabeth's enemies he was not accounted a traitor. As for the Earl of Essex, it would certainly seem that he had none of the qualities of a statesman except that personal magnetism which, if it is the birthright of great men, is too often shared by very small ones. Elizabeth liked him, but so did a great many other people, or he would never have been able even to contemplate an armed resistance to her authority, as most unhappily for himself he did. The mission to Ireland which led to his ruin was given him in all good faith by the queen, who doubtless, like our rulers of to-day, regarded the government of that troublous country as a good opportunity for an able young man to show his mettle. When Essex gave signs of disaffection Elizabeth did not spare him, when he yielded to the temptations of treason she sent him to the block.

**Her ministers :** It was not on these but on men of a different stamp that the queen depended for service and counsel; for a final decision she looked to none but herself. Chief among her ministers till the day of his death was, of course, the famous Robert Cecil, who during the three preceding reigns had been steadily working his way upwards in the service of the Crown. This able and ingenious man is very commonly known as the great Lord Burleigh, yet perhaps his chief claim to that epithet lay in the fact that he was never too great for his position. Under a successful and active monarch, as perhaps also in a conservative democracy like our own, there is much to be said for following instead of trying to lead. Such a policy may not create great enthusiasms like those inspired by Pitt or by Gladstone, but it is one way of securing that permanent tenure of power which is after all a necessary condition of good



administration. Elizabeth would certainly not have kept beside her for thirty years a minister who was not ready loyally to accept the principles of her policy and apply his capacities to its details; and such influence as Burleigh did possess, such power to modify, to confirm, and to insist, undoubtedly depended upon his admirable adaptation of himself to his situation. Cobham,

**and others.** a man of considerable ability, and the younger Cecil belonged rather to the period when the course of

European events had practically settled those foreign questions which as we have seen were the critical ones of the reign; but Walsingham, who allowed his opinions to be more pronounced than those of Cecil, had never so high a place in the queen's esteem. As if, moreover, it was not enough that the queen's advisers on general policy should be in a very real sense her servants, we shall find that the men who carried on the domestic administration were to all appear-

**Local government theoretically centralised.** ance her servants too. A characteristic feature of the Tudor time was the extended use of the civil parish and of parochial officers, but still more so was the concentration of local authority in the hands of the justices of the peace. All parish officers

were responsible to the justices, and these had in addition to their judicial powers in preliminary examinations and at quarter sessions, administrative control over highways, police, and taxation in their districts; they regulated labour, licensing, and trade. And these all-powerful officials were by no means popular representatives, but were appointed by and responsible to the queen in council.

**Elizabethan rule a sound one.** Yet if the word despotism has evil associations it must not be applied to the monarchy of Elizabeth. For in the first place it is certain that she meant to govern as justly as she could, and that in spite of her

imperious will she looked upon her office as existing for the service of the country, not upon the country as existing to magnify her office. Her rule answered to the old definition of true kingship in that it sought rather the good of the governed than the good of the governors. This her subjects always felt, and that feeling was doubtless the reason why the

queen's self-will was borne with such patience, while her concessions to public opinion were received with rapturous applause. In the second place, English tradition had been so consistently against anything like a really centralised administration of local affairs that it would have needed some much more positive measure than the creation of the necessary machinery to impose such a system upon the country. These sturdy justices might certainly be put in their places by the queen, but when once there they were exceedingly apt to carry on the affairs of their parishes and counties without much further reference to the opinions of her majesty; nor did any one seriously expect them to do otherwise. Nothing, as we have said, could have been more unlike the system created a hundred years later by the absolute monarchy in France, where the inhabitants of country districts were dependent for the transaction of the smallest of their public affairs upon the pleasure of the royal representative. This happy provision of nature or result of circumstance did more in reality to ensure the smooth working of Elizabeth's government than was achieved by that partial revival of the parliamentary fighting spirit which in the later years of the reign it is possible to discern. It is indeed certain that in the growing confidence of the nation acts of open oppression would have roused a louder protest than any which had ever been addressed to Henry VIII., and that public opinion expressed itself on great occasions with a firmer voice. But since the administration of the queen and the council was on the whole satisfactory it rarely occurred to Parliament to raise general questions of prerogative or privilege. Only a minority of Englishmen are ever ready to challenge a theory unless they are faced by some defect in practice, and until Elizabeth's reign was nearly at an end the necessary mental conditions had scarcely even in the minority begun to exist. The Commons would have stood for ever for the laws and customs of England, but that these laws and customs were in need of any fresh interpretation the country required a new era and a more injudicious monarch to prove.

There were more Parliaments in the later than the earlier years of Elizabeth, and there were more grumbling speeches made in the House of Commons ; but the primary reason for both changes was simply that the queen was spending more money. If the Crown was reluctant to call Parliament together the nation took no pleasure in that provision of a subsidy which was the cause and the consequence of a summons to the estates ; and it was then as it is now the inalienable right of every Englishman to grumble before he paid. During her earlier years Elizabeth's rigid economy enabled her to carry on the government with the means provided by the permanent taxation. When definite alliance with the Dutch and open war with Spain had begun this could no longer be the case, and here was a very solid ground for the parliamentary revival. But the very instances of discord between Elizabeth and her Commons show that good government was all for which most of them had yet thought of asking. In the famous case of the monopolies which the queen abolished upon the demand of Parliament the complaint was primarily that they were opposed to the welfare of the realm ; the importance of denying the royal power to grant them was not realised till the next reign. The right of deliberation about the succession was pressed in spite of Elizabeth's opposition, because this question seemed vital to the whole community. But so far were the Commons from having a complete theory of parliamentary privilege that they looked quietly on while Peter Wentworth, one of their most active members, was imprisoned by the council for insisting on the freedom of debate.

Splendid and prosperous as was the period of Elizabeth it would be absurd to picture it as anything like a golden age. In every time of expansion there are likely to be some who find the old restrictions too strong for them, in every rapid advance some who cannot but fall behind. Elizabethan England included after all a good many people who could neither build ships and sail round the world, nor buy and sell and fill their pockets with American gold, nor enclose land and breed fine

Elizabeth's  
reign not  
a golden  
age.

**Sufferings of the inefficient.** sheep upon it. The gradual substitution everywhere of the standard of utility for that of custom was pressing more and more hardly upon the weak and incompetent ; the useless labourer who perhaps in the old days would have been kept in his service because his father had been there before him was now too often turned adrift to live as he might. It has been said that pauperism is the price we pay for commercial prosperity, and in that case it is fitting that the later sixteenth century should have made the first public acknowledgment of the debt. For not only had the number of the destitute increased, but by Henry's dissolution of the monasteries the old organisation, such as it was, for giving them help had been swept away. Charity in the old days had been virtue in a layman and a primary duty for the Church ; it was now to become a necessary part of state legislation. The

**Poor Law.** Poor Law of Elizabeth is a measure of which every one has heard, and indeed its main principles were those which guide us in dealing with the same question to-day. It provided for the responsibility of the parish in which a destitute person had been three years domiciled for his support, it ordered the levy of a parochial rate to provide the necessary funds, the appointment by the justices of overseers of the poor in addition to the churchwardens, and the erection of workhouses, with separate treatment for those who could not and those who would not put themselves to labour. An interesting aspect of this well-known statute is its relation to

**Local elections.** modern developments in local government ; for after the importance of the justices had declined, the idea of election, preserved in the churchwarden's office, came again to the front ; the power to make by-laws

**Rating.** arose in course of time out of the power to levy a rate ; while the system of rating itself is one which, as most people know to their cost, has admitted of rapid and extensive development. Apart from this, however, Elizabeth's

**Apparent success of the law.** act seems to have fulfilled its immediate purpose very fairly well, and the complaints of disorder in the country were fewer from the year in which it was passed. So that if the growth of pauperism had been the



only stain on the civil government of Elizabeth and her advisers we should have a right to say that they had done their best to wipe it out. But the critic who casts a glance to the

**Ireland.** west can usually discover a blemish in the most

brilliant of English administrations, and this one was no exception to the rule. The tragedy of Irish affairs under Elizabeth was as terrible as it had ever been before or as it ever was afterwards, and if the reason was chiefly that greater attention was bestowed upon them the fact can have afforded little consolation to the members of that unfortunate race.

At the end of the sixteenth century it was in truth too late to absorb Ireland into England. The earlier Plantagenets, who had to deal with such a different phase of development in their own country, might possibly have succeeded, but in the time of the Tudors the gulf that yawned between the two peoples was no longer to be bridged. The mass of the native Irish were savages, their leaders were tribal chiefs, the earls

**Action of Henry VII.** descended from the first Norman settlers were more like English feudatories of the twelfth century than nobles of the sixteenth. Henry VII. and

**Henry VIII.** Henry VIII. had indeed made determined and partially successful efforts to extend the area in

which English law and custom were theoretically recognised, and this they had done by use of the only just or practicable method then remaining—the conciliation and employment of

**Reigns of Edward VI. and Mary.** the Irish leaders. In the reigns of Edward VI. and Mary, however, two evil principles had become dominant in English policy: one of these was the

principle of colonisation, which really involved the rooting out in selected districts of the original population; and the other was confiscation by force or by fraud of the tribe's and chieftain's lands. Into the state of feeling thus created

**Elizabethan statesmen.** the confident statesmen of Elizabeth advanced offering all the blessings of a completely English administration, and were filled, characteristically

enough, with indignant surprise when the Irish could see in the establishment of sheriffs, of primogeniture, or of the shire system, nothing but the preliminaries to robbery and destruc-



**Rebel-  
lions.** tion. The two great rebellions of Munster under the Earl of Desmond and of Ulster under the Earl of Tyrone forced the English into those wars whose records form so melancholy a chapter in Elizabethan history.

**Conquest.** They were in a sense successful, for no corner of Ireland remained in which English authority was openly defied ; and the subjugation may be held to have been necessary at a time when the forces of Roman Catholicism were looking so eagerly for a foothold upon English shores. But the slaughter in Tyrone, the hideous scenes of starvation in Munster, the extermination in the next reign of the native population of Ulster, the religious proscriptions under both the earlier Stuarts, the massacres of Cromwell—all these helped to form that terrible problem to which even now we seem so little able to find the answer.

**Death of  
Queen  
Elizabeth.** Queen Elizabeth died in 1603. Self-willed and obstinate to the last, she had postponed all mention of a successor until, on her death-bed, the name of James Stuart could draw from her no more than a hasty sign of assent. Yet her powers had waned in these latter years, dying away as it were with the glow of the sixteenth century. The distinctively Tudor period was over, and we feel that it must have been so even if Elizabeth had left a son. It remained now to see what would be permanently accomplished by the great forces which this splendid age had called forth.

*Leading Dates.*

	A. D.
Wolsey Archbishop, Cardinal, and Chancellor . . . . .	1515
More's ' Utopia ' . . . . .	1516
Henry named ' Defender of the Faith ' . . . . .	1521
Application for the divorce . . . . .	1527
Fall of Wolsey . . . . .	1529
Reforms in the English Church . . . . .	1529
Act of Supremacy . . . . .	1534
Dissolution of the smaller monasteries . . . . .	1536
New Articles of Faith and Translation of the Bible . . . . .	1536
Six Articles . . . . .	1539
Dissolution of the larger monasteries . . . . .	1539
Fall of Cromwell. . . . .	1540

	A.D.
Accession of Edward VI. . . . .	1547
First Prayer Book . . . . .	1549
Fall of Somerset . . . . .	1549
Second Prayer Book . . . . .	1552
Accession of Mary . . . . .	1553
Mary's Marriage with Philip of Spain . . . . .	1554
Submission to Rome . . . . .	1554
Accession of Elizabeth . . . . .	1558
Acts of Supremacy and Uniformity . . . . .	1559
Treaty of Edinburgh . . . . .	1560
Mary Stuart in England . . . . .	1568
Rising in the North . . . . .	1569
Papal Bull of Excommunication and Deposition . . . . .	1570
Drake's Voyage round the World . . . . .	1577-80
Babington's Plot. . . . .	1586
Execution of Mary Stuart . . . . .	1587
Defeat of the Armada . . . . .	1588
Death of Elizabeth . . . . .	1603

## CHAPTER IX

## PURITANISM AND THE EARLIER STUARTS

**A new  
epoch.**

THERE is perhaps no other historical epoch so clearly defined in the minds of most of us as the one which begins with the accession of James VI. of Scotland to the English throne. We seem to come with some abruptness to a time of which the spirit is comprehensible and in a certain sense familiar. The problems presented for solution have now much more than ever before a significance which appeals to the modern mind ; it is appreciably easier to understand what everybody would be at. The strange mediæval period whose actions and motives it is so impossible to picture as our own has now been left far behind, and its relation to the seventeenth century appears to differ comparatively little from its relation to the present day. And what also seems to have passed away with the reign of Elizabeth is the period of almost boisterous activity, both physical and mental, which followed the assimilation in England of the new spirit and the new ideas. The day of national discovery has gone, the day of reflection has come. The Reformation has been accepted in the manner best suited to the influential classes of the nation, and the Church established by law ; the Armada has been defeated and the first attempt made at the colonisation of America ; the spirit of the Renaissance has informed the mind and inspired the soul of the greatest among English poets. The nation is no longer in its exuberant adolescence, but is reaching a sturdy maturity. The figure that shapes itself before our eyes when we look at the society of James I.'s reign is almost that of the

**Its aspect almost modern.** modern middle-class Englishman, honest, practical, prosperous, full of pride in his nationality and respect for his religion. One essential only was lacking—a more authoritative voice in national affairs. This lack now necessarily became apparent, and the seventeenth century was destined to go far towards making it good.

**Influence of Elizabethan times.** The glamour shed by the personality and the success of Elizabeth over the whole period of her reign made it impossible for the nation to realise how inevitable this next stage in its progress had become, and how far, in the dozen years or more since the great victory over Spain, the conditions of the change had been prepared. For the typical Elizabethan it would, as we have suggested, have been scarcely more natural to find his main source of inspiration in constitutional maxims than to find it in the doctrines of modern socialism. He was a man of action and his mind dwelt instinctively on the particular; liberty meant doing what he had always had a right to do, patriotism was hating England's enemies and honouring the queen. Shakespeare, it is plain, had no ear to hear the voice of God in the voice of the people, that 'still-discordant wavering multitude'; and Shakespeare must have embodied, with a great many other things, the spirit of his time. Yet the new period came really into sight as soon as the climax in the vindication of

**New period inevitable.** national independence was past. The strength with which England had been nerved by the sound government, the material prosperity and the growing religious enthusiasm of Elizabeth's reign had completed for the time its task abroad and must naturally look for what it had to do at home. The forces of Puritanism and

**Another task for Puritanism.** nationality had repelled those of tyranny in Europe, but they had still to destroy the despotism, popular hitherto, but still a despotism, of the English monarchy. In these last years the nation may be pictured as unconsciously waiting until the great queen was gone. She had guided her subjects through a difficult stage of their journey, and their instinct was that they could scarcely set out upon a new one until she had resigned her office into

other hands. When Elizabeth made room for a successor devotion to the monarchy was still ardent, but it was becoming more and more tempered by feelings of a different cast. A man's duty to the king was beginning to be overshadowed by his duty to the commonwealth, and still more by his duty to his conscience.

**Accession of the Stuarts.** That precisely at this turn of affairs the House of Stuart should have been summoned to the throne, that James I. and his son in the first place, and afterwards Charles and James II., should have been called upon to gather the fruits of Puritanism and deal with the rapid development of the modern stiff-necked Englishman, was certainly one of those humorous tricks of fate which it is the privilege of the historical student to observe. The inevitable result of setting two such forces simultaneously in motion was a speedy and violent collision, and we may fancy that the destinies which rule our country, when they brought James Stuart from Edinburgh to London, had already sketched the programme of the Rebellion, the Restoration, and the Revolution. There was a magnificent chance in 1603 for a king who could have seized his subjects' point of view, enlisted on his side the strength of their loyalty, their inborn love of freedom, their taste for religious order, and combatted by the help of these the more violent and disruptive tendencies of Puritanism. But such a chance was just what the Stuarts were absolutely unable to grasp or even to see. No type of character can be more utterly alien to that required by the mass of Englishmen in their leaders than the type which under different aspects it is possible to distinguish in all the men of this family who occupied the throne. They were filled with an overweening egotism which scarcely even made a pretence of subordinating itself to the public welfare. They were secret where they should have been open, shifty where they should have been firm. It was seldom possible to forecast their policy and never to rely upon their promises. Above all they were strikingly wanting, their mental gifts notwithstanding, in the practical business ability.



which is able to distinguish important ends and successfully adapt means to them. It has been well remarked that nothing was less likely to commend itself to seventeenth-century England, earnest and full of purpose as it soon found itself to be, than the cleverness which never said a foolish thing and never did a wise one. That James I. could argue sagaciously upon theology and law made up as little in the country's eyes for his contemptible foreign policy as the pretty wit of Charles II. atoned for his absolute lack of application or conscience in public affairs. The Stuarts could not understand their subjects, and perhaps they never tried; Englishmen could not understand the Stuarts either, and very naturally they grew weary of the effort. So it happened that in spite of the startling things done by this dynasty, its scheme, if scheme there was, for the establishment of a personal government made but little real progress, and, to put it briefly, the more the Stuarts tried to ignore the constitution the more the constitution refused to be ignored. Considering what excellent Tudor precedents there were for most of the arbitrary acts of the new century, considering how intense are Englishmen's love of order and dislike of violent change, it did not really take them very long to decide irrevocably against the claim of this family to the Crown. Within fifty years a force which had grown up amongst them brought a king to the block, within ninety a more reasoned decision expelled his direct descendants from the throne for ever. And although in 1603 James I. succeeded to some part at least of the Elizabethan tradition, and assumed his crown amid a chorus of popular applause, only a very few years had to pass before a majority in the country was filled with distrust of his character and dislike of his policy.

**James I.** It was at one time the custom of the popular historian to attribute James's speedy descent in the public esteem very largely to the defects in his looks and manners, and to the inevitable revulsion of feeling in the minds of those accustomed to note the stately bearing of Elizabeth. But the evidence seems to show that in appearance he was after all very much like anybody else, and if his manners

were at times absurd those who surrounded him were not on their side remarkable for a highly developed sense of the ridiculous. Much more vital to ministers and politicians who took themselves seriously was the promptitude with which the new king showed how far apart were his people's sympathies and his own. His extraordinary theories of monarchy, or rather, for abstract theory is a small matter, his consistent application of them to his circumstances in England, alarmed his subjects as much as the incomprehensible motives of his policy puzzled and annoyed them. A generation which remembered the Armada did not care to see a new reign begun by a relaxation of the penal laws against Catholics; a nation awakening to a new sense of its political power did not enjoy James's famous parallel between the blasphemy of man in disputing what God can do and the blasphemy of a subject in disputing what his king can do. It is always faint praise and sometimes seems to amount to a condemnation to say that whatever the results of a man's actions his intentions were certainly excellent. James I. was neither a knave nor in the ordinary sense a fool, and there can be very little doubt that he meant to govern England as well as he could; but his belief that the country should be ruled for her good according to the views of James Stuart and in opposition to her own was as fatal as any knavery or stupidity could have been. His proposed policy was sometimes admirable, but it had the incurable defect of bearing no relation to the given facts. When he urged the complete legislative union of England and Scotland the commercial jealousy and national prejudice of the Commons wrecked his scheme almost as completely as their self-interest and love of liberty ruined his plan for arbitrary taxation. And when above all he proposed to ease the consciences of Catholics yet maintain against the Protestant Nonconformists every ceremonial of the Established Church, he was tilting full against the truest instinct as well as the fiercest prejudice of a majority of the people. It was an attempt to crush, in vague pursuit of an impossible ideal, the force which was to prove itself for a time

**Probable causes of his loss of popularity.**

**His errors.**

**Arbitrary taxation.**

**Attack on Puritanism.** the strongest element in English life. James Stuart in the course of an unlucky career committed no more ill-advised action than his declaration of war against the Puritan form of religion.

Unfortunately but not unnaturally the English Puritans were by no means prepared to find an enemy in the new monarch. The small section of the Independents indeed, disciples of Brown and Barrow, who asserted the right of every congregation to govern itself, can scarcely have expected in

**Hopes of the Presbyterians.** the seventeenth century to be countenanced by any king whatever. But the Presbyterians hoped if not for open favour at least for extended toleration.

Their views upon church government, which with a certain austerity in conduct and worship were what really divided them from the mass of their Anglican countrymen, came to them as an inheritance from Calvin. And Scotland, where James had been born and educated, was the very home of Calvinism; it was the land which had produced John Knox and Andrew Melville, the land where to the mass of the nation bishops seemed to be the very ministers of the evil one and government by assemblies and synods the only possible system for a holy church. When however the extreme Puritans inferred from this that better times must come they argued without a knowledge of James's mental attitude. He was a keen theologian, and so far as dogma went a Calvinist; but much stronger than these convictions was the dread of Presbyterianism as a political force which he owed to the combination of his absolutist theories and his actual experience

when reigning in Scotland. 'No bishop, no king,' was his well-known adage, and the Nonconformists might well have taken warning from the fact that the Scottish General Assembly and the Lords of the

**James's policy in Scotland.** Congregation who had been dominant ever since Elizabeth's treaty with them in 1560 were displaced by James shortly before her death, and episcopacy again established in Scotland. Presbyterianism, regarding its pastors as pre-eminently guardians of morals and hence as rightly supreme over all, consorted nearly as ill with the Stuart conception of monarchy

as did that theory of the Independents which admitted no authority above a man's own interpretation of the Scriptures. A wise historian suggests that James's dread of seeing Presbyterianism established in his new kingdom was wholly gratuitous, since of all earthly systems this is the one least congenial to the temper of Englishmen ; yet remembering the strange things to which our ancestors did submit in the course of the next half-century we must admit that James's mistake was one into which many a more practical statesman might have fallen.

**Dangers in England.** But the danger of his policy lay in the steady increase throughout the country of those who, though neither Presbyterians nor Independents, felt a certain sympathy with both, and were anything but whole-hearted supporters of the Establishment. The righteousness of an austere life, the need for a perfect sincerity which would exclude nearly all social or religious ceremony, the supremacy of the individual conscience—these ideas were steadily gaining ground in the England of James I. It is noteworthy that the beginning of this reign saw the publication of that authorised version of the Scriptures which was soon to become the dearest possession of every middle-class household, and saw

also the first protest ever raised by a House of Commons against the transaction of business on a Sunday. In the famous Hampton Court Conference of 1604 the Puritans, when their purely Calvinistic Lambeth Articles had been successfully opposed by the bishops, asked only that they might as ministers of the Church omit certain ceremonies which went against their conscience. And though James, whose wrath had

**The royal decision.** been roused by the mere mention of a Presbyter, refused the plea with acrimony, Parliament was in favour of granting it, and alluded to the loss involved in the exclusion of so many worthy men from the Church. James and Archbishop Bancroft replied by a hot persecution of all clergy who refused subscription to a single Article,

**Persecution of the Puritans.** and in the course of a few months deprived as many as three hundred of their livings ; but the final consequence was that even in the face of the later



panic against the Catholics Parliament was eager to restrict the power of the ecclesiastical courts. Determined support of nonconformity against the Church did not come yet, and the latter years of James's reign were a period of comparative religious tranquillity. Yet there were seeds of discord, for while Laud as Dean of Gloucester was deeply exercised about the position of his communion table, there were certain magistrates in Lancashire strongly bent upon putting down Sunday games.

The ecclesiastical system of the Roman Catholics was by no means so objectionable to James as the more democratic forms of religion which were grouped together under the name of Puritanism. The principle of authority was sufficiently well recognised in the communion of the ancient Church to satisfy the most autocratic of kings. Moreover the English Catholics, who indulged from different reasons in hopes of toleration similar to those cherished by the Puritans, had entered into negotiations with James in the years preceding his accession, practically offering him their support in exchange for a pledge of favours in the future. Under these circumstances it was natural for the king, who to do him justice had none of the tastes of an inquisitor, to begin by a relaxation of some of Elizabeth's severe laws against recusants, thus adding as he thought a bulwark to his throne and advancing a step towards his ideal of speculative tolerance beneath a strict outward conformity. But England had changed much since Elizabeth in the early years of her reign had attempted something of the same kind. That curious belief in the irredeemable wickedness of Roman Catholicism or of any compromise with it which was so characteristic of English Puritanism at its zenith, and of which traces are still to be found among us—this had grown steadily up side by side with the dread of the old religion as a political force which Philip of Spain had firmly though unintentionally impressed upon the national mind. James was after all the son of Mary Queen of Scots, a fact that gave colour to fears of an evil influence upon

**The  
Roman  
Catholics.**

**Their  
hope of  
tolerance.**

**Its vanity.**

**English  
feeling.**



him; and the coincidence of his modification of the law with his peace negotiations in Spain and his petulant vituperation of the revolted Netherlanders inevitably confirmed the general conviction of the danger of concession. The Parliament of 1604 firmly demanded the reimposition of all the penalties for Catholics which the royal authority had removed. One or two events however had meanwhile proved to the king's shrewd mind, not perhaps that his policy was wrong, but that the facts were other than he had supposed. His primary discovery was that he had to meet no serious opposition to his occupation of the throne, and that Robert Cecil, the most

**James's  
policy.**

influential among English statesmen, was ready to give him full support. 'We'll not need the Catholics now,' was James's lucid expression of opinion when he discovered that to the mass of Englishmen there seemed no choice between himself and anarchy, and on the excellent principle of giving nothing for nothing he resigned himself to abandon his scheme of partial toleration. Moreover, an unfortunate rumour had begun to spread through Europe to the effect that the new King of England was about to become an actual convert to Rome, and James was able to see that under such circumstances favour to Catholics was far more likely to undermine his throne than to secure it. He proceeded therefore to clear his character in a manner satisfactory to the Parliament and the bishops, though unpleasant for those who had been hoping for a free exercise of their religion. Over five thousand persons were in the course of a year or so convicted of recusancy, and of these more than a hundred paid the full penalty. Owing indeed to the indiscretion of certain bold spirits among the Catholics, the king's change of front won for him the only season of popularity, except the one immediately following his accession, which he ever enjoyed

**Minor  
plots.**

in England. The plot conceived by the priest Watson for seizing James's person, and Cobham's scheme, in which Raleigh was unhappily implicated, for placing the king's cousin Arabella Stuart on the throne, had been too obviously personal and divorced from any genuine sentiment to create widespread alarm. But the Gun-

**The Gun-  
powder  
Plot.** powder Plot of 1604 was a more serious affair, and it served James excellently well during the panic which followed by allowing him to appear as peculiarly the object of Catholic machinations. The destructive enterprises which men undertake for the sake of a cause are commonly much more ambitious than those they enter upon for merely private ends; and Catesby, who would seem to have been really animated by a righteous indignation on behalf of his brothers in the faith, conceived no less a scheme than the destruction of King and Parliament at a blow. But others whom he was obliged to admit to his counsels were troubled by the scruple, so fatal to conspirators, about confounding the just with the unjust, the Catholic lords with the Protestant, and the tragedy turned into a burlesque with the discovery of Fawkes and his unlighted gunpowder in the cellar. Tragedy enough, however, for the Catholics, came afterwards in the execution of the conspirators and the fierce new laws passed against all of their faith. The test of taking the sacrament from a Protestant minister was now generally imposed; no recusant was allowed to come within ten miles of London except upon some specific errand of business, or to be more than five miles from his home; the refusal of the oath of allegiance, which denied the papal power to depose the king, involved the penalties of *Præmunire*. A wave of loyalty ran through the country. The Commons voted a liberal supply, with warm expressions of respect. Convocation publicly proclaimed the sacred duty of passive obedience to existing authorities, a doctrine, however, which James with his usual futile accuracy declared to be untenable as it stood, since it drew no distinction between the rightful sovereign and any pretender who might seize his crown.

**Persecu-  
tion of the  
Catholics.** It would have been well for James if, instead of troubling to regulate the demonstrations of his friends, he had used his temporary advantage to conciliate some of those who were, if not his enemies, at least the opponents of his monarchical theory. It has often been suggested that this king, encouraged by the fulsome subservience of a minority, could not reason-

ably have been expected to realise how independent a tone the nation which had bowed down before Henry VIII. and adored Elizabeth was prepared to take with Elizabeth's successor. Yet if it is the penalty proper to royalty that its mistakes must be reckoned as crimes, no palliation can be found for James's guilt; for from the very beginning he had warning enough as to the position the seventeenth century was determined to secure for the law, the ministers, and above all for the Parlia-

ment. The gravest remonstrances were called forth by James's execution without trial of a pickpocket during his progress to London, which doubtless seemed to him no worse than many acts of his predecessors. Cecil, though a faithful minister of the Crown, was not a subservient one; in foreign politics he insisted upon a continuance of the alliance with the Netherlands, in domestic affairs one of his chief concerns was to keep down the royal expenditure. James's very first Parliament, in its growing sense of authority and corporate unity, asserted its right as against the king to decide upon the fitness of any member to take his seat; and during its deliberations it took occasion to inform him that no King of England had the power to change religious or temporal law without the consent of the Lords and Commons in Parliament assembled.

In face of a nation so plainly possessed of its own view of government, James I. could find no better counsel than to make a deliberate attack upon the right dear to every Englishman's heart—the right of self-taxation. In 1606, finding his treasury empty, the king proceeded to place extra duties upon certain articles of import and export; and when a merchant named Bate resisted the imposition, James actually obtained from the Court of Exchequer the decision that in adding to the customs as he pleased the king was within the limits of his prerogative. Here at once brought clearly forward was the point upon which the struggle with the Stuarts was more especially to turn. Taxation of any kind without parliamentary consent was prohibited clearly enough by numerous laws, but was it or was it not within the royal powers to dispense with

**Signs of national feeling.**

**Unconstitutional action of James.**

**Bate's case.**

those laws? James, supported unfortunately by most of the lawyers, contended that it was; the majority of the nation was very firmly of opinion that it was not. The matter could only be decided if one party gave up its conviction, and that was not to be within the reign of James I. For some years after 1606 impositions were laid on different articles of commerce by a series of royal proclamations, and this form of legislation commended itself so warmly to the king's mind that during the same period various new offences were created and new penalties attached to them by the same expeditious method. Unluckily however for James's policy, his illegal resources did not suffice to supply his financial needs, and in 1610 he was obliged to summon another Parliament. His somewhat guileless precaution of forbidding this assembly to touch upon the question of impositions availed him little, for its first proceeding was to protest violently against the laying on of duties without Parliamentary consent and against the whole system of proclamations. And its next demand, still more unpalatable to James, was that deprived Puritan ministers should be allowed to preach and the powers of the High Commission court be limited by statute. There is little sign that the king's self-confidence was as yet in any degree shaken, and he had no idea of acceding to these demands. But, having in the meantime learned from the conscientious and able lawyer Coke that in the matter of proclamations legal opinion was against him, he was willing to make a virtue of what might prove to be a necessity, and undertake for a consideration to issue no more. The painstaking Cecil, now Earl of Salisbury, drew up an agreement known as the Great Contract, by which James was to make certain promises and give up certain antiquated feudal dues in exchange for a substantial grant. But the scheme was wrecked on the perception of the Commons that with his treasury once full the king would have no motive in holding to his undertaking, and when meagre supplies had been given the assembly was dissolved in general irritation and disgust.

Three years later it proved still more impossible to find any



common ground of agreement, for in the meantime Salisbury had died, and the general public had had time to realise what grave issues were at stake. James made up his mind to be done once for all with this plague of parliaments, rule without them, and raise money as best he could. Doubtless he persisted in believing that a little firmness would bring back the same state of things as had existed under Henry VIII., who scarcely knew what it was to meet a real refusal of supply from his Commons, and could generally have money from the

**Government without Parliament.**

wealthy for the asking. Between 1614 and 1621 no Parliament came together, and the immediate necessities of the Crown were provided for by benevolences, by arbitrary fines, by a lavish creation of peerages, by feudal exactions ; devices disinterred

from the middle ages, others invented for the king's special convenience. These seven years were fertile of significant events which marked out the character of the struggle to come

**Significant events of the time.**

and of some of its greater results. In 1616 Sir Edward Coke, who had alone persisted in disputing the king's new claim to overrule legal decisions in all matters relating to his prerogative, was dismissed from the council and deprived of his position as Chief Justice. His place in the royal counsels was taken by Sir Francis Bacon, chancellor in 1618, who was better prepared to win advancement by subservience : a tragic illustration of the impotence of a giant intellect to preserve a man from the pettiest of human weaknesses. Four members of the recent Parliament, considered to have been overbold, spent some months of this period in the Tower. Certain followers of James and his son Charles rose in power and distinction with a rapidity which recalled the worthless favourites of mediæval times ; young Robert Carr became Viscount Rochester and Earl of Somerset before he ended his career in disgrace ; the ambition of George Villiers, Duke of Buckingham, was satisfied with nothing less than social supremacy and a leading part in affairs of state. Thus war had been declared upon the independence at once of the judicial and legislative powers, and any national control over the executive had been definitely repudiated.



Meanwhile those whose political energy could find no outlet at home and those who could not live under Anglican rule were leaving England for the new world across the sea. The first permanent settlement in Virginia had been made in 1607, and colonists now went out in a steady stream. In 1620 the *Mayflower* set sail with its band of pilgrims bent on worshipping as they pleased, who were to found the Puritan New England in eastern North America.

**The first American colony.**

Foreign politics, to which James soon began to look for help in the contest against Parliamentary control, unkindly developed instead into the greatest embarrassment his government had to face. In the clash of contending hopes and fears which preceded the 'Thirty Years' War, Europe did not indeed offer a suitable field for the activity of a diplomatist whose confidence in his own methods was never in the least diminished by their consistent failure. Ever since the great movement of the sixteenth century had strengthened national rivalry with the mighty force of religious hatred, the powers of the continent when not at war had faced one another in what at best was a very watchful neutrality. Between 1614 and 1618 it

**State of Europe.**

grew startlingly clear that this neutrality must soon end in a new appeal to arms. The great Catholic power of Austria, ruled by the Hapsburg Emperor, was threatening all Protestant Germany; and, with Spain under another branch of the same family, neither France, where politics were generally stronger than religion, nor the Protestants of England could stand aside with equanimity while the old religion spread victorious over central Europe. So long as Salisbury lived he kept England as far as possible on the safe traditional lines of friendship with the Netherlands and a sort of tentative alliance with France, a policy which, if it did not lead to anything in particular now that the war with Spain was ended, was at least certain to meet with the approval of the nation. King James

**Policy of James.**

however was characteristically inclined to pride himself upon a diplomacy which rose superior to obvious methods and vulgar considerations. His

plan of dealing with the Hapsburg domination was not to oppose but to ally himself with the Spanish Court, and the position which under Elizabeth the country had only won by hard fighting was now to be secured for her by the skilful arguments and moral suasion of her enlightened monarch. This, like so many Stuart schemes, would have succeeded admirably had it not been required to adapt itself to certain existing facts. James proposed to marry his son Charles to a Spanish princess, and in return he expected financial assistance as against his subjects and general political compliance from this still mighty monarchy. He forgot in the first place that the opposition in England to the contemplated marriage would make his own situation considerably more difficult than before, and in the second place that the obvious course for Spain was to carry on the matrimonial negotiations, get all she could out of James's friendship, and yet arrange her European affairs exactly as she chose. It was during this period that the pressure of the Spanish ambassador led to the disgraceful sacrifice of Sir Walter Raleigh, who was released from prison in 1616 to seek for a gold mine on the Orinoco, and executed, when he failed, to atone for the insult which James himself had thus allowed him to offer Spain. It still remained to be seen what James's subjects were to gain by the new alliance.

**Affair of the Palatinate.** In 1618 England was drawn into more direct connection with European affairs by the incident of Bohemia and the Palatinate, an incident which the mismanagement of James undoubtedly helped to develop into the 'Thirty Years' War. On the accession of young Ferdinand to the Empire and, among his other dominions, to the throne of Bohemia, the nobles of that country refused to recognise him, and elected Frederick, Elector Palatine, to rule over them. This prince was regarded as the champion of Protestantism in Germany, and under Salisbury's influence he had been selected as the husband of James's daughter Elizabeth. It was therefore natural that both the Bohemians in electing him and Frederick in accepting their election should look to his father-in-law's

Protestant realm for help in the struggle with the Empire which must inevitably follow. But James, with the best intentions in the world, was fatally misled by his keen eye for detail; he was permanently incapable of seeing the wood for the trees. To him there were two questions involved in this plainly approaching struggle between Frederick and the Emperor: the first was the Elector's right to Bohemia, which James with his theory of monarchy could not admit; the second was his right to his own dominion, which to James appeared so indisputable that no temptation would lead the Emperor to question it. But the practical sense of everybody else perceived that these two questions were made one by the certainty that if Ferdinand once took up arms he would not stop his soldiers short at the Bohemian boundary; the other Catholic powers would eagerly join him, and the reformed religion would be exposed to one of the most serious attacks it had yet had to encounter. This indeed, while James was still negotiating, persuading, proving to his own satisfaction that nothing of the kind could happen, was exactly what took place. The Emperor, the Spanish king, and the Catholic league united to expel Frederick from the Palatinate as well as from Bohemia, and all Europe was soon ablaze. James had weakened instead of strengthening his position both abroad and at home, and he had no intelligible explanation to offer of his failure. For the moment he felt, wondering no doubt at a new human perversity, that he must concede something to the general expectation. He announced his intention of assisting Frederick with an armed force, and in 1621 called together a Parliament to consider the question of supplies.

In this assembly there was much generous indignation expressed at the aggressive action of the Catholic powers: an indignation probably founded upon an instinctive reluctance to desert the policy which had won England her greatest triumphs, but fed also by the spectacle of Spain once more threatening the Low Countries. Whether, however, any purpose would now have been served by the declaration of war against the Spaniards which the Commons seemed to desire may well



be doubted, although the accompanying protest against James's persistence in the marriage project was very fully justified. But the Houses certainly showed at the same time that there were matters which lay nearer their hearts than the affairs of the Palatinate. Their chief concern was plainly to remedy the domestic grievances which had been accumulating during the last seven years. Prominent among these was the sale of monopolies, a galling practice to which James had reverted in his need for money. This was now forbidden by a new Act of Parliament, while the chief gainers by it were impeached. Against the general corruption of the administration the Commons could only proceed by this same method of impeachment, a weapon which had long been laid aside, and which it was part of their vigorous policy to reassume. The object of attack was the great Chancellor Bacon, now Viscount St. Albans, who confessed himself guilty of taking bribes, and indeed in his prostitution of justice had done worse than this ; for, almost incredible as it is, the man who could produce the ' *Novum Organum* ' had at the same time clung so tenaciously to the rewards of office as to be willing to acquiesce in every caprice of an arbitrary government. The source of the worst follies of James's administration he was not, for that distinction belonged to the Duke of Buckingham ; but Bacon suffered dismissal, and very justly, for condescending to be Buckingham's instrument.

The influence which as James fell into infirmity was increasingly exercised by that splendid and ambitious young upstart must have been a source of serious anxiety to those really capable of reading the signs of the times. The petty tyranny, the illicit patronage for which he was responsible, though bad enough, formed scarcely so grave a danger as the licence he had to direct the policy of the government, and his security under the royal protection from public criticism. It would perhaps be scarcely fair to blame Buckingham for James's inability, even after the declaration of 1621, to take an intelligible line in foreign politics. It was the king's own policy to demand



money for a war in Frederick's interest in which by some means Spain was still to be England's ally, to express vehement indignation at the Commons' request that the Spanish friendship might be abandoned, to tear from the Statute Book their recorded assertion of the right of Parliament to discuss any matter whatever affecting the common welfare. But it was the favourite who introduced into Prince Charles's mind the **His** wild idea of winning glory and a bride together by **foreign** making the bestowal of his hand upon the Infanta **policy.** conditional on the restoration of the Palatinate to its Elector. During these years, immediately before and after James's death in 1625, the policy of England was in fact directed by an undisciplined youth and a brilliant adventurer.

In 1623 took place the ill-advised visit of the prince and Buckingham to the Court of Madrid, where Charles fell deeply in love with the Infanta, fell completely out again, and made in the end two discoveries about the policy of Spain—first, that she did not in the least desire a matrimonial alliance with the House of Stuart; second, that she could not if she would and would not if she could restore the Palatinate out of regard for English susceptibilities. In 1624 therefore the long hesitating mind of James was made up for him by the indignant Charles, and a definite announcement made to Parliament of an approaching war with Spain. A few months later the wounded vanity of the heir apparent had driven him into a proposal of marriage with Henrietta Maria of France, and the nation consequently into the obviously wise policy of an **The** alliance with that country. This affair, however, **French** developed in a manner which struck once for all **marriage.** the keynote of Charles's reign. The wedding took place; but Parliament, which had adjourned, could not be called together again to grant supplies for the proposed war, because Charles, having previously undertaken that no Catholic marriage should make him tolerate in England the practice of his wife's religion, had now given a pledge to France that such toleration should immediately be announced. The war, since Buckingham desired war, had consequently to be undertaken



without the necessary supplies, and the result was an expedition which ended in complete and ruinous failure.

**Follies of Charles and Buckingham.** Exactly the same kind of mad policy was pursued during the three years following Charles's accession, and with results of the same nature. In pursuit of popularity or in the effort to restore their self-com-

placency Buckingham and the new king undertook a series of the most dashing foreign enterprises, which for want of common sense or prudence consistently ended in failure. They busied themselves in forming great Protestant leagues and never brought them to light ; they secured allies and failed them at the critical moment ; they sent out fleets which were wrecked and armies which returned without striking a blow. Worst of all, they neglected the proffered friendship of the great Cardinal Richelieu, who was prepared to unite France with England against Spain and to make some concessions as to his treatment of the rebellious French Protestants, but who did not succeed in satisfying the sensitive vanity of the Duke of Buckingham. In 1627 indeed, the year before Buckingham's assassination, these remarkable politicians declared war upon

**War with both France and Spain.** the French government, thus uniting against them for the moment the two great rivals whom Elizabeth had played off one against the other for thirty years. Fortunately, however, such a situation could not conceivably be maintained, and Charles, left to his own resources, was forced by absolute lack of funds to make peace all round. By the year 1630 the nation was in fact no longer

**General weariness.** in the mood to grant supplies for war with France, war with Spain, war with Catholicism, or with anybody or anything else. It had become clear to Englishmen that the danger of a universal monarchy at Madrid or elsewhere which should swallow up their nationality was not now the one against which they had to guard. The United Provinces, whose political condition must always touch England closely, had achieved their final victory against Spain ; while the victories of Wallenstein and Tilly and the sorrows of the North German Protestants had not after all very much to do with the national representatives who met at West-

minster. The net result of Charles's policy had been to interest them very keenly, not in the European balance of power, but in the prospects of English domestic government.

**Effects of Buckingham's policy.** Could Buckingham before his opportune removal in 1628 have been kept permanently at the French Court, or had his escapades not involved the expenditure of a great deal of his countrymen's money, it is possible that their inference would have been less rapid from mismanagement abroad to the need for reform at home. The nation's hopes were high at the accession of Charles I., whose quiet reserve and dignified bearing seemed to give promise of all the peculiarly Anglo-Saxon virtues. But the new king was unshakably attached to this man whose irresponsible vanity was exactly of the kind to rouse fury in the stern politicians of the seventeenth century. In 1625 Charles was greeted with a burst of loyalty; in 1628 he was forced to sign the Petition of Right; and the immediate cause of the change was, together with his pressing need for money, the disproportionate power of the Duke of Buckingham.

**Parliaments of Charles I.** The king's first Parliament granted him supplies, though with a caution which was natural in view of the character of the administration; but that of 1626 refused altogether to provide the sums necessary for his military enterprises until the many grievances which King James had failed to remedy should be redressed.

