

THE STORY OF
ANGLO-SAXON INSTITUTIONS

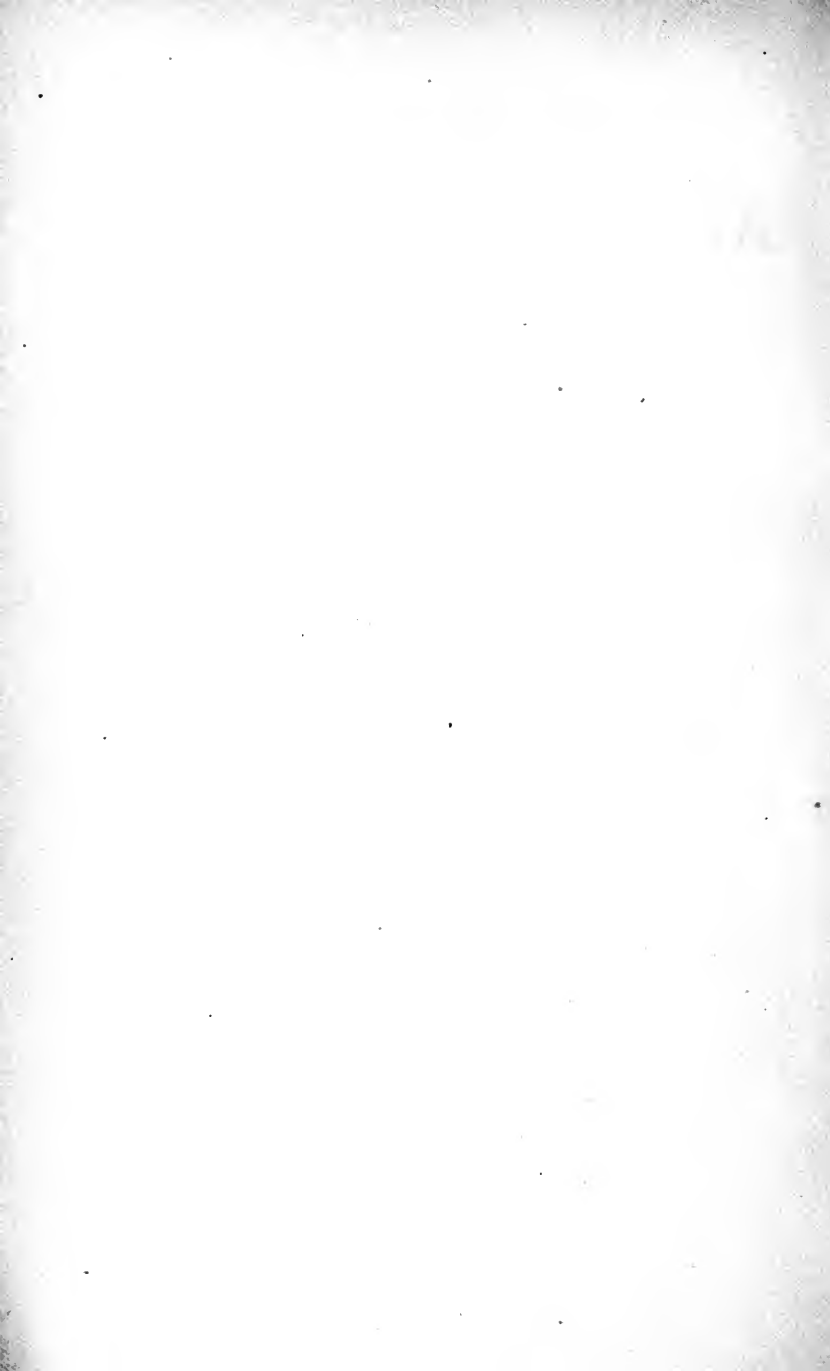
SIDNEY C. TAPP

LIBRARY
OF THE
UNIVERSITY OF CALIFORNIA.

Class



Digitized by the Internet Archive
in 2007 with funding from
Microsoft Corporation



The Story of
Anglo-Saxon Institutions

or

The Development of Constitutional
Government

By

Sidney C. Tapp, Ph.B.