**First protests.** Moreover, going straight to the essential points, the Commons denied the king's right to raise money, as during the last year he had done, by royal letters instead of parliamentary grant, and they impeached the Duke of Buckingham. In Charles's narrow vision there were probably but two things clear—the necessity of protecting his friend and the impossibility of resigning the privilege of informal exaction which he could not but be aware that his ancestors for generations had enjoyed. He replied to his Parliament by a dissolution, by raising money through a forced loan, and by imprisoning those who refused to lend, as well as the leaders in the Buckingham impeachment. But forced loans are a feeble support to an

extravagant treasury, and 1627 was the year in which Buckingham led an ill-starred expedition to the Isle of Rhé. In 1628 a third parliament had to be called, which, no less business-like than its predecessors, offered a grant in return for the king's acceptance of the famous Petition of Right. By

**Petition of Right.**

his very reluctant assent Charles bound himself to raise no more money without the sanction of Parliament, to imprison no man except according to law, and to discontinue for ever the practices, much used in these two years, of billeting soldiers on the people and of issuing commissions for the use of martial law. The impeachment proceedings against Buckingham were revived at the same time, but they were interrupted as soon as possible by a prorogation, for the king was anxious to rid himself of an assembly whose conduct doubtless struck him as distressingly narrow-minded and obstinate. He thus defended Buckingham once more from the constitutional attack of his countrymen; but even a king cannot stand between his favourite and the dagger of a secret enemy. Before Parliament met again at the

**Death of Buckingham.**

beginning of 1629 the Duke had been murdered while embarking his troops at Portsmouth, and upon the assassin, Felton, many a hearty blessing had been called down as he went to his execution. But if any had hoped that Buckingham's death would clear the way for a better understanding between king and people they were doomed to disappointment. Expenditure had not decreased; Charles had collected tonnage and poundage on his own authority and had billeted his soldiers on peaceful citizens; Parliament was called together only on account of the insufficiency of these means to meet the royal necessities. The Commons began by the most stringent inquiries into the manner of these unlawful exactions, but when they proceeded to draw up condemnatory resolutions it was discovered that the king's singularly futile policy was to prevent these from being

**Resolution of the Commons.**

passed by opportune adjournment. There followed that famous scene in which the Speaker was held to his chair while a resolution was passed denouncing as enemies to the kingdom all who paid or advised the exaction

of unlawful taxes, and—more significant still—all those who made innovations in religion.

**Chief actors in the reign.** With this the curtain falls on what we may call the first act of the drama. Most of the chief actors had made their appearance. John Hampden had sat in all three parliaments and had passed some time in prison for refusing to lend money upon the king's demand. Pym had taken a chief part in drawing up the Petition of Right; Sir John Eliot had been consistently in the front rank of the Opposition, had been imprisoned for promoting the Buckingham impeachment, and was imprisoned again in 1629 for proposing what the king considered to be disloyal resolutions. Sir Thomas Wentworth, who in the spring of 1628 helped to compose the Petition of Right, had enlisted himself in the summer on the side of the king against the Parliament. Bishop Laud, whose opinions were detestable to every Englishman of Puritan inclinations, had been translated from Bath and Wells to London, a visible sign of his already existing predominance in the king's ecclesiastical counsels; and Oliver Cromwell had taken his seat for the first time in the Parliament of 1628.

**Finality of Charles's decision.** At the moment when Charles dismissed the Houses in 1629 he stepped upon the path which finally led him into open war with his subjects. He had chosen his policy and selected his advisers. He had not cut off the way of retreat, but he had made it sufficiently plain that he would never take that way. For eleven years the king summoned no parliament, he raised money by every unauthorised means in his power, he carried on both

**Arbitrary rule.** civil and ecclesiastical administration against the wishes and without the advice of the majority of the nation. He revived the ancient custom of distraint of knighthood and exacted large fines from those who offended against its antiquated rule. He inquired into the encroachments which centuries had made upon the royal forests, and restored the mediæval boundaries. New offences were created by proclamation, and fines levied for their commission; monopolies were granted in articles necessary to life; taxes were



exacted with greater stringency than if they had been legally granted by Parliament. And closely involved with this arbitrary government in the State was what to a large body of Englishmen necessarily seemed a much worse tyranny in the Church. To the mind of Laud, Archbishop from 1633, the divine right of kings went hand in hand with the divine right of the episcopal bench.

Laud. He as conscientiously believed that Charles Stuart was 'God's immediate lieutenant upon earth' as that he himself was fulfilling an obvious duty when he forbade the publication of any opinions not warranted by the Church; he stood and has always been accepted as the champion of authority against every form of disorder or of free and independent thought. Much has commonly been said of the brutal sentences passed by the Courts of High Commission and Star Chamber, in both of which Laud was a leading member, upon prominent Puritans who ventured to speak their mind; and doubtless there was for a time a stir of indignation when Bastwick or Leighton was pilloried, mutilated, or imprisoned for bringing accusations against the bishops with which half the thoughtful men in England would have been ready to agree. But these after all were isolated cases, and attacks upon those who chose to make themselves prominent in opposition were more familiar to the seventeenth century than to our own. Much stronger than the resentment caused by individual sufferings was the growing fear that the king, the primate, and the bishops were leagued together in the determination not only to deprive Englishmen of their ancient liberties but to force upon them the damnable doctrines of the Roman Church. That Charles and Laud had any conscious wish to do the first is sufficiently unlikely, that they were innocent of any intention to do the second is practically certain. To them a high Anglicanism with the royal supremacy was itself the perfect system which must be rigorously preserved from injury, while the true liberties of England might exist side by side with an unlimited prerogative. But Bishop Mainwaring preached a sermon on

Ground  
of the  
general  
resent-  
ment.

Extent of  
its justifi-  
cation.



passive obedience just before the considered feeling of Parliament found expression in the Petition of Right ; Laud instructed all bishops to crush out Calvinistic teaching at a time when to the most earnestly religious section of society Calvinism seemed the only true mark of holiness ; Laud again forced peaceful citizens to send their children to be catechised, and encouraged the ignorant in the wickedness of Sunday games. Many men chose to escape over sea to the stern rule of the Puritan instead of the Anglican conscience ; but others stayed at home and fiercely applauded the resolution of the Commons against innovations in religion. The Archbishop, doing the best he knew for royal authority and the Established Church, was helping to swell the stream of Puritan feeling into a torrent which should sweep them both away.

**Strafford.** Whether Charles would have found episcopal approbation alone a sufficient support during these eleven years of personal government may very well be doubted, since the exaction of taxes was of more immediate importance than the suppression of opinion. But he had the help of a very devoted and active servant, less in the public eye than the primate, but an incomparably abler man, and by those competent to judge very much more keenly feared. Sir Thomas Wentworth, afterwards Earl of Strafford, had entered political life, as we have seen, on the side of the Parliamentary opposition, but shortly after the Petition of Right had become the leading servant of the Crown. It is in consequence a widespread custom to describe him without hesitation or qualification as an apostate, a traitor, one who deliberately sacrificed his holiest

**His character.** convictions to the craving for autocratic power. But it is worth while to remember that this assumption is not strictly justified by the facts. The remark is a mere commonplace that if every public man who honestly changes his belief is to be labelled traitor we shall find one hanging upon every bush ; and in Strafford's case as in a good many others the wholesale condemnation is chiefly due to the fact that he abandoned the opinions we now believe to have been generally true in favour of those we now believe to have been false. Strafford was probably one of the few Englishmen

who before the rise of the Cromwellian party clearly understood the nature of the struggle upon which they were entering. In the seventeenth century it was still a perfectly tenable view that the administrative power of the Crown was at least as vital a part of the English constitution as the legislative power of Parliament, and that the prime necessity was to strengthen the only force which could possibly be capable of governing. Something like this we may fairly take to have been Strafford's belief, and to say that he deserted to what he supposed to be the winning side is to say no more than that he declared his adhesion to principles whose justice he expected to secure for them an ultimate triumph. His calculation of course was wrong ; national development took a different turn, and Strafford and Charles both lost their lives. How firmly this able minister believed in his theory was shown by his reckless defiance of popular opinion, most of all perhaps by the persistent persecution of Hampden when he refused to pay the new exaction of ship-money : the extent to which the theory might in another age have proved practicable was shown by the material prosperity, the perfect order and the deep-rooted discontent of Ireland when Strafford had ruled there for some years with an unfettered hand.

If Strafford could be thus deceived there is indeed little reason for surprise that Charles Stuart was unable to recognise the inevitable fate of a king who rules against his subjects' will without the power to overawe them ; but that remark must by no means be taken to imply that the mental attitude of this peculiarly unfortunate monarch at all resembled the attitude of his minister. A great historian has pointed out that the distinguishing quality of Charles I.'s mind was a negative one : it was his absolute lack of imagination. He was not only incapable of putting himself in another person's place, but he was incapable of making the smallest attempt to do so or of seeing the smallest necessity for making the attempt. Never once in the course of his reign does this king appear to have been able to regard any matter from a point of view other than the one which his instincts or

**His  
beliefs.**

**Charles  
I.'s  
mental  
attitude.**

convictions had originally led him to adopt. So complete was this lack of mental agility, this incapacity to see beyond his own narrow environment, that what to most people would seem unpardonable deceit even in dealing with an opponent was justified to Charles by the unquestioned necessity of the end in view ; or rather this end so entirely absorbed his attention that he was unconscious of the despicable nature of his means. For seven years after war had begun he lied to his subjects, intrigued with them, betrayed them ; and was as genuinely unable to see at the end as at the beginning that he had done anything to forfeit their esteem. This was the man whose statesmanship had to bear the strain of the most critical period in English history, and were it our function to judge him we could scarcely feel anything but pity for one whose intellectual powers were so obviously unequal to the requirements of his situation. Seventeenth-century Puritanism was not indeed a phenomenon altogether easy to understand ; it had grown slowly with its roots deep down, and was soon to burst forth into blossom with a rather unexpected rapidity. It has been frequently remarked that worse and weaker men than Charles I. had at other periods held the Crown unopposed from their birth to their death, and this is undoubtedly true. Charles had fallen upon evil times, when earnest men were beginning to ask themselves how government arose and upon what principles it should be founded. The days were gone for ever when the check of physical force could be so promptly applied that few others were held necessary at all, when rights and duties were left undefined because it had not occurred to anybody to define them. And Charles was ruined, not really by the fanaticism of his opponents, not by any plot of his supporters to overthrow the Protestant religion, but by his own colossal inability to recognise the conditions under which he lived. An age which produced Hobbes and Locke, whatever its reasoned conclusions might be, was not to be overawed by a kingly bearing and a few legal decisions. Had Charles aimed at raising an army, destroying the constitution, and with Strafford's assistance founding a despotism in blood, his

conduct would have been at least consistent and intelligible.

**Futility of his aims.** But his expectation was to control a thinking and questioning generation by the formulæ of a time which had scarcely learned to think at all; and such an attempt could end in nothing but disastrous failure.

In point of fact the gist of the matter lay, not in the puzzling problem which party to the quarrel had law and custom on its side, but in a question of a much more practical kind. The events at which we have glanced and those that followed them have been scrutinised and discussed with the utmost minuteness by historians anxious to justify one side or the other, to show how many of Charles's acts were unconstitutional and how many sanctioned by tradition, when the Parliament began to throw aside the restrictions of custom and when openly to despise precedent. These points have their undoubted interest, yet in one sense they were always as far from being the essential ones as they are to-day. The

**The dispute not legal but political.** dispute between Charles and his subjects was not in reality a legal but a purely political one. It was not a question of preserving the constitution but of altering it to suit the altered times, of yielding a

larger measure of self-government to classes in the nation determined to win it and ready to use it. We have seen how the stirring of the Renaissance had revealed to Englishmen the possibility of exercising their reason fearlessly, and how nature and the policy of their rulers had taught them to use their growing powers upon their own polity. And upon this had come the iron Puritan religion, with its reverence for the individual judgment, its repudiation of authority, its exaltation

**Attitude of the English middle classes.** of conscience. These were not ideals to thrill the masses, but they appealed above all others to the Englishman of the sturdy middle class, with his strong religious feeling, his rigid sense of duty, his high standard of self-respect. Hampden, Pym,

Eliot, Cromwell himself, all the heroes of the struggle came from this section of society; its members led public opinion; the Long Parliament was full of them. To such men as these, whatever their positive tenets, purity in religion excluded all



extension of authority or luxuriance of ceremonial; and purity in civil government excluded equally all trespass upon rights which their growing sense of power encouraged them to call morally theirs.

**Extent of their comprehension of the difficulty.** How far these seventeenth-century politicians understood their own position it is not quite easy to say. Doubtless most of them believed, as they declared, that a return to old customs, not progress towards new ones, was their demand. Their instincts were wiser than they, but as to an intellectual comprehension of the matter the mass of the House of Commons were probably no better off than Charles himself in his fool's paradise of legal security and almighty precedent.

**Insight of Cromwell and Strafford.** A leader was ultimately to rise amongst them who saw the real issue: Strafford, with his extraordinary penetration of mind, saw it from the first, and it was the strength he gained by his knowledge which made the Commons credit him with almost supernatural powers against them, and stand panic-stricken till they saw him dead at their feet. How far, again, they were capable of dealing with the task of reconstruction, of finding new answers to problems of which they had renounced the old solutions, appears clearly enough from the rest of this familiar story.

**Early unanimity.** Up to the year 1629, as we have seen, the unanimity was complete. Almost every man of the influential classes warmly resented Charles's unconstitutional taxation, his ecclesiastical government, his efforts to crush and humiliate the representative body. Resentment alone does not constitute a policy, and it would be a mistake either to picture these earnest gentlemen as professional politicians with a cut-and-dried programme, or to suppose that public opinion was loudly calling upon them to produce such a one. During the eleven years, however, in which Charles allowed the indignation no vent, the ideas which bound the opposition together must have crystallised into a more or less definite form. The extraordinary powers of such men as Laud must be abolished. The right of the nation to remove ministers as odious to it as Strafford must be asserted. And



it must be made impossible for any king to deprive the estates for so long a time of the opportunity to express their opinions.

If we were looking for signs that the old order was changing one might be found in the fact that when at last the series of explosions began the trains were fired in Scotland and Ireland. The mediæval compromise in the relations of the three countries could not conceivably last until modern times, and through a period of storm and stress a way was to be found to a more practicable adjustment. In 1637 the passion of Laud and his master for ecclesiastical uniformity led them to form the project of imposing a new and more ornate liturgy upon the Scots. The northern race, which was Calvinistic to the core and had never shown the English faculty for religious compromise, had indeed borne with a very ill grace the episcopal system which James VI. had forced upon it ; and this new proposal was the last straw which broke the camel's back. A riot followed the first attempt to use the new Prayer Book, and within a year almost every adult Scot had bound himself by the Covenant to preserve the Presbyterian form of religion, and was ready to take part in the national resistance. The General Assembly of the Kirk formally abolished episcopacy in Scotland, a provisional government was established in Edinburgh, and the Covenanters, having burned their ships behind them, prepared for war. Charles, whom it doubtless took some time to convince that the Scots were really unwilling to receive the new liturgy, was dilatory in his arrangements for meeting this open rebellion ; but after an extremely unsuccessful campaign in 1639, finding his treasury empty and his feeble force of soldiers unpaid, he was driven much against his will to face the disagreeable consequences of calling a Parliament. The assembly which came together in the spring of 1640 received the name of the Short Parliament from the fact that, moderate as was its tone, its obstinate concentration on the question of ship-money and other domestic grievances led the king to dissolve it within a month of its meeting. Charles, bitterly resenting the disloyalty of his subjects, made another attempt

**Disturb-  
ance in  
Scotland.**

**War.**

**Short  
Parlia-  
ment.**

to repel the invasion of the Scots, who were now approaching the Tyne. The armies met at Newburn, but the English, either because, as some historians would have us believe, every soldier recognised that his enemies were playing his game, or because Charles could not afford to feed and arm his men sufficiently, were ignominiously defeated. The king, still hot on the scent of precedents which would serve his end, discovered that Edward III. had been known to call together a council of the peers alone; but it soon became plain even to Charles that at the moment a precedent of Boadicea would have been just about as practically useful. The

**Long Parliament.** peers declared for a full assembly of the estates, and November 1640 saw the meeting of the famous body known as the Long Parliament.

Its members, among whom were Hampden, Pym, Hyde, Falkland, and Oliver Cromwell, did not take very long to show how little they on their side really cared for strict adherence to constitutional rule. They were very far from being violent revolutionists, but their intention was to make it impossible for the king to do again as he had done; and to ensure this they would have ridden rough-shod over a good many conventions. Certainly the earliest measures were strictly

**Early measures.** within the letter of the constitution; the abolition of the Star Chamber, the High Commission and the Forest Courts, of the Northern Council and of certain oppressive feudal customs, the release of unlawfully imprisoned persons, the statutes against ship-money and extra duties, the

**Departure from precedent.** Triennial Act, the impeachment of Strafford and Laud. But precedent was left behind when an Act was passed providing that the existing Parliament should not be dissolved without its own consent. Charles could only stand by and watch the torrent, and when the Commons, finding that their accusation of treason against Strafford was impossible to prove, changed the form

**Strafford's attainder.** of attack and passed a Bill of Attainder, the royal consent to that also was extracted from the helpless monarch. Morally this was, as has been so often said, an act of war, and must be justified on that ground.

Hampden and Pym were not cowards, but they lacked courage to show mercy to the Earl of Strafford; and the Houses were more unanimous upon this measure of self-defence than upon any matter of a wider political bearing. In the months following Strafford's execution there came up for discussion the burning question of religious reform, and a flash of light was thrown upon the potent differences of opinion

which were soon to develop. A Bill was passed in the Commons excluding the bishops from Parliament, and thrown out by the Lords; a Root and Branch Bill for abolishing episcopacy entirely was passed and then withdrawn. All that even a bare majority of the Commons could agree upon was an order for the defacement of churches under the pretence of stamping out idolatry, a measure which marked one fatal weakness in the form of religion destined for a time to be so irresistible, and which perhaps first revealed to the Episcopalian members of Parliament the connection between resistance to the king and revolt against the Church.

The recess of Parliament gave a breathing-space before Ireland in its turn stepped into the lists. The Scottish rebel-

lion had led to the meeting of the Long Parliament; an Irish rising brought the actual outbreak of war.

In 1641 the state of things in the neighbouring island, owing partly to a violent reaction from Strafford's iron rule, was such that if English supremacy was to be maintained an army must be instantly despatched to defend it. The dilemma was hopeless: to entrust Charles with an army at this juncture seemed sheer madness to many of the Commons; to deprive him of his undoubted constitutional right of military command was too revolutionary a measure for the rest. The first split had come in the ranks of the opposition, and Pym, one of the most clear-sighted of its leaders, determined to take the opportunity of pinning down the more advanced party to a definite declaration of faith. With the

**Grand Remonstrance.**

help of his immediate supporters he drew up the document known as the Grand Remonstrance, which contained an exhaustive indictment of the whole policy, both civil and ecclesiastical, of Charles and his advisers.

**Religious difficulty.**

**Rebellion in Ireland.**

At the end of the fierce night's debate which followed its introduction the nucleus of the Royalist party in Parliament stood revealed. Hyde and Falkland were at the head of a respectable minority against the Remonstrance; Hampden and Pym led the majority in its favour. Its passing was the first defeat of the first party of compromise.

This body of men had to reckon not only with the strength of the opposition but also with those qualities in their king which made it so peculiarly difficult to give him effective support. Charles now began to make certain overtures to Falkland and Hyde, but all the time he must have been meditating another scheme which, characteristically enough, was of the kind likely to be most fatal to his cause. He had been busy for some time in collecting or manufacturing evidence of a connection between the opposition leaders and the Scottish rebels, and when his charge of treason brought in an unconstitutional manner against Pym and the rest seemed to produce no particular results, he hit upon the idea of going in person with armed men to Westminster and arresting the five suspected members. Perhaps Charles was really simple enough to believe that some such decisive action would win back the respect of his people, perhaps he was carried away by fruitless anger at the threatened loss of everything he called his own. As everybody knows, the stroke failed utterly and ignominiously; the members avoided capture, and even Charles could not fail to see that he had done himself irretrievable injury.

For once the country, and London most of all, seems to have been stirred to its depths. Grand Remonstrances were all very well, but to the popular mind it was a great deal more interesting to see a king set forth to arrest his subjects with his own hand and return to his palace humiliated. From that moment events marched fast. Within a few days Charles had fled from London; the Parliament, calling out the militia for service in Ireland, usurped to itself the power of appointing the commanders. The Nineteen Propositions in which the opposition formulated its demands upon the king were rejected. Both

**The Five Members.**



**Civil war.** sides began to arm, and in the autumn of 1642 the civil war was openly begun.

**Royalist advantages.** The advantages with which the king entered upon the struggle were in their kind considerable, and they served him well during the years in which it seemed that he might win back his throne by force of arms. His supporters—the mass of the nobility, a fair proportion of the gentry, with most of those simple folk who fight for persons instead of principles—were on the whole better trained to war than their adversaries, and they were bound together by one strong sentiment which left no room for divided counsels. Moreover, the king had various foreign connections which proved useful; he collected troops in Holland, and his nephew Rupert, son of the Elector Palatine, was the most brilliant leader on the royal side. In favour of the Parliament, on the other hand, was chiefly the fact that it could collect regular supplies of money from all who were not actively opposed to its cause, instead of depending as Charles did upon voluntary contributions. This was much, but not enough as against a more organic weakness to ensure success. The first

**First period of the war.** period of the war, lasting about two years, may be characterised as the period during which the Parliamentary party was threatened with defeat, because it was not quite sure that it wanted to win. The commander-in-chief was the Earl of Essex, an excellent gentleman, but out of place in a struggle to the death. His object appears constantly to have been to prevent the king from reaching London or otherwise gaining a distinct advantage, and yet to evade the issue of a decisive battle. Meanwhile the Earl of Manchester, Waller, Cromwell, and the Fairfaxes fought against Charles's lieutenants with fewer misgivings, though by no means with invariable success. To deprive the king of supporters was in the view of Parliament an undeniable gain, but to defeat him personally and take him prisoner would have been little short of a disaster.

War cannot however be conducted on these principles. At the end of 1643, after more than a year of confused fighting and skirmishing, fortune seemed to be inclining towards the side



of the Royalists. They had suffered a defeat at Edgehill in the previous year, but during the summer of 1643 the Parliamentary forces had been so consistently repulsed that the victory of Newbury in the winter could not be held to restore the balance. Hampden had fallen fighting at Chalgrove Field, the city of Bristol had been captured and had become a Royalist stronghold. Worse still, the spirit of indecision which injured the parliamentary strategy seemed to have also infected the party politics; it is more than possible that Essex and Manchester were reluctant to defeat the king because they could not make up their minds what they would do next. The Earl of Manchester indeed betrayed the situation when he hopelessly argued that if the king were beaten a dozen times he would still be just as much king. Fresh negotiations had been entered into and had failed. Pym, who was acute enough to see that military success was the only possible key to the situation, had indeed just arranged a treaty with the Scots, by virtue of which an army of 21,000 men joined the Parliamentary forces. The price of this assistance was the acceptance by the Parliament of the Solemn League and Covenant, with an undertaking to establish Presbyterianism as the national religious system; and by the majority of the Commons, Presbyterians and themselves, the promise was made without difficulty. But Pym had since died, and with him seemed to have disappeared the motive force of the original body of opposition. The vague ideals common to the whole Puritan middle class had in fact proved not to be in themselves sufficient to bind a party together. Just as a minority of the Long Parliament and its supporters had stopped short at redress of grievances and reform of the Established Church, so now a large majority of those who were left stopped short at resistance to the king and abolition of episcopacy; they would not face either the destruction of the monarchy itself or the absence of any kind of established religion. The opportunity had come for a party which disdained compromise and for a leader who knew his own mind.

**Parliamentary forces generally repulsed.**

**Attitude of the leaders.**

**The Solemn League and Covenant.**

**Rise of a new party.**

The party was found among the sect of the Independents, and its leader was Oliver Cromwell.

Most of the prominent figures in English history have been subjected by the student to a tolerably critical examination; but perhaps no career has ever been so closely scrutinised, no character so laboriously weighed and discussed, as the career and character of Cromwell. There was a period when he was universally and ignorantly condemned; a later period when the fashion was, with more discrimination, to admire him; and in our own day so many eminent writers have devoted themselves to an analysis of his convictions and purposes that it would be both useless and presumptuous for the amateur to attempt the compression into a few sentences of all that their research and critical ability have brought forth. It is at least certain that Cromwell developed a great genius for generalship and the management of affairs, and that the very small minority of the nation which to a certain extent recognised him as its leader successfully imposed its will on the reluctant majority. It is also certain that these men, and Cromwell himself most of all, were filled with a most genuine abhorrence of all that they felt to be worldly and evil in the old régime, that their standard of private virtue was high, and that a chief motive force of their nature was a fervent religious enthusiasm. But whether the connection between the beliefs of this group of sectaries and its success was really, as many of them doubtless believed, a fundamental one; whether, amidst the strange confusion of emotions and convictions which evolved themselves at this time out of the great Puritan sentiment, these dogmas alone had behind them the spirit which brings men to predominance; or whether indeed the triumph of Cromwell's party was really due to other and much less mysterious causes—to these questions it would not be easy to give anything like a positive answer. The Presbyterians who formed the Parliamentary majority proved themselves ludicrously incapable of completing the work which they had taken the chief part in beginning;

**Oliver  
Cromwell.**

**Different  
views of  
his cha-  
racter.**

**His  
abilities  
and what  
he accom-  
plished.**

**Qualities  
of the  
Common-  
wealth  
leaders.**

yet it cannot be that they were disqualified merely by their preference for a particular form of church government. Perhaps if the elders of the Kirk had taken in hand the task of training an army as whole-heartedly as Cromwell did, they would have been able to preach as eloquent sermons as, according to a humorous trooper, the Ironsides did at the battle of Marston Moor. Cromwell himself was after all by no means a religious fanatic ; whether or not he was quite aware of it himself, he was a statesman and soldier first and a spiritual leader afterwards. And we need not forget that though this remarkable body of men successfully dominated England, it utterly failed to convince her. The fiery convictions of the Commonwealth men proved to be after all but an offshoot from the main stem of Puritanism, destined to be severed once and for ever at the death of the great Commonwealth leader.

**Cromwell's first rise to power.** It is however clear that in the early years of the civil war Cromwell came to the front simply because he saw what ought to be done and had no hesitation in doing it. The weakness of the Parliamentary forces had hitherto undoubtedly lain in their cavalry, which could not be compared with the dashing horse commanded by Prince Rupert on the Royalist side. A cavalry regiment formed of the yeomen of the eastern counties, where Cromwell was himself a small landowner, was the germ of the famous Ironside army. The men were not taken haphazard, but chosen among those known to be grave, earnest, self-respecting ; and they submitted themselves, urged partly no doubt by the attraction of liberal pay, but partly by a conviction of the holiness of their cause, to discipline too severe for either the gay nobles or the ignorant rabble of the Royalist army. During the summer of 1644 two military events showed at once the mettle of the new force and the hopelessness of the old methods. In July an army under Prince Rupert, which had succeeded in relieving York, was met at Marston Moor by an allied force of the Scots and of the Parliamentarians under Manchester and Cromwell. The defeat of the Royalists was complete, and the honour of the day was divided between the

**The Ironsides.**

**Marston Moor.**

Scots and Cromwell's horse. The two Parliamentary generals moved south to attack the king, but, as usual, Manchester's reluctance to press Charles too hard prevented the second battle of Newbury from being a decisive success. It is impossible not to sympathise with Cromwell's stormy indignation. In his wrath he declared that it would be better to make a peace, however base, than to fight after this manner, that no soldiers ought to be chosen but those of the Independent religion, since they alone would fight for a righteous settlement; and he poured indignant contempt on the worthy Presbyterian divines at Westminster, who supposed themselves to be laying the foundations of the English national Church—persecutors, as Cromwell called them, of better men than themselves. Strange as some of these inferences are, we can see in all this the able statesman furious at bungling policy. But it is small wonder that the Parliamentary majority, which approved the Presbyterian system as orderly and safe, and in its heart looked upon the burning zeal of Cromwell's adherents as a remedy likely to prove worse than the disease, should have begun to feel a very real dread of this dogmatic cavalry general. It appears that certain leaders of the party took seriously into consideration the possibility of proceeding against Cromwell in some way which would curtail his liberty of criticism and denunciation; and their uneasiness led them also to approach the king at Uxbridge with the third set of definite proposals which had been made to him since his flight from London.

**Threatened  
opposition  
to  
Cromwell.**

This was the parting of the ways. Had the Parliament succeeded in silencing Cromwell, crushing his party, and carrying on unopposed its own policy of religious discipline and military compromise, or had it persuaded Charles to take back his crown shorn of half its privileges, the whole story might have been very different. But the Independents were strong, and the king, though slippery, was obstinate; the now pressing demand of Cromwell and the Fairfaxes for a re-organisation of the army had to be considered, and, since the logic of events was inexorable, conceded. The whole force was to be re-modelled on the lines of Cromwell's



regiment, and it was then to be placed under the direction of a new commander-in-chief. It was therefore necessary that Essex, Manchester, and Waller should be removed; and as dispensing with the services of generals is always a delicate

**The Self-denying Ordinance.** matter, this was managed by the device of the Self-denying Ordinance. By that well-known instrument all generals who were also members of Parliament were obliged to resign their commands. The measure was chiefly inspired by Cromwell, but it was plain that since he himself was in the specified position one exception at least would have to be made; and this was effected by a special resolution of the House on the petition of certain of Cromwell's friends. The king would have done well to come to terms before worse things befell him; but he was still full of hope of a better settlement, and we may wonder less at his reluctance to place himself in the hands of the Parliament when we read that in the following year that stern assembly took away the life of the unfortunate and entirely harmless old Archbishop Laud.

**The New Model.** From the summer of 1645, when the New Model army took the field under the command of Sir

Thomas Fairfax, we may date the second and very brief period of the war when Royalists and Parliamentarians were equally bent on victory, but when there was no longer any doubt as to which side would secure it. It is needless to suppose that every soldier of the new force was of the type we have noticed, but there were enough anti-Presbyterian zealots, firmly convinced that the God of Battles was active on their behalf, to leaven the whole; and all were well trained

**Naseby.** men of excellent character. At the battle of Naseby, fought near Leicester in July, the Ironsides achieved a triumphant success. The Royalist forces, their original position lamentably reversed, discovered themselves to be amateur soldiers vainly contending against professionals; it was the first use in England of that deadly weapon of despotism, a standing army. Charles's only hope after this defeat lay in the Marquis of Montrose, whose struggles for the Stuart cause make a stirring story in Scottish history. When this chance was destroyed by the battle of Philiphaugh and



**Defeat of the Royalists.** when the last organised force of English Royalists was also crushed, the second stage of the war was at an end. In the spring of 1646 the king threw himself into the hands of the Scottish covenanting army, and was never again in a position to take the field against his enemies. But his power to injure their cause was by no means at an end. Indeed from the very first opening of the dispute Charles had caused so much more embarrassment by his mere existence than by his activities that we cannot wonder to find him become in captivity a most formidable adversary. The discord which was produced by his presence in the Scottish camp, the stirring of national hatred, sectarian animosity, and political jealousy which confused the counsels of the English parties during the latter half of the year 1646 formed a sort of prelude to the greater crisis soon to come. The bulk of the army, or the councils of zealots which influenced it, looked with gloomy disfavour on the efforts of the Scots to force on the king the acceptance of Presbyterianism.

**Divisions among the Puritans.** The Parliament approved these efforts theologically, but politically it viewed them with distrust. Charles meanwhile saw with rising hopes, and Cromwell with heavy foreboding, the hopeless disunion of this unhappy body of conquerors.

The arguments of the Scots, though continued for some nine months, made not the smallest impression upon Charles, who was bound to episcopacy by the commands of a conscience as active as any of that conscientious age. Early in 1647, therefore, he was handed over to the Commissioners of the Parliament, and by them respectfully consigned to a suitable lodging. And then, as if it had been awaiting the signal, the smouldering enmity of the two English parties leaped into flame ; the danger had come which was to force the great statesman of the time into the path we shall see him tread. The Parliament proposed, hostilities being over, to disband the army ; but unfortunately for its own interests it was prepared to pay the soldiers only a very small proportion of what was owing to them. They had therefore a very solid reason for refusing to be disbanded, and feeling their

**Entry of the Army into politics.** own strength they took their first decided plunge into the troubled sea of politics. A party of them, refusing to disclose under whose orders it acted, surprised the king at Holmby House, and placed him, nothing loth, under the care of the army at Newmarket. Charles naturally rejoiced at every fresh sign of discord among his enemies ; but had he been any one but himself he might have guessed, as the country began to guess, that discord would soon give way to the fierce rush of the conquering side, which would spare nothing it found in its way. The army demanded the expulsion from Parliament of the chief Presbyterian members, and marched to London to enforce its demand. Then the more conservative section, under Ireton, and the more revolutionary, under Rainborough, each drew up a statement of its political views, which documents, known respectively as the Heads of the Proposals of the Army and the Agreement of the People, were the first of a long series of vain attempts to give military despotism the sanction of law. Declarations of the equality of man and of his inalienable right to self-government were the strange road by which this strangest of all political parties passed to the iron rule of the major-generals.

That Cromwell was before all things a practical statesman, that the instinct for sound government was with him stronger than either personal ambition or religious prepossession would be proved in the absence of all other evidence by the fact that at this juncture he tried hard to come to terms with the king. He recognised the irresistible strength of the army, and he saw its dangers ; he recognised also how firmly the monarchy was still supported by tradition, by association, by the affection of the people. His aim was to effect a combination between these two elements of strength upon a basis of political continuity and religious toleration. But Charles, gaily pursuing his plans, decided to have nothing to say to such an alliance ; he, or his infatuated wife for him, doubtless hoped still to return to Whitehall, not upon any sort of pro-

**Cromwell's overtures to the king.**

**Charles's obstinacy.**

bation but in a triumphal procession. Encouragement for such hopes was still to be found in the confusion of parties and creeds ; but the king himself soon committed an action well calculated to dash them to the ground. This was his assent to a treaty by which the Scottish Covenanters in connection with the English Royalists were to overthrow the Parliament and Ironsides alike, to restore the king, to suppress sectaries, and to establish Presbyterianism for a limited time. When this became known Cromwell must have felt that the blood now to be spilled need not be on his head ; what he called the direction of Providence, what we should call the logic of facts, made his way clear. The king had chosen the issue of war, and that meant the crushing out of the party of compromise, and a last fierce rivalry between the two real powers now existing in England. The Parliament was in fact helpless ; fight for the Independents against the Covenant it could not ; fight for invading Scots and reactionary Royalists against liberty it would not and dare not. But for the king and the army it was war to the knife, and between these two there could be but one choice for Cromwell. Royalism was raising its head throughout the country ; the humbler people were loud in their discontent with the severe social rule now beginning ; the press, that new-found tool of agitators, was putting words into their mouths ; armed insurrection broke out in Kent and in Wales ; the Duke of Hamilton was marching in from Scotland with an army drawn from the party of compromise. Nothing loth, the Ironsides took up arms once more, and the third stage of the war began and ended in 1648. Fairfax crushed the Royalists in the south, Cromwell destroyed Hamilton's army at the battle of Preston.

The final scene in Charles's life was then not long delayed. In the absence of the soldiers Parliament had made one more effort at an independent settlement with the king ; long negotiations took place, in which Charles did indeed make many undertakings, but with no intention, as afterwards appeared, of carrying them out. The army returned from the north in no mood for such trifling. Impatient messages from

the council of officers reached Parliament, urging that Charles's promises could in no case be relied upon, that his guilt was too great for retribution to be longer delayed. Every kind of strange and mystic creed was represented in the army, and doubtless many of those who now clamoured for Charles's death were firmly convinced that he was in truth the Man of Sin, the living Anti-Christ, and that the doctrines of hereditary right and of apostolic succession were the direct inspiration of the devil. Others doubtless reflected that their own position in the event of a compromise with Charles would be peculiarly unpleasant. In any case their decision was taken, and the opposition of the Parliament, which returned

**Pride's  
Purge.**

spirited answers to these tyrannous demands, was overcome by the measure known as Pride's Purge, consisting in the expulsion of 140 dissentient

members. It was then decided that Charles should be put upon his trial before a hastily constituted high court of justice. His persistent denial of its right to try him was ignored; the evidence of the so-called treason

**Trial**

hastened through; doubtful members of the court were overpersuaded by such men as Bradshaw, Harrison, and in a less degree Cromwell. Sentence of death was pro-

**and exe-  
cution of  
Charles I.**

nounced, and was carried out on January 30, 1649. The most lofty mind of the age, that of Milton, approved the execution as just; the greatest practical statesman in England held it necessary and right. The nation at large, we cannot doubt, including thousands who would have signed the Petition of Right and the Grand Remonstrance, believed that an abominable crime had been committed. So widely separated were these remarkable men from the mass of their country-people, so irresistible was the force of their determination.

**The new  
govern-  
ment  
a revolu-  
tionary  
one.**

Parliamentary opposition, seven years before, had not taken very long to develop into armed resistance, and resistance had now as completely passed into Revolution. Had the army leaders been in the habit of humorous reflection they might have smiled to think how far in 1649 they had travelled



from the position of those who twenty years before had opened the struggle against arbitrary government. Pym had protested against the use of martial law ; the self-styled Keepers of the Liberties of England had just executed a king by the sentence of what in all but name was a military junta. Hampden and Eliot had suffered for denying the justice of taxation without consent ; but it was very certain that the present government must abdicate if it were to depend upon freely-granted supplies. The nation may not have made these comparisons with its brain, but it felt them in its heart, and was not likely to be the more easily ruled in consequence. Within their own ranks too the practical men at the head of the army had already to contend with disappointment and disaffection. The extreme democratic section, which in 1647 had so loudly proclaimed the absolute equality of man, broke into open rebellion when it found its views no nearer fulfilment ; the mystics were impatient of worldly concerns when the reign of Christ on earth was, as they believed, so near at hand. Those who, like Cromwell and Fairfax, Ireton and Lambert, were content to accomplish the Lord's will through sound practical measures needed all their ability and courage to guard the position they had won. The law of self-preservation had in fact become, as in all revolutions it must, the only one to which obedience was possible.

**Its first measures.** The earliest measures of the new government bore the unmistakeable stamp. The eighty or ninety Commoners who were all that remained of the Long Parliament rapidly passed some startling enactments. They abolished the monarchy and the House of Lords ; they appointed a Council of State for executive purposes ; they declared England to be a Commonwealth, governed—and this without intentional irony—by the representatives of the people in Parliament. There followed the imposition of large fines on malcontents for the purpose of raising money, a close censorship of the press and of pulpits, and the establishment of a special court of justice to deal with treason against the State. Legislative defence against internal enemies had then to be followed up by armed defence against those without,



a task which the army leaders were decidedly more competent to perform. Both Ireland and Scotland had at once proclaimed the late king's eldest son as Charles II., thus unintentionally doing a good stroke for the military government they so heartily detested by throwing English national pride temporarily on its side. In the one country the inspirations of Roman Catholicism, of a wild loyalty, and of an intense race hatred mingled together in a strange turmoil of passions; in the other the party that fought for the Covenant and for sanctified religious intolerance was oddly succeeded by a party that fought for the hereditary right of the Stuarts. Cromwell was appointed by the Council of State to the command of an army for Ireland, and the story of his work there is so well known as scarcely to need repetition. It is certain that he treated thousands of the unfortunate inhabitants of Ireland, both in the massacres at Drogheda and elsewhere and in the forcible ejection of many of them from their country, with what in our own day would be called horrible cruelty; but that to his operations was due the partial tranquillisation or subjection of this distracted country is more than likely; and that Cromwell believed himself to be doing the will of Heaven when he put Irish soldiers to the sword and knocked priests on the head is exceedingly probable. The Council of State was thoroughly satisfied with its general, and had the more reason to be so after the Scottish campaign which immediately followed the one in Ireland. At the battle of Dunbar in 1650 Cromwell defeated the army of the Covenanters; at Worcester in 1651 he overthrew a force of Scottish Royalists which carried young Charles himself in its ranks. Open rebellion against the government of force was crushed by force, and except for Prince Rupert cruising in the Channel there was nowhere an organised body of men in arms for the Royalist cause.

From the time of his return in 1652 we may date Cromwell's recognised ascendancy in the affairs of the Commonwealth. Up to this point he had been, though inevitably brought forward by his talent for

**External  
defence.**

**Cromwell  
in  
Ireland**

**and in  
Scotland.**

**Ascend-  
ancy of  
Cromwell.**

statesmanship, theoretically only one among many, and Fairfax had continued to hold the chief military command. But upon the outbreak of the Scottish war Fairfax, who was a man of scruples, remembered what every one else had contrived to forget, that England as well as her northern neighbour was nominally sworn to the Covenant; and he concluded that it would be a breach of faith to fight against an army raised especially in its defence. Cromwell, having less respect for mere words, became Captain-General, and from that time until his death he enjoyed under different titles some sort of predominance in the deliberations at Westminster. But he was by no means given a clear field upon which to build up the government of England with his own hand; much remained, as Milton warned him, to conquer still. We have seen how erroneous is the vague belief with which many of us grew up

**His diffi-  
culties.**

that the Ironsides like well-trained servants stood always ready at Oliver Cromwell's beck and call. If circumstances forced his hand in the days before his elevation to recognised power they did so still more after it; and it was in a hopeless though courageous struggle with these circumstances that Cromwell was destined to end his life. The history of his domestic rule is indeed little more than the narrative of successive attempts to find a method of government which would work. The details of these attempts have their interest for the student of politics, but their general bearing is all that need be touched upon here. By the original

**Schemes  
of govern-  
ment.**

scheme made in 1649 the council appointed by Parliament was the only executive, and this constitutional Agreement of the People would therefore have been in the highest degree democratic if the members of Parliament had happened to be representatives of the people. In 1653 came the revolution when Cromwell with questionable policy destroyed the remnant or Rump of the Parliament, and for a time he ruled as Lord General with the help of a council and a miniature nominated Parliament, the members of which were chosen chiefly for their piety.

**Their  
failure.**

In the same year, when this system broke down, the army leaders concocted the Instrument of

Government, the only paper constitution properly so called in English history. Cromwell was now Lord Protector, ruling with the advice of a council, and in some degree subject to the control of a Parliament which was elected on a very high property qualification and sat only five months in the year. The Protector, however, found it impossible even under these conditions to get on with an assembly which took its position seriously, and the constitution was practically superseded by what must have been the most hateful device of all, the mapping out the country into districts governed by major-generals. In 1657 by the Humble Petition and Advice this came to an end, and the Lord Protector was erected into a sort of constitutional monarch—even the title of king was mooted—with responsible ministers. Cromwell's toilsome life came to an end after this system also had collapsed, but before any substitute had been found.

There is very little reason for surprise that these attempts succeeded no better than they did; for constitutions are not easy things to make, nor soldiers the persons best adapted to make them. In war the simplest and most direct methods seem commonly to be the best, while we are almost driven to believe that in politics the reverse is the case. The problems with which these generals had to deal, problems of the relations of the legislative and executive powers and of the necessary checks on both, are as old as society, and in England at least have only been settled by a process of modification and adjustment extending over many centuries. Such methods could not commend themselves to men guided by military instinct and religious enthusiasm; compromise would seem to them so much concession to the powers of evil, adherence to precedent a tedious way of arriving at a wrong conclusion. As for Cromwell himself, it is safe to assert that under each and all of these schemes he governed as well as he knew how. He proclaimed religious toleration within the limits of possibility, outside which only Roman Catholicism was admitted to stand; though the prejudice of his agents and the pressure of circumstances did in fact prevent Episcopalians

from celebrating any but private worship. Cromwell did something for the encouragement of education and  
**His** instituted many measures for the promotion of social  
**measures.** decency and order. He tried to secure the purity, under the inevitable restrictions, of elections, and he made an honest though not very successful attempt to reform the chancery law. A question frequently discussed is whether Cromwell's ultimate aim was not in reality to place himself in the seat of the kings whom he had helped to cast out, whether love of power was not stronger in him than love of liberty, whether when he was forced by the irreconcilables of his party to refuse the royal title the real purpose of his public life had not been frustrated. It is indeed plain that he had no democratic theories in anything like the modern sense of those words, and that he possessed, on the other hand, as his colleagues did not, a strong sense of the value of political continuity. Perhaps, however, we should do well to ask ourselves

**Had he an ultimate aim?**

first whether he ever found time to have an ultimate aim at all. If anything is clear about Cromwell it is that his turn was for action rather than theory; and to such a man these troubled years probably left little leisure for plans extending beyond the day and the morrow. It may not always have been sufficiently recognised

**Peculiarities of his situation.**

that the Protector's position was one of extraordinary difficulty. His government was not an autocracy depending upon military force which was subject to his control alone, nor was it Cæsarism resting during the life of a victorious general on the enthusiastic support of the masses. It was the rule of a small party containing within itself the supreme military power, and thoroughly conscious that it did so. Among the other Independent leaders, Ludlow, Bradshaw, and the rest, Cromwell was no more than *primus inter pares*, and those whom he had to try to guide were fuller than he of unassailable conviction as to the methods to be employed in the common task. He was in the situation of some luckless Prime Minister whose Cabinet had not learned the primary lesson of unanimity at all costs in the face of the world. Cromwell himself knew nothing of cabinets, but he



had nevertheless learned that lesson or divined it ; and there is some reason to suppose that in this way he was driven into many actions which posterity has attributed to his own sole initiative. Possibly at least he guessed that no change of government could immediately mend the troubles of the country ; that want of money, disorganisation of agriculture and trade, discontent among the populace, and misgivings among the classes which had thrown in their lot with the Commonwealth government, were evils which required something more than a few new constitutions to remedy them. But to break his party irretrievably to pieces would have been in his view to hand the country over at once to ruin. Fettered, burdened, liable to error as he was, the strength of Cromwell's personality kept this most artificial of all governments erect upon its feet until the day of his death.