G. P. Putnam's Sons
New York and London
The Knickerbocker Press

1904

JN121
.T2

GENERAL

COPYRIGHT, 1904

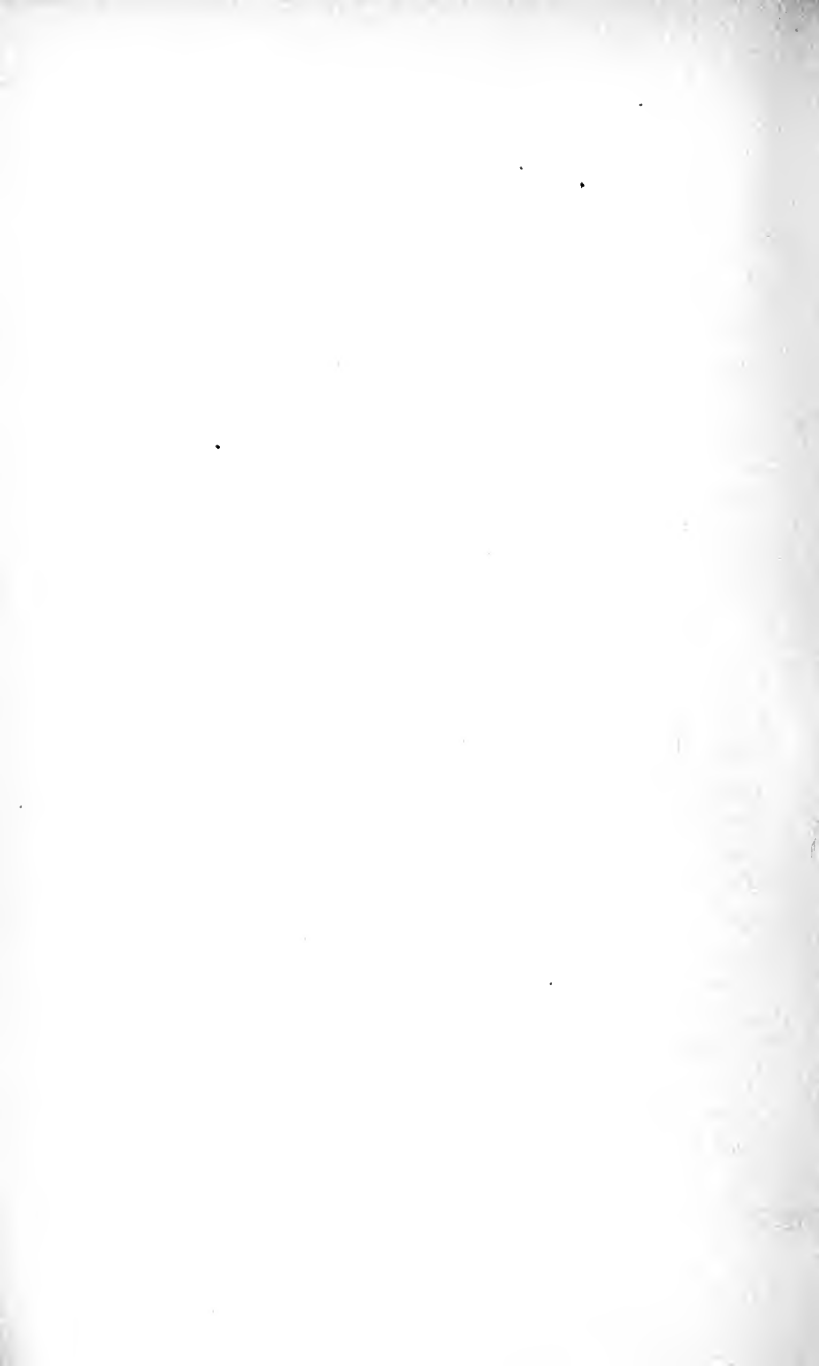
BY

SIDNEY C. TAPP

Published, June, 1904

The Knickerbocker Press, New York

To
THE GREAT COMMON PEOPLE
WHO PRODUCE THE WEALTH AND PAY THE TAXES
OF ORGANIZED SOCIETY IN TIMES OF PEACE
AND FIGHT ITS BATTLES IN TIMES OF WAR
THIS WORK IS DEDICATED



PREFACE

THIS work is not intended as a text-book in history, law, or the science of government. While it has been necessary to refer to historical facts and to point out some of the basic principles of republican government, the reader must remember that these are mere incidents, and not the real purpose of the work. The purpose of the writer has been to demonstrate from historical facts that the Anglo-Saxon race is the only race that has ever had a true conception of republican institutions or solved correctly the problem of self-government. In this connection the writer has done his best to point out the oppressions of other schools of government and the frauds of kings and monarchs, and at the same time to show, from historical information, the struggles of the people to dethrone the privileged classes and to obtain self-government, so that the American people may appreciate this Republic and maintain it in its original purity and simplicity. If the writer has succeeded in quickening the consciences of the readers of these pages, in some degree, to the appreciation of our free institutions, he has been amply compensated for his effort.

The subject-matter has been condensed and stripped of all technicalities in order that it may be appreciated by the average citizen, if he wishes to read it.

S. C. T.

ATLANTA, GEORGIA,
January, 1904.

CONTENTS

	PAGE
CHAPTER I	
SOVEREIGNTY	I
CHAPTER II	
DELEGATED POWERS	10
CHAPTER III	
CONSTITUTIONS—THE DIFFERENT KINDS AND THEIR PURPOSE	25
CHAPTER IV	
THE ORIGIN OF CONSTITUTIONAL AND POPULAR GOVERNMENT	35
CHAPTER V	
THE EARLY STATE OF POPULAR GOVERNMENT	41
CHAPTER VI	
AN ANCIENT COMPARISON	46
CHAPTER VII	
THE BEGINNING OF THE ANGLO-SAXON IDEAS IN ENGLAND	51

CHAPTER VIII	
THE ANGLO-SAXON HEPTARCHY	56
CHAPTER IX	
THE INVASIONS OF THE NORMANS	60
CHAPTER X	
CONCESSIONS OF WILLIAM THE CONQUEROR AND THE TRIUMPH OF THE SAXONS	65
CHAPTER XI	
THE MAGNA CHARTA	72
CHAPTER XII	
THE RESULTS OF THE CONFLICT BETWEEN SAXON INSTITUTIONS AND NORMAN POWERS . . .	81
CHAPTER XIII	
THE ORGANIZATION OF THE THREE ESTATES OF THE REALM	87
CHAPTER XIV	
THE WAR BETWEEN THE CROWN AND THE BARONS	91
CHAPTER XV	
THE DAYS OF EDWARD THE FIRST	100
CHAPTER XVI	
A BLOT ON THE ENGLISH GOVERNMENT, LAWS, AND CONSTITUTION	111
CHAPTER XVII	
A WORD AS TO OLD IRELAND	123

Contents

ix

CHAPTER XVIII

SCOTLAND 131

CHAPTER XIX

THE BEGINNING OF THE REIGN OF LAW 139

CHAPTER XX

GOTHISM. 146

CHAPTER XXI

MONARCHY AND DEMOCRACY AS DEMONSTRATED IN
FRANCE 156

CHAPTER XXII

THE PROTEST AGAINST THE USURPATION OF
CHURCH AND STATE IN ENGLAND 177

CHAPTER XXIII

THE DECLINE OF FEUDALISM AND THE RISE OF AR-
BITRARY MONARCHY 185

CHAPTER XXIV

THE OVERTHROW OF ARBITRARY MONARCHY AND
THE CREATION OF CONSTITUTIONAL MON-
ARCHY 196

CHAPTER XXV

THE PLANTING OF ANGLO-SAXON PRINCIPLES IN
AMERICA 212

CHAPTER XXVI

THE CLASSES VS. THE MASSES. 226

CHAPTER XXVII

THE CONCLUSION 235

THE STORY OF ANGLO-SAXON INSTITUTIONS



CHAPTER I

SOVEREIGNTY

SOVEREIGNTY is ordinarily defined as the supreme power in the body-politic. It has been defined as the "essence of power from which flow emanations of power." The body-politic is the organism in unity of human beings, associated together for the purpose of the social state, in which is vested all rightful powers over its members for the common welfare of all. This power so vested is sovereignty. The *de jure* body-politic is the real sovereign and principle, while the government or the *de facto* body-politic is the agent or representative. The *de jure* body-politic is the real people themselves, the *de facto* body-politic is the agent, the representatives,

and the forces through which the *de jure* body politic acts.