**Foreign policy.** By his foreign policy, in which he had a freer hand, the Protector has made himself a great reputation in history, and whatever our views of international affairs we cannot describe it as by any means undeserved. That he warded off the danger of a struggle on the borders by crushing the resistance in Scotland and Ireland was perhaps no more than an inevitable result of his genius for war ; but when he afterwards called representatives from each country to Parliament he showed a rather remarkable comprehension of the principles of empire. Moreover, Cromwell's strength of character and strength of arm overcame the prejudices of the old continental monarchies against his upstart rule, and under his masterful guidance our country stepped into the front rank of European powers. The scheme which with great plausibility has been attributed to him was the formation of a great league of the Protestant states, fighting a holy war against blasphemy and irreligion. It is indeed almost certain that some such idea must have constantly dwelt in Cromwell's mind, but whether he ever had time or opportunity to mould it into a definite plan is very much more doubtful. Abroad as well as at home the Protector was after all led more by the pressure of obvious facts than by vague



ideals. The magnificent military force at the disposal of the Commonwealth was a plain fact, and not improbably the one from which sprang most of Cromwell's schemes. The council had before his accession to power raised a fleet which for those times was admirably efficient, and had used it first to repel Rupert's aggressions and afterwards in a war with the Dutch. Religious brotherhood did not under the rule of a group of generals prove enough to ensure peace with a nation which was a commercial rival and harboured the exiled Stuarts; and though Cromwell made peace it was with no great show of

enthusiasm. For no reason very much more commanding, again, than the wastefulness of allowing the fleet to lie idle, naval expeditions were sent out to the West Indies and to the Mediterranean. The result of the first was the occupation of Jamaica, of the second a confirmation of the growing belief at the courts of France and Spain that they had to deal with an equal. Both powers, embarrassed by their own affairs, had sought the passive friendship of the Commonwealth in its early days; Spain was now stung by Cromwell's aggression to enmity and an open espousal of the Stuart cause; the counsels of Versailles, guided by the diplomatic Mazarin, inclined towards friendship.

**Possible motives.** The definite alliance in 1655 with France, always the friend of the Protestant powers against the Hapsburgs, must have seemed to Cromwell like a realisation of his dreams. A few months before, his diplomatic pressure and the dread of his wrath had brought succour to the persecuted Piedmontese; soon after, the Ironsides helped to defeat the forces of Spain at the battle of the Dunes, and Dunkirk was handed over to the Commonwealth of England. There is evidence indeed that before his death Cromwell himself had come to see not only that Protestantism was a weak bond to hold jealous nations together, but that no English statesman might safely deal too many blows at Spain without having in view some check upon the predominance of France. But this mighty Protector who had once been a country squire can hardly have guessed how low, under his royal successor, England's name and honour were destined to fall.

**French alliance.**

But the immediate end of these glories, whatever their permanent value, was not now far off. In the autumn of 1658 Cromwell died, and his eldest son Richard, who succeeded under the existing constitution to the Protectorate, was not the man to fill his father's place. The calm good sense with which, when this fact became apparent, he retired from his uncomfortable pre-eminence without waiting for a rebellion to overturn him will commend him to the modern mind, but probably excited the contempt of his own more strenuous age. The extreme Royalist party, once so completely crushed, began to rise once more and the party of moderation to feel that it also had a definite policy. Even that minority among the gentry and trading classes which, stifling its misgivings, had steadily supported the great Oliver, began to feel that failing him the only safety lay in return to the old paths. Yet even with a whole nation groaning under taxation and hating the army which had conquered England's friends more completely than her enemies, nothing could be achieved so long as that army stood firmly together. The country could stand still and allow confusion to overtake it; it could not unassisted shake itself free. But with Cromwell in his grave, division in the army was as inevitable as chaos in the state. After a year or more during which England tasted the bitter fruits of revolution, the party appeared which saw its chance in a reversal of all that the past eleven years had done. General Monk was in command of an army of occupation in Scotland, and at the beginning of 1660 he marched with it, assisted by Fairfax and but feebly resisted by anybody else, upon London. There he summoned into what must have been a melancholy and ghostly gathering all the remaining members of the original Long Parliament, and directed them to issue writs for a new assembly of the estates. The convention which then came together was strongly in favour of re-establishing the monarchy, and protected and assisted by Monk it very soon effected a restoration of the Stuarts in the person of Charles II.

**Death of  
Cromwell.**

**Retire-  
ment of  
his son.**

**Division  
in the  
army.**

**Action of  
General  
Monk.**

**Summons  
to Charles  
Stuart.**

*Leading Dates.*

	A. D.
Hampton Court Conference . . . . .	1604
Gunpowder Plot . . . . .	1605
Foundation of Virginia . . . . .	1607
Beginning of the Thirty Years' War . . . . .	1618
Foundation of New England . . . . .	1620
Act against monopolies and fall of Bacon . . . . .	1621
Accession of Charles I. . . . .	1625
Petition of Right . . . . .	1628
Dissolution of Parliament . . . . .	1629
Laud Archbishop of Canterbury . . . . .	1633
Scottish National Covenant . . . . .	1638
Short Parliament . . . . .	1640
Long Parliament . . . . .	1640
Grand Remonstrance . . . . .	1641
Attempt on the Five Members . . . . .	1642
Beginning of the Civil War . . . . .	1642
Solemn League and Covenant . . . . .	1643
Self-denying Ordinance and New Model . . . . .	1645
Second Period of War . . . . .	1648
Execution of Charles . . . . .	1649
Dissolution of the Long Parliament by Cromwell . . . . .	1653
The Protectorate . . . . .	1653
Death of Cromwell . . . . .	1658
Monk's march . . . . .	1660
Convention and Restoration . . . . .	1660

## CHAPTER X

## THE SECOND STUART GOVERNMENT WITH ITS CONSEQUENCES

**The Restoration futile in one sense, in another inevitable.**

OF all the great movements in our history the one which placed Charles II. on the throne must seem to us from one point of view the most fruitless, from another the most inevitable. In so far as it was a restoration of the Stuarts and their view of government, the revolution that followed within thirty years condemns it; but in so far as it was a restoration of the monarchy, of the constitution, and above all of the English way of doing things, its necessity has been proved and confirmed a dozen times over. The recent variation from established methods had been indeed sufficiently striking; but that such variations were impracticable under the given conditions had been clear almost from the first. For eleven years the country had borne the yoke of a party which for the sake of its cause was ready to break every tie with the past; and when we consider how deep a gulf between these men and their fellow-citizens was marked by that readiness alone, our wonder must always be that their power was not shattered long before. The cheering crowds that surrounded Charles Stuart on his way to London celebrated, consciously or not, the expulsion of inexpedient enthusiasm as well as social tyranny, and greeted the return not only of happy traditions but of compromise, respect for precedent, and an intelligible ideal.

**All powerful classes now agreed.**

In point of fact there was no powerful section of the community which did not conceive itself to have all to gain and nothing to lose by a restoration of the old machinery of government. Foremost with their welcome, though at the critical moment their

influence had been small, were, of course, those who had staked everything on their devotion to the cause of divine right. The men who had gone into exile with the House of Stuart or for its sake had borne disfranchisement and restraint at home were now to rejoice in the recovery of their fortune and status as well as in the triumph of their principles. Quite as sincere was the joy of all the simple folk who thought more of the happiness of their daily life than of any theory of government whatever. Ironside rule had done much and failed in much, but it had at any rate made England, for the mass of its inhabitants, exceedingly uncomfortable. Religious tolerance had been one of the tenets of the Independents; but tolerance of wrong opinion was one thing and tolerance of wicked conduct was another. Hence came all those stern measures with which the names of Cromwell and his fellows have always been associated—the closing of theatres, the destruction of beautiful buildings, the suppression of national sports and of innocent village customs. For the principle upon which they acted the army leaders can scarcely indeed be blamed, since it is one which all rulers must finally accept. But if a government is to punish evildoers and be popular it must be very sure that its definitions of guilt and innocence are supported by public opinion; and this, as we know, is where Praise-God Barebones and his kind so conspicuously failed. But besides the farmers and villagers, the cock-fighting squires and the ordinary tax-paying townsmen, there was another large class eager for the Restoration, even though, unlike these others, it had played an active part in the Rebellion. This was the class which had sent a majority to every parliament of the late reign and had first taken up arms against the Crown; it contained most of those who would have been vaguely styled Puritans under Elizabeth, the Presbyterians of the reigns of James and Charles, the main Nonconformist body of the future. It had urged its claims against Bancroft at the Hampton Court Conference, had fiercely resented the ecclesiastical tyranny of Laud, had eagerly made the inference

**Royalists.**

**Common  
people.**

**The Pres-  
byterians  
or future  
Noncon-  
formists:  
their  
attitude**



from the spiritual rights of the individual to the political rights of the nation. And yet that these men should have feared and resisted Cromwell, and that they should now play a leading part in the restoration of the Stuarts, was as inevitable as their first opposition to Strafford and Charles.

**on civil** Liberty to them meant the liberties of England  
**govern-** extended to meet the growing needs of the time,  
**ment** and a liberty consisting in the despotic rule of the elect they did not profess to understand. Under pressure of need they could regard an individual king as an enemy and take violent measures against him. But to sweep away king and Lords together was as rank a treason to the country as the contemptuous dismissal of the Commons from their house, and to destroy the constitution upon which English freedom was built up was no better than blasphemy. Moreover a restoration offered to the mind of this party the only possible solution of the burning question of the religious settlement. Presbyterianism had arisen out of the Protestant demand for the rights of the individual conscience, but had never pressed or accepted the claim in its literal meaning. Repudiation of authority turned out to mean in this particular sphere not much more than the substitution of the authority of synods for that of bishops. Private judgment meant preferring the opinions of the General Assembly to those of the Catholic Church, and toleration would have been a reckless concession

**and on** to the powers of evil. To the seventeenth-century  
**Church** Presbyterians if ever to any religious body there was  
**govern-** but one straight path in which a man must walk.  
**ment.**

Such an organisation might be democratic where, as in Scotland, its heads had the full confidence and support of the people ; but nowhere could it possibly declare itself independent of the secular authority. The English Presbyterians had good hope, we may be sure, of restoring with Charles II. not only that parliamentary system which seemed to them the only safe road to political freedom, but some scheme of Church government and discipline more godly than the confusion allowed by the rebellious Independents or the dangerous superstitions of the Anglican Church. That this

last should be fully and freely re-established, as in the event it was, probably seemed impossible to men who still remembered with indignation the galling tyrannies of Laud.

**Their confidence in the future.** So little, indeed, did the Presbyterians of the Convention foresee the hardships they were to suffer for their creed that the invitation to Charles II. was sent forth unqualified by a single condition. The new king would doubtless have been ready to promise all or anything that was required of him, and in his declaration from Breda he had already personally pledged himself to a general amnesty and as wide a toleration as Parliament might desire. But after due deliberation it was decided to make no formal stipulation of any kind. From the sectarian point of view the Presbyterian majority doubtless made a glaring mistake, but politically, reckless as the action may appear, events finally proved it to have been harmless enough. It made the second

**Extent of its justification.** struggle with the Stuarts sharper probably, but certainly shorter, by leaving the monarchy un-

shackled to hurl itself against the walls raised by public opinion at the very points where they would never break down. Claiming nothing specifically, the nation nevertheless retained a great deal. It held unimpaired all the powers which had been put into force against Charles I., and certain others which had after all been gained for it in these twenty years of commotion and war. England might lament but she could not forget that a king had been openly defied by half his subjects, tried and executed by a few; and so very long a distance had been travelled since 1640 that it was flatly impossible to go back quite to the starting-place. The

**Character of the new constitutional struggle.** constitutional struggles of Charles II.'s reign were keen, but they were waged more, on the whole, against the fear of misgovernment that might be than against misgovernment that actually was. No proposal was ever made to restore the Courts of

High Commission or of Star Chamber; the king never attempted to impose ship-money or to grant monopolies. When the next candidate for royal martyrdom appeared upon the throne in the person of a man whose conscience or obstinacy would not

allow him to yield to the national will, his subjects did not take long in finding out what to do. They did not cut off his

**Its end.** head, but they disposed of him by methods which were quite as effective and much less disturbing to the public mind; and they introduced a dynasty whose position even more than its principles forced it to abandon all thoughts of absolute monarchy.

**The real mistake of the Presbyterians.** If the Presbyterians who recalled Charles had some instinctive knowledge of all this, their penetration failed them with regard to matters which must soon have seemed to be for them of more immediate

importance. Not only were they mistaken as to the essential fact of the nation's attachment to the Episcopal Church, but they were blind to the other divergences of view which still existed between themselves and the community at large, and

**Feeling of the Royalist party.** to the personal antagonism felt for them by the Cavalier or Tory party which was so soon to enjoy its measure of success. The Convention, besides placing Charles upon his throne, had settled various

other matters in a manner which appeared to be generally approved, and which it doubtless conceived to be all that a sane loyalty could require of a nation so recently in arms

**Acts of the Convention.** against Charles II.'s father. It had passed the Act of Indemnity, excepting only a certain number of the actual regicides and, provisionally, General

Lambert and Sir Harry Vane; it had disbanded Monk's army, which Charles, when the Channel was between him and Whitehall, had actually promised to maintain; it had voted to

the king, after abolishing all the old feudal dues and substituting a general excise, an income for life of 1,200,000*l.*, and had restored the Church and Crown lands, though standing firm against the eager demands of Royalist owners who had voluntarily disposed of their estates. Monk had

appointed a carefully selected Privy Council, which, if it included Edward Hyde, afterwards Earl of Clarendon, and other prominent Royalists, contained also many Presbyterians and more than one man who had fought against Charles I. A conference had also been ordered at the Savoy for the purpose

of discovering a practicable compromise between Presbyterianism and Episcopacy. But from the day in 1661 when, the Convention having been dissolved, a Parliament was elected under the old conditions, it became abundantly clear that the power had passed from the minority to the majority—from those who had learned their political lesson almost completely to those who would need another twenty-eight years before they had it by heart.

**The new Parliament.** The assembly of 1661 was loyal to the core. Squires and farmers had flocked in to give their votes for Church and King; the Court and the Lord Chancellor, Clarendon, had worked hard to influence the elections; that large majority of the nation which was incapable of argument had thrown itself, confounding Presbyterianism with fanaticism and both with military despotism, upon the royal side. The new Parliament rapidly proceeded to hand back to the Crown, with loud expressions of devotion, the entire control of the land and sea forces, to strengthen the law of treason, to make it a penal offence to assert the existence of legislative authority in the Houses apart from the sovereign. It restricted the right of petitioning, it restored the royal veto, it declared the illegality of levying offensive or defensive war against the king. There seemed to be no doubt that authority had been finally placed in the hands of the more slowly moving wing of the great party of restoration. Its position was highly illogical—far more so than that of the men it had just displaced, who regarded the monarchy simply as a necessary part of the constitution and as in no way supernatural or sublime. The extreme Royalist section of the party now in power, if that is to be called a party which comprised so large a majority of the nation, proclaimed the divine right of kings, yet stubbornly defended the privileges of Parliament; the other section, marked off after the first few years and afterwards known as that of the Whigs, adopted the supremacy of Parliament as its characteristic doctrine, yet had an uneasy reluctance to deny the divine right of kings. But want of logic



has seldom injured the prospects or usefulness of a political party in any age or country. This first Parliament of Charles II., which existed for more than seventeen years, went steadily on its way, passed through varying phases of opinion, dealt with facts and let theories go, and on the whole, extraordinarily foolish as its earlier proceedings may seem to us now, served its country very fairly well.

**Charles II.** The sovereign with whom it had to deal possessed a personality a good deal more incomprehensible to most Englishmen of the time than that of his unlucky father. Charles Stuart the elder lost his throne through his lack of imagination and his incredible obstinacy ; Charles Stuart the younger preserved himself chiefly by his nimble mind and readiness to yield to necessity ; yet ninety-nine out of every hundred of their subjects, placed in the same situation, would have been far more likely to die with the father than to laugh and feast with the son. The general impression which most people have acquired of this king, of his wit, of his sensuality, of his indolence and his good nature, form a much truer picture than that other one of a far-sighted and scheming despot which it has been occasionally the fashion to draw. Some of these qualities are in themselves very far from admirable, and all of them were quite out of place in a seventeenth-century King of England. It is worth while to remember how much exaggeration there is in these sweeping accusations of levity and corruption which seem to include not only the court, the literature, and the fashionable nobility of Charles II.'s reign, but the country gentlemen and ordinary citizens. These were glad, indeed, to celebrate their deliverance from Ironside rule ; but had no greater inclination to plunge into profligacy than they had had before the rebellion. Putting aside the flatterers, dependants and adventurers who surrounded the king, the mass of his subjects would doubtless have been willing to exchange his inexhaustible fund of good temper for only half the allowance of conscientious industry, or his sense of humour for a mere flavour of Protestant dogmatism. Yet since it seemed to be proved

**His character.**

**His relations with his subjects.**



once and for all that the ideals of the Stuart family and of the English nation could never be the same, it was undoubtedly prudent of one of the line to be ready to abandon his point of view rather than defend it in the face of deposition or death.

**Charles's** Charles II. had a good many preferences, even in  
**prefer-** religion and politics, and he had also, though these  
**ences.** were not easy to find, one or two convictions ; only he was quite ready to understand that other people had their preferences too, and quite unable to see what use his own would be to him should he cease to be King of England. He liked despotism, and remarked with much truth that government was an easier matter when authority came from above and was unquestioned. He liked Roman Catholicism, both as a bulwark of kingship and as an æsthetically satisfying system of religion. But better than either of these he liked to have palaces and courtiers, money to spend, time and opportunity to amuse himself. This reprehensible but not altogether unattractive temperament explains the nature of the duel between his subjects and himself, in which he made many a clever thrust to win a victory for these preferences of his, yet when he found his stroke parried, being troubled neither with an ordinary sense of honour nor with any belief in the overwhelming importance of public affairs, he was always ready to withdraw.

**The** It soon appeared that the opening of this duel  
**struggle** could not be very long delayed. Six or seven years  
**not long** of the reign were quite enough to show that even the  
**delayed.** Cavalier doctrine of non-resistance referred only to physical, not to moral resistance, and that most of those who stood for ' Church and King ' meant a king who would recognise the obligations of that connection, and who would moreover refrain from one or two quite unpardonable offences against English feeling. And these years showed too that the repudiation of these obligations and the perpetration of these offences were exactly the goals towards which Charles's inclinations constantly led him. An income independent of Parliament, and still more a standing army, were indispensable conditions of the only system of government for which the king

felt a decided liking. But the nation was convinced of the danger of entrusting any sovereign with a really sufficient permanent revenue; while a standing army, owing to those vivid recollections of the Rule of the Saints which must often have struck the two later Stuarts as so peculiarly unfortunate, was a thing which Presbyterians and Episcopalians, Parliamentarians and Royalists, agreed in regarding with unmitigated horror and aversion. Toleration for Catholics, again, was only a preliminary to the ecclesiastical system which Charles would have liked to introduce, but it was a great deal more than could be endured by Clarendon's ministry, by the Houses of Parliament, or by the nation.

**Policy of the Anglicans.** The king showed his, and proceeded to the enactment of the first of those laws which, with two more of a few years later, are always known after their chief promoter as the

**Clarendon Code.** Clarendon Code. A new Act of Uniformity destroyed the lingering hopes of the non-Episcopalian

clergy by making the acceptance of the Prayer Book and the Thirty-nine Articles, with episcopal ordination, conditions of ministry in the Church. The Corporation Act, intended to reduce Puritan feeling in the boroughs, struck a crushing blow at the civil rights of Nonconformists by refusing municipal office to those who could not take the Sacrament according to Anglican forms. As a consequence of the first

**Deprivations.** measure, something like 1,500 or 2,000 clergymen—Presbyterians, Independents, Baptists, Quakers—were expelled from their benefices upon St. Bartholomew's

Day, 1662, and amongst them many men not only of great worth but of talent and eloquence. Many more must have more or less willingly conformed, but these we may suppose were of the less scrupulous or less zealous members of the body. The result of the second measure, combined with the

**Exclusion of Nonconformists from public affairs.** parliamentary test, was the elimination for many years from English political life of an element which only a generation before had seemed likely to become the strongest of all. The new relation between the Establishment and the Dissenters was now de-

**New position of the Establishment.** fined, a relation remarkably different even from that of the days of Whitgift or Laud. Then the Church had been strong, but strong chiefly in the authority of the government which supported it ; now it drew its power from the steady loyalty of an influential majority of the nation. Then the contest had really been for the admission into the national corporation of many who held varying opinions, and knowing they had the sympathy of a section of the most powerful class hoped for substantial concessions to be made to them. Now they had been deprived at a stroke of all chance of using persuasion upon the Church from within or bringing political pressure to bear upon her from without ; and the most they could expect to obtain was a contemptuous toleration of their own forms of religious worship. All this we must suppose had been brought about partly by the instinctive affection of all communities for recognised institutions, but primarily by the abiding horror of religious zeal and religious licence inspired in the nation by the rule of the Ironsides. To the minds of the Presbyterians the distinction between themselves and the Commonwealth leaders seemed so fundamental that they had never even contemplated the existence of the state of mind now revealed in the nation. But for many long years after the disbandment of the army the majority of Englishmen shrank in loathing from any form of religion which savoured of eccentricity, fervour, even originality of thought, and in that category they unhesitatingly placed every form of Protestant dissent. Safety, respectability, and sanity, were only to be found within the communion of the Established Church, and this within thirty years of the time when Laud had been impeached by Parliament for exacting a uniform obedience to the rule of the bishops. Anglicanism had reached its zenith, fulfilled its promise, achieved the success which in no country but England could have followed upon its strange beginnings. In a sense, no doubt, the loss of this generation of dissenters was the gain of those in the future ; for the Established Church, confined within its own narrow bounds, could not after all be so permanently autocratic as in com-

**Causes of the change.**

**Anglicanism at its zenith.**

bination with the great Presbyterian following it might have been. Yet the Church as she stood was able to preserve her attitude of complete intolerance for thirty years, of political intolerance for nearly a century, of social intolerance up to comparatively recent times.

**Further proceedings against nonconformity.**

It still indeed remained to be seen whether the Nonconformists would be able to obtain from Clarendon's Anglican administration even that measure of recognition which meant freedom to worship quietly as they chose. At the time of the Act of Uniformity their fate may have hung in the balance,

but the decision a couple of years later was adverse; a blow which the sufferers owed, paradoxically enough, to the king who had the warmest sympathy for everybody, himself first of all, who stood in need of toleration. Charles had indeed at

**Charles's attitude.**

first very readily adopted the pose of a monarch who would live and die in defence of Convocation and the bishops. Episcopalian supremacy was not quite

so satisfactory as that of Rome, but it was a great deal better than the rule of presbyters whose taste was for long theological sermons and whose spiritual ancestors had denounced James I., the most respectable of men, as a wicked profligate.

**Episcopacy in Scotland.**

Charles was also particularly pleased to force episcopacy upon the Scots, whose legislative union with England had already been allowed to drop; for to have the northern country whose independent action

had proved so fatal to his father weakened by internal struggles was greatly to the king's advantage in any contest with his English subjects. In 1663, however, he ventured upon the

**First Proclamation of Indulgence.**

first of those steps which showed his inclination to move beyond the limits prescribed for him even by the most loyal of the Tory party. He issued a proclamation which gave indulgence to all dissenters

who would carry on their own forms of worship 'modestly and without scandal'; and he suggested to Parliament a bill to provide explicitly for the royal right to 'dispense with' the Act of Uniformity and all other legislation of the same kind. The immediate result was a ferment of indignation. It was



instantly inferred, and of course with truth, that these measures were intended by Charles to relieve not so much the Protestant dissenters as those who were still even more keenly feared—the Roman Catholics. It was suggested that both parties had formed a plot with the king to overthrow the political and religious settlement. Charles's act was promptly rejected, and two more statutes were rapidly passed to complete the persecuting code. The Conventicle Act forbade Nonconformists, on pain of fine, imprisonment, or transportation, to meet together in any number greater than five for the purpose of carrying on religious worship. The Five Mile Act forbade all ministers who had been expelled for nonconformity to teach in any school or go within five miles of a corporate town unless they were prepared to swear that they held it unlawful ever to take arms against the king and that they would never try to alter the government of either Church or State. Thousands of devout and learned men were deprived of their livelihood, hundreds were reduced to beggary and shame, cast into prison or banished from their country for ever.

**Public dismay.** **Completion of the Clarendon Code.** **Persecution.** **Its injustice.**

If any considerable part of this severity was really due to the belief that the Nonconformists were treacherously desirous of laying the country open to Roman Catholic encroachment in order to win indulgence for themselves, no persecution was ever less deserved. Extraordinary indeed was the mental attitude of men who could suspect the fellows of John Bunyan of a secret league with Rome, and could persecute the same body of men for their dangerous Puritan zeal on the one hand and for their interested laxity on the other. In point of fact there is no doubt whatever that the mass of the Nonconformists were ready to refuse a toleration, whether bestowed by Crown or Parliament, their acceptance of which would have involved an equal indulgence for the followers of the Anti-Christ in the Vatican. The Episcopal Church may have seemed to them but a poor human invention, but Roman Catholicism was plainly the work of the devil. Modern eyes may fail to discover any theological justification



**Hatred of Catholicism justified politically.** of their view, but no one can deny that in the seventeenth century the political justification was sufficiently strong. For whether or not the souls of Englishmen would have been imperilled by a renewed connection with Rome, it is certain that their national independence would have been gravely endangered by what under the rule of Charles II. would inevitably have followed, a close connection with Louis XIV. of France. That famous monarch was now assuming control of the machinery of government constructed for him by the great cardinals, which was destined to work with such marvellous success, to threaten the whole of Europe, and finally to rouse the antagonism of all its first-rate powers. By his marriage with the Infanta Maria Theresa, Louis had prepared for the future claim of his family upon the Spanish Crown; he had established his influence over the government of Portugal, recently freed from the domination of its once powerful neighbour; he was soon suspected of a desire to bring not only the Rhine countries but the Spanish Netherlands and the Republic of Holland under his direct control. France itself, with its nobles proud of the extravagance of their loyalty and its poor ruled by an iron system of centralised government, was an excellent instrument in the hand of an ambitious monarch. Any such disproportionate power so near at hand involved a certain threat for England, but the danger was increased by the fact that the example of his fortunate cousin had already presented itself to Charles as peculiarly worthy of imitation. The religious system under the Edict of Nantes by which the Catholics were dominant without the obligation to exert themselves in persecution was exactly suited to Charles's temperament; he admired the absolutism of Louis's domestic government, though he would certainly never have had the industry to carry it out; and in particular he envied the French king's independent pecuniary position and his control of a permanent professional army.

**Louis XIV.**

**His growing power.**

**His despotism.**

**Charles's wishes.**

There was no stauncher Episcopalian and patriot than

Charles's chancellor Clarendon, yet it happened that he did something to help his master in these earlier advances towards a serviceable friendship with Louis XIV. Clarendon still regarded Spain as the autocratic power which threatened her neighbours' liberty and France as the natural ally of the Protestant powers; and in pursuance of a now antiquated policy he suggested and organised the sale of Dunkirk to the French and encouraged Charles to marry Catherine of Braganza, a bride of Louis's choosing. When, however, Charles made or was suspected of making his first move towards modelling himself directly upon the King of France, he was met by a direct check from his Parliament which warned him that he must proceed more warily. The occasion was the war in 1665 with the Dutch Republic, a war which arose mainly out of commercial rivalry and ill-feeling, which witnessed the humiliating incident of a blockade of London by the enemy's fleet, but of which the conclusion at the Peace of Breda, giving us the American settlement of New York, showed that its disasters had been recognised even by our opponents as due rather to incidental than permanent causes. It was known that the official mismanagement of this contest had been glaring, that Charles had appointed cavalry leaders to the command of fleets and had used money which should have gone to repair his ships to buy jewels for his mistresses; but what roused Parliament to resentful activity was the suspicion that he had entered upon the war and obtained supplies with a view to the collection and maintenance of a standing army. Here was the danger which every party in the country was equally determined to avert, and the result of its appearance was the imposition of a new and weighty constitutional check. Parliament now began when making a grant to name definitely the purpose for which it was intended, and so inaugurated the elaborate system of appropriation of supplies. This in itself was no contemptible parry to Charles's second thrust. He made a characteristically prompt retreat; genuinely in so far that he abandoned the

His  
foreign  
policy.

First  
Dutch  
war.

Suspicion  
as to a  
standing  
army.

Appro-  
priation  
of  
supplies.

idea of keeping up an army of his own and authorised Sir William Temple's reversal of the recent policy by the formation of the popular Triple Alliance with Sweden and Holland; hypocritically in his consent to the retirement of Clarendon, who was now unjustly blamed by the country but had always been unpopular at Court on account of his private virtue and rectitude.

The five men who now came to the front, always collectively described as the 'Cabal,' had been for some time regarded by Charles with an approving eye, and they seemed indeed to have every qualification to assist him in evading the consequences of his people's extraordinary prejudices. Two of them, Clifford and Arlington, were Roman Catholics; another, Ashley, had formerly inclined to Presbyterianism; only one of the five had any very serious pretensions to be called an honest man. Nevertheless, when

Charles proceeded to sound his new ministry upon the possibility of proceeding to an open toleration of Catholics as well as Protestant dissenters, he was met by reluctance and dissuasion; even the Cabal could not face the results of entering publicly upon such a policy. After consultation with his brother James, Duke of York, and with his cousin at Versailles, the king himself soon

came to see the advantage of more circuitous methods; and in 1670 his decision took shape in that Treaty of Dover which has always been rightly regarded as the most disgraceful compact ever concluded by any English king. Its first provision, which was all that Charles dared make known to the Protestant members of the ministry, reflected little credit on its author; for by it Charles undertook, regardless of the Triple Alliance, to assist Louis XIV. in the destruction of the Dutch Republic and a partition of the Spanish Netherlands. But the final clause, known to Charles's Roman Catholic advisers alone in England, contained the iniquitous agreement that in return for his services in the Low Countries he was to receive from Louis a subsidy of 200,000*l.*, and to have the assistance of French troops when he needed them to establish Roman Catholicism

**Second Dutch war, and Declaration of Indulgence.**

in England. In 1672 the confederate kings declared war upon Holland; and that country was indeed saved only by the valour of its inhabitants, whose ships fought indomitably against the English, while young William of Orange headed an heroic resistance to the invading French troops. In 1673 Charles coolly issued his second Declaration of Indulgence.

**Characteristic policy of the period.**

These transactions marked once and for all the line of policy which was characteristic of the second Stuart government and was the direct cause of the exclusion of this family from the English throne. The immediate injury done the nation by Charles's action was indeed, owing to his own indifference and the prompt action of Parliament, exceedingly slight; but the significance of the peculiar form England soon guessed his treachery to have taken was great. Anything like a domineering foreign interference with their affairs was what Englishmen for many centuries had steadily refused to tolerate, and such interference had long been associated, by a series of sufficiently striking incidents, with the Roman Catholic religion. So intimate was this connection, and so completely had it become a part of national sentiment, that the insular distrust of aliens was instinctively extended even to those of English blood who were followers of Rome, while the foreigner who was actively Protestant had done much to atone for the error of his birth. This royal alliance, therefore, with a ruler who was zealously, and was soon to be intolerantly Catholic, the assistance given to his aggressive and threatening ambition, the indulgence immediately afterwards accorded to the disciples of the dangerous faith—these things were intelligible and alarming enough without an exact knowledge of the articles of the Treaty of Dover. The forces roused to meet this encroachment were the same which achieved the Revolution, established the Hanoverian succession, and as a completion of the work played a leading part in the coalition of Europe against Louis XIV. If the party of opposition had not over-reached itself, causing a temporary reaction, events might have marched uninterruptedly on from the

**Its results.**



results of Charles's French alliance to a quietly declared determination of the English ruling classes to have a king dependent upon their own support.

**Charles's with-drawal.** Charles of course meant to do his best to prevent any such declaration coming in his time, and when he perceived what a storm he had raised he bowed before it with his usual smiling cynicism. Indeed from this time forward his policy was one of public assent to any strongly expressed wish of his subjects, with a more or less careful concealment of his treacherous connection with France ; and so cleverly did he play his part that he was finally able to win considerable personal advantage from the extravagance of the group of men who became known as leaders of the Whig or country party. In 1673 he pleasantly yielded to the Parliamentary demand for the withdrawal of the Indulgence, and agreed to the passing of a new Test Act which, by

**Test Act.** excluding all but Episcopalians from any public office whatever, deprived James Duke of York of his post as Lord High Admiral and dismissed Clifford and Arlington from the ministry. Next year he withdrew from the Dutch war which in Louis XIV.'s eyes was so important a part of the whole plan, thus taking the first step towards the friendship with Austria which was the keynote of foreign policy under William III. and under Queen Anne. Moreover Charles accepted as his chief minister a man who was believed to have sound Protestant and national principles, and who indeed was guilty of no fault towards his country except that of being unable to free himself from the shackles of personal loyalty and decaying constitutional custom. The really fruitful

**Danby.** act of Danby's administration was the marriage of Mary, daughter of the Duke of York by his first wife, and presumptive heir after him to the English throne, with

**Orange marriage.** young William of Orange, the champion of Dutch freedom against France. This alliance promised to provide England with a final escape from the evils threatened by the religious convictions of her future sovereign. But Danby had not advanced beyond the conception of the king's minister as the king's confidential servant, and when he



discovered that Charles was still in close correspondence with Louis and was receiving large sums of money from Versailles it did not occur to him to resign his position instead of obeying his master's orders. The first result of the discovery of his weakness was the clear statement of an

**Weakness  
of Danby.**

important constitutional principle; at Danby's impeachment in 1678 a public declaration was made of the impeccability of kings and the responsibility of ministers, illustrating once more the English habit of being driven by pressure of facts into the formulation of theories. The second result however was that an opportunity was given to that more extreme section of the Commons and the nation which unintentionally served Charles so well by advancing one step too far.

**Its  
results.**

The leader of this so-called country party was the Earl of Shaftesbury, the Ashley of the Cabal, who when he found his aims impossible to realise as

the king's adviser had chosen to become his most aggressive opponent. Little can really be known of Shaftesbury's motives, but it would appear that though his purposes on the whole were good his statesmanship is condemned by the methods he consented to employ. He wished to tolerate

Protestant dissenters, to limit the power of the Crown, to prevent any Roman Catholic from ever assuming it; and all these aims were approved by

the judgment of the next century. It was while his following was growing stronger that a formal declaration was made of the principle, vaguely understood for two hundred years, that discussion and decision upon money bills is the exclusive right of the House of Commons. He was the most prominent man in the Parliament responsible for the Habeas Corpus Act, which put an end for ever to the practice of imprisoning men for an indefinite time while they awaited trial. But the policy which seems to have been more peculiarly Shaftesbury's own produced less admirable results. It was a grave blunder to use such methods of agitation as might have brought the country into civil war; and nothing can justify the use which Shaftesbury made of the famous anti-Papist panic in 1679 and 1680, and

**Shaftes-  
bury.**

**His  
policy.**

of the villainies of Titus Oates. He began by merely taking advantage of the recent revelations about Charles's alliance with France and of the consequent vague suspicions in the public mind to suggest the possibility of a treasonable conspiracy of all the Roman Catholics in the realm. But his

**Encouragement of Monmouth.** next proceeding, calculated to expose the country to all the horrors of a disputed succession, was to encourage Charles's eldest illegitimate son, the Duke of Monmouth, in the hope that he might be recognised in his uncle's place as heir to the throne. And when

**Titus Oates.** the false informer Oates appeared with his story, founded on the suspicious proceedings of a small clique, of a great Papist plot, Shaftesbury pandered

**Papist panic.** to the ignoble frenzy of fear in the nation to win adherents for himself and create opposition to the

court. Any contemptible piece of perjury was enough, for a jury of these years, to prove a Roman Catholic guilty of treason, and the influential men amongst them were sent to the block, the obscure to languish in prison. As for Charles himself,

**Position of the king.** it seems probable that the situation merely appealed to his highly-developed sense of the ridiculous. For while he sanctioned executions and looked grave

over new revelations of iniquity he knew very well that he and his brother were the only dangerous Papist conspirators in the country; yet it does not appear that he ever thought of jeopardising his personal interests for the sake of saving the lives or fortunes of innocent men. Had he been able to carry his adaptation to circumstances a little further he might have found himself in the position, thoroughly humorous for the man who had made the Treaty of Dover, of floating to popularity on a wave of Protestant and national feeling. The

**'Country party.'** election of 1679 sent up to the House of Commons a majority firmly convinced of the reality of the dangers threatening the country's liberties and religion; it

**Habeas Corpus and the Exclusion Bill.** instantly passed the Habeas Corpus Act and was as prompt in accepting Shaftesbury's Exclusion Bill, intended to deprive the Duke of York of his succession to the throne. But here strangely enough

the opposition party had come upon a matter concerning which Charles cherished something resembling a principle, strong enough at least to outweigh any inducements which the country party was able to offer him. He refused his assent to the bill, he dissolved Parliament, and he prepared himself for once in his life to stand to his guns. The contest raged for two years and through three parliaments, and then Charles received the reward which fortune reserves for those who act upon conviction only once in a lifetime. All the high Tories in the country remembered the doctrine of divine right and railed against the blasphemy of their countrymen; thoughtful people began to reflect upon the likelihood of civil war; the whole nation was tired of seeing good citizens suffer so bitterly for their religion, and began to recognise the cowardly folly of which it had been guilty. The game was finally put into the king's hands by the discovery in 1682 of certain discussions which Lord William Russell, Algernon Sydney and Shaftesbury had carried on as to the possibility of modifying the system of government, and by the betrayal of a quite distinct scheme of assassination known as the Rye House Plot. By a remarkable perversion of justice the two designs were regarded as one, Russell and Sydney were executed, and all the loyalists who lacked wit to see through the device shuddered to think of the horrors they had so narrowly escaped. It seemed that Charles's reign was to end in a blaze of glory; he ruled without a Parliament for two years, he obtained larger supplies than ever from France, he added to the number of his troops, and finally he suspended the municipal rights of many of the leading cities of the kingdom. These congenial occupations were interrupted in 1685 by the approach of death, which Charles II. must be admitted to have met with as good a grace as any man in history.

The reaction of feeling among these remarkable ancestors of ours was however in no degree checked by the loss of the 'merry monarch' whose faults it was now so easy to forget. It lasted long enough to make them receive the accession of the Duke of York as

**Royalist  
reaction.**

**Accession  
of James  
II.**

James II. not merely with ready acquiescence but with another outbreak of loyalty like those which had greeted each sovereign of this house as he mounted the throne of England. There is something at once laughable and pathetic in the vain attempts of Englishmen to persuade themselves that these Stuarts were kings whom they could accept with their whole hearts, devotedly serve and cordially obey ; and the attempt of 1685 was the vainest of all. We have seen that a comparatively short experience of the government of James II.'s grandfather, father, and brother respectively had been enough to damp the nation's enthusiasm and weaken its loyalty, to extort sighs for the days of good Queen Bess or regretful expressions of admiration for Oliver Cromwell. But the last of the Stuarts may claim superiority over his predecessors in so far that within four years of his accession he had united every party and group against him, cut off all possible means of support, left himself without a statesman to plead his cause or a regiment of soldiers to defend it. Those who were anxious to persuade themselves of the possibility of living in freedom and peace under a king who was a fervent Roman Catholic—and

**National hopes.** in 1685 they were a strong majority of the nation—relied largely on James's admitted stability of character and respect for his word. He was regarded as a man who would be incapable of playing fast and loose as

**Character of James.** Charles had done, and who would necessarily feel the explicit and implicit obligations of his coronation oath. He was an industrious and conscientious administrator, and had shown a fine persecuting zeal in defending episcopacy against the rebellious Covenanters of Scotland. To a generation which knows the events and has never known the sentiment of those times, such confidence as this must seem sufficiently strange, since it is so clear that these

**Hopelessness of the situation.** very qualities in James made absolutely hopeless a situation which without them would have been difficult enough. The last Stuart before him who possessed this stability of character had ended his life on the scaffold ; the one who had just passed away amidst the lamentations of his subjects knew only very dimly what



standing by a conviction meant. The obligations which the new king would inevitably recognise were those towards his Church, the pledge he would fulfil was the tacit one which bound him to her service. As a man of conscience and sincerity according to his lights he could not possibly do otherwise. A zealous Roman Catholic who, while believing that duty to God and his subjects required him to force upon them the dogmas of his religion, had been withheld by fear of consequences from making the attempt would surely have shown himself as deficient in moral force as was James II. in intellectual grasp. An enlightened Christian statesman would have been content to let his subjects seek Heaven in their own way; a libertine like Charles would have kept his place by persecuting the Catholic Church and been reconciled to her on his death-bed; a saint only anxious to avoid temptation might have resigned his crown for fear of being led into treachery to his religion. James II., being plainly none of these things, but a self-opinionated, conscientious, and industrious bigot, set himself to extirpate the Episcopalian heresy, and was overthrown by its native strength and its identification in his subjects' minds with the laws and liberties of England.

The story of James's reign is therefore simple as well as brief, having but one real motive and that one being impossible to mistake. His first Parliament represents the opening to which the end shows so startling a contrast. It loudly protested its loyalty; it made a grant for life to James of taxes producing nearly two millions a year; it assisted him to hunt down Titus Oates and the other guilty promoters of the papist panic. Moreover, the king was soon given an opportunity such as is always to be found in a victory over rebels, of establishing himself still more firmly in his people's affections; though indeed the use that he made of it must have excited a secret disgust amongst those not entirely blinded by sentiment. In the summer of

**First  
Parliament.**

**Monmouth's  
rebellion.**

1685 certain reckless supporters of Charles II.'s illegitimate son Monmouth incited him to the enforcement by arms of his supposed claim upon the English Crown. He was to land upon the south-



western coast, while Scotland, in which the Episcopalian minority was revelling in its recently acquired power, was to be raised by the Earl of Argyle, head of the covenanting clan Campbell. But while the Scottish invader never even got a firm foothold in the country, the English one was very soon shown to have stepped into the old trap of all who expect our nation to assist rebellion until it is absolutely obliged. Monmouth's situation excited angry suspicion in the large majority who preferred a settled government to anything else in the world; and his person was distasteful to the aristocracy on account of his mother's obscurity, to the middle class on account of her lack of virtue. A few hundred peasants joined his standard, but the enterprise was hopeless from the first, and at the battle of Sedgmoor Monmouth's forces were defeated and he himself was taken prisoner. The abject submission of the unhappy young man could procure no remission of his death-sentence from the king; while royal authority was asserted in the rural districts of the south-west by that hideous series of judicial cruelties known as the 'Bloody Assize' and consisting in the torture of ignorant boys and the execution of tender-hearted women.