The science and experience of human government have demonstrated it to be best to clothe the representative body-politic (the body-politic *de facto*) with sovereignty vested in the real body-politic (*de jure*)—that is, with authority to create government, to change the old and to construct a new form of government, provided, of course, that the sovereignty and authority thus conferred on the representative body-politic shall be used so as to secure the rights and liberties of the individual citizens, and not to trench on the inalienable rights, which the real body-politic cannot rightfully do. As the *de jure* body-politic is in theory the real sovereign and the government is its agent, the representative or *de facto* body-politic in practice is taken to be the sovereign power which creates government by making a fundamental law, or what is commonly termed a constitution, and constructing a government according to the terms and provisions of the fundamental law or constitution and delegating to it powers and distributing them in different departments as the exigencies of the condition of the real body-politic may require. The authority or sovereignty of the real body-politic may be considered as the combined powers of all the individuals composing it, united in social union for the purpose of securing personal liberty and protection from wrongful acts of others—"each individual being at the same time a member of the sovereign and subject to the sovereign."

This organized society we call government, when its powers are so limited and defined and arranged as to conserve the rights and liberties of each individual and at the same time to promote the political and social welfare of all, the end for which social order and governmental functions are established and consummated. This machinery must of necessity be operated by the hands of human beings, who have inherited that trait and characteristic from which no mortal is exempt—selfishness—and which is an ever-threatening menace to justice to the individual subject. The rights of the individual citizen, therefore, demand that those who operate this power which we call government should be limited and regulated in their actions—otherwise right and justice are at the mercy of their will. Wisdom and experience dictate that there should be such restraints upon the representatives of the body-politic, who exercise the function of government, that it may be impossible for usurpation and abuse of power to be practised, and also that the functions of the representatives of the real body-politic shall be so defined and limited as to secure that liberty and protection to the individual citizen which they are created and ordained to establish.

The means of making this method effective we call a constitution (*con* and *sto*) to stand or hold together. The degree of liberty which the individual citizen of different peoples is suited to enjoy is different, and liberty is therefore a relative term, and must vary as the conditions morally and mentally of people vary, provided, however, that at all times there is given to

man "the maximum of liberty, and to government the minimum of power, consistent with conservation of social peace and order." The forms and conditions of government that would suit and be adapted to one people might be very different from what would suit another people. There are two forces which regulate and control man, the internal and external. The internal forces of man are his moral and intellectual faculties, which he exercises in directing his actions. The external forces are those which the government requires of him and exercises over him for the protection of the social body against his acts.

As a man, therefore, develops morally and intellectually he recognizes the rights of others as well as his own rights, and obeying the dictates of conscience as enlightened by intelligence, he is better prepared to exercise the rights of a freeman and of citizenship. Just in proportion as he rises in the scale of intelligence and morality do the internal forces which control his actions increase and the necessity for the external forces, or the rules of government, decrease. It may be safely stated, therefore, that God ordained man for society and ordained government, but left it for man to ordain the nature and kind of government that he would construct. God having ordained society for man and government for society, it devolves upon man to construct a government for man and society and a constitution for government.

Sovereignty is the essence of power and should be differentiated from the powers which flow from it.

Sovereignty is the people themselves, the real body-politic. The powers which flow from sovereignty constitute government in its various functions, operating in and through its respective departments. Sovereignty is indivisible, inalienable, indestructible, undistributable, and is always unconditionally reserved to the people. Powers which flow from sovereignty and which constitute government may be divided, distributed, granted, reserved, or revoked at the will of the people themselves. It is important that the distinction between sovereignty and the powers which flow from it and constitute government be recognized, for upon this recognition is based the right of constitutional and republican government, and without this recognition monarchy and despotism would continue to claim that they were of "Divine Origin." This distinction was not recognized in Great Britain until about the seventeenth century, and even Blackstone, the great law commentator, was not willing to recognize the principle at a later date, for he refers to the Parliament (the law-making power) as the "Sovereign Power," Lewis's edition, first volume of Blackstone, page 49. But even in Great Britain later writers of accepted authority have recognized the doctrine that the legislative powers are no more than "Emanations" from the sovereignty—where all powers are reserved and deposited. That power which every independent state possesses, so long as it retains its independence relative to its people and its welfare, and which is unlimited, unlimitable, indivisible, inherent, and inalienable, and which yields to no

power on earth as to its control, operation, or will, is real sovereignty, and this authority resides only in the people, is inherent in them, and inalienable from them. That this unlimited supreme power is in the people was taught by the great philosopher, Locke, and his contemporaries, and is now the accepted doctrine of Great Britain, the Republic of France, the American Union, and other of the most civilized and best-thinking peoples of the age. Mr. Justice Mathews of the United States Supreme Court, in *Yick Wo vs. Hopkins*, clearly stated the doctrine when he said: "Sovereignty itself is, of course, not subject to law, for it is the author and source of law, but in our system (the American Union), while sovereign powers are delegated to the agencies of the government, sovereignty itself remains with the people by whom and from whom all government exists and acts" (see 118 U. S., pages 356 to 370). To this power all government is responsible for its acts and doings. The power of sovereignty is inherent and native in the people; the power of government is delegated from the people and by the people.

It follows, therefore, that when any form of government has become oppressive or fails to perform the functions and purposes for which it was created, or the end for which it was formed, accomplished, and consummated, and when under the changed conditions it does not conserve the people for whom it was formed, then the people in their sovereign capacity have an inherent, native, and inalienable right to revoke the delegated powers and to wipe

out the old and to construct such a new form of government as in their judgment will conserve their happiness, common welfare, and peace.

Upon this doctrine the Declaration of Independence of the American Union was based, and without it the Magna Charta could never have thrown its strong arm of protection around the property, liberty, and lives of the subjects of Great Britain.

It is the doctrine of the "consent of the governed" in its last analysis, the doctrine which is the hope of mankind for liberty, justice, and protection in every age and in every clime.

The doctrine of the supremacy of sovereignty in the real body-politic, and as constitution-creator, and the subordination of government as a delegated agent and representative of the real body-politic, with no powers except those derived from the real body-politic through and by virtue of the constitution as the organic and fundamental law, is now a well-accepted principle, both in America and in Europe. Of course there are yet authorities that attempt to sustain the doctrine "of the Divine Right of Kings," that the few by virtue of position and birth possess sovereignty and the inalienable right to rule, and to this false doctrine despots and monarchs are anchoring their last dying hopes, but as conscience, reason, intelligence, and civilization march on this false doctrine, which has ever been an enemy and oppressor of the masses and of mankind, must vanish as the dewdrops melt away before the rising sun.

All acts, therefore, of every constitutional govern-

ment, in every department, must be within constitutional bounds to be valid and binding; all acts in every department beyond the pale of the constitution are null and void. Hence, there is no inherent authority in government, but only such authority and powers as are delegated by its sovereign principle—the real body-politic, the people themselves. The principle that extends beyond constitutional bounds as a consequence of custom and progress of society is fatal to liberty and the rights of the body-politic, and is a subterfuge used to invade natural rights and justice, and has been the mask behind which despots and oppressors of the human family have ever taken refuge with their diabolical and heinous acts of usurpation.

Sovereignty is with the people, inherent in the people, and by the people, it is the people themselves. Government is their social organism created by them for the purpose of carrying on and executing the rules and regulations which are to govern society, to determine the rights between individuals and between the individual and society as a body-politic, and possesses no powers except those delegated from the people and by the people, and subject to be revoked at all times by the authority that delegated them. The constitution, whether written or institutional, is the paramount law, the highest authority delegated by the people to its agent, the government. To this paramount authority in government, when construed by the proper department or tribunal, all authority and powers in government must yield. Sovereignty is the will of

the people. Government is the agency created by the guiding hand of the conscience of the people for the regulating and governing of society. The constitution is the organic and paramount law, the bulwark of personal liberty and justice, which assures equal protection and consideration to the peasant and the baron, to the pauper and the millionaire, and at whose bar both the governed and the governors must account to society for their actions.

And this is the essence of the doctrine of the "consent of the governed." But this must suffice for our views on sovereignty. Constitutional and delegated powers will be discussed in other chapters that are to follow.