**Its failure.**

The age was not a gentle one, and it is more than probable that resentment against the rebels did more to strengthen the monarchy than horror at the brutalities of Judge Jeffreys did to weaken it. James's choice of intimate advisers involved a threat which to the national mind was much more serious. He seemed to depend to some extent upon this very judge, made Lord Chancellor, but principally upon Lord Sunderland—a man without a conviction or a scruple—upon the French ambassador and a Jesuit priest. The threat was soon fulfilled; armed by the support of these men and by tangible proof of French favour in the shape of a subsidy, the king proceeded in 1686 to the work which he held to be peculiarly his own. The plan of action was simple in the extreme; for James conceived that if by the use of the prerogative he could fill every post of trust and influence throughout the country with Roman Catholics, the humiliated majority would soon learn to abjure

**James's advisers**

**and policy.**

their unprofitable heresy and submit to the true Church. He began by placing men of his own faith in command of his new regiments, and when attention was drawn to the illegality under the Test Act of such appointments he replied by asserting the royal right to dispense with all ecclesiastical legislation. When Parliament protested James had the obvious resource of appealing to the power which as yet was directly dependent upon the Crown. He packed a bench of judges, laid the case before it, and was rewarded by the decision that the royal dispensation was valid to preserve individuals from all penalties under the law. Civil and military offices were now freely at the disposal of Roman Catholics, and they became mayors, sheriffs, judges, and generals with amazing rapidity. It was however soon necessary in James's view to make a more direct attack than this upon the errors of episcopacy; and accordingly by virtue of these same royal powers he bestowed livings in the Established Church upon Roman Catholics, he placed them at the head of two Oxford colleges, and from a third, Magdalen, he afterwards expelled every fellow and scholar for resisting his will. Still more audacious was the king's action in reviving the old Court of High Commission and placing at its head, of all men in the country, the ruffian Jeffreys. The most prominent of the Anglican divines were remonstrating in a manner which showed that a new current of thought was beginning to flow in the Church; and this Court was to be a gag upon their protests. As a further check upon disaffection in Church and State alike he encamped an army upon Hounslow Heath. The Papal Nuncio was received at Court, mass was publicly said, monks and Jesuit priests appeared again in the streets of London. All this was done while Louis XIV. was dominant in Europe, while his ambassador was in high favour at Whitehall, and while his Protestant subjects were suffering the horrible persecution which immediately followed the Revocation of the Edict of Nantes.

It is not difficult to guess what was thought of these proceedings by the mass of James's subjects, by the men who

**The dispensing power.**

**Rapid promotion of Catholics.**

had so recently asserted their belief that safety lay only in the monopoly of power by the Established Church, and had trembled between fear and rage over the Popish Plot. We can well imagine how heads were shaken and faces grew grave, how Tories struggled perplexedly to reconcile their faith in the Lord's anointed with their horror at this attack upon everything else that they held most dear, how Whigs saw more and more justification for their growing belief that divine right was a dangerous superstition. As yet, however, no hand was raised in open defiance, and in 1687 the king entered upon the final series of acts which ruined him

and brought William into the country. He issued a Declaration of Indulgence which had the effect of suspending all penal laws in ecclesiastical affairs. This was simply a new assertion of the dispensing power; but when James found the strongest section of the Protestant Nonconformists, whom he had hoped to win, firmly resolved to accept no toleration bestowed by such authority, he hit upon the scheme of obtaining a legislative sanction by the same method which had given him his favourable decision in the law courts. His idea was to pack a complete House of

Commons, and for this purpose magistrates and lords-lieutenant were directed so to arrange elections that members would be returned who were Roman Catholics or favourable to Catholicism. But the unsurmountable obstacles were first that most of the magistrates refused to look for such candidates, and second that enough of them could not in any case have been found to form more than a very feeble minority in Parliament; and the plan therefore fell through. James's last hazard was the second

Declaration of Indulgence, issued in the spring of 1688, which professed to be an appeal to the nation on the ground, sufficiently astonishing when we consider who appealed and to whom, of the abstract justice of toleration. The command to all clergy to read this Declaration in their churches, the reasoned petition of the seven bishops against the command, James's consequent prosecution of them for seditious libel—these events led up to the scene which has

always been accepted as the most striking of the reign. The bishops were tried before a sycophant bench, but no jury could be found to brave the violence of public opinion by finding them guilty. The news of the acquittal raised such a tumult of rejoicing in London as had not been heard since Charles II. returned to the throne of his fathers ; Archbishop Sancroft was for the moment the most popular man in England ; and James's very soldiers at Hounslow, proving themselves better patriots than courtiers, illuminated their camp in honour of the event. In the midst of all this fierce excitement came the news which finally decided the leading English statesmen to call William of Orange into the country. James's second and Catholic wife, Mary of Modena, who had hitherto remained childless, was announced to have borne a son. That intelligence destroyed at once the hope which had lain in many a peaceable citizen's heart of seeing Mary, Princess of Orange, succeed in the course of nature to the English throne. The mob in its bitter disappointment declared the story of the birth to be a deliberate piece of fraud, and the political aristocracy quietly prepared for action. A definite invitation was dispatched to William to enter England in arms and preserve its liberties ; and this in the name not only of the Whigs like Devonshire, Halifax, and Russell, who had long been in correspondence with the Hague, but of Tories like Danby and Peterborough. James's first hope that Louis XIV. would save him from William's attack by an invasion of Holland proved as vain as his expectation that a reversal of his unpopular measures would win his subjects back to him. William landed with a small army at Torbay, and simultaneously revolts broke out with great nobles at their head in every part of England. When James marched to meet his rival the troops he led melted away before his eyes, the officers passed over to the enemy, and the famous John Churchill, advancing in his strangely glorious and inglorious career, made an attempt to take his old master as a prisoner to his new one. The defeated king fled the country, and after being once captured

**The seven bishops.**

**Their acquittal.**

**Birth of a prince.**

**Landing of the Prince of Orange.**



was allowed by general assent to make good his escape to France.

No parliament was of course sitting when William of Orange entered London, but he was unanimously requested by those who in the previous reign had sat in either House to accept the provisional government and to summon a Con-

**Discus-** sion. The discussion of future action immediately  
**sions in** begun by this assembly brought every familiar  
**the Con-** English characteristic—insular feeling, dislike of  
**vention.** violent change, indifference to logic, love of com-

promise—out of the temporary eclipse which at the moment of the invitation to William they appeared to have suffered. The most advanced section, with Lord Halifax for the time at its head, proposed to declare that James by leaving the kingdom after violating its fundamental laws had abdicated his throne, and so proceed to the election of William to fill the vacant place. The moderate Tories led by Danby, whose principles were not strong enough to make them eager to regard a Dutchman, champion of liberty and Protestantism though he might be, as their rightful king, preferred the statement that from the moment of James's desertion of his throne it had passed to his elder daughter Mary. The high Tories, unable to free themselves entirely from the doctrine of divine right, wished to stop short at the proposition that James had proved himself unfit to rule, and at the appointment of a regent to act in his name.

All arguments were however cut short by the declaration of William that he would occupy the position neither of regent nor of king consort and by Mary's refusal to accept a crown

**Declara-** to which the equal right of her husband was not  
**tion of** fully recognised. The Houses drew up in the  
**Right.** Declaration of Right a list of the undoubted liberties

of Englishmen, and expressing with a fervour which amounted to a demand for a promise their belief that these would be maintained by the Prince and Princess of Orange, the Lords

**Election** and Commons of England prayed them to become  
**of William** its king and queen. The promise was given and the  
**and Mary.** new sovereigns assumed their office.

*Leading Dates.*

	A. D.
The Cavalier Parliament . . . . .	1661
Corporation Act . . . . .	1661
Act of Uniformity . . . . .	1662
Royal Declaration of Indulgence . . . . .	1663
Conventicle Act . . . . .	1664
Five Mile Act . . . . .	1665
Treaty of Dover . . . . .	1670
Second Declaration of Indulgence . . . . .	1672
Test Act . . . . .	1673
Dissolution of the Cavalier Parliament . . . . .	1679
Habeas Corpus Act . . . . .	1679
Tory Reaction . . . . .	1681
Rye House Plot . . . . .	1683
Executions of Russell and Sidney. . . . .	1683
Accession of James II. . . . .	1685
Judicial Decision in favour of the Dispensing Power . . . . .	1686
First Declaration of Indulgence . . . . .	1687
Second Declaration of Indulgence . . . . .	1688
Birth of James II.'s son . . . . .	1688
Landing of William of Orange . . . . .	1688
Election of William and Mary . . . . .	1689

## CHAPTER XI

## ARISTOCRATIC GOVERNMENT AT HOME AND ABROAD

**Essential fact of the Revolution.** WHATEVER theory was professedly acted upon by those who carried out the Revolution, its essential facts remained the same. A reigning king had been deposed and his son deprived of the succession because the leaders of the nation had decided that such a government as they desired could not be carried on unless another royal line was placed upon the throne. The Lords and Commons had claimed the right to be ruled in the main as they chose to be ruled ; an open declaration had been made in acts if not in words of the transfer of the supreme authority from the Crown to Parliament. Sovereigns who owed their position as did William and Anne to the measure which in 1689 was passed as the Bill of Rights could not, any more than the Hanoverians who owed theirs to the subsequent Act of Settlement, make any serious claim upon a mystic power above the law and independent of the will of the estates. The nightmare of the dispensing power was banished for ever, and arbitrary taxation and imprisonment were evils which need never in future be seriously considered. The doctrine of divine right emerged again and again, but when the difficulties of the first years were over it was either the watchword of men who however powerful and dangerous were no more than rebels, or it was an admitted irrationality which bore little practical relation to the business of the nation carried on in the two Houses of Parliament. And during the years immediately following the Revolution there was no lack of legislative confirmation.

**Changed position of the monarchy and Parliament.**

**Legislative confirmation.**

had made. First in importance was the new enactment for providing the revenue, by which all supplies were voted for one year only : a method which had the twofold advantage of necessitating an annual meeting of Parliament and of binding the king to govern in general according to its advice or cease to govern at all. The Mutiny Act, passed in 1689, was aimed at making it possible for the nation to maintain an army, yet impossible for the Crown to use it as an instrument of tyranny. The necessary disciplinary powers over the soldiers as well as the expenditure necessary for their support and pay were therefore to be authorised by Parliament each year, and in the absence of such authorisation the army would legally and actually cease to exist. Less happily conceived was the first Place Bill, prudently rejected by the Lords, which by its proposed exclusion of all public servants from Parliament betrayed the eager desire of the Commons to make sure of their new-found independence. The Triennial Act, which, though William ventured to reject it in 1689, was passed a few years later, might have seemed in its provision for a general election at least once in three years to be due to a laudable desire on the part of the legislators to keep themselves in touch with the country at large. But that idea belongs in reality to a much later time, and the two dangers against which the Commons of William's reign probably wished to guard were the cultivation of influence by the king over the Parliament and an unduly long tenure of power by particular members of the political class.

**Character of the government.** For it must never for a moment be forgotten that this form of government established by the Revolution, parliamentary and constitutional as it was, came very little nearer to a true democracy than the rule of the Tudors or Stuarts had done. The supreme power lay now in the hands of an assembly, representative it is true, but by no means representative of the whole or the majority of the nation. Lower middle-class opinion, the views of working men, these are phrases which never occurred in the political language of the eighteenth century. In Parliament as well as outside it the power of the great noble and land-



**Supremacy of the great families.**

**Limited representation.**

**The Church.**

**Society.**

**Opposition to the new trading class.**

owning families was overwhelmingly great. Not only did the peers constitute in their own persons one of the legislative chambers, and that the more dignified if less active of the two, but the influence of their class was paramount in the other. The system of representation had so utterly failed to follow the movement of population that most of the borough elections were in the hands of wealthy and powerful individuals ; the brothers, sons, and nephews of the Lords took their seats among the Commons ; and though there were necessarily men in that assembly who did not own land or claim kinship with a title they were with few exceptions of like mind and sympathies with those who did. It has to be remembered that they were all men of a very different type from the great lords of old days whose real claim had been for individual and independent power. The squires and gentry who in antagonism to these had formed so excellent a middle class found it now quite possible to unite their interest with that of a great ruling body which had no wish to override the law. The triumph of the aristocratic spirit represented in the Established Church, the increasing intercourse of the governing classes in what may now be properly called society, the growth of a new commercial element in the nation, cut off from the knights and squires instead of at their side in the House of Commons—all these changes had inevitably drawn the smaller gentry in the same direction. Nor was any foreign element really introduced into this exclusive system by its critics outside, the men who read and commented upon the ludicrously inaccurate reports of parliamentary proceedings, which it gradually became the unrecognised custom to bring out. The nation might ring bells and light bonfires when it heard that England had made peace or was going to war, but those who knew the reason and the meaning of such events were of the same standing and education as the men who had brought them about ; they stood within the charmed circle of the class which was born to govern. In short, from the time of the Revolution England was ruled with little

modification even by custom till late in the eighteenth century, with no legislative modification until the nineteenth, by her aristocracy alone. The peasantry and the labourers had not shouted or wept for joy over William's success as they had over the restoration of Charles, and it would be idle to suppose that for the mass of

**An aristocratic revolution.**

such people any new era was opened by the triumph of Protestantism and the constitution. The time of inheritance for these poorer brothers lay far in the future. Now the men who in the old days had been completely and had never ceased to be socially their rulers and protectors simply stepped through the door opened by the lowering of the royal pretensions into the position they felt to be most rightfully theirs. And the history of the time must be held to afford them no inconsiderable measure of justification. They made blunders,

**Blunders,**

**faults,**

**merits of the aristocracy.**

but they never finally refused to listen to the great leaders who showed how these might be repaired. They had the faults of an aristocracy, but none of those of a caste. If they were too ready to regard the welfare of their class as necessarily including that of the nation, they seldom on the other hand set the one against the other.

They had, speaking generally, the public spirit, the seriousness, the taste for business and for great affairs which still induces many men who might spend a life of such agreeable leisure to undertake the burdens of a political career. The position which, as a glance at any Cabinet of to-day will show, has been retained in democratic England by her upper classes is a proof in its kind that during the days of their absolute power they did not acquit themselves altogether unworthily. Eighteenth-century England was by no means a model state, but she was neither ill governed nor oppressed at home, and she played anything but an insignificant part in the affairs of Europe and the civilised world.

**Characteristics of the government.**

The characteristics of such a government as this should not be difficult of recognition, and they are to be discovered not only in the general policy of the century but in the proceedings which imme-

diately<sup>7</sup> followed the election of William and Mary to their throne. Most striking perhaps of all are the caution and

**Conser-  
vatism.**

conservatism of the two houses in dealing with any changes of the existing law except such as were necessary to secure their own position. Other

revolutions have been followed by a period of violently destructive and reforming legislation, but not so our own, whose most important results were brought about as we have seen by circuitous methods. The Bill of Rights rehearsed all the old constitutional privileges of the nation without attempt-

**Provisions  
of the Bill  
of Rights.**

ing to increase their number or extend their scope. It claimed pure justice, free elections, liberty of debate and petition; it denied the king's right to tax or imprison arbitrarily, to establish an ecclesiastical commission, or to raise an army without parliamentary sanction; and it imposed on the sovereign the duty of maintaining the laws and the Protestant religion. Here was no question of change in local government, in land law, in criminal law, or in representation; here was no single appearance of such schemes for the improvement of things in general as would crowd upon any government of modern times which started with full authority to arrange the future. In truth it is not necessary to have a perfect system of law in order to satisfy that class of the community which is in a position to watch over its interpretation; and this was especially the case with the English constitution, so immensely superior to that of any continental nation, the work of generations of practical men who had known exceedingly well what they wanted. Those who could pay for their law and had already their land, their authority and their assured position were not likely to welcome unpleasant changes under the guise of reform, and it was scarcely to be expected that they should have had any serious attention to give to the needs of the less favoured masses below. This much was known of them, were they

**Condition  
of the  
lower  
classes.**

shopkeepers or traders, journeymen or labourers—that with one grave exception they were in a very real sense free. Subject to the law and to circumstances they could do as they chose in their daily lives; they

**Their practical freedom.** were not born to legal serfdom like the peasantry of Germany or hampered by a hundred senseless restrictions like the bourgeoisie of France. Into the dense ignorance of the whole body of working men, their poverty, their drunkenness, the hardships that drove them to the crimes so harshly punished by the law, and it was thought no more necessary to inquire than **Their poverty and ignorance.** into the fate of that unhappy agricultural class which the first Parliament of Charles II. had done its best to deprive even of the national birthright of freedom. In the early royalist days of that assembly it had contrived the statute which surely embodies more unmistakably than any other law since the guileless middle ages the maxim of the **Law of Settlement.** obscurantist that whatever is is best. The Law of Settlement had provided that any labourer venturing to leave his native parish and seek work in another might within forty days be sent home again, unless he took a tenement valued at more than 10*l.* a year or otherwise gave sound security that he would not become dependent upon parish relief. No economic prophet arose at the time of the Revolution to condemn such needless restriction on the mobility of labour, no philanthropist to protest against the unnecessary hardship inflicted by this concession to selfishness and stupidity. On the contrary the law remained unmodified till 1795, then to be partially absorbed in what was perhaps the most disastrously foolish system of Poor Law administration ever devised by the mind of man. We can scarcely acquit the eighteenth-century statesmen of a certain lack of imagination, of what by the champions of subject races is now called sympathy, in their dealings with the poor.

**Ecclesiastical affairs. Toleration Act.** In its treatment of matters ecclesiastical the aristocratic government appears to better advantage. The Toleration Act of 1689 was not indeed a bold or a wholly admirable measure ; its authors rejected alike the project of the Latitudinarians to extend after all the boundaries of the Church and that of the king and the more advanced politicians to restore civil rights to the Nonconformists. But by allowing practical freedom of worship



to all Protestant sects the Act put an end to a great deal of suffering and a great deal of bitter feeling, and left the different dissenting bodies in peace to develop the strength which in later times was used against the reactionary politics of the Church. By contrast with the Clarendon Code of twenty-five years before the Toleration Act was a monument of enlightened statesmanship. It is often said that the Nonconformists owed even this measure of favour entirely to the fact that the leaders of the Commons in 1689 belonged to the more progressive party, roughly described as that of the Whigs. Undoubtedly there was many a country squire among the Tories, honest but obtuse, who regarded toleration for the dissenters in much the same light as toleration for a housebreaker; and it was the high Tory administration of 1710 which passed the Schism Act, intended to deprive the unfortunate Nonconformist of the education he desired for his children, and the Act against Occasional Conformity to close any loophole by which he might find his way into public life. But the repeal of these laws a few years later must certainly have been more than a mere party measure. So prompt an undoing of what has been done is not common in English politics, and the Whigs could scarcely have carried it out if the mass of educated opinion had not been with them. The practice begun by their great leader Walpole in 1727 of regularly passing an indemnity for those who had violated the Test and Corporation Acts seems to have met with little serious opposition anywhere, though it partially admitted the Nonconformist element into politics; perhaps indeed the peculiarly illogical character of this method recommended it to Parliament and the public. It was in truth only a small section of the Tory leaders which would have clung determinedly to the extremes of intolerance, and this was weakened in 1689 by the secession of a considerable body of its spiritual directors. About four hundred clergymen who still clung to the doctrine of divine right, Archbishop Sancroft amongst them, found themselves unable to take the oath of supremacy required

**Attitude  
of the  
Whigs**

**and  
Tories.**

**Gradual  
progress  
of  
educated  
opinion.**

**The Non-  
jurors.**

from all ministers of the Established Church, and they consequently withdrew from it, forming until they died out the select and loyal party of the Non-jurors. But the practical statesmen of all parties in the Lords and Commons were not after all enthusiasts for the dogmas of the Episcopal or any other Church. The rigid maintenance of these at the time of the Restoration had been chiefly due to supposed political necessities, and the subsequent relaxation resulted largely from a clearer perception of the realities of the case. In the recent struggle against tyranny and Rome the Nonconformists had proved themselves public-spirited enough to place England's welfare before their own advantage, hatred of popery before love of ease ; and men like Danby and Shrewsbury were quite enlightened enough to see that there was no further need, if ever there had been any, to dread their revolutionary attacks upon the state. The unhappy Roman Catholics on the other hand had to wait many years for their emancipation, although in the progress of time they too were necessarily allowed to worship privately as their conscience directed them.

Other reasons there doubtless were for the gradual relegation of ecclesiastical matters to a subordinate position in English politics. The men now at the head of affairs were equally far removed from the unlettered warriors of mediæval times and from the stern dogmatists of the Puritan era ; fanaticism of any kind was not only repugnant to their taste, but absolutely alien to the mental atmosphere by which they were surrounded. For the later seventeenth and the early eighteenth century saw what may fairly be called the beginning of scientific investigation in England, our first advance towards the possession of an organised body of knowledge. The political theories of Hobbes and of Locke, which at the time of their publication had seemed too closely knit with the questions of the day for abstract argument, could now be subjected to rational discussion and analysis ; while the study of economics, begun by Sir William Petty, offered a new and attractive field of social inquiry. In mathematics and astro-

**The perse-  
cution  
primarily  
political.**

**The be-  
ginnings  
of our  
scientific  
know-  
ledge.**

nomy a new era was marked by the great discoveries of Isaac Newton, presented to the world a year or two before the deposition of James II. Physical science, to the resources of which Bacon had endeavoured nearly a century before to open men's eyes, now attracted an army of eager explorers. The Royal Society had been established in London at the time of the Restoration, the National Observatory was soon afterwards founded at Greenwich. In chemistry, in zoology, in botany, great strides were made; new names were rapidly added to the short list of English scientific discoverers. It was impossible that such a movement as this should be neglected by a governing class whose position secured for it both ample leisure and the best education the period could

**Mental emancipation.** afford. The mental allegiance of a powerful section of cultured society was inevitably transferred from the old theological guides who deprecated the free use of the intellect to the new ones who encouraged it. The leading politicians of the day were proud of a connection with the scientific bodies; they were the patrons and friends of literary men who, though like Pope and Addison they were firm supporters of Christianity, were by no means dogmatic theologians. The influence of the time was seen even upon a party within the Church itself, dividing its strength and steadily diminishing that of the larger section which still stood firm for authority and uniformity.

**The Latitudinarians.** The men who succeeded to the bishoprics of the Non-jurors—Tillotson, Burnet, and the rest—not only inclined to a rationalised theology, but expressed an indifference to ritual which marked still more clearly the gulf, destined to grow deeper as time went on, between the High and the Low Church. The numerical superiority of the party opposed to these Latitudinarians was still great enough to excuse the sneer of a Tory member of Parliament under Anne, who declared that a Toleration Act was needed as much for bishops as for dissenters; yet they found a certain following among clergymen of unusually liberal views and among those who at the time of Clarendon's persecution had stifled a conviction or two in order to find safety within the Church. Meantime,

certain obvious causes were combining to lower the status of their opponents, the vast body of the country clergy. The minister who considers loyalty to his Church to lie largely in opposition to the march of intelligence is very likely to lose sight of that march altogether; and if he conceives it as the prime function of authority to overbear the appeals of reason he will soon find that authority in his case has a very easy task. This was probably true of a majority of the country rectors and vicars in the reigns of William and Anne, and indeed long afterwards; their opportunities, moreover, for society were in those days of slow and difficult communication of the very scantiest; their increasing poverty too frequently forced upon them the manners and indulgences of the labouring class. And at once a cause and an effect of this deterioration in the mass of the clergy was the rapid spread of indifference among laymen of the lower social ranks and of open disbelief among a certain section of the upper. A pastor who was nearly as ignorant and quite as coarsely self-indulgent as his flock was scarcely likely to awaken its dormant spiritual feeling; and he excited nothing but contempt in the minds of men who, like the younger Shaftesbury, described Christianity as a witty and good-natured religion, and held the social usefulness of the national Church to be the only good reason for its existence.

The freedom of the press was one very weighty consequence of this growing habit of tolerance, whether enlightened or indifferent, among all but the high Tory section of the aristocracy. The Licensing Acts, which in spite of Milton's eloquent protest the Commonwealth government had found itself compelled so rigidly to maintain, expired in 1695 and were never renewed. The change did not, as we know, produce much immediate effect upon the general character of the government, though it put a weapon aside to grind for the democracy of the future. But in setting bounds to individual self-seeking and corruption, in preventing each Parliament from wielding in its turn such an irresponsible tyranny as that, for example, of the Venetian



**Its im-  
portance.** oligarchy, the importance of this emancipation can scarcely be exaggerated. Whatever perils the law of libel might still hold in reserve for the opponents of a minister whose temper chanced to be vindictive, their criticisms and accusations could no longer be stifled before they had done their work. When any vital question of policy was at stake pamphlets were poured forth by the partisans of both sides almost as newspaper articles are poured forth to-day; and in the clubs and coffee-houses of London, at the country seats of the great political families, the whole of educated English opinion was brought to bear upon the controversy. At one period of Walpole's long administration under the two first Georges an organised campaign was conducted against him in a journal belonging to his opponents, with the help of numerous other publications from the pen of an exceedingly able writer. And from the time of Anne it also, as we have seen, became the fashion to publish such mangled versions of the parliamentary debates as in the absence of anything like a system of reporting and also of any real sanction from the Houses it was possible to obtain.

**Further  
changes.** If these changes were the result of the growing enlightenment and the magnificent sense of security in the English governing class, there were others as important which it was induced to make by reasons more practical and more pressing. The Act of Settlement con-

**Appoint-  
ment  
of the  
judges.** tained the provision that judges should henceforward be appointed not as formerly at the pleasure of the Crown, but for life, subject only to removal upon proof of gross misconduct. And in 1696 Parlia-

**Regula-  
tion of  
treason  
trials.** ment passed a bill for regulating trials in cases of treason, according to the accused the not extravagant privileges of reading his indictment and of producing witnesses to be examined upon oath.

This first enactment was indeed in one aspect simply a completion of the process by which the nation was secured from the possible despotism of the sovereign. Experience had sufficiently shown that while even the most admirable body of lawyers must apparently act as a drag on the wheel

when progress requires the modification rather than the construction of a theory, a corrupt and subservient Bench is one of the most formidable instruments of tyranny. The decision in favour of the dispensing power under James II. was not, like those of earlier days, a conscientious inference from precedent ; it was the slavish act of flatterers and dependants. By thus protecting the judges from what had been the dangers of honourable conduct, Parliament rescued them from a situation in which no man but a saint or a martyr ought ever to be placed ; but at the same time it took away the last pretext under which a king might shelter himself in openly disregarding the law. From another point of view however it is clear that this provision, together with the Trials Act, was a necessary preliminary to any satisfactory organisation of government by a supreme assembly and responsible ministers. Had justice continued to be corrupt and treason trials a mockery, politics under a system of parliamentary supremacy would have been too dangerous a game for men who had anything to lose. The life and fortune of every minister who lost his popularity would have been absolutely at the mercy of a majority in the Houses, a majority incensed against him, not only by difference of opinion or even by personal enmity, but also by that force which so quickly inflames men's passions—the rivalry of party. Some precaution must necessarily be taken before this rivalry could become, as it was destined now to become, the means by which the rule of Parliament was made a reality in England.

**The party system.**

The foundation of our modern system of party government is commonly assigned to the year 1693, but we are not of course intended to suppose that

at that date the whole elaborate scheme by which our political life is carried on sprang full-fledged from the brain of one ingenious statesman. The outlines of this system have now become more familiar to most of us than is any other of our

**Its complexity.**

public institutions ; yet if we pause to consider how curiously artificial it is, upon how many unwritten customs it rests, we shall cease to wonder that the

greater part of a century was required to bring it to perfection.

**Its**  
**requisites.** To work successfully, party government requires in the first place that all the varying shades of opinion to be found in an assembly of several hundred men should be grouped together for every main practical purpose under two general heads. To which of these groups the convictions of any individual belong can be decided only by his attitude towards one or two fundamental questions; and however inadequately he may consider his whole mental state to be described by the common designation he must, when he has once been accepted by his constituents and his leaders as belonging to one party or the other, be prepared to support that party in every critical matter or resign his seat in the House of Commons. It is necessary in the second place that the group which in this way can command a majority of votes should entrust the supreme executive power to a body of men who are thus at once its creatures and its leaders. Public opinion and the force of circumstances indicate clearly who the chief of this body, the Cabinet, must be; yet it is nominally neither the choice of the party nor the confidence of the nation which gives him his authority, but merely his acceptance by the sovereign. Once accepted, he is Prime Minister; he chooses his colleagues among the other prominent men of his own political colour; he is responsible for the whole policy of the Government, and his first duty is to keep his party together and his cabinet unanimous. Should the dominant party become dissatisfied with the action of its leaders the remedy is to vote against itself, for any government whose majority becomes a minority is obliged by another all-powerful convention to resign office and advise the Crown to dissolve Parliament; and custom really demands that an appeal to the country shall be made in the same way by any government, however strong, which proposes to enter upon a new and momentous line of policy. Finally it is an essential condition of the successful working of the system that each party should as a rule accept the changes effected during its opponents' tenure of office.

All this could certainly not have been inferred by our

**Stages in  
its deve-  
lopment.**

**The seven-  
teenth  
century.**

ancestors from the facts which at the end of the seventeenth century they had before them. They saw that the ministers of the Crown must be so chosen that Parliament could constantly maintain its control over their action. They saw also that every House of Commons, like the whole political class, could be roughly divided into the Tories whose instinct was to magnify the power of the Crown and the Whigs whose instinct was to magnify the power of Parliament. But some of the connecting links between these facts necessarily escaped them. The conception of the monarchy as a ruling force was still too strong to allow even the most advanced politician to see how the choice of its servants could be given to Parliament and the country; moreover government was still a matter of persons rather than principles, and it was difficult to conceive of an agreement on main questions as constituting a chain upon which a whole system might be hung. The aim of the seventeenth-century politician had been to get into office by any way he could, and when there to carry out his own plans without reference to his colleagues; and even the Revolution did not at once make it clear how unsuitable such methods were to the new conditions. It is however perfectly true that in 1693 a most important move was made towards the formation of the modern system, a move which was not of course due to anybody's knowledge of the elaborate machinery necessary to the rule of an assembly, but simply to the perception of an opportunist statesman that the government would work more smoothly if all the ministers were friendly and if somehow they could have a parliamentary majority behind them. In placing William III. upon the throne the ruling class had been so nearly unanimous that his first House of Commons contained no decided majority of either party, with the result that in its discussions over the proposed indemnity for offenders of the late reign the assembly became so distracted and so violent as nearly to drive William out of the country in despair. The new Parliament which came together in 1690 contained for a time a Tory majority, but

**Distrac-  
tion of  
William's  
Parlia-  
ments.**



the king's existing ministry, carefully selected with a view to giving everybody a chance, naturally suffered little modification. During the succeeding years therefore the parliamentary

turmoil continued and increased, until the Earl of Sunderland, whose great abilities had hitherto been employed in the adaptation of his politics and religion to the requirements of successive kings, came to the rescue with a proposal for remedy. Sunderland

believed that so long as the events of the Revolution were fresh in everybody's mind the Whig party would secure, in spite of temporary reaction, a general predominance in Parliament; and he knew also that it was the Whigs who were prepared to support the king in his great European struggle against Louis XIV. His advice therefore was that William should abandon his impartiality and his mixed government, and consult his own convenience by depending entirely upon his firmest friends. The king was glad to accept any plan which would leave his hands freer for European affairs, and one by one the Tory lords were quietly ejected from the

administration, which was now composed of such men as Somers, the draughtsman of the Bill of Rights, the Earl of Shrewsbury, and the financier Montague. The retirement of these statesmen in favour of Rochester and Godolphin during another era of Tory feeling in 1699 and their return in the last year of William's reign showed the stage of development which was reached at this time by the party system and at which for a good many years

it paused. The ministers of Anne were indeed appointed and dismissed more or less in groups according to their political creed, and there was generally some degree of correspondence with the dominant feeling of the upper classes in the country. But the arrangement still stopped short of the modern one in this important particular—it was dependent upon the active co-

operation of the sovereign. The ministers still received office not only nominally but actually from the Crown, sometimes in response to an expression of parliamentary feeling, quite as often through

**Sunderland's proposal.**

**A Whig ministry.**

**Ministries of Queen Anne.**

**Incompleteness of the system.**

some circumstance personal to the monarch. Anne's first administration was Tory because of her own strong sympathies and the temporary interests of her favourites the Marlboroughs, but it was gradually transformed into a Whig one through the marvellous success of the military policy, which was especially that of the Whigs. In 1710, again, when a new favourite had supplanted the Duchess of Marlborough in the queen's affections, she took advantage of an outburst of popular feeling which was in no true sense a national mandate to remove the Whigs she now personally disliked and restore the Tories whose opinions she had always approved. Even the responsibility of ministers was still so dimly understood that when the Earl of Oxford was impeached just after the accession of George I. he pleaded the command of the late sovereign as his defence. An eighteenth-century ministry could not in fact become very much like what we call a cabinet until the authority of the monarch was replaced by that of the Prime

Minister; and this change did not come about until, as we shall see, fortune had placed not only a tongue-tied foreigner on the throne, but a great administrator at the head of the Whig party.

**Later stages.**

The circumstances which had drawn Sunderland into his recognition of the necessary conditions of parliamentary supremacy were as characteristic of William III.'s reign as the whole procedure was characteristic of English public life.

It would scarcely be too much to say that the new king had accepted his crown from the English aristocracy solely because of the great advantages with which as King of England he would be able to carry on the great contest against Louis XIV., to complete the work which in his defence of Holland against the French invasion he had so magnificently begun. There is at least no shadow of doubt that he regarded the issue of that contest as of infinitely greater moment than the progress of constitutional government in his new realm. Next after the primary defect of foreign blood and birth this conviction in William was probably the cause of the faintness of the impression made by his personality upon the popular mind. The masses of

**Policy of William III.**

Englishmen who are led principally by their instincts could never more than half understand a man who, when the independence of his native as well as his adopted country was secure, still longed to fight as hard as ever, without even the encouragement of conspicuous personal success, for such abstractions as the European balance of power. This would probably have remained true of their attitude towards William even if he had not, with the irrationality of a foreigner, continued to prefer Dutchmen to Englishmen ; while of his noblest qualities, his admirable judgment and his great moral and physical courage, the class which seems to create traditions was scarcely in a position to judge. In his relations with the governing body, the king's most direct concern, his peculiar position was at once his weakness and his strength. When fortune went against the Grand Alliance, when the country grew restive under heavy taxation, when ignorant feeling was roused by the cry against aliens and a standing army, William had to face the opposition of Tories whose real grievance consisted in the fact that he was a king by Act of Parliament. With the Whigs on the other hand, just as his championship of Protestantism and liberty abroad had partly moved them to choose his leadership for the Revolution, so they felt their honour bound up with the continuation of a struggle which seemed to be aimed at securing for England a worthy position in Europe.

**His position in England.** With both parties, however, his main strength lay in the menace against national freedom created by the connection between France and the Stuarts. From the day in 1689 when Louis XIV. had openly espoused the cause of James II., from the day when William, rejoicing in the opportunity, had brought Austria and Spain as well as Holland to join him in his declaration of war, the main thread of English politics for two reigns is to be found in the fortunes of this struggle and their result upon domestic affairs.

Thus at the opening of William's reign the situation was made comparatively easy by the policy of the late king—who could generally be depended upon to do the worst for his own

**Im-  
prudence  
of James  
and his  
suppor-  
ters.**

cause—of his adherents within the islands, and of Louis XIV. himself. The Catholic Irish assisted by the French undoubtedly represented everything that was most dangerous and most detestable in English eyes, yet it was precisely upon this combination that James decided to lean in his first serious attempt to recover his crown. The Irish had been for some months after the Revolution in open rebellion, fighting for the re-establishment of their religion and still more hotly for the recovery of their land, harrying the Protestant settlers, driving them to seek refuge in the towns and starving them there by steady siege, when James came over from France to place himself at the head of his loyal subjects. The English Parliament was in the midst of its earliest scenes of distraction, but there was no question about its attitude towards the Stuart

**War in  
Ireland**

cause thus championed in Dublin. William's victory at the Boyne in 1690, which sent James back to France and prepared the way for a century's forced quiet in Ireland, was near enough at hand to be regarded by everybody as a victory for the English cause.

**and in  
the High-  
lands.**

The same effect was produced in a minor degree by the rising in the Highlands of Scotland under Dundee. To the clans which rose and won the victory of Killiecrankie the question was not, indeed, between James and William, of whom they had probably never heard; it was between themselves and the covenanting Campbells, whose chief had suffered attainder in the late reign. But their ignorance of English politics was, if possible, surpassed by the almost superhuman ignorance in England of all that concerned the north. The final victory of William's Lowland troops was probably accepted as another check upon the revengeful advance of Catholicism and tyranny, though without any clear understanding why the Highlands of Scotland should be in arms for this cause while the authorities at Edinburgh were eagerly accepting the Revolution and re-establishing the Pres-

**French  
aggres-  
sion.**

byterian Church. And when Louis XIV. had sent out a fleet which won a battle off Beachy Head and landed a party to burn Teignmouth, it seemed



as though the cause of the Jacobites must be finally condemned by its identification with foreign aggression. It appears almost incredible that only a year later, in the spring of 1691, the temporary ill-success of William's struggle against the French in the Netherlands should have so far worked upon public feeling that the most unpromising adherents of the Stuarts were roused to activity, that the leading politicians, both Whig and Tory, opened communications with James, and that Marlborough seriously considered the possibility of placing Queen Mary's younger sister, Anne, upon the throne. Yet all these things took place, and perhaps only James's obstinate folly prevented a second Restoration. He persuaded Louis to send out one more fleet into the Channel and to collect an army for transportation into England, and he issued a proclamation which showed how little he had yet learned from adversity. The result was the great naval victory of England at La Hogue and a more consistent support of the continental war until, after five years of failing fortunes, the French king was compelled to accept a truce. The Peace of Ryswick in 1697 proved his recent wars of acquisition to have been practically a failure, since the greater part of the conquests of France, including the Spanish Netherlands, had to be yielded up. It seemed also to declare the abandonment of that policy of aggression upon England which dated in reality from the Treaty of Dover, for Louis recognised William as king and pledged himself to give up the cause of the Stuarts.

**Renewed  
aggression by  
Louis  
XIV.**

His failure to fulfil that pledge and his determination to overawe England and Holland by an occupation of the Spanish Netherlands led to just such another transformation of English opinion three years later. It is indeed a suggestive fact that the Grand Monarque was never able to refrain from doing with regard to England the only two things which it was not safe for him to do; for either his world-wide reputation for political adroitness rested upon a somewhat shaky foundation or else the consideration which Europe then held it

necessary to accord to the preferences of our nation was very scanty indeed. During the last two years of the seventeenth century, when the questions involved in the subsequent War of the Spanish Succession had first definitely presented themselves, the attitude of the majority of Englishmen was as pacific as Louis could possibly have wished. The immediate issue, whether the throne of Spain should be occupied after the approaching death of its present possessor by a French prince, by the Electoral Prince of Bavaria, or by the Archduke of Austria, was not recognised by our nation as important ; in its view the political question touched England as little as the legal subtleties of the rival claims. Most people had been glad from every point of view to consider the war over at the Peace of Ryswick. The timid looked with some alarm upon Montague's new scheme of borrowing money upon government security, under the name of the National Debt, from the public at large, while few who had any tincture of Toryism were able to overcome their old prejudice against the existence of a standing army. In view of later events, of our protracted eighteenth-century struggle with France for commercial and colonial supremacy, of the financial record which opened with the creation of the National Debt and the foundation of the Bank of England, of modern developments also upon the military side, it is difficult not to declare our ancestors upon all points wrong and to wonder as much at their blindness to most of the signs of the times as at Louis's infatuation in displaying the very signs they did understand. In the negotiations leading to the futile Partition Treaties, by which the King of England, in common with other European monarchs, endeavoured to reach a peaceful solution of the succession question, William certainly had but very hesitating support from his ministers and his Parliament. Even when in 1700 these treaties were overturned by the will of the Spanish king, and the grandson of Louis XIV. stepped upon the vacant throne, England, to the stupefaction of her sovereign, remained indifferent. But events came quickly enough to give this much-enduring prince one more gleam

**Question  
of the  
Spanish  
succes-  
sion.**

**Disinclination for  
war in  
England.**

of satisfaction before he died. Louis XIV. saw in his grandson's possession of the Netherlands his coveted opportunity to make them practically his own, and he moved his armies forward to seize the line of fortresses always occupied by the Dutch. He gathered forces in the north of France, and once more there were rumours of an invasion of England. Moreover he announced to the dying James that he would support the claim of the young Stuart prince, afterwards known as the Old Pretender, to the English throne. Such a declaration, following almost immediately upon the passing of the Act of Settlement through the Parliament of England, amounted to a challenge to continue the struggle; for that Act had provided, excluding all Catholic branches of the Stuarts, that the Crown should pass from the Princess Anne to the Electress Sophia of Hanover, granddaughter of James I., and to her heirs. A new House of Commons readily voted supplies for the maintenance of William's alliance with the Empire, Holland, the Scandinavian and most of the German states, and war was promptly declared.

**Louis's invasion of the Netherlands and recognition of the Pretender.** William III. lived only long enough to entrust the command which would have been his own to a man destined to win himself a much more splendid renown. John Churchill, Duke of Marlborough, is generally admitted to have been the greatest of English generals, and that his unsurpassed abilities were recognised as clearly in his own day as in ours is sufficiently proved by this mark of confidence from a master whom he had twice betrayed. Marlborough had been once dismissed from his appointments for treacherous correspondence with James, and later on, more especially since the death of Queen Mary, he had plotted treason with the Princess Anne. As is very well known, he wielded unbounded influence over the heiress to the throne, a dull and weak-minded woman, through her infatuation for his wife; if therefore while William still reigned he was commander-in-chief, when Anne succeeded to the throne in 1702 he became supreme adviser in domestic

**Marlborough.**

**His great ability.**

**His influence over Anne,**

and foreign affairs as well. With the assistance in finance of Godolphin, and the still more indispensable assistance of his Duchess, Marlborough carried on England's wars and directed her policy for eight years; and within his limits he did both exceedingly well. With the only really important piece of legislation in Anne's reign, the union of England and Scotland, he had of course nothing to do. The scheme of a united Parliament had been in a good many people's minds ever since the Revolution, and had been warmly advocated by William III.; the delay had arisen from the caprice of certain factions in Scotland and from a more reasoned opposition which was now overcome by the preservation of the country's established religion and her law, and by the throwing open of trade with the English colonies. It was in the control of European relations that Marlborough achieved his greatest triumph, in that most difficult task of so manipulating a large confederacy that its internal dissensions are in the end subordinated to its common aims. As for his military achievements, their story is without parallel in our country's history. His successful operations in the Netherlands and in southern Germany, his alliance with Prince Eugene of Savoy, the great victories of Blenheim and Ramillies, Oudenarde and Malplacet, these are events of which all have heard; and the details of the war doubtless form a record of the highest interest to the student of military science. If however we were to ask, as the poet suggests, why all these great battles were fought, the answer would have to be, not merely for the reasons which appeared. England was professedly fighting in order that the Emperor's son instead of Louis XIV.'s grandson might reign at Madrid, and she went so far in proof of her sincerity as to send that able but eccentric general Peterborough to carry on a prolonged campaign in Spain. Beyond this, which most Englishmen doubtless instinctively knew to be of little real importance to them, the objects they had in mind were those which appeared so clearly at the outbreak of war—to guard against the possible attempt of France

**and power during her reign.**

**The Act of Union outside his sphere.**

**European policy.**

**Military success.**

**Real objects of the war.**



to restore the Stuarts by force of arms, and to protect Dutch and English commerce from the danger involved in the French possession of the Netherlands. But greater issues than these were really at stake, as we shall find the subsequent articles of peace, unsatisfactory as they may have been, showing very clearly indeed. The Spanish territory included, besides the great conquests in America, all the chief ports in the Mediterranean—Gibraltar, Naples, and the ports on the islands of Sicily, Sardinia, and Minorca. In the determination of England's future as a naval and commercial power it was of the gravest moment that whatever share of all this she might herself immediately secure, the rest should not pass into the hands of her great enemy and rival. To have had a Bourbon king whose policy echoed that of Louis XIV. in possession of South America, while France herself had in the territory now known as Nova Scotia so good a foothold in the north; to have been confronted by an unfriendly power at every important point in the Mediterranean and on the route to the East; this would have been a disastrous opening to a century in which, as events actually turned out, the English sea power attained its unquestioned supremacy. The naval operations in the war of the Spanish Succession were not in themselves remarkable, chief amongst them being the capture of Gibraltar and of Nova Scotia; but the most momentous of the results of the contest were those which helped to secure the conditions of triumphant naval warfare in the future.