CHAPTER II

DELEGATED POWERS

IN our previous chapter we have differentiated between sovereignty and the agencies that constitute government. Now we wish to consider what are the necessary elements to constitute the machinery of government and what are the constituent powers of government. There are three constituent departments or divisions in all well-regulated republics or constitutional governments—namely, the legislative, judiciary, and the executive—and it is absolutely necessary that sovereignty, the people, should delegate to the agency, government, all the powers essential for these three departments to execute their respective functions, in order to secure protection to society and consummate the object and purpose of government.

We will consider the legislative branch first. It is apparent that enough power should be delegated by the body-sovereign to this branch of the government to protect the people, constituting the government, from foreign invasion, to suppress insurrection, to put down rebellion, and to levy taxes for the support of the government. The government, in the very nature of things, is a burden and there should be only such expenses and taxation as are necessary

economically to administer its functions. The citizen pays taxes as a just compensation for the protection, as to person and property, which he receives from the government. It is also the duty of the legislative department to make the proper appropriations as to the funds derived from taxation—to see that the money is judiciously granted to the various departments so as to carry on the machinery of government and to execute the law. The authority delegated to government must be such as to authorize and empower the government to enact laws, to govern and prescribe the relations and conduct of men towards each other and towards the government. The law must require each citizen to use his own liberty so as not to trench on the equal rights of his fellow-citizen. The law of self-use is a divine right and must not be abridged except to secure equal rights to others; and it is equally true that each citizen is entitled to “the fruits of his labor.” This is a divine right and the powers of the government must protect the citizen fully to this extent. The government itself cannot divest the citizen of this right, for the public good, without first paying him value received for his property, “the fruits of his labor”—not only this, but sovereignty, the origin and source of all government, cannot justly do so, and if any government, which is the agency of sovereignty, should be permitted to do so, it would not deserve the respect and support of its citizens. It is therefore apparent that the powers of government must be exercised with proper regard and consideration for the equal rights

of all its citizens; government is a trustee intrusted with the welfare of its citizens and their property rights, and to deserve the respect and support of its citizens it must execute its trust with good faith and conscience. It must not only see that the government does not oppress or hurt one of its citizens, but it must also prevent one citizen from oppressing and injuring another citizen or his property rights. Governmental powers are granted from all, by all, and for the protection of all, and a government which uses its functions and powers to help one citizen at the injury and damage of another citizen is not worthy of the name of government and deserves the contempt of all self-respecting men. Every citizen, "rich or poor," "high or low," has a right to demand that his government shall use the powers delegated to it by the body-sovereign so as to conserve the rights of all its citizens equally and meet the ends of justice. But no citizen has the right to demand aid of the government to assist him materially in the conduct of his private affairs, for that would be converting of public functions and powers, created for all the people, to private ends.

Each and every citizen must work out the destiny of his own private affairs without aid and without obstruction from the government. It necessarily follows, therefore, that the government cannot justly give aid and help to one citizen which it refuses to grant to another citizen. If the government grants authority or license to one citizen that he may exercise a right that is denied (or not granted)

to all other citizens, it violates all civic conscience and in the very nature of things acts contrary to the very essence of inherent justice in the body-politic. A privilege granted by the government to one citizen and not at the option of all is the basic principle of monopoly. Monopoly in its last analysis is nothing more nor less than the government's granting or permitting to one citizen authority to exercise a right which is not granted or permitted to all other citizens.

This has been one of the powers of tyranny and oppression in all governments, in all ages. It is converting the trusted power from all the people to the agency of government for the common welfare of all to the private gains and profits of one or a few citizens. Here in this American Union this is the growing evil and the great peril of the Republic. A Republic founded on simplicity and equality before the law, and whose founders declared that there should never be any nobility, royal recognition, or privileged class within her confines, is to-day within the clamps and clutches of a royal commercial aristocracy. Institutions created by the government are issuing money as a medium of exchange, a prerogative that the government as the representative of the body-sovereign alone should exercise. Eminent domain, an attribute of sovereignty, is granted to public utility institutions which are, in the nature of things, of necessity, natural monopolies. Class legislation is tolerated which restricts trade and commerce and thereby permits a special few to levy tribute at will on the necessities of life and the daily