It is however quite safe to assume that less weighty considerations than these had their effect in urging on the government of Queen Anne to the prosecution of this great European struggle, for a successful general and autocratic statesman is not likely to be the first to propose negotiations for peace. Undoubtedly also the extraordinary brilliance of Marlborough's triumphs did much to reconcile the public as well as the court to the sacrifices in blood and money which they demanded; no nation could be indifferent to the glory shed upon its arms by such victories as Blenheim and Ramillies. But as years went on this sentiment inevitably began to give way to

**Growing weariness of the people.** feelings of weariness and resentment. It became plain that England's enemies were quite sufficiently beaten, and that the war was now purely one of generals and courtiers. Party spirit and royal favour moreover, which at first had served Marlborough well, began at last to weigh in the balance against him. The fact that his continental war policy was one mainly supported by the Whigs had made him change his own political colour shortly after his accession to power, had caused the formation of a government entirely Whig, and had compelled the queen to tolerate in her ministers opinions she detested. But in the year 1710 the substitution of a new favourite at court whose sympathies were Tory combined with a general renewal of party zeal to threaten Marlborough's supremacy. It began to be pointed out by his antagonists that twice at least opportunities for a satisfactory ending to the war had been wantonly neglected: in 1706 Louis XIV. had offered reasonable terms, in 1709 he had offered practically everything, refusing only the extravagant demand that his own troops should be sent to remove his grandson from Madrid. A finishing touch was put to the process of reaction by the case of Dr. Sacheverell. This High Church and Tory divine had taken occasion to preach a sermon in which he had advocated the doctrine of passive obedience, adding certain reflections upon the attitude of the government, and the Whig ministers made the blunder of attracting attention to his case by an impeachment before the House of Lords. Under the mysterious laws which govern popular enthusiasm it fell out that Sacheverell was immediately elevated by the London mob into a hero, a martyr, a champion of the Church. Tory agitators were busy all over the country connecting his cause with that of their party. Queen Anne, who doubtless believed quite honestly that she ruled by divine right, threw the whole royal influence on the same side. Oxford and Bolingbroke, the two ablest men amongst the Tories, used all their force in speech and writing to attack the ministry and the war; they were effectively assisted by the queen's

**Tory reaction.**

**Sacheverell.**

**Policy of Oxford and Bolingbroke.**

latest favourite ; and the result was the dismissal of all the Whigs except Marlborough, and a year later that of the great duke himself. The Tories took office and proceeded very soon to the conclusion of peace and to other measures which we must suppose to have represented the principles of their policy.

Yet what that policy can really have been the events of the years 1712 and 1713 make it rather difficult to determine.

**Treaty of Utrecht.** The peace itself, finally concluded by the Treaty of Utrecht in 1713, though probably to a considerable extent a personal and party measure, did not indeed sacrifice anything really vital to English interests. The Bourbon king was certainly left in Spain—with a proviso that the Crown should never be united to that of France—and in the possession of Spanish America ; but our ally Austria received the Netherlands, Milan, Naples and Sardinia, and Savoy had Sicily ; while England herself kept Gibraltar and Minorca, and in America Nova Scotia and Newfoundland. And reactionary as the Tories might be, they showed a certain recognition of the needs of the time in obtaining the Asiento Treaty, which gave us the monopoly of supplying negroes to the Spanish colonies in America, with the right to send one other trading vessel each year ; and in standing for the acknowledgment by France of the reigning English dynasty. But other

**Unintelligible policy of the Tories.** proceedings of the Tory ministry were much less explicable than this termination of a glorious but exhausting war. We can scarcely believe that in the mass of the party there was any sincere desire for a second restoration of the Stuarts, or that even

Bolingbroke, who was most active in encouraging the hopes of the Pretender, did not perceive the impossibility of summoning to the throne a young man already embittered by exile and deeply affected by the influences of a despotic and intolerant court. Yet if Oxford and Marlborough corresponded with James Stuart after the usual fashion of the hedging politicians

**Attitude of Bolingbroke.** of that time, Bolingbroke corresponded in the tone of one who only waited his chance to take the most decisive action. The Occasional Conformity and

Schism Acts, pushed through Parliament chiefly by his influence, seemed to be aimed at eliminating still more completely that Nonconformist interest which was certain to be in deadly opposition to a Jacobite reaction. He brought about the creation of twelve new Tory peers to counterbalance the influence of the great Whig families. Under his direction Queen Anne, who was known to wish for the succession of her half-brother, replied in almost threatening language to the request of the Electress Sophia for a more definite recognition of her son's position in England. Again, Bolingbroke worked steadily for the exclusion from the government of those even of his own party who did not go all lengths in support of the prerogative. He intrigued especially for the removal of Oxford, the ablest among the moderate Tories, and uttered a passionate expression of regret when, this object being achieved, it was rendered useless by the queen's death too soon afterwards. The Jacobite rising of 1715, when

**Rising  
of 1715.**

Mar raised the clans in Scotland and a few English gentlemen took up arms against the government, formed in reality a continuation of the conspiracy which we can scarcely doubt was in existence during the months preceding Anne's death. And yet such schemes, however vague, in the mass of the Tories amounted to nothing more than a childish perversity. Such as the Pretender was, a bigoted Roman Catholic, they would not have given him the Crown; but they grudged it bitterly to its actual possessor. The Hanoverians were hateful because they were not Stuarts; but the Stuarts would never have been acceptable until they had lost every characteristic quality they possessed. When, how-

**Death of  
Anne**

ever, in 1714 Queen Anne came rather suddenly to her end, the prompt action of the Whig nobles relieved their opponents from the necessity of deciding whether this would-be Jacobite policy meant anything or nothing at all. The Dukes of Argyle and

**and  
prompt  
action  
of the  
Whigs.**

Somerset assumed unauthorised the position of councillors as the queen lay dying; they nominated Shrewsbury, a strong Hanoverian, as Lord Treasurer; and when Anne had breathed her last the



Elector of Hanover, heir since his mother's death, was proclaimed without opposition as King George I. of England.

The political conditions thus created were defended so long and so steadily by their authors that no new ones were presented to the English public until more than half the eighteenth century had passed away. The identification of the Tory with the Jacobite cause had been so clear during the last few years that while almost the whole enfranchised class of the nation was ready to acquiesce in any arrangement which guarded against the possibility of civil war, the new king could have no other thought than to put his confidence in the Whig statesmen and keep it there. George I., an elderly foreigner, who never obtained any mastery over the language of his new realm, was not likely to have more than a vague understanding of her domestic politics ; but it was at least perfectly clear that he was safer surrounded by men like Townshend and Sunderland than by those who resented and even opposed his succession to the throne. The ministers themselves, moreover, did not fail to do all they could to encourage their sovereign in that belief, and to make it difficult for either him or the country ever to be of a different mind. They impeached Bolingbroke and Oxford, nominally for accepting inadequate terms in the Treaty of Utrecht, and obliged the former by an act of attainder to fly the country for some years. They introduced and rapidly passed the Septennial Act, which extended the life of every Parliament, including the one then sitting, from three to seven years. Sunderland even brought forward a ruinous proposal known as the Peerage Bill, aimed at reducing very considerably the power of the Crown to create new peerages ; but this was wrecked upon the opposition of a younger member of his own party, Robert Walpole. The situation was a curious one in which limitation of the king's prerogative could be identified with loyalty to his person, and party spirit with patriotic zeal. Thanks to the political helplessness of the first two Georges, to the irrationality of the Tory party, to the obstinacy of the Stuart pretenders and their few genuine adherents, this situa-

**Perma-  
nence  
of the  
situation.**

**Whig  
measures.**

tion continued until, in the person of George III., a king mounted the throne to whom the devotees of personal monarchy found themselves able to transfer their allegiance. The English oligarchy was a Whig oligarchy for very nearly fifty years.

**Insignificance of party distinctions.** To the modern observer, who holds a different view from that of the eighteenth century upon the duties of governments, the question whether Whigs or Tories should hold office must necessarily seem, save in this one aspect, to have been of strikingly little importance. Neither group of candidates came to the country, as is the case to-day, with an attractive programme of legislation and reform; Sunderland and Townshend believed no more than did Oxford and Bolingbroke that it was their business to do anything in particular except keep the government going. Could the Tories once have made up their minds loyally to accept the Hanoverian monarchy, those general characteristics of the aristocratic rule at which we have already glanced would doubtless have remained under them or their rivals very much the same. There was now no question of war or peace, for both sides were equally anxious to keep free for the time of European complications, and foreign affairs were used during this period chiefly as an instrument of personal attack. It is possible that even in the spreading religious indifference the Tories might have undertaken a more decisive support of the Church and been still slower in the emancipation of Dissent, that they might not have granted the special measures of relief to the Quakers, or suspended as the Whig government did in 1722 the legislative powers of Convocation. But

**Real tendencies of the period.** the principal tendencies of the time, the steady growth of capital and trade, the self-assertion of the moneyed interest as approaching an equality with that of land, and moreover the gradual crystallisation of the party and Cabinet system—these were all too strong to depend for their progress upon the political leanings of the administration. As events turned out, however, these changes have always been specially associated with the long tenure of power by one man, the Whig leader Robert Walpole, who

wielded supreme ministerial authority in England between the years 1721 and 1741.

**Robert Walpole.** Walpole belonged to that upper middle class from which good service may naturally be expected in both the industrial and political progress of its country. He possessed no overwhelming social influence and no manners likely to commend him to the cultivated aristocracy of the eighteenth century, and he must be supposed to have attained his position by virtue of the ability which even his earliest parliamentary years had seemed to show. He had argued against the Sacheverell impeachment, and, as we have seen, against the ill-advised Peerage Bill; in company with Townsend he had separated himself from the government when in 1717 it yielded to George's predilections so far as to threaten war in a purely Hanoverian dispute. He did not return to office until, four years later, the country was struggling in the flood of misfortune brought on by the first outbreak of financial speculation in English history. That our national aptitude for money-making was still in its untrained infancy is proved by the story of the South Sea Bubble. Sea Company, whose shares were run up by mere excess of demand to a price at which it was impossible for them to remain; and by that of the fraudulent company schemes which followed. Such incidents may take place to-day, but they do not bring financial ruin upon nine out of every ten investors. Walpole was known to have condemned the schemes by which the other ministers had been misled, and so to the good fortune of saving his money was added the good fortune of becoming First Lord of the Treasury and what soon began to be called Prime Minister. He thus came into office very definitely on his gift for finance, and though getting him out again doubtless proved to be more difficult than his colleagues or Parliament had supposed, no one can now deny that he justified his tenure of power by continuous proof of the special ability through which he had won it. He was the first English minister who was more than an opportunist in his dealings

with money, the first to have even a glimmering of the meaning of free trade. He began by removing the duties from a hundred exports and nearly half as many imports. His financial policy. He made the first breach in the system of monopolising colonial trade by allowing Georgia and the Carolinas to send their rice to any country in Europe. His excise scheme, though it never became law, showed a far keener insight into the principles of taxation than lay in the objections of his opponents ; for by taking duties from inland dealers instead of at the ports it would have put an end to the vast system of smuggling which reduced the revenue so considerably each year. By his skilful management at the Treasury Walpole was able to bring down the land-tax from four shillings to one shilling, and considerably to reduce the National Debt. Under the system of letting alone, English prosperity took strides which, if not more rapid, were certainly firmer than those assisted in older days by specific commercial legislation. By the middle of the century exports had risen from six to twelve millions, while the population of such towns as Manchester, Liverpool, Birmingham and Bristol was rapidly increasing.

**Growth of public opinion.** A minister who actively assists commercial and industrial development must generally be prepared to find that he has at the same time added to the number of persons competent to criticise his policy. Even under the narrowly limited representative system of the eighteenth century Walpole could not claim exception to this rule, and credit is due to him for being ready to accept its consequences. The decisive expressions of the nation's will were by our standards sufficiently rare, but they were more frequent than they had ever been before in a period of equal tranquillity. Walpole generally deferred to such expressions, and at least he never resented them ; it was truly said of his administration that no government had ever punished so few libels or had had occasion to punish so many. By this regard for public opinion, but still more in reality by his hotly resented ministerial autocracy, Walpole may fairly be said to have advanced a step towards modern conditions. The time had not



**Parliamentary development.**

yet come for a prime minister selected by the nation, supported by his party, and receiving full power to choose his own colleagues, but it was brought perceptibly nearer by the changes of these years. In the absence of the convention which now binds a Cabinet to unanimity, Walpole's methods were necessarily crude; they consisted in procuring the expulsion from the ministry of every one who either differed from him already or showed capacity enough to threaten a serious difference of opinion in the future. Carteret, Pulteney, Townshend, Chesterfield, all had to go in obedience to the will of the one minister who was not merely an ingenious politician but a competent man of business. Such a system did not produce an administration of varied talents; but at least it secured the stability and continuity which are the first requisites of any government, and it tended towards

**The Cabinet.**

making habitual that autonomy of the Cabinet which is, as we have seen, a necessary condition of its usefulness to the State. The council of mediæval times had been feeble as an executive, because it possessed such insufficient powers and admitted individual divergence of opinion; the knots of influential advisers which even then and still more in Tudor and Stuart days the sovereign had collected round him, though commonly strong in unity of policy, had of course no claim to represent the Parliament or the nation. It was left for the sound common sense of Robert Walpole first to apply the means which turned councils and cabals into the Cabinet—that combination of independent action and dependent existence which now secures that the policy of the English executive shall represent with tolerable accuracy the general sense of the community. Something of the same kind may

**Walpole's organisation of his party.**

be said of the methods of corruption so liberally employed by Walpole in dealing with the House of Commons; for if his despotism as well as his talents did a great deal for the formation of the Cabinet, his bribery was not without its effect in the organisation of the modern political party. It may be admitted that this was not an ideal means of keeping a party together, but it was one which Walpole found ready to his hand; and for the develop-

ment of parliamentary government it was better that his supporters should have voted together because they were going to be paid for it than that they should have voted as their fancy directed because they had no object in doing otherwise. Walpole's majority was at any rate the first in the English Parliament which was held together by the mixed personal and political motives since proved to be so potent a force, and for

**The Oppo-  
sition.** the same reasons it was the first which had to face that other important element in our parliamentary life, an organised Opposition.

Like other systems based upon expediency, Walpole's statesmanship did indeed lay itself especially open to criticism of the purely destructive kind. Nothing could be easier for the more ingenious amongst his opponents than to foam with righteous wrath over the exclusion

**Its  
criticism.** of all other conspicuous ability from the government, or over the corruption which kept the Prime Minister's supremacy unimpaired in the House of Commons, while another most

characteristic and really admirable side of Walpole's policy, his management of foreign affairs, was still more plainly exposed to attack. The net result of

**Walpole's  
peace  
policy.** his methods was that England's social and industrial progress was undisturbed by any actual outbreak of war between the Treaty of Utrecht and the downfall of the great minister. And easy as was the appeal of his enemies, by the obvious taunt of 'peace at any price,' to the vanity of the aristocracy and the mob, possible as it may be to agree with them that conciliation was once at least carried a little too far, it is sufficiently clear that Walpole's support of the Hanoverian succession, his enlightened commercial policy, and his masterly finance would all have been very likely to prove useless had he allowed England to be drawn at this particular time into another great European contest. But while some of his opponents were too dull to recognise that fact, others were too dishonest to admit it; and amongst these were both the brilliant Carteret and Bolingbroke, who, though disabled by attainder from sitting in Parliament, carried on a vigorous campaign by means of the press. Perhaps indeed no member of the

His diplo-  
macy. opposition, honest or dishonest, was in a position to know how much diplomatic skill was used by this burly, loud-voiced country gentleman in keeping England free from foreign entanglements during the troubled years that followed the settlement of the Spanish succession. Bolingbroke and his fellows heard no doubt of such incidents as Walpole's offer to cede Gibraltar to Spain in 1727 or his refusal to interfere when a few years later a Spanish prince succeeded in acquiring the kingdom of Naples, and they railed against his policy in horror ; but they did not know how much delicate negotiation had gone in the first case to prevent the new and ambitious government at Madrid from making its demands sword in hand, or in the second to save England from being dragged at the heels of the Emperor into a costly war. The essence of the European situation was that neither Spain, under the influence of the self-willed Queen Elizabeth Farnese and of Cardinal Alberoni, nor Austria, injudiciously ruled by the Emperor Charles VI., was really satisfied with the terms of the Treaty of Utrecht. They both wanted to lay hands on Sicily—Spain in order to compensate herself for her other losses, Austria to perfect her influence in the Mediterranean. The Spanish queen at the same time coveted certain Italian duchies as a settlement for her younger sons, while Charles VI. had continually before his eyes the necessity of obtaining European guarantees for an instrument known as the Pragmatic Sanction which provided for the succession of his daughter to the whole of his miscellaneous dominions. France, on the other hand, under the government of the Regent Orleans, and still more under that of Cardinal Fleury, was nearly as anxious for peace as Walpole himself. It was the merit of the English minister that under these conditions he secured the subordination to his own interests of those of France, even drawing her away for some little time from her natural Bourbon alliance with Spain ; that the Spanish aggressions in the Mediterranean were successfully met without more violence than was involved in a single naval expedition ; and that the Emperor, devious as was his policy, was never allowed

to drift into open enmity with England. It would be a thankless task to find our way through the maze of alliances and negotiations which filled these years. What remains clear is that with the doubtful exception of the establishment of a Bourbon prince, Don Carlos of Spain, in the kingdom of Naples, no European combination was allowed to prejudice the interests of Great Britain during the period when Walpole kept her consistently at peace.

It was nevertheless this question of foreign policy which finally gave the great minister's antagonists their triumph. The hope which had been roused in them by the death of George I. in 1727 soon proved to be vain, for although George II., after the fashion of Hanoverian eldest sons, had steadily opposed his father's advisers up to the moment of his own accession, he was as king sufficiently under the influence of his wife to accept her very high estimate of Walpole's capacities. Moreover, a parliamentary majority was a fact which could not now be disregarded. But the composite body of the opposition had been steadily gathering new elements of strength. Almost all of Walpole's ejected colleagues had joined its ranks, and it had a new band of recruits among the younger Whigs, of whom the leading spirit was William Pitt. In 1740 the outbreak on the Continent of the

**The Austrian Succession.** War of the Austrian Succession gave an opportunity for the self-assertion of all the interests which this party represented or pretended to represent. England would probably have been little affected by the purely European side of this contest, the combined attack of France, Spain, Bavaria, and the newly risen kingdom of Prussia, upon Maria Theresa, heiress of Charles VI. But the French and Spanish courts had formed another alliance, the first of the famous Family Compacts, which it was difficult for English popular opinion to overlook. They had agreed that in return for naval help in the recovery of Gibraltar Spain was to transfer to France the commercial privileges connected with her American colonies which had been secured to England by the Treaty of Utrecht. These privi-



leges, scanty in themselves, had been considerably augmented by an extended system of smuggling and a liberal interpretation of the treaty provisions; and the threat of their withdrawal, enforced by severe measures taken by the Spaniards at sea, was amply sufficient to cause a revulsion of feeling in the classes which had hitherto most strongly favoured Walpole's government. His reluctance to accept the challenge rapidly reduced his majority in the Commons, and when he had yielded and given his consent to the war its somewhat inglorious progress was eagerly attributed by his enemies to his secret opposition. The Austrian question was also pressed by those who, like Carteret, were for playing an ambitious game in Europe, and the Prime Minister was blamed for his advice to Maria Theresa to temporise with her enemies. At the beginning of 1742 Walpole's majority had fallen to three, and he resigned his office.

**Fall of Walpole.**

*Leading Dates.*

	A. D.
Mutiny Act and Toleration Act . . . . .	1689
Settlement of the revenue . . . . .	1690
Attempted invasion by the French . . . . .	1690
Formation of a Whig ministry . . . . .	1693
Liberty of the Press . . . . .	1695
Treason Trials Act . . . . .	1696
Treaty of Ryswick . . . . .	1697
Act of Settlement . . . . .	1701
Death of James II. . . . .	1701
Grand Alliance against France . . . . .	1701
Accession of Anne . . . . .	1702
Act of Union with Scotland . . . . .	1707
Sacheverell trial . . . . .	1710
Treaty of Utrecht . . . . .	1713
Accession of George I. . . . .	1714
Jacobite rising . . . . .	1715
Septennial Act . . . . .	1716
Walpole First Lord of the Treasury . . . . .	1721
Accession of George II. . . . .	1727
Resignation of Walpole . . . . .	1742

## CHAPTER XII

## THE FORMATION OF MODERN CONDITIONS

**A new chapter of history.** THE war which had cost Walpole his majority and his office, was the inglorious opening of a chapter of history destined to have a sufficiently triumphant conclusion. In 1741 and 1742 the English fleets were worsted at sea, and France thought herself able to assume the tone of a dictator in dealing with American affairs; by the end of the century our country's many vicissitudes had resulted in the very different state of affairs to which we have grown accustomed to-day. In the reign of George I. England could have been at best no more than a valuable member of a European coalition; in the later days of George III. she was able to save the whole Continent from a despot by the strength she had gained in sixty years of expansion. The middle of the eighteenth century witnessed, in fact, the first great outbreak of those wars which we have waged ever since and are still waging to-day—the wars of empire.

**Wars of empire.** And putting aside for the moment the vexed question of the ethics of conquest, it is difficult not to feel that our country must have been forced into this new phase of her history by some almost irresistible pressure of circumstance. Less than two hundred years ago England had been fighting for her national existence against the overwhelming power of Spain, less than fifty years ago she had still had good reason to dread the domination of France. Yet even while these wars of independence were waging Englishmen had gained a footing in the New World, and as soon as their liberty was secure and they had enjoyed a breathing-space they threw their whole strength in the direc-

**English instinct for expansion.**

tion where the real opening lay. The cosmopolitanism of William III. and the genius of Marlborough had sufficed, as we know, for only a very short time to make their country play a leading part in Europe and recognise as a primary object the continental balance of power. England's place upon the sea and the temper of her people had decided her future beyond the power of kings or generals to alter.

**The Euro-  
pean war.** In one sense, therefore, we can regard as little more than a temporary aberration the continental struggle, the alliances, the diplomacy, and the not very successful land campaign into which our country was led by the ministers who first superseded Walpole. To the leading

**Carteret.** spirit among these, however, Lord Carteret, the interest of it all was as genuine as it was to the Hanoverian king whose favoured adviser he always remained. In view of the threatening attitude of the Bourbons the main principle of Carteret's policy was necessarily opposition to France, and he so far imitated his despised predecessor as to attempt in the first place to bring about a union between Austria and Prussia. But discrepancy of method may sometimes have more serious consequences than discrepancy of aim, and between the statesman who made war because he chose and him who made it because he must there was likely to be a significant contrast. Where Walpole had reluctantly provided Maria Theresa with subsidies to preserve her main dominions, Carteret was ready to assist her with armies in recovering those which her father had recently lost. King George, who within his limits was a by no means contemptible soldier, felt himself better able to understand what was really going on than had been the case since his father entered England. A contest with swords and muskets in Germany was a much more straightforward affair than a contest of parties in the

**George II.** British House of Commons, and in 1743 the king gladly placed himself at the head of a force of English and Hanoverians to march from Flanders to the Main. The result was not unsatisfactory, for when the allies met the French at Dettingen a threatened defeat was turned into a victory by the dogged courage which even then was

almost too conspicuously the leading military quality of our countrymen; and the French abandoned their invasion of Germany. But this variation from established political methods was not destined to be permanently a success, and the familiar difficulties involved for England in a too hasty participation in continental affairs immediately reared themselves up. Maria Theresa was at once so much encouraged by her success and alarmed at the attitude of her enemies that she passed from defence to aggression, and in reply the French

**French invasion of the Netherlands.** king, Louis XV., led his armies into the Netherlands. Even before the Duke of Cumberland, sent to repel him, had suffered defeat at Fontenoy, the indignant alarm of the Parliament resulted in Carteret's expulsion from office. He was succeeded

by the Duke of Newcastle and his brother, Henry Pelham, whose policy had certainly no dangerous elements of dash or enterprise and was chiefly aimed at restoring peace

**Appearance of the Young Pretender.** abroad and conciliating every political section at home. In these wishes the government was confirmed by the appearance of a second difficulty whose nature was familiar—the arrival of Charles Stuart, the Young Pretender, upon the coast of Scotland.

**Inferences from the event.** The fact that this grandson of James II., who seems to have been perceptibly less blind to realities than others of his family, should have seized this opportunity for a new attempt upon the English throne is a sufficient justification of the care with which Walpole had kept the country at peace during the more critical times of George I., although the final result is just as much a proof that these critical times had passed away. Almost as soon as it became clear that England was to take an active part in the European struggle Charles had been placed by the French government at the head of a formidable body of troops to form the nucleus of a Jacobite army, and it was only the extension of the struggle to the Netherlands which had deprived him of this material support. Coming even as he did, with

**Extent of Charles's success.** a handful of followers in a single little vessel, he achieved a measure of success which created a



panic in London and has made his invasion one of the best-remembered incidents in popular history. The mass of the Highland clans, always ready to fight for any cause which their chiefs regarded as their own, joined Charles in such numbers that he was able to proclaim his father king at Edinburgh, to overthrow an English force at Prestonpans, to cross the Border with six thousand men and march as far south as Derby. Prince Charlie was, indeed, a young man of parts, well able to use every advantage his position gave him. He had dignity and courtesy to win the hearts of his followers, a ready tongue to persuade them, an unflinching spirit to conquer their despondency. Had so much been achieved under such a leader when the Hanoverian succession was still an experiment, when little had been done that could not be undone, when able men still considered a second Restoration to be within the range of practical politics, the country could scarcely have hoped to escape the horrors of civil war. But as it was the 'Forty-five' remained, so far as England and the Scottish Lowlands were concerned, an invasion; it never assumed the character of a rebellion. The men who joined Charles's standard as he marched through the northern counties were no more than a handful, and long before Derby was reached his officers were disheartened and his rank-and-file bewildered. He was obliged to retreat into Scotland, and in the spring of 1746 he was overtaken and defeated by a vastly superior force under Cumberland at Culloden. The Jacobite

**Decay of Jacobite feeling.** sentiment was, indeed, no longer a force to move any considerable number of Englishmen. A new generation had grown up since Sacheverell was cheered through the streets and it was possible to wonder whether Queen Anne would manage to upset the Act of Settlement. The poor had always instinctively known that it made very little difference to them whether King George or King James occupied the throne, and they were not likely to risk life and liberty by fighting for a cause they only dimly understood. Substantial men had discovered that a nation might live very comfortably although its king did not rule by divine right, and they were bound to the present government

by the sacred tie of savings invested on its security. And to the politicians who thirty years before had been almost ready to translate the Tory discontent into some sort of definite action there were no genuine successors; those who inherited their name and to some extent their attitude of mind were not in reality any better prepared than the staunchest of Whigs to sacrifice peace, fortune, and everyday comfort in order to establish one elderly gentleman rather than another in St. James's Palace. With that truth admitted even by the Tories themselves the search for a dividing principle between parties becomes more than ever difficult. Why, we may ask, were Newcastle and his brother called Whigs rather than anything else? and what new theory was admitted when Pitt and his friends on the one hand and a few of the Tories on the other were included in the Pelham administration? Were political distinctions at this particular epoch very much more than differences of name and of persons? For if indeed the

**Disappearance of the old questions.** serious questions which had divided parties when the succession was undecided and Louis XIV. was bullying Europe had died away, the great ones which were to fill the later years of the century had not yet arisen. Some great extension of political thought and activity was needed to preserve the country from that government by clique which is the danger always threatening an

**The new ones.** oligarchy. Such an extension was found in what has just been called the real beginning of empire—the conquests in India and Canada.

In our own day, in this twentieth century which seems to have made the sentiment of imperialism for the first time an integral part of the national consciousness, it is natural that we should look back with admiration and gratitude upon those who prepared the way for such a new and mighty growth; but it is not quite so inevitable that we should understand them. If to

**Clive.** any man in English history, then certainly to Robert Clive the name of empire-maker must be given; yet in view of recent developments it should be given with certain well-marked reservations. Clive can hardly claim kinship with the statesmen who in modern times hold admirable theories

about the union of the Anglo-Saxon peoples, and he was a great deal more like the honest but prosaic colonial administrator who does his work for a salary than like the enthusiast who idealises the position of the dominant white man. To beat Frenchmen, to coerce natives, and to carry his flag as far as might be—these were the tasks Clive saw before him and doubtless considered enough for a soldier to accomplish. He went out to India, as everybody knows, to serve in a humble civilian capacity the Company which since the end of Elizabeth's reign had enjoyed the monopoly of a small but profitable Eastern trade. The situation he found there was that the influence and interest of his employers, who held only three insignificant commercial stations, was considerably outweighed by that of the French colonists; and the changes effected by Clive resulted primarily from his being the first man in the Company's service to show a real genius for war. His opportunity came to him when two enterprising French officials, Lebourdonnais, the Governor of Mauritius, and Dupleix at Pondicherry, saw in the European dissensions between their country and England a pretext for putting an end to the Indian commercial rivalry and establishing French authority over the weak native rulers. Attacks were made upon the stations of the East India Company, while in the name of the Mogul Emperor the French endeavoured to substitute nominees of their own for the reigning princes of central and southern India. They might well have succeeded if young Clive had not happened to possess the unfailing physical and moral courage, the gift for leadership, and the capacity for instant decision which go to make the perfect fighting general. Probably no leader ever had worse material than the sepoy whom he had to teach not to run away and the English clerks whom he drilled into soldiers; yet with their aid he won repeated victories over the French and their native allies, and successfully baffled every one of their attempts to assert authority over the Carnatic. When a few years later he was able to command something like an organised force he gained the triumph from which it is the custom to date our supremacy

**His views  
of empire.**

**His career**

**and great  
success.**

in the East. In 1756 the ruler of Bengal, Surajah Dowlah, made a treacherous attack upon the English settlers in his domain, committing the horrible act of cruelty connected in everybody's mind with the name of the Black Hole of Calcutta. Clive was sent to avenge his countrymen, and against a force which was almost ludicrously superior he fought and won the famous battle of Plassey.

**Battle of Plassey.**

**Difficulty of imperial government.**

As Great Britain was destined to discover, the problem which lies in wait for a great colonising power is very much less the acquisition than the administration of her possessions. A single man with a talent for conquest may bring in wide provinces under his country's flag; but to keep them there in peace the whole ruling class of the dominant race must have capacity for the most difficult kind of government in the world. The relations of the colonial administrators with the native peoples of the new territory, with the colonists of other civilised nations, still more with the government at home, these are fertile of questions so hard to answer that not years but generations must pass before they are finally laid at rest. The subjects of the British Empire are a heterogeneous body, and it is safe to say that amongst them every difficulty which can arise has at some time arisen. The victories of Clive in India were preparing one particular kind of political puzzle for the English aristocracy, and within a quarter of a century warnings were given that the right answer had yet to be found. Meanwhile on the other side of the world the conditions were being created which as we shall see subjected these statesmen to the severest test they ever had to face. The wars with France between 1743 and 1763 led directly up to the conquest of Canada and the establishment of British supremacy in North America.

**North America.**

Just as in the East, the contest arose out of the determination of the French to convert their existing superiority of power into a monopoly. Their possessions in Canada and Louisiana were so greatly superior both in size and importance to the English settlements along



**Aims of the French.** the North American coast that it appeared perfectly practicable to claim for the French crown the whole vast territory west of the Alleghanies and to eject the scattered bodies of English colonists from the valleys of Ohio and Mississippi. For some considerable time indeed the attempt was thoroughly justified by its success; there was no Clive in America to apply such an instantaneous check as Dupleix had met with in the East. The commercial

**Their early success.** agents sent out from the mother country to protect her interests were little fitted to furnish the armed assistance which alone could prove really effective, while the efforts of the colonists to form alliances with the native tribes were only partially successful. Their most open act of aggression, the ejection of the old French settlers from Nova Scotia, had for its chief and rather disastrous result the establishment by the French of Fort Duquesne at a point which commanded the whole valley of the Ohio. This position was so well defended that the young Virginian George Washington with a party of colonists and General Braddock with a mixed force of English and American soldiery were alike baffled in their endeavours to seize it; and the French, who had in the Marquis of Montcalm a skilful and experienced commander, remained in possession of a line of forts which completely cut off the English settlers from any advance

**Seven Years' War.** towards the west. This was the position when in 1756 the smouldering enmities of Europe broke out into the blaze of the Seven Years' War. A great coalition had been formed against the famous Frederick of Prussia by the Empress Maria Theresa, eager to win back the Silesian territory of which she had been deprived in 1741, by the Bourbon allies in France and Spain, by Russia and by Saxony, all anxious to crush a rising power and add something to their own dominions. The support given by England to Frederick, evidently necessary but in the first year or two of the war singularly half-hearted and futile, urged on the French commanders to still firmer assertions of their American supremacy; but it seemed also to bring into sight the turning-point of this struggle for empire. A change of administration

in England bestowed fresh strength upon her arms both in the old world and the new, and in 1758 a really effective attack was for the first time directed against the power of Montcalm. An efficient colonial army had been raised to co-operate with

**Wolfe.** the royal troops ; the chief commands were entrusted to the able Amherst and to that General Wolfe who was destined to create for himself so imperishable a memory. Three expeditions simultaneously advanced upon the French line, and Louisberg and Fort Duquesne were captured ; the next year Ticonderoga and Fort Niagara

**English successes.** surrendered, and the whole west lay open to the English advance. In 1759 came also the famous scene when Wolfe, pursuing the new and ambitious plan of a complete conquest of Canada, lost his life in the brilliant victory which gave us Quebec. The contest

**Capture of Quebec.** was closed by Amherst's capture of Montreal and the cession of Canada with all its dependencies to

**Conquest of Canada.** Great Britain.

**William Pitt.** Statesmen who fill their places worthily at a time of great national achievement seldom fail, as others must sometimes do, to reap the harvest of glory which is due to them. William Pitt, the Great Commoner, is perhaps the one amongst English politicians whose personality

**His reputation.** has impressed itself most deeply upon the public mind, and when we reflect upon the events of his first independent administration we need not wonder that this should be the case. When he entered the ministry of

**Position of England in 1757.** 1757 England was humiliated in Europe as well as baffled in America. The Duke of Cumberland, feebly defending Hanover against the French, had just concluded an ignominious treaty ; Minorca had

fallen to the French arms, and Admiral Byng, sent to recover it, had retreated without firing a shot. The government was distracted, the country sullenly resentful. Three years later determination in Europe had paved the way to

**Rapid transformation.** triumph in the West, and a transformation almost incredibly complete had taken place. The successes of English arms under the Duke of Bruns-

wick in Hanover had helped in forcing France to concentrate herself on the European situation, while substantial subsidies had done much to enable Frederick of Prussia to continue the struggle. All fears of foreign invasion had been swept away by Hawke's victory at Quiberon Bay ; Quebec, as we have seen, had been taken and Canada ceded. It would be too much to say that England owed to one man only the sudden growth of national confidence which made her give unhesitating support to the European ally marked out for future greatness, and over seas take her longest strides towards empire. But it is impossible not to feel that very serious obstacles might have been thrown in the way of these movements if fate had not chosen the right time to place one of the greatest of English ministers at the head of affairs. The

**Pitt's merit.** danger with those whom Pitt succeeded was not indeed so much that they would do what was wrong as that they would fail to do what was right.

Neither Newcastle with his well-intentioned futilities nor Chesterfield with his culture and polish was a man to be hurried by passion into ir retrievable blunders ; but such ministers were only too likely to be occupied at home with the duties of society or the bestowal of places and pensions while English admirals were being worsted at sea and the French flag was floating unchallenged through the length and breadth of western America. Pitt's career stands to

**His qualities.** prove the inevitable triumph of enthusiasm over indifference, of courage over self-distrust, of the real leader of men over the puppet of circumstance who has assumed the statesman's place. His defects were all on the surface. He was arrogant, he was unpractical and careless of detail, he was incapable to the end of his life of keeping his head against the intoxication of royalty. But he had a passionate love of his country and an understanding of her needs which came from both the heart and the head ; he had absolute rectitude of thought and purpose ; and his fiery oratory was a power over an assembly as little likely as any in the world to be permanently swayed by the devices of the rhetorician.

It was by this fervour of patriotism that Pitt's contemporaries were most deeply impressed, the fervour which, as a soldier has told us, made every one who visited him come away a braver man, which subordinated every private interest to the one longing for England's welfare. But the Great Commoner had other gifts which marked him out as a national leader. He knew and unhesitatingly chose the right men for the country's service. His predecessors had sent the Duke of Cumberland to Hanover because he was a prince of the blood, but Pitt chose Ferdinand of Brunswick because he was an able general ; they had called Wolfe a madman, but Pitt gave him a command in North America. Moreover from the time of his political maturity until his decay he stood consistently on judgment. the right side in every disputed question of politics, even when all the prejudices of race and of class might have been expected to obscure his judgment. When the Parliament and the country alike seemed to have lost all faculty of reason over the case of Wilkes, Pitt saw clearly and spoke clearly ; he was opposed to the despotism of the House of Commons, yet openly contemptuous of the popular acceptance of Wilkes himself as the champion of liberty. When a Libel Act of greater stringency was proposed, Pitt was strong for freedom of speech. He made proposals for an India Bill which anticipated that of the next generation ; he was the first statesman to provide means for utilising instead of crushing the enthusiastic loyalty of the Highland clans. When the great dispute with the American colonies arose, he was on the side of sound statesmanship. Perhaps most remarkable of all as showing how the power of thought and imagination may carry a man beyond his age, he was in favour of Parliamentary Reform.

Great  
popu-  
larity  
of Pitt.

Great as in themselves Pitt's qualities were, there was one consequence of them which must still more clearly mark him to our eyes as the first statesman of a new era. To the masses of unrepresented Englishmen, as to the masses everywhere, nothing could be less congenial than dilettante politics, nothing more attractive than the unpretentious virtue of honesty in pecuniary affairs. Pitt was of a deadly earnestness, and in a venal age he was



absolutely incorruptible ; and thus he drew his power not only from a parliamentary majority but from the love and trust he inspired in the nation as a whole. On the help of the aristocracy he could depend only when he had the House under the spell of his eloquence or when his colleague Newcastle had used the baser means of persuasion and bribery ; but on the support of the middle and lower classes and of the towns which vied with one another in making him their citizen he could count throughout his public life. And for their steady loyalty Pitt must be held to have made a fair return—not in any specific service done for their class, but by public acknowledgment of what he owed. Proud and overbearing as he was, and bred from his boyhood in an atmosphere of political privilege, to him the English nation did not mean merely that

**His  
liberality.**

close corporation to which he belonged, but the whole body of feeling and acting men. The time was indeed gradually approaching when this governing class would have to admit that its monopoly could be maintained no longer, and that a voice in their country's policy was the right of the many instead of the privilege of the

**Slow pre-  
paration  
for demo-  
cracy.**

few. The same half-century which saw the growth of the empire saw the slow preparation for a democratic government. Tradition, prejudice, external circumstance fought stubbornly on the side of the aristocracy for many years more, and the actual abdication of their despotic power was delayed, as we all know, until more than a quarter of the nineteenth century had gone by. But, even in the midst of a great deal of stirring incident, the formation of the conditions which made that abdication necessary is a main thread of our history from the time of the elder Pitt to the time when with the Reform Bill of 1832 modern England may be said to appear.

Some faint signs of coming change are even to be traced as far back as the close of Walpole's administration—that period of slow and steady progress which in the absence of wars and other exciting events remains such a blank to the minds of most of us. As to the condition of the humbler classes before this more prosperous epoch began, the few

**Previous condition of the working class.** facts we have already noticed are enough to make it easily intelligible why for them there were still a hundred and fifty years to wait for the parliamentary franchise. The agricultural labourers were in the position, so far as government could make them so, of ignorant and neglected children ; the poorer population of the towns, steadily increasing in an absolute dearth of secular or religious teaching, were for the most part drunken, brutal, and disorderly. In this period the characteristic piece of legislation was the Riot Act of 1714, empowering magistrates to use military force when necessary in the dispersal of a crowd ; and although we are bound to respect a method of asserting the majesty of law which is sanctioned by the ripe wisdom of the twentieth century, the measure can hardly be described as cutting deep down at the root of the evil it was intended to suppress. What therefore we must expect to find as time goes on in the members of this least fortunate section of the community is rather a vague perception of something wanting than any clear knowledge of what that something was—rather an awakening to the fact that politics had a meaning for them than a distinct claim to take their share in the game. When for example the question of the Spanish war was confronting England just before Walpole's downfall, his policy was attacked not only by the ' patriots ' of the House of Commons, but with much fiercer accusations and threats by stump orators in the streets and market-places. When in 1756 Admiral Byng fell back before the French at Minorca it was rather the resentment of the country than of Parliament which forced the government to hand him over to execution. The crowds which tumultuously greeted the sight of Pitt on his way to the House, which shouted wildly for ' Wilkes and liberty,' which towards the end of the century so rudely supported Lord George Gordon in his protest against Catholic emancipation—all these, even when their judgments were ignorant and foolish, were a step nearer to citizenship than the lethargic masses of the Revolution epoch.

Much more vital, however, were two famous movements

**Two famous movements.** in English society, of which one may be regarded principally as a sign of the gradual approach of democracy and the other as among the chief causes of its ultimate triumph. The middle of the eighteenth century witnessed the first direct appeal to the power of religious emotion in England since the days of the New Model Army, and this time the appeal was answered primarily by the men of the labouring class. About the year 1730 the first preachers of the Methodist revival appeared at Oxford, and during the next fifty years the extraordinarily rapid growth of the sect testified to the permanence of those elements in human nature upon which its power was based. Methodism called upon Christians to rouse themselves both to the awful dangers which encompassed their souls and to the glories which awaited their escape ; it appealed to their dread of the unknown, to their spiritual self-importance, to that passion for asceticism which lies dormant in almost every Anglo-Saxon nature. Whitefield, the inspired preacher of the movement, was master of an oratory which could touch even the carefully concealed emotions of such a man as Chesterfield ; over the poor and ignorant, who had neither a safeguard for their sensibilities nor the habit of self-control, his power was almost unlimited. His congregations heard him with hysterical cries and sobs, women and children were driven into convulsions and fits of madness, strong men were haunted through life by the echoes of his speech. Meanwhile the semi-philosophic bishops, the genial clergy, and the tranquilly loyal laity of the Establishment looked on with disgusted horror at this sudden emergence of everything most repugnant to their taste and their beliefs. It was apparently to little purpose that for nearly a century they had crushed dangerous zeal, discountenanced enthusiasm, and frowned upon every pernicious excess of feeling, for here were thousands of the flock revelling in a self-abandonment of which they had never seen the like. The Church of England was in fact paying the necessary penalty of her dignity and her security ; but from being a mere emotional reaction against the oppression

of her inactivity and perhaps dying away as rapidly as it had grown, Methodism was saved by the statesmanlike genius of

**Wesley.** its great leader, John Wesley. By an irony of circumstance Wesley never openly admitted himself to have seceded from the Established Church. In his early days, indeed, he clung so firmly to her rule as to refuse the burial service to Dissenters and to warmly disapprove Whitefield's introduction of field preaching, while to the end he could never accept the Calvinistic doctrines of his fiery colleague.