earnings of the toiling masses. The attributes of sovereignty, which belong exclusively to the people, to be exercised solely through and by the functions of government, are exercised and used by private individuals owning and controlling public utility institutions, by the issuing of currency and other methods, until the masses who create the wealth are at the mercy of the few who, by the indirect aid of the government, own and control the wealth and product of those who produce them. Not only this, but by this method a few have levied tribute at will upon society and collected revenue that was not justly earned until this Republic of the American Union has to bow at the shrine of a few financial autocrats. The financial and commercial policy of about eighty millions of industrious and progressive people is at the mercy of the will of less than a hundred men. By giving the word and concert of action these men can bankrupt the Republic and paralyze its governmental functions. The Treasury Department must consult the wishes of their bank account before it acts. The political party of free trade or of protection must know their wishes before it writes a platform. Public men and statesmen must secure their consent before they express an opinion. Students and thinkers on economical questions, on equitable and just taxation, must know the wishes of these few men ere they give voice to their convictions. These few men constitute a political-commercial oligarchy in the industrial and political affairs of the country and shape its financial, industrial, and political policies. They tell the consti-

tuted authorities when war must be declared and when peace must be proclaimed, and this is true, regardless of patriotic motives and justice; and when only they can reap financial and commercial gains by the actions of the government, at the expense of the social and political body, regardless of right, justice, or honor. They are more powerful than the government. It kneels its prostrate form at the shrine of commercialism, whose profits are derived from prostituting to its private ends public functions and governmental powers delegated by the sovereign body-politic to the government for purposes of the government and for the common welfare and good of all. If this is true in a Republic that was founded on simplicity and equality before the law not two hundred years ago, the intelligent reader can draw his own conclusions as to the usurpation and oppression in monarchical countries where tyranny has reigned for centuries and is not amenable to the people nor law, where the functions of government and the attributes of sovereignty are converted to private ends without limitations.

The correction of these evils is the all-important problem that the American people have to solve. To see that governmental functions are used by the government only and for the welfare of all is a duty that deserves the attention of all good citizens of the Republic, and it is to be hoped that the civic conscience of the Union will in due time give these public wrongs consideration, and all men will be equal before the law as to their property rights and will have to depend on their own efforts to accumulate

wealth and not on those of the government, at the expense of the body-politic and society—as was intended by the fathers who founded the Republic.

Of all the rights and powers delegated to the legislative branch of the government by the people of the body-sovereign, none are so liable to be abused as that of taxation. Taxation should never be levied for private purposes. It should only be levied for the purpose of supporting the government, and then only to the extent that is necessary to economically administer the affairs of the government and to make law and order effective. “To lay with one hand the power of the government on the property of the citizens and with the other to bestow it upon a favorite individual to aid private enterprises and to build up private fortunes, is none the less robbery because it is done under the form of law and is called taxation.”¹

The government should be so restricted in its legislative powers that it can only give the needed protection to individual rights and to prevent it from undertaking those things which have for their purpose fostering special interests of certain persons at the expense of the masses of the citizens. The tendency of all systems of all governments, from the dawn of civilization, from the very nature of human selfishness, has been for private interests and private individuals to aspire to get control of the machinery of government and to use it for private ends and for private purposes. Private interests

¹ Justice Miller, U. S. Supreme Court, in *Loan Association vs. Topeka*, 20 Wall, pp. 663, 664.

and private parties have always struggled and fought for these selfish ends. Against these usurpers statesmen and patriots always have had to contest, and they have done more to destroy personal liberty, human rights, just and human government than all other forces combined—more than vain ambition, more than the desire for power and conquest, more than all the wars and carnage of blood. They are ever the enemy of a just government, that recognizes and considers the rights of the individual—of the humblest citizen.

In the nature of things, government cannot be equal as to taxation and revenue. Some pay more in the way of taxation to support the government than they receive from the government, others draw more revenue from the government than they pay in, in the way of taxation. The body-politic may, therefore, be divided into "taxpayers and tax-consumers." Taxpayers are interested in the decrease of taxation, because it will lighten their burden. The tax-consumers want taxes increased because it will increase their revenue and income, without giving value received in return. It is clear, therefore, that the masses who create the wealth are the taxpayers, while the official few, idlers and loafers, are the beneficiaries and to a large degree parasites on society. The virtue of government does not depend on the exaction of large and burdensome taxation from its citizens and the expenditure of exorbitant sums of money for show and effect. But, on the other hand, economical administration of public affairs and just taxation are the basic

principles of a just and righteous government. Let the government collect enough revenue in the way of taxation equally levied on all property and all citizens and economically administered to protect every citizen in his property rights and personal liberty, to suppress insurrection and rebellion, and to prevent invasion by foreign enemy, to make law and order effective, and not one dollar more. Every dollar that is levied and collected over and above this is not necessary to make government effective and is, therefore, oppression. It is taking that which belongs to the private citizen and which should be left with him, to pamper the parasites of society.