**His power of organization.** Yet Wesley was the founder of the organisation which so immensely widened the influence and almost created the political importance of Methodism in the eighteenth century, enabling it moreover to live and prosper to the present day. Great numbers of the middle as well as of the lower class were bound firmly together by Wesley's successful application of a principle which in another religious body of our own time, the Salvation Army, we can see carried to still greater extremes. That principle was, briefly, a strong insistence on the value at once of individual religious experience and of the corporate tie. By its use Wesley created one among the many powerful dissenting sects which in time were to break down the social intolerance of the Church ; but more than that, he drew the members of the unrepresented classes in England together as no other organisation had yet made the smallest endeavour to do.

**The industrial revolution.** Less startling in its beginning but more tremendous in its consequence was that transformation of the material conditions of English life which in its completeness is known as the Industrial Revolution. Since the days of the Renaissance, with the opening of America and the invention of the printing press, no epoch of discovery has been so momentous for our country as the one which gave us in due course our modern system of manufacture and means of locomotion. It is not always easy to remember that England in the early days of George III., though by the standards of the time she was a great commercial power, was, like most other European states, primarily agricultural. In spite of the increase of town population the characteristic life



of the nation was that of the villages and the countryside ; its principal occupation was still, in spite of the growth of capital, of industry, and of speculation, the cultivation of the soil. If we reflect for a single moment upon the conditions of life in a society where this was the case, and where moreover the only means of transport for goods, for men, or for news was by horse over roads whose aspect would take away the breath of any self-respecting modern district council ; if we turn from this society to the one in which we now live, with its huge cities and its instant communication with all parts of the world, it will not take us long to estimate the importance of the movement which began in the second half of the eighteenth century. To watch the completion of the change we should of course have to plunge far into the debateable questions of Victorian history and consider the harassing problems of population, of labour disputes, and of the housing of the poor. But machinery, that marvellous agent of man's purposes, is very prompt in showing at least the first signs of its power. At the end of the century we shall find in the Napoleonic wars a striking proof how heroic a part a nation may play if she can depend upon her purse as well as upon her sword ; and even before that struggle began, results sufficient in their kind came from the inventions and discoveries of the years between 1760 and 1790. The story of the chief of these goes side by side with other picturesque details in creating the impressionist history of childhood. The extent of the wealth that lay hidden in our coalfields was first shown by the discovery of a process which employed coal instead of wood in smelting iron ; the first canal was constructed by Brindley in 1761, and after the general introduction of water-carriage it became possible to convey this invaluable fuel with an ease and rapidity which made it the property of the whole country. The spinning machines of Hargreaves and Arkwright, the weaver's 'mule,' and the power-loom, all inventions of the same period, immensely increased the output in cotton and woollen manufacture. Still more momentous was Watt's discovery in 1785 of steam

**Steam  
power.**

power, which at once made possible the whole vast system of factory labour and prepared the way for developments in communication destined in the next century to transform the face of the world.

**Advance  
of the  
middle  
class.**

The assumption by the working men themselves of their inheritance of power was still a long way in the future. But one very early result of the increase of wealth and industry was a new growth of political enterprise amongst the middle class—that body which in almost every community is the first to break down the aristocratic monopoly, but which is not always so just as that of modern England finally proved itself to be in sharing its power with those unable to win it for themselves. The tradesmen and smaller manufacturers, who were now steadily advancing in prosperity, experience, and as they conceived in social importance, could see no reason why the political representation of their interests should be practically confined to the hands of the few great capitalists who could buy a parliamentary borough. The needier members of the professions were doubtless in the same case; and any such man who looked round him in England or across the seas at America and India might well wonder how it was that while he and his kind were winning the empire abroad and building it up at home they had so very little to say about the way in which it was to be governed. By changes which indeed the rulers of England had done little to assist, the foundations had been laid and the construction begun of a really effective public opinion. After fighting for its Constitution through a great many generations the nation had now to set to work and improve it.

**Inevitable  
attack  
on the  
House of  
Commons.**

It was inevitable that under such conditions the House of Commons should present itself as the institution most open to criticism and attack. An aristocracy which simply claims to rule by the right of inherited wisdom and social superiority is exceedingly likely, in a community with anything like the English respect for tradition, to find its rights unquestioningly admitted. The House of Lords was the embodiment of that claim,

**Position of the Lords.** accepted as such by men who from their cradles had been accustomed to venerate noble birth ; and it had not in those days excited by its almost complete identification with one political party that antagonism in the other to which it is so tranquilly indifferent to-day. But

**Defects of the Commons.** in the eighteenth century House of Commons the aristocracy ruled by methods which were underhand and notoriously corrupt. While society was being transformed the elective system had remained where it was, and this so-called representative body represented, as we have already seen, very little except wealthy men and influential families. The condition of things on the eve of the Reform Bill has become famous, but we need not forget that it had then existed for a great many years. Out of the whole of England only 160,000 persons were electors at all.

**Narrow basis of representation.** Members were still returned for ancient towns which no longer existed, while growing commercial centres remained unrepresented. Purchase of a seat was the recognised method of obtaining a place among the nation's legislators, and even purchase was not carried on in an open market ; the Duke of Newcastle, prince of jobbers, had at one time nearly a third of the boroughs at his own disposal. And although some sort of reform had been proposed before the middle of the century and pressed by Pitt, a parliamentary majority had repudiated the idea with a horror which promised ill for the future of the intelligent middle class.

**Corruption and prejudice.**

This was the composition of the assembly which since 1689 had been practically supreme in England ; and even more ominous than its refusal to entertain any proposal for remedy were some of the characteristics which had apparently been developed in it by the enjoyment of absolute power. It exhibited a growing arrogance of office, an indifference to individual rights, a tendency to subordinate every public interest to its own selfish ends. In the days when despotic monarchy was an ever-present danger the Commons had very properly surrounded themselves with safeguards against its encroach-

ment ; and these, directed now against the nation, formed under the comprehensive name of privilege of Parliament an excellent foundation for the despotism of an assembly. A typical instance was the right of secret deliberation, essential to the freedom of the nation in the earlier period, absolutely opposed to it in the later. Parliament refused to recognise the claim of its constituents or anybody else to know what passed within the sacred precincts at Westminster, and the publication of debates was punished at irregular intervals as a breach of privilege. The educated public on the other hand showed its growing sense of the need for new conditions by the eagerness with which it read such reports as were procurable, by the support it gave to publishers incurring the displeasure of the House, and by isolated attempts to fetter the members beforehand with instructions and pledges. This particular matter culminated in 1771 in the affair of the printers Thompson and Wheble, whom a parliamentary majority was determined to punish and the London magistrates were determined to protect. The Lord Mayor indeed spent some of his dignified leisure in the Tower as a result of his warm defence of popular rights ; and though a formal decision of the matter was evaded by a prorogation, the feeling of the public and of an enlightened minority in the Commons had been so clearly expressed that the publication of debates was henceforward carried on with impunity. Closely akin to this matter, however, was the still more thorny question of the libel law. Even in our own day, to procure a definition of a seditious libel and to decide how best to deal with it when defined are not among the easiest tasks of an unpopular government ; and in the eighteenth century, when statesmen were filled with a sense of their own importance and had not known the discipline of the comic papers, nothing seemed to threaten individual liberty so constantly as did the prevailing interpretations in this department of law. It was fatally easy for a powerful ministry to confound opposition with sedition, fair argument with treasonable attack, and such a ministry would have at its back a House of Commons

**Privilege of Parliament.**

**Secrecy.**

**The libel law.**



which effectively asserted its claim to be the sole judge in cases of privilege. In the case of the Letters of Junius, which were published in 1769 and contained a most scathing indictment of a government policy then peculiarly open to criticism, only the careful concealment of the author's identity saved him from a rigorous persecution. And at the trial of his printers a very evil doctrine was declared, which showed how firm a hold the principle of privilege threatened to acquire upon English law. This doctrine was that in a libel case even the question of fact must be answered by the judge instead of the jury; and it might have had disastrous results indeed upon individual rights if public opinion had not found champions in the lawyer Erskine and the younger Fox, whose Libel Bill of 1792 re-asserted the older and juster principle.

These particular abuses had thus continued almost throughout the century, and it has to be remembered that they were accompanied by other claims almost equally dangerous; such as the right of absolute decision upon all election petitions and the right to commit any subject in England to prison for the duration of the session.

The famous case of John Wilkes may almost seem to have been providentially provided to make plain to everybody how serious were the issues at stake between the Parliament and the nation. This clever agitator first became prominent in 1763 by publishing fierce accusations against the government in the journal called the 'North Briton.' The ministry of the day was headed by George

Grenville, who may claim to have made as many mistakes as any statesman in English history; and although the House of Commons was within its legal rights in expelling Wilkes for what was defined as a libel, and possibly also in ordering his arrest, it clearly exceeded them and drew attention to the tyrannous violence of its action when it deprived him of his liberty on a warrant which did not specify his offence. Public sympathy was thus already enlisted upon Wilkes's side, and was strengthened by the minor persecution which he continued to suffer. And when five years

later a perfectly justifiable criticism upon a Secretary of State was termed libellous and caused him to be again deprived of his seat he stepped at once into the position of a popular hero. It mattered nothing that the man was clearly a schemer and openly a profligate. He was identified once for all with the cause of the people against the Parliament ; and the county of Middlesex, whose representative he had been, sent him back again to his seat with such enthusiasm as no parliamentary election for generations had excited. The House of Commons, all its pride of power aroused, replied by a declaration of Wilkes's incapacity to sit, and, after the fourth election, by the announcement that his unpopular opponent was duly returned as member for Middlesex.

The echoes of this battle rang through London and Westminster for years after Wilkes had been at last allowed, in 1774, to take his seat in the Commons ; and although all entries relating to the matter were expunged from the parliamentary records in 1782, we can scarcely suppose that the memory of it was as easily wiped out from the public mind. There was indeed one aspect of the Wilkes case in which, if the whole English oligarchy had been as clear-sighted as were individuals in its ranks, it might have discovered some considerable justification for the Reform Bill of the future. The despotic action of the Commons had been approved and even partially inspired by the Crown ; it was suspected that the earlier proceedings of 1763 had their origin at Court, while the second attack was certainly undertaken at the direct instigation of the king. His Majesty King George III., although he would undoubtedly have found the supremacy of public opinion even more distasteful than the supremacy of an unrepresentative Parliament, may indeed be said to have done a very great deal to assist in the final substitution of the one for the other. With the help of a few subservient ministers he reared up that great structure of royal influence which overshadowed the politics of the later eighteenth century ; he clearly showed that an

**Popular sympathy with Wilkes.**

**Despotic action of the Commons.**

**An important aspect of the case.**

**Influence of the Crown.**

**George III.**

aristocracy which would passionately resent the open despotism of a monarch is not always able to withstand his personal persuasions and social pressure ; and so he gave another conclusive proof that a nation which means to be free must set a term to

the political monopoly of her nobility and gentry. If the governing class had resisted George III.'s encroachments as firmly as it had resisted those of James II., if it had refused to be pushed into glaring mistakes and withheld from necessary reforms, it would have incalculably strengthened instead of weakening its own position. But such firmness as this is exactly what George's ministries and Parliaments conspicuously failed to show. For two Hanoverian reigns the Crown had been a political figure-head ; in the third it became the seat of an extensive and dangerous authority. The system of the Cabinet and the Premier had scarcely been perfected before its working was again disturbed by the partially successful insistence of the king upon his right to choose his own ministers.

George III. could not have been described by his warmest admirers as a man of commanding intellect, but he must certainly have the credit of recognising at once the only method by which an eighteenth century King of England could possibly assert himself. From the very first he made up his mind to acquire power through Parliament instead of in opposition to it, to use flattery, bribery, and the strength of English loyalty in the creation of a party which should be prepared always to apply itself to the fulfilment of the royal wishes. The men to compose such a party were doubtless to be found chiefly among the Tories, owing to their traditional attitude of mind towards the sovereign ; while many of those whose opinions were in a fluid state began to call themselves Tories when they became 'the king's friends.' From the opening years of George's reign when the Whigs were still nearly all-powerful to the later days in which ministries were full of men after his own heart, the king was ready to seize every opportunity of taking authority from those who would resist him and giving it to those who would yield to him. In 1760, the year of his accession, the

and the  
aristo-  
cracy.

The king's  
methods.

His party.

coalition ministry of Pitt and Newcastle seemed to be built upon a rock, showing no weak spot at which the sovereign might attack it. Yet within a couple of years it was shaken to the base by a dissension arising out of the world-wide contest which had been its greatest element of strength ; and George was delightedly watching it stagger to its fall. Pitt proposed to forestall the evidently approaching offensive alliance of Spain with France by declaring war upon the government at Madrid ; Newcastle and the rest were reluctant, and their opposition drove the great minister to resign. In the previous reign his colleagues would probably have gone on undisturbed without him, but the epoch of royal influence had opened, and Newcastle paid the penalty of rejecting the safeguard that lay in Cabinet autonomy. He was pushed out of office by the openly-expressed hostility of the king, and the first place in the administration was taken by Lord Bute, a Scotchman of mediocre abilities, whose chief anxiety was to put an end to the war which he felt himself incompetent to carry on. The Peace of Paris was pushed through by George and his new adviser against the opposition of the honest parliamentary minority which considered its terms inadequate and the desertion of Prussia a disgrace. Even when Bute had been driven to give in his formal resignation, alarmed by the violent outcry of the public which could not so soon forget the Great Commoner and regarded this first royal favourite of the Hanoverian line as a foreign interloper, he retained his access to the royal ear and for a considerable time his influence over the administration of the weak and disorganised ministries which followed. George Grenville was certainly no sycophant, but his obstinacy did not prove to be the same thing as strength. Pitt declined office when the king's overtures were aimed at excluding all his former colleagues, and when he did accept it, with the title of Earl of Chatham, in the administration of Grafton, he was soon overtaken by a ruinous breakdown in health which incapacitated him for leadership.

Helpless Prime Ministers were excellent for the king's pur-

**His opportunity in 1761.**

**Pitt's resignation.**

**Bute's ministry.**

**His subsequent influence.**



pose so far as they went, but he had yet to find the man who should be a fairly competent administrator and ready nevertheless to devote himself heart and soul to the furtherance of the royal interests. In Lord North, who became head of the ministry in 1770, it appeared that such a one was found. We need not doubt, if we are inclined to be charitable, that this nobleman honestly believed it to be the business of the Crown to govern, of the ministers to serve; and his correspondence with George III. makes startling revelations of the state of things which was still possible midway between the Bill of Rights and the accession of Queen Victoria. We find the king personally appointing law officers and bishops, filling up the minor posts in the ministry, disposing of all patronage, carrying measures, where it was necessary, by the help of his organised party in the Commons; creating, in fact, precedents of every kind which it afterwards required a good deal of force to break down. One particular achievement, however, of these confident statesmen was so momentous as rightly to have dwarfed all others in the popular remembrance. They led the English oligarchy into the gravest blunder of its whole period of power; they demonstrated as clearly as need be that if the nation was to rule an empire it must first set its own house in order. The outcome of this period of King George's influence and Lord North's administration was the loss of our American colonies and the foundation of the United States.

It has of course been very often and very truly remarked that this famous disaster was soon proved not to be, in the sense that was expected, any disaster at all; that none of the dismal contemporary prophecies as to England's future were fulfilled; and that our commerce even after this loss of territory soon became much greater than it had ever been before. All this can however be no more regarded as constituting a defence of the statesmanship of the time than can the other startling fact that half a century later the most prominent

**Lord North.**

**His convictions.**

**Personal rule of George III.**

**The greatest blunder.**

**The loss of the American colonies.**

**Its happy results**

**no excuse for bad statesmanship.**

English politicians were apparently quite ready to let Canada follow if she chose in the path of the United States. As to our country's subsequent prosperity and triumph, they may be cited as a proof that the loss was not due, as Europe supposed, to the exhaustion of the nation, but to the blunders of the government; moreover, the laws of political economy are valid even before they are understood. And although, in the second place, the imperialistic idea had certainly not arisen in 1776, nor even in 1837, the statesmen of the earlier epoch are not on that account to be excused when they failed in their task of preparing the conditions for its growth. An-

**Supposed  
necessity  
of the  
separa-  
tion.**

other contention, put forward by those who like to eliminate the personal element from history, is that the independence of the American colonies was inevitable from the day when the Peace of Paris finally confirmed our gain and the French loss of

Canada and her dependencies. The dread of French invasion once removed, these New World communities were as certain to declare their right to be a nation as was sixteenth-century England to resent the threatened domination of Spain. This theory it is obviously impossible to disprove: and although the circumstances of a modern British self-governing colony clearly combine the maximum of advantage with the minimum of obligation, it is true that this was not quite the situation of America in the eighteenth century. The briefest glance at the previous history of the

**Possible  
founda-  
tion for  
the belief.**

English settlements will therefore discover a good deal to support the contention that they could not have endured to the end of the first period in order to enjoy the privileges of the second; but a good

deal also to show how unfortunate it was that they should have been brought into contact with the statesmanship of George III. and Lord North. The original population of the colonies had been mainly composed, at least in

**Condition  
of the  
colonies—**

those New England states which were the promoters of this struggle, of religious refugees of the Puritan type, from the Presbyterians and Independents in the days of Charles I. and Laud to the Quakers who had

founded Pennsylvania a few years before the accession of James II. From these early settlers there had sprung a race which may be fairly described as one of hard-headed idealists ; by no means neglectful of material advantage or incompetent **mental,** to secure it, and yet peculiarly likely to come, through their leading minds, under the sway of any commanding idea in religion or politics. The number of the colonists amounted in the middle of the eighteenth century to **material,** considerably over a million, besides the negroes who had been poured in from Africa ; their trade, chiefly in raw produce, had steadily increased in spite of its restrictions. Village schools and grammar schools had existed in America from its earliest days, while the two great colleges of Harvard and Yale had been founded in 1638 and 1701. The first newspaper had appeared in Boston in 1704, and the interest excited by the scientific discoveries of Benjamin Franklin showed that the public mind was neither ignorant nor inactive. Although Great Britain claimed the right to levy export duties and to limit American trade and industry **and** where they would compete with her own, yet free **political.** political institutions within each colony had always been regarded by its sorts as their birthright, and the elected assembly of the state had a great deal more actual authority than the Governor nominated at home. It would be absurd to minimise the effect upon such a society as this **Changes** of the mental changes as well as the critical events **of the** of the eighteenth century. There was this release, **eight-** as we know, from the threat of the French power en- **eenth** camped upon their borders, a change which allowed **century.** America to perceive the possibility at least of a break with the mother country. But there was also the gradual diffusion through the civilised world of the theories put forward in France by Voltaire and by Rousseau ; the destructive criticisms of the one upon worn-out conventions, and still more the plausible conceptions of natural right and universal equality attributed to the other must inevitably have had their influence upon thoughtful men amongst the new community. And finally there came as a very sufficient immediate cause

for revolution that new British policy in colonial taxation which was inaugurated by George Grenville in 1765 and triumphantly perfected by King George and his favourite minister.

**New  
British  
policy.**

**Its prin-  
ciple and  
indiscreet  
applica-  
tion.**

**Stamp  
Act.**

The principle upon which that policy was founded cannot indeed be called unjust, being simply that the colonists ought to share the cost of the war, just ended, which had been incurred very largely on their behalf. It was in the application that Grenville blundered, for he determined not only to put down the whole American smuggling trade with the French and Spanish colonies but to impose an internal duty upon stamps. It was this exaction which first called forth the fiery denunciations of Pitt, and his influence even more than the unanimous protest of the colonies against taxation without representation induced the Rockingham ministry to repeal Grenville's Act. But pride and ill-temper led the ministers to accompany the repeal with a declaration of their theoretic right to impose any colonial taxes they pleased; and under the Grafton administration, when Pitt was helpless in a sick room, the step towards reconciliation was retraced by an order for the levying of various import duties at the American harbours. Owing to the violent discontent excited in America, some of these were soon withdrawn, but in the existing state of feeling one such imposition

**Tea duty.**

**Repres-  
sive  
measures.**

**Outbreak  
of war.**

was as bad as a hundred. The retention of the tea duty brought about the famous scene at Boston Harbour in 1773; this in its turn led the English government into the repressive measures, such as the annulling of the Charter of Massachusetts, which made reconciliation impossible; and within two years more the American Congress had been formed and hostilities had begun. The old aristocratic ignorance of colonial affairs, so excellent a basis for relations which were almost entirely negative, had proved fatal now that individuals had hit upon the unhappy idea of positive interference. The majority of the English Parliament supposed that a growing nation thousands of miles away could be coerced with little



more difficulty than a handful of malcontents at home ; it listened with amazement to proposals for peace and to Chatham's earnest warnings that America could never be conquered. And the policy of its executive was summéd up in his majesty's fatuous lamentation over the repeal of the original Stamp Act.

**Period of hostilities.** As to the period of actual hostilities, perhaps the main points of interest are that after the first few years England was at war with half Europe as well as the American colonies, and that an able minority of her politicians grew more and more opposed to the policy of continuing the war at all. The colonists fought stubbornly, though perhaps without conspicuous brilliancy, and amidst

**Washington.** innumerable difficulties George Washington played the part of a statesman and a hero. But they were too poor and too much weakened by divided counsels to carry on an organised struggle alone ; they depended upon that foreign intervention which must always be the hope of small nationalities at war, but which, happily, seems only to come to the help of those whose cause is the cause of progress. The early successes of the Americans about Boston and at Saratoga were balanced by defeats ; and

**European combination against Great Britain.** even when in 1780 and 1781 France, Spain, Russia, and Holland were all leagued against England, it seemed doubtful whether she would not still be able to hold her own. Her fleets triumphed at sea, Gibraltar stood a protracted siege, new efforts were being made in America. But the party was growing

**Peace party.** which saw how barren the greatest military success must necessarily remain ; and even of this the prospect was soon endangered once more through the loss of Minorca to Spain, the rise of active disaffection in Ireland, and the great victory won at Yorktown by the Americans, newly organised and greatly encouraged by the agents of

**Forced resignation of Lord North.** European powers. In 1782 Lord North, clinging desperately to office, was thrust out by a vote of no confidence, and the following year saw American independence acknowledged and peace made with-

out serious loss, except that of Minorca, between England and all her foes.

**Ele-ments of strength in the aristo-cracy.** If, indeed, the opening of this contest had revealed the fatal weakness of the oligarchical government as a whole, the peace agitation seemed to bring forward all the remarkable elements of strength which it still contained. The men who had combined to get rid of Lord North might have accomplished much more had they been able to find some permanent principle of union. Already from widely different points of view they were able to see what grave injury had been inflicted on English policy by parliamentary corruption and by the disastrous concessions to the pretensions of the Crown. In 1779 we find Fox's open expression of regret 'that his majesty is his own unadvised minister.' In 1780 Dunning brought forward his famous motion, 'That the influence of the Crown has increased, is increasing, and ought to be diminished.' The same year saw the passing of Burke's admirable scheme of economic reform, which disqualified persons holding government contracts for a seat in Parliament, disfranchised the revenue officers, limited the civil list, the pension list, and the secret service fund—changes which very greatly reduced the corrupt influence of the government. Of these statesmen, Fox would seem to have been inspired amidst numerous blunders and follies by a very genuine Liberalism, while the genius of Burke sufficed to invest the doctrines of aristocratic rule with the dignity of a great philosophy. But there was one man now becoming prominent in the House of Commons who above all was qualified to lead the governing classes of England during this most critical period of their supremacy. Chatham had died before the close of the struggle he so fiercely condemned, but he had bequeathed to his son his policy of enlightened progress. Could the younger Pitt have governed England in security and peace for even the same number of years that he spent in labouring to guide her through all the miseries of war, he might well have helped the nation to

**Fox.**

**Dunning.**

**Burke.**

**The younger Pitt.**

**His capacities.**

make the transition to democracy more rapidly and more completely and set it forth upon its new journey fully equipped with political confidence and general goodwill. All his genuinely characteristic work shows that he recognised the supreme importance of those changes which so many of his contemporaries were ready to ignore. He was eager to encourage and direct the industrial progress ; he grasped the significance of that widening of public sympathy which was shown in such movements as Wilberforce's anti-slave-trade agitation and the first attempts at popular education ; he saw how momentous was the rapid strengthening of national opinion manifested by the new custom of public meeting and by the establishment of many of those newspapers which are representative of influential classes of society to-day. Thus Pitt gave his most serious attention, so long as circumstances allowed it, to finance, always a fundamental question with a commercial nation. He extended the area of indirect taxation, simplified the process of levy, and suppressed much illicit trade ; he reformed the corrupt system of public loans ; he entered into a valuable commercial treaty with France, and made a strenuous though vain attempt before the Union to obtain equality of advantages for Irish trade. Again, he constructed, though he was never destined to pass, a most elaborate bill for improving the condition of the poor, anticipating parish councils and poor-law guardians, and providing for a great many other things which have never come into existence. He was hotly in favour of reform, and brought forward measures which were but narrowly defeated by the obstinacy of Parliament. He pressed the union of the English and Irish Parliaments in 1800 because he believed it to be the best remedy for the difficulties of the neighbouring island, and resigned when the king refused to accept the provision for the political emancipation of Catholics which was an essential part of the scheme. Yet in his eagerness for domestic reform Pitt did not shrink from the responsibilities of empire. The famous affair of Warren Hastings, with its results, marks for us the level of the Prime Minister's statesmanship. The relations of this great

colonial administrator to the native princes of India had confronted Parliament with a most perplexing question—that of the degree of licence to be allowed to those who direct the forcible spread of civilisation. Burke attacked Hastings because his poetic imagination was set on fire by tales of individual hardship ; Pitt sanctioned the prosecution because he admitted the democratic principle of close watch upon all agents of government. Hastings was acquitted, but Pitt brought in the India Bill, which first introduced the direct responsibility of the English Crown for the administration of India.

**Pitt's first rise to power.** It was by an odd trick of fortune that such a minister as this was first placed in authority by an unconstitutional exercise of the royal power. But indeed to the end of his life Pitt found neither means nor opportunity for any direct attack on the system which the king had taken twenty years to perfect ; and the strong approval of the public may be held to have justified the young minister's action when in 1783 he accepted office at George III.'s request and held it in the face of repeated parliamentary defeats until a dissolution had at last given him a majority. But the true irony of Pitt's fate is to be sought in more tragic events than these. His financial and social schemes were thrust aside before he had pursued them for ten years by the stern demands of self-preservation, and the man who might have been England's greatest peace minister was called upon to direct the longest and most terrible of her wars.

**Irony of his fate.**

**A peace minister forced into war.**

At the history of that tremendous series of contests known as the war of the French Revolution it is impossible for the narrator who would be brief without utter triviality to give more than the most cursory glance. The struggle, so far as England was concerned, extended with intervals of peace over twenty-three years ; and during that time some or all of the other European powers were constantly engaged in either combating or assisting the strange new enemy which had sprung up amongst them. Yet

**Magnitude of the struggle.**



it was natural that England should at first have conceived herself to occupy a position somewhat different from that of any other country with regard to this great conflict of ideas and of passions, a conflict which became plainly inevitable from the day in 1789 when the States General of France met

**Opening  
of the  
French  
Revolution.**

at Versailles. England had no personal entanglement with the affairs of Louis XVI. ; she held no brief, as other monarchies did, for a social system founded on the denial of individual liberty. When she saw her neighbour insist upon the calling together of a representative body and proceed by its decrees to the abolition of all oppressive feudal customs and privileges and to the institution of political reforms, a large majority of the nation were only too eager to applaud the final acceptance in France of principles which had long been recognised upon their own side of the Channel. The declaration of the French republic in 1792 gave some of our countrymen pause, and upon the educated public an impression was made by the appearance of Burke's eloquent condemnation of all revolutionary reform. But Fox and many with him maintained their enthusiasm, and certainly nothing was further from the thoughts of Pitt or any other minister than to take part in the invasion by which Austria and Prussia were feebly trying to put an end to one of the most irresistible movements in European history. Two events, however, very soon aroused England from her dream of approving neutrality, and made plain the issues which were really at stake between France and the rest of the civilised world. The first and most

**The revolutionary  
decrees.**

important of these events was the publication by the French assembly at the end of 1792 of the remarkable decrees which promised help indiscriminately to all rebels, and proclaimed the establishment of the new republican institutions in every territory now or in the future conquered by France. By these declarations the French nation had openly and fiercely repudiated the whole system of law and obligation under which Europe had lived for so many centuries, and had declared a new public morality as impossible to reconcile with the liberties of England as with the

despotism of Prussia. The second event, providing a striking commentary on the first, was the execution at the beginning of 1793 of the unhappy Louis XVI., an act which seemed to usher in the worst horrors of the Reign of Terror.

However uncongenial to a whole community the revolutionary idea may be, it must of course be chiefly abhorrent to those classes which have most to lose. The mass of Englishmen instinctively shrank from France bathed in blood and calling upon all subjects to rise in arms; but the aristocrats

were necessarily burdened also with the fear that the contagion from this fever-stricken country might destroy their own peculiar rights as well as their country's peace. It was in this fear that they

resorted to those oppressive domestic measures whose neces-

sity it is now so difficult to estimate but whose retrograde tendency it is impossible not to deplore.

Sincerely or otherwise, the old agitation for Parliamentary Reform was identified with this new and destructive republicanism. In trials for treason and sedition, justice threatened until the acquittal of Horne Tooke to become the tool of the executive; the Habeas Corpus Act was twice suspended for terms of years; the Treasonable Practices Bill and the Seditious Meetings Bill, both passed in the last years of the century, put heavy restrictions on the right of public discussion, and otherwise limited the liberty of the subject. To the rulers of England, dismayed by the military triumphs of France and her success after 1795 in finding allies, alarmed at her threatened invasion of Ireland, wrathful as well as alarmed at the appearance of a few theoretic revolutionaries within their own boundaries and at the outbreak of mutiny among the English sailors, coercion at home undoubtedly seemed to go hand in hand with resistance abroad; and they conceived themselves to be fighting the same fight when they sent Jervis out to beat the French at Cape St. Vincent as when they prevented Englishmen from discussing their grievances at home. To us it must indeed seem that the one set of actions formed the

only possible justification for the other ; but also that for the comfort of the eighteenth-century aristocracy it was a fortunate dispensation which turned the war against revolution into a war against tyranny. If the revolutionary government of France had developed into an ordered liberty instead of into Cæsarism, if her paper constitutions would have held together and she had aimed at being the model instead of the arbiter of Europe, the result upon England of her old rival's renaissance might well have been something very different and very much

**Napoleon Bona-** more startling. But Napoleon Bonaparte justified **parte.** to English eyes every measure which had been or could be taken in self-defence. His marvellous genius for war, his conquest of Italy, of Holland, of Prussia, Switzerland, and the rest, his almost insane ambition to bring all Europe, with England first and foremost, and perhaps

**Effect of his policy upon the British public.** India too, within his grasp—all this forced our country to forget everything and to sacrifice everything in the one supreme need of preserving its safety and its independence. Seventeen years had to pass—and there is little reason for surprise that the interval was so long—between the battle of Waterloo and the first Reform Bill.

**Dramatic interest of the war.** The incidents of the contest, with its great risks and its great triumphs, with the shuddering dread of invasion so inconceivable in our own time and the rapid European transformations which seem almost equally remote, have an abiding fascination for Englishmen, and some of them are such as we are never likely to forget.

**Nelson and Wellington.** Of all our national heroes Nelson is perhaps the one whose memory we cherish most, and on the field of Waterloo Wellington won the right to stand always by his side. But the main general interest of the warfare lies of course in the fact that it established us with new firmness in a position which we continued to hold up to the very eve of the present century—the position of a power which can afford to sacrifice military strength in order to secure an unquestioned supremacy at sea. England sent troops to co-operate in Holland and elsewhere with

**Our naval supremacy.**

the opponents of France, but it cannot be denied that up to the days of Wellington's stubborn fight in the Spanish Peninsula these troops cut an exceedingly poor figure. Our naval warfare, however, was a very different story. From the very opening of the struggle in 1793, when Abercromby began the conquest of the West Indies and cut off all French cruisers that came in his way, the English control of the ocean was the one unsurmountable difficulty which prevented the French Republic and Napoleon Bonaparte from realising their ambitions. The earlier victories of Cape St. Vincent and Camperdown in 1797 prevented the French expedition to Ireland, and saved the raw English soldiery from having to face the finest troops in Europe. Nelson's great triumph at the Nile in 1798 shattered Napoleon's scheme of a commercial empire in the East, shut up the flower of the French army in Egypt, revived the opposition of Austria and roused the courage of the Russians and Turks ; it was followed by one of the most successful of all the coalitions against Napoleon, and in due course by the truce called the Peace of Lunéville. The battle of Copenhagen in 1801 broke the northern alliance which Bonaparte had constructed to overawe us ; while the still more famous victory of Trafalgar destroyed once for all the possibility of a French invasion of England and drove Napoleon back upon a form of hostility which was to prove absolutely fatal to his power. The steady destruction of the trade of France and that of her allies Holland and Spain had constituted from the first a terrible danger to her cause. No nation can maintain its supremacy if commercial ruin is hammering at its door ; and in the years between 1792 and 1800 our own trade had increased 62 per cent., at the expense almost entirely of these three powers. England had occupied all their colonies ; she intercepted their ships and seized their goods even from under neutral flags. When Bonaparte in the Berlin and Milan decrees of 1806 and 1807 attempted to reply by excluding our goods from the whole of his immense empire he only hastened his own inevitable fall. England

**Victories  
at sea**

**and their  
results.**

**Destruc-  
tion of  
French  
commerce.**

**Berlin and  
Milan  
decrees.**



suffered, but France was almost ruined. And it was the intolerable hardship of these restrictions which roused Russia to throw off the yoke and led Napoleon into that expedition whose disastrous result combined with the Spanish war to shatter his credit and undermine his power. Waterloo was indeed but the close of a drama whose greatest scenes had been played upon the sea.

**British monopoly.** England had fought a good fight, and when all was over she had to count the cost. At first sight it seemed that this was to be terribly great. After the conclusion of peace the mass of Englishmen found themselves enduring miseries greater than those of the war time—conquerors apparently in worse case than the conquered, patriots who had sacrificed all to a cruel and ungrateful country. The industrial classes were groaning under a reaction from the artificial stimulus of the years when our ships alone could carry goods safely over the sea. Labourers in every calling sullenly resented the introduction of machinery which seemed to take work out of their hands. The middle class was struggling under the burdens laid upon it by the existing Poor Law, which directed relief to be given out of the rates to the able-bodied poor in their own homes—a system under which pauperism, the poor population and the rates increased together with almost incredible rapidity. All but the wealthy were terribly oppressed as consumers by the great rise in prices, as taxpayers by the abnormal exactions they had recently had to face. A victory which had been longed for as bringing the millennium had only brought hardships almost impossible to endure.

**Cost of the war.** And even worse than these individual sufferings was the check to national progress which an irony of fate had made their inevitable accompaniment. Before the outbreak of the struggle with France it had seemed at least possible that the aristocracy, led by Pitt, exhorted by Fox, might have anticipated by the power of intelligence the instinctive Liberalism of the middle class—that its legislation might have met the country's needs and its members been

**Terrible distress.**

**Check to political progress.**

ready frankly to admit those who were claiming their political inheritance. But in 1815 Pitt was dead, Fox was dead, and the force of circumstance had, as we have seen, identified in the eyes of a majority of the nation's rulers the cause of progress and reform with that of destructive revolution. Class government seemed indeed to be established more firmly than ever. While Cobbett was demanding universal suffrage, Parliament was suspending the Habeas Corpus Act and passing oppressive laws to stifle discussion or remonstrance. When the masses, in their misery and despair, passed from agitation to riot, the authorities replied by ordering soldiers to charge upon an unarmed crowd. While the labouring poor throughout the country were on the verge of starvation the landowners conceived and immediately passed the first Corn Law. This enactment forbade the introduction of foreign corn until the price at home had reached 80s. a quarter, thus preserving to some extent the landlord's rents, but establishing as permanent the recent famine price of bread. The Corn Law was followed by the repeal of the property tax; and few measures could have been more unpleasantly significant than these two of the antagonism of classes and the confident egotism of the ruling body.

When however the strongest party in a nation has begun to move, no wall of prejudice can be stout enough to keep it back for ever. Opposition to the excesses of revolutionary sentiment had delayed the great changes in English society for thirty years; but so false an inference could not any longer govern the minds of our countrymen. Before the first quarter of the new century had passed the wheel had turned full circle, and thinking men were able to learn other lessons from the transformation of France besides the dreary lesson of political repression. The ranks of those who were making their modest demand in England had been recruited from a new generation—a generation which had seen its neighbours boldly claim every human privilege as their own and even amidst their terrible shipwreck retain a great deal that was precious. More than once in history it has been

**Antagonism of classes.**

**Corn Law.**

**Repeal of the property tax.**

**A new generation.**

the fate of France to sacrifice herself in teaching Europe a political principle; invariably it has been the practice of Englishmen to express such principles when they found them in the language of their own institutions. So in these years the French passed from Cæsarism to a theoretically absolute monarchy, from absolute monarchy to constitutionalism, losing happiness and peace on their journey; while our ancestors looked cautiously about them and then opened an organised agitation in favour of the emancipation of trade and industry, the removal of religious disabilities, and Parliamentary Reform.

It has been well suggested that this new epoch seems definitely to begin when, with the accession of George IV., the moral as well as the intellectual adhesion of Englishmen was withdrawn from the Crown and from its subservient ministers. Certainly it was fitting that poor George III. should be decently buried before the old order changed; and with his death and that of Lord Castlereagh, who was openly for repression and the rule of the few, two great obstacles seemed to have been removed from the path of progress. The atmosphere of the nineteenth century is really felt when we watch the rise of Canning and Lord John Russell, Liberals rather than Whigs, one the supporter of freedom and constitutionalism abroad, the other a champion of progress at home. Huskisson, President of the Board of Trade, set to work in 1823 to reduce the import duties on raw materials, to modify the navigation laws, and to abolish the restrictions upon labour which had prevented the formation of Trade Unions. The Corn Laws remained, firmly established upon the prejudices of the landowners, and for their repeal the nation had still to wait more than twenty years. The Bill for Catholic Emancipation, which with the repeal of the Test and Corporation Acts constituted a formal declaration of new principles, was passed upon the initiative of Robert Peel in 1829. It failed to satisfy those whose claims it was largely intended to meet, for Ireland had

long been beyond the reach of satisfaction ; but in England it helped in opening the way to that social transformation which has reduced the intolerance of the Established Church to an innocuous minimum. George IV. had been privileged, little realising his advantages, to give the royal assent to these valuable enactments ; his brother William IV. more readily embraced the opportunity of sanctioning, two years after his accession, the most fruitful measure of all. The efforts of the

**Brougham and Grey.**

**Grey, Brougham and Russell,**

**The Reform Bill.**

**to half as**

**Its provisions.**

**householder.**

**Its vital importance.**

**End of an epoch.**

Liberals, backed by such an agitation in the country as our generation has never had the chance to see, secured the passing in 1832, under the ministry of

Grey, Brougham and Russell, of the first Reform Bill. This famous statute, dragged forcibly through the House

of Lords, abolished or reduced the representation of nearly a hundred rotten boroughs, gave members

to half as many growing towns, almost doubled the number of county members, and, most vital of all, gave the

county franchise to the mass of copyholders, and leaseholders and the borough franchise to every 10/.

householder. Cautious and moderate as its provisions must seem to modern eyes, it was a new charter for the English

nation ; and a true instinct led those humbler people whose rights had apparently been ignored to riot while the bill was in

danger and rejoice when it became law. The reform of 1832

placed ultimate authority in the hands of the middle class, but only to share with the still larger body

below. It was not the substitution of a new oligarchy for the old one ; it was the first and greatest step in

the creation of democratic England.

It is by a very well established convention that the great Reform Bill is marked out as the closing

incident in any narrative of English history which does not profess to be an exhaustive statement of facts. And

although the grounds upon which the rule has commonly been based are no longer adequate, it is nevertheless one which few

prudent historians can ever have felt tempted to break through. In the present generation we may no longer feel ourselves

unable, as was formerly the case, to look back with calmness



and impartiality upon the events of English history after 1832, but our practice of regarding this period as clearly separate from all that had gone before is enforced by reasons which are as intelligible and as potent. There is in the first place the **Immensity of the change.** very immensity of the change which was then accomplished in English political life; and in the second place the doubt, characteristic of recent years, whether the particular chapter of our history opened at this time has or has not been told to its end. No conquest or revolution, no change of dynasty or change of religion could necessitate so complete an alteration in the point of view of the historical student as the legislation which made our nation as a whole the conscious architect of its own political fortunes. The main supports of the building—individual liberty, constitutional government, equality before the law—all these had been firmly established by past generations; and now to the great body of middle-class citizens it was revealed that the completion was in their own hands. The story of their performance of the task makes up the history of the nineteenth century. We know how, practical as ever, Englishmen interpreted the root idea of the French Revolution, the demand for equality, after their own fashion, and hastened to the abolition of economic restrictions, political privilege, and legal limitations of citizenship. We know how they declared for free trade and free industry and honoured the golden rule of buying in the cheapest market and selling in the dearest; how they revolted against the lingering despotism of the Establishment, sweeping away compulsory church-rates and all university tests; how first the franchise and then a national system of education were eagerly offered to working men as a remedy for their ills; how the control of local affairs was handed back by a series of acts from the privileged classes to the people, and how this passion for political progress became at one time so strong that it almost seemed to threaten the ancient institution of the English monarchy. Many of the mid-Victorian aspirations have not even yet been realised, and many of the maxims of that time are still heard to-day. But

**A doubt as to subsequent history.** it is when we reflect how hot our fathers were in pursuit of all these things and marvel at their enthusiasm that our new difficulty arises and we are driven to wonder whether in the last decades of the nineteenth century England can have entered upon yet another phase of her history. Universal suffrage is an ideal which no longer stirs our emotions ; republican fervour is safely dead and buried ; from a determination to leave industry unfettered we have long passed to a determination to regulate it. There are many who suspect that the old ideal of freedom must suffer as much modification as the old type of Liberal, and that the subjects of the British Empire of the future will have widely different aims from those of the subjects of Great Britain in the past. If this is not so the history of England from the Reform Bill to the Boer War might be a tolerably simple narrative ; but if it is so we are not at the end but at the beginning of a chapter, and the problems it will contain must be left for the present generation to formulate and for posterity to solve.

**Possibility of new ideals and a new chapter of history.**

*Leading Dates.*

	A. D.
Jacobite rising . . . . .	1745
Clive in India . . . . .	1751
Beginning of the Seven Years' War . . . . .	1756
Coalition ministry of Pitt and Newcastle . . . . .	1757
Battle of Plassey . . . . .	1757
Capture of Quebec . . . . .	1759
Conquest of Canada . . . . .	1760
Accession of George III. . . . .	1760
Resignation of Pitt . . . . .	1761
American Stamp Act . . . . .	1765
American import duties . . . . .	1767
Ministry of Lord North . . . . .	1770
Beginning of the American War . . . . .	1775
Peace of Paris . . . . .	1783
Pitt Prime Minister . . . . .	1783
Meeting of the States-General of France . . . . .	1789
Declaration of war between England and France . . . . .	1793
Battle of Waterloo . . . . .	1815

	A. D.
The Corn Law . . . . .	1815
'Manchester Massacre' and the Six Acts . . . . .	1819
Accession of George IV. . . . .	1820
Huskisson's repeal of restraints on labour combinations. . . . .	1824
Repeal of the Test and Corporation Acts . . . . .	1828
Catholic Emancipation Act . . . . .	1829
Accession of William IV. . . . .	1830
The Reform Bill . . . . .	1832





# APPENDIX

## ANALYSIS OF CONTENTS

### CHAPTER I

**English History** really begins, not with Cæsar's invasion, but with the story of our North German ancestors. Characteristics of their society as described by Tacitus :—(i.) Just apportionment of land among villages and individuals ; (ii.) combination of social inequality with legal equality ; (iii.) publicity of judicial proceedings and conception of punishment as compensation for damage ; (iv.) limited power of rulers.

**Influence of Roman occupation** of Britain confined to a narrow sphere, as is proved by (i.) later English land system ; (ii.) complete disappearance of Roman language, religion, and law.

**Anglo-Saxon Settlement.**—(i.) A slow process, involving almost complete extermination of conquered Britons ; (ii.) much affected by geographical conditions, *e.g.* division of country between Northern, Midland, and Southern powers, and *especially* favourable position of West Saxons for obtaining predominance.

Growth of some national feeling among these powers, assisted by (i.) Christianity, which, as adopted from Rome, suggested conception of uniform system of law and government, *e.g.* a general council for ecclesiastical affairs ; (ii.) ability of West Saxon kings (800), chiefly Egbert, Alfred, Edward, Athelstan. Alfred resists Danes and preserves Wessex ; Edward conquers North ; later kings assert general supremacy ; royal authority in administration extended and strengthened by union with leaders of Church, *e.g.* Edgar and Dunstan.

But permanent formation of strong Anglo-Saxon monarchy prevented by changes in society, *e.g.* (i.) diminution of class of small 'freemen' ; (ii.) growth of power of earls ; (iii.) dissension in Church and demoralisation of political leaders. Renewed contest with Danes ends (1016) in acquisition of Crown by Canute.

But the monarchy remains in spirit English rather than Danish, for (i.) invaders rapidly assimilated ; (ii.) Canute adopts English traditions. He also, however, *foreshadows Norman period* by policy of strengthening central government, *e.g.* maintenance of armed force, appointment of sheriffs, close union with Church for enforcement of law. But consolidation still prevented by independence of earls, whom Canute's weaker successors cannot control. *House of Godwin* extends power over two-thirds of England.

Accession of Edward the Confessor leads to appearance of two parties : (i.) Norman, favoured by king and encouraged by William of Normandy ; (ii.) English, led by Godwin, who at first successfully thwarts William's plans.

His son and successor, Harold, blunders by quarrelling with Tostig and giving rule of Northumbria to his rivals of House of Leofric. On Edward's death, and selection of Harold as king, William's plan for conquest, aided by invasion of Tostig and Norwegians ; Harold defeats Tostig, but cannot induce northern earls to unite with him against William ; and battle of Hastings compels Witan to accept William as king (1066).

## CHAPTER II

**Norman Conquest** marks last stage in formation of our nation.

(i.) *Racial* effects clearly distinguishable (these 'Northmen' had acquired certain French characteristics) ; but

(ii.) *Political* effects more vital.

**Feudal System** is defined as a ladder of land tenure, to which all civil and military functions are attached. Did Normans bring it or find it? Both suppositions true to a certain extent, but neither completely. For

(a) England already far advanced towards feudalism. From time of migration circumstances inevitably produced (i.) far-reaching inequalities, *e.g.* in distribution of wealth, social influence, &c. ; (ii.) many feudal customs, *e.g.* land is pledge of good conduct and military loyalty. Norman work, therefore, rather to define and confirm than to create.

(b) System never complete in England, largely because William and successors aim at kingship overriding feudalism.

Thus the Conqueror (i.) begins so-called Hundred Years' War of kings against barons ; (ii.) claims every freeman as primarily

his subject ; (iii.) gives his vassals *scattered* lands ; (iv.) retains many Anglo-Saxon institutions, *e.g.* hundred court and shire, or county court with sheriff for president. The true royal policy in fact to *unite with nation against barons*.

Instinctive knowledge of this leads English to maintain even **William Rufus** against Robert of Normandy, and still more to support **Henry I.** (1100), who declares policy more definitely, and executes it more thoroughly by (i.) repudiating in his charter the evil practices of William II. ; (ii.) crushing individual barons ; and (iii.) still more important, attempting creation of administrative system with central court and travelling justices.

He also carries on *ecclesiastical* policy of William I., who has created difficulties by separation of temporal from spiritual courts, but has himself met them by forbidding (i.) recognition of any Pope in England and (ii.) acceptance of Papal bulls, without royal sanction ; and by union of Crown with rulers of Church. Henry I. (a) upholds the ordinances ; (b) unites as far as possible with archbishop ; (c) on question of ecclesiastical *v.* royal rights effects successful compromise.

Confusion caused by disputed succession after Henry's death shows that system still depends on personal strength of king. All horrors of feudalism return during war of Stephen and Matilda, until latter's son ascends throne as Henry II. (1154).

### CHAPTER III

**Henry II.** a very powerful monarch, with wide French territories and great schemes of European alliance.

But his main importance for us, *his English domestic policy* ; its principle, a steady extension of sphere of royal authority expressed in law. Promotion of royal interest thus fortunately includes promotion of national welfare.

Thus the financial measures tend towards national union and crushing of feudalism, *e.g.* (i.) payment of scutage instead of military service ; (ii.) taxation of personal property. Still more permanently important the measures aimed at *providing a substitute for feudal rule* : (i.) permanent establishment of selected, not merely feudal, king's court ; (ii.) extension of its power over country by organised system of itinerant justices, administrative as well as judicial ; (iii.) maintenance of local institutions to co-operate with central power, *especially* the encouragement of civil and criminal inquest or jury. Principle of uniform authority similarly underlies

ecclesiastical policy summed up in **Constitutions of Clarendon** (1164). He aims at resisting encroachments of Church, and especially at (i.) stopping appeals to Rome, and (ii.) bringing clergy under jurisdiction of secular courts.

This measure, however, brings on quarrel with Becket ; indignation at his assassination forces Henry to withdraw on main points, and in combination with discontent of king's sons and the barons it assists general alliance against him in 1173. He is saved by his ability and the loyalty of the English.

At end of reign Henry defeated by alliance of his sons with France, but his work in England remains. Under **Richard I.** (1189), who spends his life on crusade, administration successfully carried on by Hubert Walter and other ministers, when early difficulties, caused by treason of John, are overcome. King's absence, in fact, not only (i.) allows inheritors of Henry's tradition to develop it, *e.g.* by the free use of *elected* representative bodies to assess taxes ; but (ii.) it proves possibility of government apart from king, and even suggests *ministerial responsibility*.

Misgovernment and foreign war under **John** (1199) interrupt administration, but help to bring the great constitutional crisis. The threads are (i.) conquest of most of John's French provinces by Philip of France, bringing John into contempt with baronage ; (ii.) his quarrel with the Pope, followed by interdict which brings misery upon the common people ; (iii.) his oppression of English clergy, even after submission to Pope. Consequent combination of forces results in open rebellion of barons, and in Treaty called

**Magna Carta** (1215).—Its provisions are in a sense only statement of feudal rights ; yet it is a great landmark, for (i.) its authors act not only for themselves but for English freemen in general ; (ii.) it forms a basis for all future demands of national party.

#### CHAPTER IV

**Civil War** renewed after Magna Carta, owing to John's character and to inevitable difficulties of administration. Dauphin appears as claimant of throne ; but on death of John national pride leads barons to expel French and support young Henry (1216).

During minority government carried on by William Marshall and Hubert de Burgh, aided from self-interest by adherents of Pope. This strengthens conception of *government apart from king*.



**Importance of the reign** (in later years) lies in determination forced on barons by king's misgovernment and subservience to Rome to control administration. **Simon de Montfort**, probably from patriotic motives, takes lead in (i.) formulating grievances in Provisions of Oxford and Westminster; (ii.) assuming practical control of government by force of arms; and (iii.) creating precedent for inclusion of burgesses (as well as knights) in assembly of magnates. His rebellion, though crushed, paves way for reforms of Edward I.

**Edward I.**, a great law-giver, aiming deliberately at interest of nation as a whole. Thus he (i.) establishes national Parliament, in which representatives of knights and citizens sit together (1295); (ii.) assists in separation of judicial from administrative function of *Curia Regis*; (iii.) passes statutes, &c., aimed at destroying monopoly of power by nobles, while raising middle class, e.g. *Quia Emptores*, Peerages by Writ, Distraint of Knight-hood; (iv.) takes whole country into view for purposes of defence and taxation.

He tries also, though with less success, to limit privileges of clergy by regulating and taxing their property and restricting jurisdiction of their courts (*De Religiosis, Circumspecte agatis*). Class feeling of clergy, however, (supported by Papal action,) and, more important, Edward's *temporary disregard of his own principles*, bring on great constitutional crisis of reign. **Confirmatio Cartarum** (1297), a public acknowledgment of national right of self-taxation, forced from Edward by united opposition of all classes to his violent methods of raising money for needs of Scotch and French wars.

Under incapable **Edward II.** (1307), seizure of government by committee of barons, chiefly important as revealing two grave dangers to constitutional progress: (i.) growing lawlessness of barons and their unfitness to represent nation; (ii.) difficulty of devising effective check by Parliament on executive power of king or council.

## CHAPTER V

Certain events of reign of **Edward III.** (1327) familiar to all, i.e. those of first period of Hundred Years' War. Successes such as campaigns of Crecy and Poitiers result (1360) in Treaty giving Edward full sovereignty over extensive territory; though much of this again lost towards end of reign.

Chief permanent importance of War lies :—

(a) In proofs it supplies of change in society, *i.e.* growth of commerce and shipping ; for (i.) Commons perceive trade interests involved ; (ii.) certain decisive battles fought at sea ; (iii.) *more noteworthy*, necessary supplies largely drawn from trade, circumstance which is symptom and cause of importance of merchant and burghess class, and assists growth of organised town life already begun.

(b) In opportunity it gives to Commons to develop political power bestowed by Edward I. : (i.) They promote commercial legislation ; (ii.) They make marked *constitutional progress*, thus :

- (a) Taxation without consent again expressly forbidden ;
- (b) Enquiry made into methods of national expenditure ;
- (c) Claim formulated for certain Parliamentary supervision of Council ;
- (d) Practice of impeachment introduced (in Good Parliament) ;
- (e) Growing unity and strength of political classes shown in attack on Church.

This is partly old animosity against Pope, now more effective, *e.g.* Statutes of Provisors and Præmunire ;

Partly revulsion against now degenerate national church.

Political and ecclesiastical aspects of latter movement united by alliance of **Wyclif**, who resents corruption, with **John of Gaunt**, who envies clerical wealth and influence. John of Gaunt is thus assisted in purpose of dominating government till Edward's death (1377), and result during minority of **Richard II.** is discord and rivalry till upper classes united by danger of **Peasants' Revolt** (1381).

**Its causes**, various (taxation, Lollardy, &c.) ; but chief immediate cause the *Black Death*. This has acted on gradually created state of society, *i.e.* peasants have developed through growth of population, &c., from serfs into hired labourers and small tenants at once ; they are practically free and fairly prosperous.

Different visitations of plague (especially first in 1348), by destroying from one-third to one-half of population, *lower rents* and *raise wages* enormously. Landlords' attempted remedies are (i.) Statutes of Labourers, which stir discontent, but are almost useless ; (ii.) revival of old claims on labour, rents, &c., which brings revolt.

Tendency towards emancipation and divorce from land too

strong to be stopped (N.B.—In modern times we have agricultural labourers not *peasants*) ; but individual rebels easily crushed, and interest of Richard's reign found in action of king, nobles, Parliament.

(i.) Richard twice defeats ambitious Appellants by prompt action and appeal to nation, and for some years rules with success ;

(ii.) But afterwards unites all classes against him by despotic theory and practice, and is deposed in favour of John of Gaunt's son, Henry of Lancaster.

## CHAPTER VI

**Henry IV.'s accession** (1399) is beginning of constitutional experiment made by political classes of nation, *i.e.* the king is to rule under Parliamentary control.

Henry's inevitable difficulties :

(i.) Finance. Taxation resented in king crowned by revolution, yet necessitated by Welsh and Scottish wars.

(ii.) Sedition and conspiracy, *e.g.* Hotspur, &c.

**Power of Parliament** and its increasing claims contribute towards future constitutional progress, for the Commons (i.) express opinions on foreign policy ; (ii.) watch jealously over expenditure ; (iii.) attempt control of Council. But immediate embarrassments of Crown increased by suspicious attitude of Parliament and by pledges with which king is burdened.

**Henry V.** (1413) starts with advantage of popularity, and his position further secured by successful repression of Lollards (now primarily political malcontents). Hence possibility of renewal of French war, which results in successes at Agincourt and elsewhere, and treaty recognising him as heir to France. King shows political capacity also, and under him and Bedford England and Normandy fairly prosperous.

But soon after death of Henry V. and accession of infant **Henry VI.** (1422), dissensions in royal family appear. Politics hang for many years on rivalry (i.) of Gloucester with Beaufort, and (ii.) of Suffolk and Somerset with York, supported by party in Parliament. Council is powerless, domestic rule is weakened. French conquests are endangered. Their final loss in middle of century a leading cause, by exciting widespread indignation, of *outbreak of civil war.*

Duke of York demands reform and dismissal of Somerset, and finally takes up arms ; first battle fought 1455.

**Lancastrian constitutional government** thus proved a failure. Great difficulties created for it by turbulence of barons, growing lawlessness of people, &c. ; but it failed chiefly because :

(i.) The *liberty* at its base *illiberal*; e.g. Statute *de hæretico comburendo*, restriction of franchise to 40s. freeholders.

(ii.) Parliament *hampers* executive in effort to control it. The existence of king and council *is*, and their action *is not*, independent of legislature. (N.B.—Reverse is the case with modern Cabinet.)

Course of actual struggle in **Wars of Roses** determined principally by (a) ability of York's great supporter Warwick ; (b) incapacity of Henry VI. ; (c) unpopularity of Queen Margaret.

York dies before final victory, but his son out-reaches Lancastrians by prompt action and is accepted as King Edward IV. (1461).

## CHAPTER VII

**Yorkist reigns** superficially a continuance of civil war, but more truly opening of new epoch. Nation bent on obtaining peace and security, and will sacrifice much for strong government. Methods gradually applied to secure such a government mark end of mediæval constitutional period. Thus characteristic measures are (i.) raising of 'benevolences' ; (ii.) issue of 'commissions of array' ; (iii.) government without Parliament for five years ; (iv.) grant of arbitrary jurisdiction to high constable ; (v.) systematic use of torture.

Yorkist throne endangered in 1471 by discontent of Warwick, who resents favour shown to new queen's family and influence of Clarence and Gloucester. Warwick joins Lancastrian party, which enjoys temporary triumph, but is again defeated. Edward's young son succeeds 1483, but is at once removed by Gloucester.

**Richard III.**, a usurper and assassin, yet not *merely* a monster of wickedness. His ability shown by (i.) effective assistance in administration during Edward's reign ; (ii.) creation of party in Parliament and country ; (iii.) adroitness of usurpation ; (iv.) legislation, e.g. Statute of Liveries, trade regulations.

But his final success impossible, for every party alienated from him. When Henry Tudor invades and wins battle of Bosworth Field (1485), Parliament supports his claim to crown.

Middle Ages as well as Wars of Roses commonly said to end here. Henry's marriage unites Lancaster and York, and Tudor policy prevents further serious disturbance. New social bonds



indeed necessary in decay of old, for (i.) church more and more degenerate, *e.g.* dishonesty of bishops, luxury of monks ; (ii.) disloyalty and treachery in war spreading.

**Reign of Henry VII.** may be regarded as divided between old and new influences. Thus, on the one hand, danger of conspiracy and treason from Yorkist claimants and impersonators, such as Perkin Warbeck ; on the other hand, we see

(i.) Development of new principles of government, *i.e.* creation of despotism which is popular because *efficient* and not generally oppressive ;

(ii.) Beginning of new growth in material prosperity, especially among middle class ;

(iii.) Opening of Renaissance, *e.g.* discovery of America, rise of New Learning.

## CHAPTER VIII

**Tudor period** a great and stirring one ; and Henry VIII. (1509) a remarkable man.

(a) Foreign politics his earliest concern, but of the least permanent importance. England hopes to act as arbiter of Europe, but her strength insufficient ; except successful contest with Scotland little serious warfare throughout reign.

Administrative progress made in Wales and Ireland, and union by marriage with Scotland.

(b) Domestic government more genuinely interesting ; *i.e.* *perfecting* of Tudor despotism.

Extent of submission to autocracy explained partly by Henry's character, more by fact that Tudor rule is congenial to mass of Englishmen. These are unaffected by despotism over Parliament, ministers, nobility (*e.g.* executions of Buckingham, Exeter, Cromwell, &c.) ; while the government (a) keeps country at peace ; (b) gives fair security to life and property ; (c) regulates trade according to prevailing ideas. Middle class indeed steadily advancing in prosperity, though individual suffering necessarily involved with general progress in social changes of new epoch.

(c) Mental not physical transformation the essence of the Renaissance, *i.e.* recognition of men's right to think freely. This movement reaches our country late, and its full effects seen only in Elizabethan times ; but opening of our Renaissance interesting on two sides : (i.) practical application of New Learning, indicating course of national development ; (ii.) Henry VIII.'s character-

istically English interpretation of demand for intellectual freedom, *i.e.* separation from Rome. Thus :

(i.) Typical English leaders of thought are **Colet**, who despises dogma and superstition and works for enlightened education, and **More**, who criticises government and society.

(ii.) Henry's ecclesiastical legislation immediately led up to by affair of divorce, involving fall of Wolsey.

King wishes to marry Anne Boleyn, divorcing Queen Catharine on ground of her being his brother's widow. Wolsey, who under Henry has been supreme in Church and state, fails to obtain Papal sanction for divorce, and is ruined. Henry proceeds to legislation of 1529-39, which (a) begins by reforming English Church, but (b) proceeds to complete repudiation of Papal authority, and (c) transference to Crown of contributions formerly paid to Rome and of property of monasteries.

Henry meanwhile *Catholic in dogma*, *e.g.* his Six Articles, and penalty of death for denial of transubstantiation. His claim to represent England mainly in fact that his changes are *political* not *doctrinal*: religion is main thread of politics from Henry's reign to end of Stuart period. Story begins with :

(a) Accession of Henry's young son Edward VI. (1547), with Protestant advisers, especially **Lord Protector Somerset**.

Protector proceeds to more violent reforms : (i.) issue of English Prayer Book (Cranmer) ; (ii.) Act of Uniformity ; (iii.) destruction of images, &c. His successor, **Northumberland**, professes even more extreme views, but with his followers is violent and rapacious.

(b) Henry's eldest and Catholic daughter **Mary** (1553) is thus assisted in bringing about *repeal* of most of legislation of Henry and Edward : Parliament, however, maintains succession of Protestant Elizabeth and transference of Church property.

But by *persecution* and *Spanish marriage* Mary assists in making Catholicism politically abhorrent to mass of Englishmen.

(c) **Elizabeth's accession** (1558) therefore welcomed by stronger half of nation.

(i.) Her ecclesiastical policy is to restore English Prayer Book and Royal Supremacy, compelling conformity to Anglican ritual ; with especial severity against Puritans.

She is at first more cautious in dealings with Catholics, owing to dangers involved in (a) her own illegitimacy in Catholic eyes ; (b) Mary Stuart's consequent claim on throne ; (c) ties with Spain,

(ii.) Foreign policy amidst such difficulties is *adroit inactivity* maintained as long as possible. Plots of Mary Stuart and Papal intrigues wrecked on patriotism of Englishmen; and same force repels Spanish invasion (Armada), when war at last breaks out.

(iii.) Domestic history includes (naturally) no great constitutional advance. Despotic *theory* still not resented because *in practice* freedom exists. Queen (with ministers) governs on the whole conscientiously; local authorities really independent.

Darker aspects of Elizabethan time are (i.) hardships of the destitute (Poor Law an honest attempt at remedy); and (ii.) government of Ireland (land confiscation and threatened extermination).

## CHAPTER IX

New period of English political life inevitable from time of victory of Protestantism and nationality, but influence of Elizabethan time has delayed it and prevented its recognition.

From time of **James I.**, however, (1603,) desire for political freedom, stirred by Puritanism, begins to develop; and coincidence of this with Stuart rule means inevitable outbreak.

Antagonism shown soon after James's accession.

(i.) He attacks Puritans, who represent a-growing force; after Hampton Court Conference a sharp persecution of non-conforming ministers.

(ii.) And imposes illegal taxes, *e.g.* extra customs (question of dispensing power), and legislates by proclamation. Opposition of Parliaments so persistent that James governs alone for some years, dismissing or imprisoning opponents.

(iii.) Foreign politics, owing to obstinacy in pursuing Spanish alliance and indecision about Palatinate, form grave embarrassment in later years.

**Charles I.'s reign** (1625) a failure from the first.

(i.) He is led by Buckingham into foolish foreign policy, wars, &c.

(ii.) Parliament refuses sufficient supplies unless grievances are remedied, impeaches Buckingham, and protests against arbitrary taxation, &c. in Petition of Right (1628).

(iii.) Charles rules eleven years without Parliament, raising money unconstitutionally, served by Strafford in civil government, and carrying on Anglican tyranny with help of Laud,

Attempt to impose new Liturgy on Scotland brings war and meeting of Long Parliament.

Question between Charles and his subjects not really a *legal* but a *political* one, they demanding constitutional progress, he unable even to comprehend demand.

**Civil war** brought on by Irish rebellion, necessitating levy of an army.

(i.) In first period (1641-44) Presbyterian majority in Parliament not sure they want to win.

(ii.) In second (1645-46), owing to ascendancy of Cromwell and his party (mainly Independents) and organisation of Ironside army, Royalists defeated.

(iii.) In third (1648) the Army defeats Royalists and Presbyterians combined. Its leaders, Cromwell and others, enter after king's execution on government of England.

They gag and disfranchise English opponents, crush Scotland, and make numerous efforts at producing a working constitution. Cromwell governs as well as he can, but unsurmountable obstacle is that most Englishmen are opposed to rule of Army.

When Cromwell dies Army is divided by Monk's change of front, and Charles II. is placed on the throne (1660).

## CHAPTER X

**Restoration** useless so far as restoration of Stuarts, but inevitable so far as restoration of English methods.

Every section of community desires it : (i.) Royalists who had suffered with Stuarts ; (ii.) common people who care for comfort more than politics ; (iii.) Presbyterians, &c., who had fought against Charles and Anglicanism but meant to retain monarchy and constitution, and moreover hope for concessions in Established Church.

Charles therefore summoned without conditions. *Political* liberty does not really suffer by this, since hatred of despotism remains ; *religious* liberty suffers temporarily from Anglican supremacy, but is perhaps secured for the future.

**Clarendon Code** first important legislation of new Royalist Parliament. This assembly has already restored most privileges of Crown, but few years show limits of loyalty, e.g. Charles's first Declaration of Indulgence answered by later acts of Clarendon Code, first advances to Louis XIV. by attack on ministry, &c.



During Cabal ministry, however, Charles secretly makes Treaty of Dover, engaging to introduce Catholicism and attack Holland. This definitely marks policy of second Stuart Government, resulting in Revolution.

Charles retreats for the time, when public resentment roused, taking Danby as minister. 'Country party' led by Shaftesbury continues, however, in violent opposition : (i.) it passes *Habeas corpus* ; (ii.) encourages anti-Papist panic ; (iii.) presses Exclusion Bill. Tory dislike of last measure, combined with reaction against panic and discovery of Rye House Plot, gives king advantage which lasts to end of reign.

**James II.** (1685) therefore succeeds in burst of loyalty, encouraged by hopes based on his character. But his religious bigotry excludes possibility of his success as King of England, and his reign has only one real motive, *i.e.* his attempt to restore Catholicism, with resistance of nation.

(i.) He places Catholics in civil and military posts, dispensing with Test Act and obtaining judicial sanction for doing so ; (ii.) gives them livings in Established Church, holds public mass, &c. ; (iii.) issues Declaration of Indulgence.

Result is invitation to Prince of Orange ; and Convention places William and Mary on throne (1689).

## CHAPTER XI

**Revolution** effects transfer of supreme authority from Crown to Parliament, which secures itself by such measures as Annual Supply, Army Act, &c.

Parliament is, however, an essentially *aristocratic* assembly, and its government exhibits characteristics of aristocracy (on the whole a good one).

(a) Strong conservatism as regards social reform, *e.g.* Bill of Rights.

(b) Increasing toleration with regard to (i.) religious matters ; (ii.) freedom of the press. This enlightenment due perhaps partly to Whig section of government, but largely to such *general causes* as progress of natural science and theological discussion, poverty and ignorance of minor clergy, &c.

(c) Development of party system as pre-requisite to effective government by Parliament ; system depending on (i.) division of governing class into *Whigs* and *Tories* ; and (ii.) growth of custom

of selecting ministers from one party only. *Division of party policy* at first turns on (i.) the succession question, and (ii.) European policy. Whigs support Act of Settlement, and against perverse intrigues of Tory leaders (Bolingbroke, &c.), they secure Hanoverian succession. Whigs also support William in struggle against *domination of France*.

This struggle continues (Marlborough) in reign of **Anne** (1702), and so far checks power of France as to leave way open for future *growth of British Empire*.

A long period of peace succeeds Treaty of Utrecht, allowing (a) great growth of trade and capital ; (b) crystallisation of Party and Cabinet system. This process is assisted by **Walpole's** financial reforms, *e.g.* removal of export duties, and political attitude, *i.e.* insistence on unanimity in ministry and party.

But growing unpopularity of Walpole's peace policy is brought to a head by attack of France and Spain on English rights in America, and Walpole is forced to resign.

## CHAPTER XII

Wars of middle of eighteenth century are **wars of Empire**, to which England apparently driven by irresistible pressure.

Comparative unimportance therefore of *European* contest (Fontenoy, &c.); coincidence with it of Stuart invasion justifies Walpole's peace policy, but failure of Pretender shows that Jacobitism is practically dead. New political interest supplied by Indian and American conquests.

(i.) In India Clive defeats French and extends power over natives ; from battle of Plassey (1757) English supremacy usually dated.

(ii.) In America conditions of different kind of problem prepared by our final success against French Colonists. Seven Years' War in Europe, extended to America, after long ill-success gives us Canada and dependencies.

**Pitt's** greatness one cause of this success, and his fame partly a result of it, *i.e.* through the rapid change during his administration. His greatest qualities earnestness and patriotism, also judgment and insight. A significant point is his dependence on national support, which marks stage in slow *progress towards democracy*.

(i.) Faint signs of change seen in growing interest of lower classes in public affairs.

(ii.) Another symptom is the great success of Methodism : (a) first appeal to religious emotion in working class ; (b) first attempt to bind them together in corporation.

(iii.) More vitally important are the beginnings of the industrial revolution, e.g. construction of canals, employment of coal, discovery of steam power, which last prepares way for *factory labour* and *modern communication*.

Immediate result of material prosperity is advance of middle class, and consequent antagonism between *nation* and *Parliament*. House of Commons now recognised as (a) unrepresentative ; (b) corrupt ; (c) despotic, e.g. cases of printers of Junius' Letters, Wilkes, &c.

Fall of purely aristocratic government brought nearer by this, and also by its weakness in allowing

*Growth of Royal Influence*. George III. (a) chooses ministers ; (b) administrates in person ; (c) with Lord North does much to bring about loss of American colonies.

These communities peculiarly open to influence both of material advantage and political ideals. Their leaders affected by new doctrines (Rousseau, &c.) : all affected by *removal of danger from French* and by English policy of internal taxation (Grenville), and North's retention of tea duty.

Final peace agitation in England shows great elements of strength still in aristocracy, i.e. Fox, Burke, and especially younger Pitt, who might have led nation to democracy.

But though a peace minister he is led into war by outbreak of **French Revolution**. France repudiates law of civilised world : England must therefore be against her, and especially so the aristocracy. Repressive measures justified and power of governing class apparently re-established by the war against **Napoleon** (this war also confirms our sea power).

But check to national progress not for long in spite of Corn Laws, &c. Agitation for (i.) trade emancipation ; (ii.) removal of religious disabilities ; (iii.) Parliamentary Reform : it seems to have a new character and is soon successful.

**Reform Bill** is the great step towards creation of democratic England.

ILLUSTRATIVE EXTRACTS FROM THE  
CHARTERS, STATUTES, ETC.

**Cæsar :** *Comm. de Bello Gallico.*

. . . They (the Germans) do not apply themselves to the cultivation of the land ; the greater part of their food consists of milk, cheese, and flesh ; and no one has any fixed quantity of land or boundaries of his own ; but the magistrates and chiefs assign land each year in such quantity and situation as they please to the tribes and clans living together ; and in the next year they order it to be transferred. . . .

**Tacitus :** *Germania.*

1. The kings are chosen for their noble birth, the leaders for their valour. The kings do not possess unlimited or arbitrary power, and the leaders are respected more for their example than for their office, *i.e.* for their readiness, their personal prowess, their conduct in the field. . . .

2. Minor matters are settled by the chiefs in consultation, important ones by the whole people ; yet even a question of which the decision belongs to the people is first thoroughly discussed by the chiefs.

3. An accusation, even a capital charge, may be brought in the presence of the assembly. . . . Lighter offences also have a proportionate penalty assigned to them ; the guilty have to pay a fine consisting of horses and cattle. Part of the fine is paid to the king or the state, part to the injured person or to his relations. . . . Even homicide can be atoned for by a certain number of cattle and sheep. . . .

4. . . . The glory and power of a chief consist in being constantly surrounded by a large body of chosen youths ; this is a distinction in peace and a protection in war. . . . The chiefs fight for victory, the companions for their chief. . . .

5. It is well known that the German peoples do not dwell in towns. . . . They do not build their villages after our fashion, with rows of connected buildings ; each man has his house surrounded by an open space, either as a precaution against fire or because of their ignorance of building.



6. . . . They do not employ their other slaves as we do, *i.e.* they do not assign to each a different office in the household. Each slave orders his own home and household. His master commands him, as we should a serf, to provide a certain quantity of corn, cattle, or clothes, and the slave's obedience is limited to this.

7. . . . Lands are occupied by each village as a whole, (the extent varying) according to the number of the cultivators, and these afterwards proceed to divide the lands among themselves according to rank. The great size of the plains renders division easy. They move the cultivated land every year, and there is still plenty of uncultivated left over. . . .

[*The exact significance of this passage has been the subject of a good deal of discussion, but the above translation gives the meaning which is most generally attributed to Tacitus's words.*]

*Earlier Anglo-Saxon period : state of society, &c.*

**Kent:** *cir.* 680 A.D. If one man make plaint against another in a suit, and he cite the man to a 'methel' or a 'thing,' let the man always give 'borh' to the other, and do him such right as the Kentish judges prescribe to them.

**Wessex:** *cir.* 690. If any one sell his own countryman, bond or free, though he be guilty, over sea, let him pay for him according to his 'wer.'

. . . If any one go from his lord without leave, or steal himself away into another shire, and he be discovered, let him go where he was before, and pay to his lord lx. shillings.

*Union of Church and King.*

**Laws of Ine.** I, Ine, by God's grace king of the West Saxons, with the counsel and with the teaching of Cenred, my father, and of Hedde, my bishop, and of Eorcenwold, my bishop, with all my ealdermen, and the most distinguished 'witan' of my people, and also with a large assembly of God's servants, have been considering of the health of our souls and of the stability of our realm. . . .

*Progress of West-Saxon monarchy, social development, &c.*

**Laws of Alfred.** . . . I, then, Alfred, king of the West Saxons, gathered these (laws) together, and commanded many of those to be written which our forefathers held, those which to me seemed good; and many of those which seemed to me not good I rejected them, by the counsel of my 'witan.' . . .

**Laws of Edward.** And if a ceorl throve, so that he had fully five hides of his own land, church and kitchen, bell-house and burh-gate-seat, and special duty in the king's hall, then was he thenceforth of thane-right worthy. . . .

And if a thane throve so that he became an eorl, then was he thenceforth of eorl-right worthy. . . .

**Laws of Athelstan.** And we have ordained, respecting these lordless men of whom no law can be got, that the kindred be commanded that they domicile him to folk-right, and find him a lord in the folk-mote. . . .

If any one fail to attend the gemot thrice, let him pay the king's oferhyrnes. . . .

And let there be named in every reeve's 'manung' as many men as are known to be unlying, that they may be for witness in every suit. And be the oaths of these unlying men according to the worth of the property, without election.

That we count always x. men together, and the chief should direct the nine in each of these which we have all ordained. . . .

**Edgar: Ordinance of the Hundred.** First, that they meet always within four weeks; and that every man do justice to another.

. . . In the hundred, as in any other 'gemot,' we ordain that folk-right be pronounced in every suit, and that a term be fixed when it shall be fulfilled. And he who shall break that term, unless it be by his lord's decree, let him make 'bot' with xxx. shillings, and on the day fixed fulfil that which he ought to have done before.

**Laws.** And let no one apply to the king in any suit, unless he at home may not be worthy of law, or cannot obtain law. If the law be too heavy, let him seek a mitigation of it from the king; and for any 'bot'-worthy crime let no man forfeit more than his 'wer.'

. . . And let one money pass throughout the king's dominion; and that let no man refuse; and let one measure and one weight pass, such as is observed at London and at Winchester. . . .

. . . And if any one without leave return from the 'fyrd' in which the king himself is, let it be at the peril of himself and all his estates; and he who else returns from the 'fyrd,' let him be liable in cxx. shillings.

**Canute.** And we will that every free man be brought into a hundred and a tithing. . . .

. . . And thrice a year let there be a 'burh-gemot,' and twice

a 'shire-gemot.' . . . And let there be present the bishop of the shire and the ealdorman, and there let both expound as well the law of God as the secular law.

**Edward the Confessor.** The archbishops, bishops, counts, and barons had both their knights and their servants . . . under their 'frith-borg'; and these had their squires and other servants under their 'frith-borg'; so that if they committed any offence, or if complaint was made of them in the neighbourhood (their lords) had them for judgment in their courts, if they had 'sac' and 'soc,' 'tol' and 'team,' and 'infangentheof.'

*Methel* = an assembly.

*Thing* = an assembly.

*Borh* = a surety.

*Wer* = value of a man's life or oath, estimated in money.

*Witan* = wise men.

*Ceorl* = a freeman, not noble.

*Burh-gate-seat* = a local court of justice.

*Gemot* = a meeting.

*Oferhyrnes* = a fine for contempt.

*Reeve* = local official.

*Manung* = district of a reeve.

*Bot* = reparation.

*Fyrd* = defensive military service.

*Tithing* = a union of ten freemen for security.

*Frith-borg* = surety for the keeping of the peace.

*Sac* = jurisdiction in disputes.

*Soc* = a privilege or liberty granted by the king.

*Tol* = duty on imports.

*Team* = right of compelling the person in whose hands stolen or lost property was found to name the person from whom he received it.

*Infangentheof* = jurisdiction over a thief caught within the limit of the estate to which the right belonged.

#### REIGN OF WILLIAM I.

**Charter to London.** William, king, greets William, bishop, and Gosfrith, port-reeve, and all the burghers within London, French and English, friendly; and I do you to wit that I will that ye be all law worthy that were in King Edward's day. And I will that every child be his father's heir after his father's day.

And I will not endure that any man offer any wrong to you. God keep you.

**Statutes.** 1. We ordain also that all free men shall declare by pledge and oath that within England and without they will be faithful to King William, will preserve his lands and his honour with all fidelity, and will fight with him against his enemies.

2. Every man who wishes to be regarded as free must have a surety, who will hold him to justice if he offends. . . . Let the hundred court and the county court come together as our ancestors ordained.

**Ordinance separating spiritual and temporal courts.** . . . I therefore ordain . . . that no bishop or archdeacon shall henceforward hold any pleas concerning the law of the bishops in the hundred court, or bring a cause which concerns the government of souls before the judgment of secular men ; but whoever, according to the law of the bishops, of whatever offence he may be accused, comes to the place which has been chosen or appointed by the bishop for this purpose, and there answers for his fault, and not according to the law of the hundred but according to the canons and the episcopal law, let him do right to God and his bishop.

#### REIGN OF HENRY I.

**Charter of Liberties, 1100.** . . . If any of my barons, knights or others, who hold (land) from me should die, the heir shall not redeem his lands as it was done in the time of my brother, but by a just and customary relief. Similarly my barons' men shall redeem their lands from their lords by a just and customary relief. . . .

**Order for holding the Shire and Hundred Courts.** I command that my county and hundred courts should meet in the same places and at the same times as they met in the time of King Edward and not otherwise. I will summon them at my will, when I desire it, to provide for my royal necessities. And if a dispute arises about the division of lands, if it is between my barons the cause shall be tried in my court : and if between the vassals of two lords it shall be tried in the county court . . . and I will and command that all men of the county shall come to the county and hundred courts as they did in the time of King Edward. . . .



## REIGN OF HENRY II.

**Constitutions of Clarendon, 1164.** If a dispute arises between laymen, or between laymen and clerks,<sup>1</sup> or between clerks, about advowson and presentation of churches, it shall be tried or ended in the king's court.

Clerks who are called to account or accused of anything, being summoned by the royal judge, shall come into his court to answer there for those things which it seems to the royal court should be answered for in that court, and in the ecclesiastical court for those things which it seems should be answered for in that court; but the royal justice shall send into the court of Holy Church to see in what manner the case is to be treated there. And if the clerk is convicted or confesses the Church must not protect him any longer.

. . . And when the time has come for consulting the Church (*i.e. for electing a bishop or other dignitary*) the Lord King must summon the more dignified persons of the Church, and the election must be made in the chapel of the king and with his assent, and with the advice of those personages of the realm who have been called together for this purpose. . . .

**Assize of Clarendon, 1166.** 1. In the first place the said King Henry ordains by the advice of all his barons, for the preservation of the peace and the maintenance of justice, that enquiry shall be made in each county and in each hundred by twelve lawful men<sup>2</sup> of the hundred and four lawful men of each township, by an oath that these will speak truth; whether in their hundred or their township there is any man who is reported or declared to have been a thief or a murderer or a robber or a receiver of thieves or murderers or robbers since the accession of the Lord King. And the justices shall make this enquiry in their court and the sheriffs in theirs. . . .

2. The Lord King desires also that all<sup>2</sup> should come to the county court to make this oath, no man staying away on account of any franchise or court or jurisdiction that he may have, but that every one should come to make this oath.

**Ordinance for taxation of personal property (Saladin Tithe), 1188.** This year every one shall give in charity a tenth of his income and movables, except the arms, horses and clothing of knights, &c. . . . And if any one gives less

<sup>1</sup> Those who had taken holy orders in any degree were called clerks.

<sup>2</sup> *I.e.* qualified persons.

than he ought, four or six lawful men shall be elected from the parish, who shall declare upon oath the amount which he ought to have said. . . .

#### REIGN OF RICHARD I.

Extract  
from a  
chro-  
nieler,  
1191.

. . . This day was conceded and instituted the community of the Londoners, which all the magnates of the realm and the bishops of that province were sworn to respect. . . .

Charter  
to Win-  
chester,  
1190.

Richard, by the grace of God, king of the English, duke of the Normans, &c., &c. . . . Know that we have conceded to our citizens of Winchester of the merchant guild that none of them shall plead outside the walls of the borough of Winchester in any cause except those of external tenures, unless on account of our money and our servants. . . .

[*The recital of various other privileges follows. Similar charters had previously been granted, or were afterwards granted, to other important towns.*]

#### REIGN OF JOHN.

Magna  
Carta,  
1215.

. . . No scutage or aid shall be taken in our kingdom unless through the common council of the realm, except to redeem our person, knight our eldest son, or marry our eldest daughter once, and for these purposes only reasonable aids. . . .

And for holding the common council of the realm to assess an aid otherwise than in the three aforesaid cases, or to assess a scutage, we will cause the archbishops, bishops, abbots, counts, and greater barons to be summoned singly by our letters : and also we will cause all those who hold from us in chief to be summoned by a general summons through our sheriffs and bailiffs ; upon a fixed day at the end of not less than forty days, and at a fixed place ; and in all those letters of summons we will express the cause of the summons, and when this has been done let the business of the summons proceed according to the advice of those who are present, even although all who were summoned have not come.

No free man shall be taken, or imprisoned, or disseised, or outlawed, or exiled, or destroyed in any way, nor will we go

against him nor send against him except according to the legal judgment of his peers or according to the law of the land.

To none will we sell, to none will we deny or delay right or justice.

### REIGN OF HENRY III.

**Writ of summons to knights of shire to grant an aid, 1254.** The King to the Sheriff of Bedford and Buckingham, greeting. . . . We command you . . . that you cause to come to our council at Westminster . . . four legal and discreet knights of the said counties whom the same counties have elected for this purpose, on behalf of all and single of their counties, that is, two from one county and two from the other . . . to grant such aid as they are willing to pay us.

**Provisions of Oxford, 1258 :** We . . . make known to all men that we have sworn upon the holy Gospels and are held together by such Oath . . . that each one of us and we all together will mutually aid each other . . . against all people, doing right, and undertaking nothing that we cannot without doing mischief, saving faith to the King and the Crown.

### REIGN OF EDWARD I.

**Summons of Representatives of shires and towns to Parliament, 1295.** *The King to the Sheriff of Northampton.* Whereas we desire to consult and discuss with the counts, barons, and other chief men of our Realm upon the provision of remedies against the dangers which in these days threaten the said Realm, for which purpose we have summoned them to meet us on the Sunday next after the feast of Saint Martin . . . at Westminster, to discuss, ordain, and enact such things as may obviate these dangers : we command and firmly enjoin you that without delay you cause to be elected two Knights from the aforesaid County, two Citizens from each City of the same County, and two Burgesses from each Borough, of the more discreet and able men, and cause them to come to us at the aforesaid time and place : the said Knights having full and sufficient power on behalf of themselves and the community of the said County and the said Citizens and Burgesses on behalf of themselves and the community of the said Cities and Boroughs . . . to enact that which shall then be ordained by the common counsel upon the matters brought forward : so that the aforesaid business may by no means remain unexecuted for lack of this kind of power. . . .

Statute 'Quia Emptores,' 1290. . . . The Lord King in his Parliament at Westminster . . . at the instance of the magnates of his Realm . . . ordains that henceforward every free man may at his will sell his land or tenement or part of it ; in such a way however that the feoffee<sup>1</sup> holds the land or tenement from the same chief lord and by the same services and customs by which his feoffor<sup>2</sup> first held it. . . .

Confirmation of the Charters, 1297. Moreover, we have granted for us and for our heirs, as well to Archbishops, Bishops, Abbots, Priors and other folk of Holy Church, as also to Earls, Barons, and to all the commonalty of the land, that for no business from henceforth will we take such manner of Aids, Tasks, nor Prizes, but by the common assent of the Realm and for the common profit thereof, saving the ancient Aids and Prizes due and accustomed. . . .

#### REIGN OF EDWARD II.

Statute of 1322. . . . And that for ever hereafter all manner of Ordinances or Provisions made by the Subjects of our Lord the King or of his Heirs by any Power or Authority whatsoever concerning the Royal Power of our Lord the King or of his Heirs or against the Estate of the Crown, shall be void and of no avail or force whatever : But the matters which are to be established for the Estate of our Lord the King and of his Heirs, and for the estate of the Realm and of the People, shall be treated, accorded, and established in Parliament by our Lord the King and by the Assent of the Prelates, Earls, and Barons and the commonalty of the Realm, according as it hath been heretofore accustomed.

#### REIGN OF EDWARD III.

##### *Constitutional progress.*

Statute of 1340. We . . . will and grant for us and our heirs . . . to the same Prelates, Earls, Barons, and Commons, Citizens, Burgesses and Merchants . . . that they be not from henceforth charged nor grieved to make Aid or to sustain charge, if it be not by the common assent of the Prelates

<sup>1</sup> *I.e.* the person to whom the land was sold.

<sup>2</sup> *I.e.* the person selling.



Earls, Barons, and other great Men and Commons of our said Realm of England, and that in the Parliament.

**Statute of 1341.** 1. It is accorded and assented that no Peer of the Land, Officer or other, because of his Office, nor of things touching his Office, nor by other cause shall be brought in judgment to lose his Temporalities, Lands, Tenements, Goods and Chattels, nor to be arrested, nor imprisoned, outlawed, exiled, nor forejudged, nor put to answer, nor to be judged, but by award of the said Peers in the Parliament, saving always to our Sovereign Lord the King and his heirs in other cases the law rightfully used, and by due process, and saved also the Suit of the Party.

2. . . . If any Minister of the King, or other Person of what condition he be, do or come against any point of the Great Charter or other Statutes, or the Laws of the Land, he shall answer in the Parliament as well at the King's suit as at the suit of the Party . . . as far forth as it was done by commission or commandment of the King as of his own authority . . . and that the Chancellor, Treasurer, Barons, and Chancellor of the Exchequer, the Justices of one Bench and of the other, &c. &c. . . . shall be now sworn in this Parliament, and so from henceforth at all times that they shall be put into Office, to keep and maintain the Privileges and Franchises of Holy Church, and the points of the Great Charter and the Charter of the Forest, and all other Statutes, without breaking any point.

**Edward's revocation.** It seemed to the said Earls, Barons, and other wise Men, that sithence the said Statute did not of our free Will proceed, the same be void . . . and therefore by their counsel and consent we have decreed the said Statute to be void.

**Statute of 1362.** 1. . . . The King wills and grants . . . that this grant now made or which hath been made in times past, shall not be had in Example nor Charge of the said Commons in Time to come : . . . and that no Subsidy, nor other Charge, be set nor granted upon the Wools, by the Merchants nor by none other from henceforth, without the Assent of the Parliament.

2. The King . . . hath ordained . . . by the Assent aforesaid, that all Pleas which shall be pleaded in any Courts whatsoever . . . shall be pleaded, shewed, defended, answered, debated, and judged in the English tongue. . . .

*Supply, Commercial Legislation, &c.*

**Subsidy of 1340.** . . . The said Prelates, Earls, Barons, and all the Commons of the Realm willingly and of one Assent and good Will . . . have granted to (the King) the ix. Lamb, the ix. Fleece, and the xi. Sheaf, to be taken by Two Years then next to come. And of Cities and Boroughs the very xi. part of all their Goods and Chattels, to be taken and levied by lawful and reasonable Tax by the same Two Years. . . .

. . . The said Prelates, Earls, Barons, and Commons of his Realm hath granted to him Forty Shillings to be taken of every Sack of Wool, and Forty Shillings of every three hundred Wool-fells, and Forty Shillings of every Last of Leather, and other Merchandise that pass beyond the sea after the Rate. . . . And the King hath promised . . . no more to charge, set, or assess, upon the Custom, but in the Manner as afore is said. . . .

**Statute of the Staple, 1353.** 1. That the Staple of Wools, Leather, Wool-fells, and Lead . . . shall be perpetually holden at the Places underwritten : for England at Newcastle upon Tyne, York, Lincoln, Norwich, Westminster, Canterbury, Chichester, Winchester, Exeter, and Bristow ; for Wales at Kaermerdyn ; and for Ireland at Dublin, Waterford, Cork and Drogheda and not elsewhere : And that all the said Wools, as well old as new, Wool-fells, Leather and Lead, which shall be carried out of the said Realm and Lands, shall be first brought to the said Staples . . . and the same . . . customed and cocketed, and the Customs thereof duly paid to our said Customers in all the said Ports, that is to say, of Denizens for the time that they have passed, half a mark of a Sack of Wool, half a mark of three hundred Wool-fells, a mark of a Last of Leather, and of Aliens Ten Shillings of a Sack of Wool, Ten Shillings of Three hundred Wool-fells, and Twenty Shillings of a Last of Leather, and Threepence of every Sow of Lead, then the said Merchandises shall be carried by Merchants Strangers which have bought the same, and not by Englishmen, Welshmen, or Irishmen, to the Parts beyond the sea. . . .

2. . . . All Merchants, Aliens and Denizens . . . may safely . . . sell in Gross or at Retail . . . to all manner of People that will buy the same . . . and that no Merchant . . . go toward such Merchandises coming into our said Realm and Lands, in the Sea, nor elsewhere to forestal or buy them. . . .

3. . . . In every Town where the Staple is ordained, a Mayor, good, lawful and sufficient, shall be made and established, having

knowledge of the Law-Merchant, to govern the Staple. . . . And in every place where the Staple is shall be two conveni-able Constables . . . to do that pertaineth to their Office. . . .

For the great mischiefs which have happened . . .  
**Statute of 1363.** of that the Merchants do ingross all Manner of Merchandise . . . and suddenly do enhance the Price of such Merchandise . . . putting to sale by covin and Ordinance made betwixt them, called the Fraternity and Gild of Merchants, the Merchandise which be most dear . . . it is ordained, That no English Merchant shall use no Ware nor Merchandise . . . but only one, which he shall choose betwixt this and the Feast of Candlemas next coming. . . .

2. It is ordained, That Artificers, Handicraft People, hold them every one to one Mystery, which he will choose betwixt this and the said Feast of Candlemas ; and Two of every Craft shall be chosen to survey that none use other Craft than the same which he hath chosen. . . .

#### *Labour Legislation, &c.*

We have . . . of mutual counsel . . . ordained  
**Statute of Labourers, 1349.** 1. That every Man and Woman of our Realm . . . able in body and within the age of threescore years, not living in Merchandise nor exercising any Craft, nor having of his own whereof he may live, nor proper Land . . . nor serving any other ; if he be in convenient Service . . . required to serve, he shall be bounden to serve him which so shall him require, and take only the Wages, Livery, Meed, or Salary which were accustomed to be given in the places where he oweth to serve. . . .

2. That no man pay, or promise to pay, any Servant any more Wages, Liveries, Meed, or Salary than was wont. . . .

It is accorded that the Statute of Labourers be  
**Statute of 1357.** as well holden in the City and suburbs of London, and in the Five Ports, and all manner other Franchises as elsewhere in England. . . .

#### *Ecclesiastical Legislation.*

Our Lord the King . . . By the Assent of all the  
**Statute of Provisors, 1351.** great Men and the Commonalty of the said Realm . . . hath ordered . . . That the Free Elections of Archbishops, Bishops, and all other Dignities and Benefices

elective in England, shall hold from henceforth in the manner as they were granted by the King's Progenitors. . . . And that all Prelates and other People of Holy Church which have Advowsons of any Benefices . . . shall have their Collations and Presentments freely to the same. . . .

**Statute of Præmunire, 1353.** It is assented and accorded . . . That all the People of the King's Ligeance . . . which shall draw any out of the Realm in Plea, whereof the cognisance pertaineth to the King's Court . . . or which do sue to defeat or impeach the judgments given in the King's Court . . . shall have a Day containing the space of two months . . . to appear . . . (and) to answer to the King of the Contempt done in this behalf; and if they come not . . . they . . . shall from that time forth be put out of the King's protection, and their Lands, Goods, and Chattels forfeit to the King; and their Bodies . . . shall be taken and imprisoned and ransomed at the King's Will.

## REIGN OF RICHARD II.

### *Legislation as to Labour, Poverty, &c.*

**Statute of 1377.** At the grievous complaint of the Lords and Commons of the Realm . . . that the Vilaines and Land tenants in Villenage . . . do daily withdraw their Services and Customs due to the said Lords . . . and, which more is, gather themselves together in great Routs, and agree by such Confederacy that every one shall aid other to resist their Lords with strong Hand. . . . It is ordained . . . that the Lords which feel themselves grieved shall have special Commissions under the great Seal to the Justices of the Peace or to other sufficient Persons, to enquire of all such Rebels and of their Offences . . . and to imprison all those that shall thereof be indicted before them. . . .

**Statute of 1388.** 1. . . . If any give or take more (wages) than is above specified, at the first Time that they shall be thereof attainted, as well the Givers as the Takers, shall pay the Value of the Excess so given or taken . . . and if the Taker so attainted have nothing whereof to pay the said Excess, he shall have Forty Days Imprisonment.

2. It is ordained . . . That he or she which use to labour at the Plough or Cart or other Labour or Service of Husbandry, till they be of the Age of Twelve Years, that from thenceforth they



shall abide at the same labour, without being put to any Mystery or Handicraft. . . .

3. It is accorded . . . that the Beggars impotent to serve shall abide in the Cities and Towns where they be dwelling at the time of the Proclamation of this Statute ; and if the People . . . will not or may not suffice to find them, that then the said Beggars shall draw them to other Towns . . . or to the Towns where they were born, within Forty Days after the Proclamation made, and there shall continually abide during their lives. . . .

#### REIGN OF HENRY IV.

##### *Constitutional progress, &c.*

**Statute of 1405.** At the request and of the assent of the said Lords and Commons in the said Parliament it is ordained and established That the Inheritance of the Crown and of the Realms of England and France, and of all the other Dominions of our Lord the King beyond the Seas . . . shall be settled and remain in the Person of our Lord the King, and in the Heirs of his Body begotten. . . .

**Parliamentary proceedings of 1406.** 1. The Commons pray, That the King may be pleased to govern entirely and in all cases by their (his counsellors') advice, and to trust to it.

2. The Commons came before the King and the Lords in Parliament . . . and said . . . that the King, desiring good governance, for the execution of the same had chosen the Archbishop of Canterbury and other Lords to be of his Council, and asked . . . whether the Commons could have confidence that the said Lords would take upon themselves to be of the said Council, or not. . . .

3. Your Commons, by assent of the Lords spiritual and temporal, grant to you . . . a full fifteenth and tenth to be levied from laymen in the ordinary manner (*with certain subsidies*), on condition that the said fifteenth and tenth and subsidies . . . be disposed and expended by the advice of the Lords and Officers in this present Parliament chosen of the Council by the said Lord King, in defence of the Realm and safe-guard of the sea, . . . and in no other manner. . . .

*Ecclesiastical Legislation.*

**Statute de Hæretico comburendo, 1401.** If any Person within the said Realm . . . upon the said wicked Preachings, Doctrines, Opinions, Schools, and heretical and erroneous Informations, or any of them, be . . . convict by sentence, and . . . do refuse duly to abjure . . . so that according to the Holy Canons he ought to be left to the Secular Court . . . then the Sheriff of the County . . . or Mayor and Bailiffs of the City . . . the same Persons and every one of them shall receive, and them before the People in a High Place do to be burnt.

**REIGN OF HENRY VI.***Narrowness of governing class, &c.*

**Statute of 1430.** Whereas the Elections of Knights of Shires . . . have now of late been made by very great and excessive Number of People . . . of the which most part was People of small Substance and of no value. . . . Our Lord the King hath provided by authority of this present Parliament, That the Knights of the Shires . . . shall be chosen in every County by People dwelling and resident within the same Counties, whereof every one of them shall have free Land or Tenement to the Value of Forty Shillings by the year at the least above all Charges. . . .

**Statute of 1423.** Whereas by the yearly Congregations and Confederacies made by the Masons . . . the good Course and Effect of the Statutes of Labourers be openly violated and broken. . . . The King . . . hath ordained That such Congregations shall not be hereafter holden ; and . . . they that cause such to be holden . . . shall be judged for Felons ; and that all the other Masons that come to such Congregations be punished by Imprisonment of their Bodies, and make Fine and Ransom at the King's Will.

**Statute of 1444.** The King hath ordained by the Authority aforesaid, That every Servant of Husbandry purposing to depart from his Master . . . shall before make Covenant with another Man to serve him for another Year, if he be in such Case as the Law will compel him to serve ; and . . . shall give Warning to the said Master of the said Covenant. . . . And if any Covenant . . . be otherwise made, or that such Warning . . . be not had, . . . the same Servant shall be compelled to serve his first Master for the next Year. . . . And also that the Salaries and Wages of Servants, Labourers, and Artificers

shall not exceed the Assessing that followeth . . . (*rates follow.*)

*Disorder, ineffective executive, power of lords, &c.*

**Statute of 1429.** . . . If any Person . . . do buy or wear for his Clothing any Cloths or Hats called Liveries, of the Sort or of Suit of any Lord, Lady, Knight, Esquire, or other Person, for to have Supportation, Succour, or Maintenance in any Quarrel or in any other Manner . . . he shall incur the Pain before limited of them that take Liveries of Lords . . . and moreover shall have a whole Year's imprisonment without being let to Bail, for their Falsity and subtil Imagination in this Part.

**Statute of 1439.** Forasmuch as great Perjuries daily abound within the Realm of England, more than were wont to be in Times past, by occasion of favourable Arrays and Panels made by the Sheriffs . . . The King . . . hath ordained . . . That if any Sheriff take . . . any Hire, Gift, or Reward to make or array such Arrays or panels . . . that he which feeleth himself aggrieved shall have his Suit by Writ or by Bill against the Sheriff . . . which maketh such Arrays or Panels . . . before the Justices.

**REIGN OF EDWARD IV.**

**Petition of the Commons, 1469.** . . . *Also*, the said seditious persons continuing in their most deceivable and covetous disposition, have caused our said Sovereign Lord to ask and charge us, his true Commons and subjects, with such great impositions and inordinate charges; as, by means of borrowing without payment; taking goods of executors of rich men; taxes; dismes; and priests' nobles; taking great goods for his household, without payment; impeachments of treasons to whom they owe any evil will; so that there can be no man of worship or riches, either spiritual or temporal, knights, squires, merchants, or any other honest person in surety of his life, livelihood or goods, when the said seditious persons or any of them owe any malice or evil will. . . .

**REIGN OF RICHARD III.**

**Statute of 1483.** The King remembering how the Commons of this his Realm by new and unlawful Inventions and inordinate Covetousness, against the Laws of this Realm, have been put to great thraldom and unsupportable charges and

exactions, and in especial by a new imposition named a benevolence. . . . Therefore the King will it be ordained by the advice and assent of the Lords spiritual and temporal and the Commons . . . that his subjects and the Commonalty of this his Realm from henceforth in no wise be charged by none such Charge, Exaction or Imposition called benevolence, nor by such like charge. . . .

### REIGN OF HENRY VII.

#### *Establishment of strong government, &c.*

**Statute of 1487, constituting Star Chamber.** The King our Sovereign Lord remembereth how by unlawful maintenance . . . by untrue demeanour of Sheriffs . . . by taking of money by juries, by great riots and unlawful assemblies, the policy and good rule of this realm is almost subdued. . . . Be it therefore ordained . . . That the Chancellor and Treasurer of England for the time being and Keeper of the King's Privy Seal, or two of them, . . . calling to them a Bishop and a Temporal Lord of the King's Council and the two Chief Justices of the King's Bench and Common Pleas for the time being, or other two Justices in their absence . . . have authority to call before them by Writ or Privy Seal the said misdoers, and them and other by their discretions to whom the truth may be known to examine, and such as they find therein defective to punish them after their demerit. . . .

**Statute of 1495.** The King . . . calling to his remembrance that many good statutes and ordinances be made for the punishment of riotous unlawful assemblies . . . extortion . . . maintenance . . . excessive taking of wages . . . unlawful games, inordinate apparell, and many other great enormities and offences. . . . Notwithstanding that generally by Justices of the Peace is given in charge to enquire of many offences . . . and divers inquests thereupon straitly sworn and charged before the said Justices to enquire . . . and present the truth, which is letted to be found by . . . corruption and favour. . . . Be it ordained . . . that Justices of Assize in the open sessions . . . as Justices of the Peace in every County . . . have full power . . . to hear and determine all offences and contempts . . . against any Statute made and not repealed (treason, felony, murder, and offences committed in another shire excepted).



**Statute of 1488.** Whereas upon trust of privilege of the Church divers persons lettered have been the more bold to commit murder, rape, robbery, theft, and all other mischievous deeds . . . be it enacted . . . that every person not being within orders, which once hath been admitted to the benefit of his clergy, eftsoons arraigned of any such offence, be not admitted to have the benefit of his clergy. . . .

*Commerce, &c.*

**Regulation of power of Merchant Adventurers, 1496.** . . . Be it enacted that from henceforth every Englishman . . . have free passage . . . into the said coasts of Flanders, Holland, Seland, Braband, and other places thereto nigh adjoining . . . with his or their merchandises, goods and wares, there to buy and sell and make their exchanges freely at his or their pleasure. . . .

**Statute of 1489.** . . . The King . . . by the assent and advice of the lords spiritual and temporal and the Commons in this present Parliament assembled, and by authority of the same, ordaineth . . . that every person . . . that hath any house or houses that any time within three years past hath been or that now is or hereafter shall be let to farm with xx. acres of land at least or more lying in tillage or husbandry, that the owner or owners of every such house or houses and land be bound to keep, sustain and maintain houses and building upon the said ground and land, convenient and necessary for the maintaining and upholding of the said tillage and husbandry. . . .

**REIGN OF HENRY VIII.**

*Ecclesiastical Legislation.*

**Statute of 1529.** 1. . . . Be it enacted that if any person or persons having one Benefice with cure of Soul, being of the yearly value of viii. pounds or above, accept and take any other with cure of Soul . . . that then . . . the first benefice shall be adjudged in the law to be void. . . .

2. Be it also enacted . . . that as well every Spiritual Person now being promoted to any Archdeaconry, Deanery, or Dignity in any Monastery, or Cathedral Church or other Church Conventual or Collegial, or being beneficed with any Parsonage or vicarage, as all and every Spiritual Person which hereafter shall be promoted to any of the said Dignities . . . shall be personally

resident and abiding in, at and upon his said Dignity, Prebend, or Benefice. . . .

**Statute of 1533.** I. . . . The King's Highness, his Nobles and Commons . . . enact . . . that all causes . . . the knowledge whereof by the goodness of the Princes of this Realm and by the Laws and Customs of the same appertaineth to the spiritual Jurisdiction of this Realm . . . shall be from henceforth heard, examined, discussed, clearly, finally and definitively adjudged and determined within the King's Jurisdiction and Authority and not elsewhere.

2. And it is further enacted . . . that if any person or persons . . . do attempt, move, purchase, or procure from or to the See of Rome or from or to any other foreign Court . . . process, inhibitions, appeals, sentences, summons, citations . . . or sentences . . . every such person . . . shall incur . . . the same penalties and forfeitures ordained and provided by the Statute of Provision and Præmunire. . . .

**Act of Supremacy, 1534.** Be it enacted by authority of this present Parliament that the King our Sovereign Lord, his heirs and successors Kings of this Realm, shall be taken, accepted and reputed the only supreme head on earth of the Church of England called *Anglicana Ecclesia*, and shall have and enjoy annexed and united to the Imperial Crown of this Realm, as well the title and style thereof, as all Honours, Dignities, pre-eminencies, jurisdictions, privileges, authorities, immunities, profits and commodities to the said dignity of supreme head of the same Church belonging and appertaining: And that our said Sovereign Lord his heirs and successors Kings of this Realm shall have full power and authority from time to time to visit, redress, repress, reform, order, correct, restrain and amend all such errors, heresies, abuses, offences, contempts and enormities what so ever they be, which by any manner spiritual authority or jurisdiction ought or may lawfully be reformed, repressed, ordered, redressed, corrected, restrained or amended. . . .

**Statute of 1536.** . . . The Lords and Commons . . . most humbly desire the King's Highness that it may be enacted by authority of this present Parliament, that his Majesty shall have and enjoy to him and to his heirs for ever . . . such Monasteries, Priors and other Religious Houses of Monks Canons and Nuns, of what kinds or diversities of Habit, Rules or Order so ever they be called or named, which have not in Lands or Tenements . . . &c. . . . above the clear yearly value

of two hundred pounds : and in like manner shall have and enjoy all the sites and circuits of every such religious house . . . Tenements, Rents, Tithes . . . &c. . . in as large and ample manner as the Abbots . . . &c. . . now have or ought to have the same in the right of these Houses. . . .

. . . Be it enacted . . . that no manner of speaking, **Statute of** doing, communication or holding against the said Bishop **1534.** of Rome . . . or against any laws called spiritual laws made by authority of the See of Rome . . . shall be deemed, reputed, accepted or taken to be heresy. . . .

It is enacted . . . that if any person . . . by word **Statute of** . . . writing . . . or otherwise . . . do preach, teach . . . **1539.** argue or hold any opinion . . . that in the blessed Sacrament of the Altar under the form of bread and wine after the consecration thereof, there is not present really the natural body and blood of our Saviour Jesu Christ conceived of the Virgin Mary, or that after the said consecration there remaineth any substance of bread or wine or any other substance but the substance of Christ, God and Man . . . that then every such person . . . shall be deemed and adjudged heretic . . . and that every such offender shall therefore have and suffer . . . pains of death by way of burning. . . .

#### *Civil Government.*

. . . We your most bounden and loving subjects . . . **Statute of** do therefore most humbly beseech your Highness that it **1536.** may be enacted . . . That your Highness shall have full and plenary power and authority to give, dispose, appoint, assign, declare and limit . . . at your only pleasure from time to time hereafter, the imperial Crown of this Realm . . . for lack of lawful heirs of your body . . . to such person or persons in possession and remainder as shall please your Highness . . . and we your most humble and obedient subjects do faithfully promise to your Majesty that . . . we, our heirs and successors, shall accept and take, love, dread, serve and all only obey such person or persons, males or females, as your Majesty shall leave your imperial Crown unto by authority of this Act.

. . . Be it therefore enacted by the authority of this **Statute of** present Parliament . . . that always the King for the **1539.** time being, with the advice of his honourable Council, whose names hereafter follow, or with the advice of the more part of them, may set forth at all times, by authority of this Act, his

proclamations, under such penalties and pains and of such sort as to his Highness and his said honourable Council shall seem necessary and requisite ; And that those same shall be obeyed, observed and kept as though they were made by Act of Parliament . . . unless the King's Highness dispense with them or any of them under his great seal.

**Statute of 1545.** And whereas the King's Majesty, upon great and urgent causes and considerations moving his Highness, this present year did take . . . of us his loving subjects of our benevolence and good wills certain sums of money . . . Be it ordained . . . that the said benevolence . . . so set, rated, taxed, gathered, charged, levied and paid . . . be and shall be by the same authority judged, deemed and taken to be lawful, good, firm, stable, right, necessary and expedient to all intents, constructions and purposes ; any Matter, Statute or Law had or made to the contrary notwithstanding.

*Social Conditions.*

**Statute of 1535.** . . . It is enacted that every preacher, parson . . . &c. . . shall exhort . . . people . . . bountifully to extend their good and charitable alms and contributions for and toward the comfort and relief of the said poor, impotent, decrepit, indigent and needy people, as for the setting and keeping to continual work . . . the sturdy vagabonds and valiant beggars. . . .

It is enacted that if any of the aforesaid . . . sturdy vagabonds, after they have been once apprehended, whipped, and sent to any City . . . Hundred, or Parish, shall happen . . . to play the Vagabond or willingly to absent themselves from . . . labour . . . shall be eftsoons not only whipped again . . . but shall also have the upper part of the gristell of the right ear cut off, so that it may appear for a perpetual token after that time that he hath been a contemner of the good order of the Commonwealth. . . .

[*For a third offence they were to suffer death as felons.*]

**REIGN OF EDWARD VI.**

**Statute of 1547.** . . . Be it therefore enacted . . . That from henceforth no such congé d'élire be granted nor election of any Archbishop nor Bishop by the Dean and Chapter made, But that the King may by his Letters Patent at all times when any Archbishopric or Bishopric be void confer the same to any person whom the King shall think meet. . . .



**Act of Uniformity, 1548.** . . . (Whereas) his Highness . . . hath appointed the Archbishop of Canterbury and certain of the most learned and discreet Bishops and other learned men of this Realm . . . to draw and make one convenient and meet order . . . of common and open Prayer and administration of the Sacrament . . . The Lords spiritual and temporal and the Commons . . . do give to his Highness most hearty and lowly thanks for the same . . . and humbly pray that it may be ordained . . . that all and singular Ministers in any Cathedral or Parish Church or other place within this Realm . . . shall be bounden to say and use . . . all their common and open Prayer in such order and form as is mentioned in the said book, and none other or otherwise.

**Statute of 1549.** Be it further enacted . . . that if any person or persons . . . that now have or hereafter shall have in his or their custody . . . any Images of stone, timber, alabaster or earth, graven, carved or painted, which heretofore have been taken out of any Church or Chapel or yet stand in any Church or Chapel . . . and do not before the last day of June next ensuing deface and destroy or cause to be defaced and destroyed the same Images and every one of them . . . shall forfeit . . . for the first offence 20 shillings, and for the second offence . . . four pounds, and for the third offence shall suffer imprisonment at the King's will.

**Act of Uniformity, 1552.** The King's most excellent Majesty . . . hath caused the aforesaid order of common service, entitled the Book of Common Prayer, to be faithfully and goodly perused, explained and made fully perfect. . . .

And by authority aforesaid it is now further enacted that if any manner of person or persons . . . shall willingly and wittingly hear and be present at any other manner or form of Common Prayer . . . than is mentioned and set forth in the said book . . . shall for the first offence suffer imprisonment for six months, and for the second offence . . . for one whole year, and for the third offence . . . during his or their life.

#### REIGN OF MARY.

**Statute of 1553.** . . . And be it further enacted by the authority aforesaid that all such Divine Service and Administration of Sacraments as were most commonly used in the Realm of England in the last year of the reign of our late Sovereign Lord

King Henry the Eighth shall be from and after the xx<sup>th</sup> day of December in this present year . . . used and frequented through the whole Realm of England and all other the Queen's Majesty's Dominions. . . .

**Statute of 1554.** We the Lords Spiritual and Temporal and the Commons . . . do declare ourselves very sorry and repentant of the Schism and disobedience committed in this Realm against the See Apostolic, either by making, agreeing or executing any Laws, Ordinances or Commandments against the supremacy of the said See . . . It may now like your Majesties (to assent to the) accomplishment of our promise . . . that is to repeal all Laws and Statutes made contrary to the said Supremacy and See Apostolic during the said Schism. . . .

*[Most of Henry's legislation then repealed in detail.]*

Be it enacted, That as well your Majesty . . . as also all and every other person now having or that hereafter shall have . . . any of the Sites of the said late Monasteries and other the religious or ecclesiastical Houses or Places, and all the said Lands and Tenements . . . &c. &c. . . shall have, hold, keep and retain all and every the said Sites, Lands, &c. . . as they would have done if this Act had never been made. . . .

## REIGN OF ELIZABETH.

### *Ecclesiastical Legislation.*

**Statute of 1558.** . . . May it please your Highness . . . That the said Act [*i.e. reconciliation with Rome*] made in the first and second year of . . . the late King Philip and Queen Mary . . . may . . . be utterly void and of none effect.

And that . . . it may be enacted . . . That such Jurisdictions, Privileges, Superiorities and Pre-eminencies, Spiritual and Ecclesiastical, as by any Spiritual or Ecclesiastical Power or Authority hath heretofore been or may lawfully be exercised or used for the Visitation of the Ecclesiastical State and Persons, and for Reformation, Order and Correction of the same, and of all manner of Errors, Heresies, Schisms, Abuses, Offences, Contempts and Enormities, shall for ever by authority of this present Parliament be united and annexed to the Imperial Crown of this Realm. . . .

Whereas at the Death of our late Sovereign Lord King Edward the Sixth there remained one uniform Order of Common Service and Prayer, and of the Administration of the Sacraments, Rites

and Ceremonies in the Church of England, which was set forth in one Book entitled the Book of Common Prayer . . . authorised by Act of Parliament . . . intitled an Act for the Uniformity of Common Prayer . . . the which was repealed and taken away by Act of Parliament in the first year of the Reign of our late Sovereign Lady Queen Mary. . . . Be it therefore enacted . . . That the said Statute of Repeal shall be void and of none effect . . . and that the said Book with the Order of Service . . . with the alterations and additions appointed by this Statute, shall stand and be from and after the Feast of the Nativity of St. John Baptist in full force and effect according to the tenor and effect of this Statute. . . .

*Civil Government, &c.*

**Queen's message to Commons, 1593.** . . . In her Majesty's pleasure delivered to them by the Lord Keeper, it was not meant that they should meddle either in matters of State or ecclesiastical causes ; she wondered that any could be so forgetful of her commandment, or so bold as to attempt a thing expressly contrary to what she had forbidden, and that she is highly offended with it.

She commands that no bills tending to matters of State, or reformation in causes ecclesiastical, are to be exhibited, and if any such are exhibited the Lord Keeper is commanded upon his allegiance not to read them.

**Poor Law of 1601.** Be it enacted . . . that the Churchwardens of every Parish, and four, three, or two substantial Householders . . . shall be called Overseers of the Poor of the same Parish : and they or the greater part of them shall take order from time to time, by and with the consent of two or more Justices of the Peace, for setting to work all such Children whose Parents shall not by the said Churchwardens and Overseers . . . be thought able to keep and maintain their Children : And also for setting to work all such persons as having no means to maintain them use no ordinary and daily trade to get their living by ; and also to raise, weekly or otherwise, by Taxation of every Inhabitant, Parson, Vicar and other, and of every occupier of Lands, Houses, Tithes, &c., &c. . . . in the said Parish, in such competent Sum or Sums of Money as they shall think fit, a convenient Stock of Flax, Hemp, Wool, Thread, Iron, and other necessary Ware and Stuff to set the Poor on Work : And also competent Sums of Money for and towards the necessary Relief of the lame, impotent,

old, blind, and such other among them being poor and not able to work. . . .

Be it enacted . . . that it shall be lawful . . . for the said Churchwardens and Overseers . . . to erect in fit and convenient places of Habitation . . . at the general charges of the Parish or otherwise of the Hundred or County as aforesaid . . . convenient Houses of Dwelling for the said impotent Poor, and also to place Inmates or more Families than one in one Cottage or House. . . .

### REIGN OF JAMES I.

**Summary of address (Catholics of England to King).** They assure him of their devoted allegiance, and remind of their sufferings in behalf of his own and his mother's cause. . . . Beg toleration for themselves as granted to others who do not coincide in the religion of the State. Good effects of toleration in France. Implore the free exercise of their religion in private if not in public, by sufferance if not with approbation.

**Summary of message (King to Council, 1604).** He is surprised to hear reports that the House of Commons, instead of submitting to the opinions of the Judges in the point in dispute between them and the King, take upon them to judge both of the Judges' opinion and of the royal prerogative. They are either to give the King satisfaction, or to send in writing a statement of their doubts, that they may be set at rest, and no other business is to proceed till this is determined.

**Statute of 1605.** . . . Be it enacted . . . That every Popish Recusant . . . which heretofore hath conformed him or herself, and repaired to the Church and continued there during the time of Divine Service . . . shall once in every year following at the least receive the Blessed Sacrament of the Lord's Supper in the Church of that Parish where he or she shall most usually abide . . . And if any Recusant so conformed shall not receive the said blessed Sacrament accordingly, he or she shall for such not receiving lose and forfeit for the first year Twenty Pounds, and for the second year . . . Forty Pounds, and for every year after . . . Threescore Pounds.

**Statute of 1623.** . . . Be it declared and enacted by the authority of this present Parliament, That all Monopolies and all Commissions, Grants, Licenses, Charters, and Letters Patented heretofore made or granted or hereafter to be made or granted to any Person or Persons, Bodies, Politic or Corporate



whatsoever, of or for the sole buying, selling, making, working, or using of anything within this Realm . . . or of Power, Liberty, or Faculty, &c. . . . &c. . . . and all Proclamations, Inhibitions, Restraints, Warrants of Assistance, &c. . . . are altogether contrary to the Laws of this Realm, and so are and shall be utterly void and of none effect, and in no wise to be put in use or execution.

### REIGN OF CHARLES I.

**Royal  
Commis-  
sion for  
raising  
Tonnage  
and  
Poundage,  
1626.**

. . . We, by the advice of the Lords and others of our Privy Council; do by these presents declare our Will and Pleasure to be, that all those Duties . . . shall be levied in such manner as the same were levied at the time of the decease of our said late Father . . . all which our Will and Pleasure is shall continue until such time as by Parliament (as in former times) it may receive an absolute settling. And if any Person whatsoever shall refuse or neglect to pay the Duties aforesaid . . . then . . . we do grant by these presents unto the Lords and others of our Privy Council for the time being, or unto the Lord Treasurer of England or Chancellor of our Exchequer . . . full power to commit every such Person to Prison . . . there to continue until they . . . shall have conformed and submitted themselves unto due obedience concerning the premises. . . .

**Petition  
of Right,  
1628.**

. . . They (*Lords and Commons*) do therefore humbly pray your most Excellent Majesty, that no man hereafter be compelled to make or yield any Gift, Loan, Benevolence, Tax, or such like Charge, without common consent by Act of Parliament; and that none be called to make answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same or for refusal thereof; and that no freeman, in any such manner as is before mentioned be imprisoned or detained; and that your Majesty may be pleased to remove the said Soldiers and Mariners, and that your People may not be so burdened in time to come; and that the foresaid Commissions for proceeding by martial Law may be revoked and annulled; and that hereafter no Commissions of like nature may issue forth to any Person or Persons whatsoever, to be executed as aforesaid, lest by colour of them any of your Majesty's Subjects be destroyed or put to death, contrary to the laws and franchise of the land, . . .

**Act against Dissolution of Long Parliament, 1641.** . . . Be it enacted . . . that this present Parliament now assembled shall not be dissolved unless it be by Act of Parliament to be passed for that purpose; nor shall be . . . prorogued or adjourned unless it be by Act of Parliament to be likewise passed for that purpose. . . .

**Act for abolishing Star Chamber, 1641.** . . . Be it enacted . . . that the said Court commonly called the Star Chamber, and all Jurisdiction, Power, and Authority belonging unto or exercised in the same Court, or by any of the Judges, Officers or Ministers thereof, be from the first day of August in the year of our Lord God one thousand six hundred and forty-one, clearly and absolutely dissolved, taken away, and determined. . . .

**Declaration of the Houses, 1642.** The Lords and Commons so declare that they intend a due and necessary reformation of the Government and Liturgy of the Church. . . .

**King's Declaration on Religion, 1641**  
(in answer to Grand Remonstrance). . . . We are persuaded in our consciences that no Church can be found upon earth that professeth the true Religion with more purity of doctrine than the Church of England doth . . . which by the grace of God we will with constancy maintain in their purity and glory, not only against all invasions of Popery, but also from the irreverence of these many Schismatics and Separatists wherewith of late this Kingdom and this City abounds. . . .

**Solemn League and Covenant, 1643.** . . . That we shall . . . endeavour in our several Places and Callings the preservation of the reformed Religion in the Church of Scotland, in Doctrine, Worship, Discipline, and Government, against our common enemies . . . and that we shall endeavour to bring the Churches of God in the three Kingdoms to the nearest conjunction and uniformity in Religion, Confession of Faith, form of Church Government, directory for worship and catechising. . . .

That we shall . . . endeavour the extirpation of Popery, Prelacy . . . Superstition, Heresy, Schism, Profaneness. . . .

We shall with the same sincerity . . . endeavour with our estates and lives mutually to preserve the Rights and Privileges of the Parliaments and the Liberties of the Kingdoms, and to preserve and defend the King's Majesty's Person and Authority.

Whereas Charles Stuart, King of England, is, and standeth convicted, attainted and condemned of High Treason and other

**Death Warrant of Charles I., 1649.** high Crimes ; and Sentence upon Saturday last was pronounced against him by this Court to be put to death by the severing of his head from his body ; of which Sentence, execution yet remaineth to be done ; these are therefore to will and require you to see the said Sentence executed in the open street before Whitehall, upon the morrow . . . and for so doing this shall be your sufficient warrant. And these are to require all Officers, Soldiers, and Others, the good People of this nation of England, to be assisting unto you in this service.

To Col. Francis Hacker, Col. Huncks, and Lieut.-Col. Phayre, and to every one of them.

Given under our hands and seals,

JOHN BRADSHAW,

THOMAS GREY,

OLIVER CROMWELL, &c., &c.

#### COMMONWEALTH AND PROTECTORATE.

**Act abolishing the office of King, 1649.** . . . Be it therefore enacted . . . that the Office of King in this nation shall not henceforth reside in or be exercised by any one single Person ; and that no one Person whatsoever shall or may have or hold the Office, Style, Dignity, Power, or Authority of King of the said Kingdoms or Dominions, or any of them, or of Prince of Wales, any Law, Statute, Usage, or Custom to the contrary thereof in any wise notwithstanding. . . .

**Ordinance by the Protector for the union of England and Scotland, 1654.** . . . Be it ordained and it is ordained by his Highness the Lord Protector . . . by and with the consent and advice of his Council ; that all the People of Scotland, and of the Isles of Orkney and Shetland . . . are and shall be and are hereby incorporated into, constituted, established, declared, and confirmed one Commonwealth with England ; and in every Parliament to be held successively for the said Commonwealth, thirty Persons shall be called from and serve for Scotland.

## REIGN OF CHARLES II.

*Ecclesiastical Legislation.*

**Act of Uniformity, 1662.** . . . Be it enacted . . . that all and singular Ministers in any Cathedral, collegiate or parish Church or Chapel or other place of public worship within this Realm of England, Dominion of Wales, and Town of Berwick-upon-Tweed shall be bound to say and use the Morning Prayer, Evening Prayer, Celebration and Administration of both the Sacraments, and all other the Public and Common Prayer in such order and form as is mentioned in the . . . Book of Common Prayer . . . and that all and every such person who shall . . . neglect or refuse to do the same . . . shall be deprived of his said ecclesiastical Benefices and Promotions. . . .

**Conventicle Act, 1664.** . . . Be it enacted . . . That if any person of the age of sixteen years or upwards . . . shall be present at any Assembly, Conventicle, or Meeting under colour or pretence of any Exercise of Religion in other manner than is allowed by the Liturgy or Practice of the Church of England . . . thereupon the said Justices and Chief Magistrate respectively shall commit every such offender convicted as aforesaid to the Gaol or House of Correction . . . for any time not exceeding the space of three months, unless such offender shall pay down . . . such sum of money not exceeding five pounds as the said Justices or Chief Magistrate . . . shall fine the said offender . . .

[*The penalty for the second offence was £10 fine or imprisonment, for the third, transportation for seven years.*]

[*This oath was to be taken by all non-conforming ministers.*]

**Five Mile Act, 1665.** I, A. B., do swear that it is not lawful upon any pretence whatsoever to take arms against the King . . . and that I will not at any time endeavour any Alteration of Government either in Church or State.

. . . And all such persons as shall take upon them to preach in any unlawful Assembly, Conventicle or Meeting . . . shall not at any time unless only in passing upon the Road come or be within Five Miles of any City or Town, Corporate or Borough, that sends Burgesses to the Parliament . . . before they have taken and subscribed the Oath aforesaid. . . .



**Test Act, 1672.** . . . Be it enacted . . . That all and every person or persons, as well Peers as Commoners, that shall bear any Office or Offices, civil or military, or shall receive any Pay, Salary, Fee, &c. . . . &c. . . . shall . . . take the several oaths of Supremacy and Allegiance . . . and shall also receive the Sacrament of the Lord's Supper according to the usage of the Church of England. . . .

**Habeas Corpus Act, 1679.** . . . Be it enacted . . . That whensoever any person or persons shall bring any [Writ of] Habeas Corpus directed unto any Sheriff, Officer . . . or other Person whatsoever for any person in his or their Custody, and the said Writ shall be served upon the said Officer, . . . that the said Officer shall within three days after the service thereof as aforesaid (unless the commitment aforesaid were for Treason or Felony plainly and specially expressed in the Warrant of Commitment) . . . bring or cause to be brought the Body of the Party so committed or restrained unto or before the Lord Chancellor or Lord Keeper . . . or the Judges or Barons of the said court from whence the said Writ shall issue or . . . such other persons before whom the said Writ is made returnable . . . and shall certify the true causes of his Detainer or Imprisonment. . . .

*[Ten days were allowed if the distance was more than 20 miles, twenty days if it was more than 100 miles.]*

Provided always . . . That if any person . . . committed for High Treason or Felony . . . upon his Prayer or Petition in open Court . . . to be brought to his Trial shall not be indicted and tried the second term sessions of Oyer and Terminer or General Gaol Delivery after his Commitment, or upon his Trial shall be acquitted, he shall be discharged from his imprisonment. . . .

#### REIGN OF JAMES II.

**Declaration of Indulgence, 1687.** . . . We do likewise declare, that it is our Royal Will and Pleasure, That from henceforth the Execution of all and all manner of Penal Laws in Matters ecclesiastical, for not coming to Church, or not receiving the Sacrament, or for any other Non-conformity to the Religion established, or for and by reason of the Exercise of Religion in any manner whatsoever, be immediately suspended. And the further execution of the said Penal Laws and every one of them is hereby suspended. . . .

## REIGN OF WILLIAM AND MARY.

**Bill of Rights, 1689.** . . . The Lords Spiritual and Temporal\* and the Commons . . . being now assembled in a full and free Representative of this Nation . . . do in the first place . . . declare :—

That the pretended Power of suspending of Laws or the execution of Laws by Regal Authority without consent of Parliament is illegal.

That the pretended Power of dispensing with Laws . . . is illegal.

That the Commission for erecting the late Court of Commissioners for Ecclesiastical Causes and all other Commissions and Courts of like nature are illegal and pernicious.

That levying Money for or to the use of the Crown by pretence of Prerogative without grant of Parliament . . . is illegal.

That it is the right of the Subject to petition the King, and all Commitments or Prosecutions for such petitioning are illegal.

That the raising or keeping a standing Army within the Kingdom in time of Peace, unless it be with consent of Parliament, is against Law.

**Statute of 1696 (regulating treason trials).** . . . Be it enacted . . . that all and every person and persons . . . indicted for High Treason . . . shall have a true copy of the whole Indictment . . . five days at least before he or they shall be tried for the same . . . and shall be received and admitted to make his or their full defence by Counsel learned in the Law; and to make any Proof that he or they can produce by lawful Witness or Witnesses who shall then be upon oath for his and their just defence in that behalf. . . .

**Act of Settlement, 1701 (further provisions for securing religion, laws, and liberties).** That whosoever shall hereafter come to the Possession of this Crown shall join in Communion with the Church of England as by Law established.

That Judges' commissions be made *Quamdiu se bene gesserint*, and their Salaries ascertained and established; but upon the Address of both Houses of Parliament it may be lawful to remove them.

That no Pardon under the Great Seal of England be pleadable to an Impeachment by the Commons in Parliament.

## REIGN OF ANNE.

**Act of  
Union,  
1707.**

*Article I.*—That the two Kingdoms of England and Scotland shall upon the first day of May which shall be in the Year one thousand seven hundred and seven and for ever after be united into One Kingdom by the name of Great Britain. . . .

*Article III.*—That the United Kingdom of Great Britain be represented by One and the same Parliament, to be styled The Parliament of Great Britain. . . .

[*A large number of other articles follow.*]

May it therefore please Your Most Excellent Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal and the Commons in this present Parliament assembled, and by Authority of the same, That all and every the said Articles of Union as ratified and approved by the said Act of Parliament as aforesaid and herein before particularly mentioned and inserted, and also the said Act of Parliament of Scotland for establishing the Protestant Religion and Presbyterian Church Government within that Kingdom . . . and every Clause, Matter and Thing in the said Articles and Act contained, shall be and the said Articles and Act are hereby for ever ratified, approved and confirmed. . . .

## REIGN OF GEORGE IV.

**Catholic  
Emanci-  
pation,  
1829.**

Whereas by various Acts of Parliament certain Restraints and Disabilities are imposed on the Roman Catholic subjects of His Majesty, to which other Subjects of His Majesty are not liable. And whereas it is expedient that such Restraints and Disabilities shall be from henceforth discontinued; and whereas by various Acts certain Oaths and other Declarations . . . are or may be required to be taken . . . by the Subjects of His Majesty . . . Be it enacted . . . That from and after the commencement of this Act all such Parts of the said Acts as require the said Declarations, or either of them, to be made or subscribed by any of His Majesty's Subjects, as a Qualification for sitting and voting in Parliament, or for the exercise or enjoyment of any Office, Franchise, or Civil Right, be and the same are (save as hereinafter provided and excepted) hereby repealed. . . .

## REIGN OF WILLIAM IV.

Reform  
Bill,  
1832.

27. . . . Be it enacted . . . that in every City or Borough which shall return a Member or Members to serve in any . . . Parliament, every Male Person [*of full age and not subject to any legal incapacity*] who shall occupy within such City or Borough, or within any Place sharing in the Election for such City or Borough, as Owner or Tenant any House, Warehouse, Counting-house, Shop, or other Building, being either separately or jointly with any Land within the City, Borough or Place . . . of the clearly yearly Value of not less than £10, shall, if duly registered, be entitled to vote in the election of a member for such City or Borough. . . .





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JUN 28 1935

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