It is readily seen from what has been said that there are two theories of government on this question—namely, the doctrine which believes in the greatness of the individual citizen and, secondly, the doctrine which seeks to make the government great and powerful at the expense of the citizen. These two doctrines may be termed “the policy of individualism and the policy of paternalism.” In ancient days the polity and system of paternalism was all-powerful, and the individual was nothing. He was a serf to be used for a purpose, a prey for the state. He depended upon and was subjected to the will of the state. His independence, his family, his home, his fireside, and his conjugal relations and fidelity were not worthy of the consideration of the state—they were at the mercy and decree of the government. The government interfered with private property and family relations, and the

state neither knew civic nor moral limit. The whole purpose and object of the state and of the government was to magnify and glorify the state, even at the expense of disposing of the bodies of the members of society. Plato's ideal republic was a state in which all individualism was merged into society and every act was regulated by the state as parent of the children. The history of this political system in ancient days left its footprints of blood, of human misery, and human suffering on the shores of time, to be resurrected and reconsidered by Robert Filmer, champion of the House of Stuarts in Great Britain over two centuries ago. Filmer maintained for the House of Stuarts that the King had derived from and through Adam the absolute right to demand absolute obedience to his decrees, even to the raising and training of the children of the nation. But the civic conscience of the age of Charles the First declared that this political fraud which claimed the sanction of absolute paternal authority, without exercising the true functions of government and recognizing and protecting the holy relations of father and mother to their children and the sacredness and the unit of the family, had to stop when the people led that despot, Charles the First, to the scaffold and severed his head from his body, and put an end to the reign of the House of Stuarts. This system has always had its petty hirelings and parasites, who are attached to it and work for it because they feed upon it. It draws them to it, because it is their supply. It saps the life blood from the masses and these parasites are

the beneficiaries. It exhausts the masses, but never helps them. This iniquitous system has its wards and its deserted children; it burdens the many for the benefit of the few.

But the iniquity of this system in a monarchy is not to be compared with the iniquity of paternalism in a republic. In monarchy it is only necessary to have a favorite few to maintain despotism and oppress the masses. In a republic where paternalism is fostered and certain classes are the wards and beneficiaries of the nation, where political parties are always at strife and conflict, it becomes necessary for a political faction to retain its power to take within its confidence and protection the army and multitude who seek to grind the special benefits and favors out of the government at the expense of all. Extravagance, plunder, and corruption are tolerated in the land, in order to secure the influence of the mighty and powerful to help retain political preference and power.

Elections become a game of great stakes and are controlled by political thieves and gamblers, not by morality and political conviction, but by the corrupt and almighty dollar. Paternalism promises to help a privileged few out of the common fund furnished by the taxation of all. "If equality is equity," why has not every citizen the right to demand his share out of the common fund raised by taxation? To ask these questions is to answer them. There can be but one logical conclusion as to this false system and doctrine—namely, that the government should support the people rather than the people

should support the government—which no thinking man can accept. In the days of Charles the First England as a monarchy tested it. The disgrace and iniquity of the system are indelibly written on the pages of English history. The people groaned under the galling yoke of its oppression until they could stand it no longer and rose *en masse* and beheaded the autocratic monarch who stood for this false doctrine, and by so doing delivered themselves from the bondage of toiling to create wealth which was taken from them to be parcelled out to a class of loafers and moral and political parasites.

In Rome this false system operated until the Empire consisted of two classes, a few beneficiaries of the government who owned and controlled the government and the great masses who were slaves and worked to support the government and ruling classes. No age or country ever witnessed serfdom and poverty-stricken people more than in the proudest days of the Roman Empire, wrought by this false system of philosophy and government. And it was this that decayed its corner-stones and caused its overthrow and destruction. It could not stand the test of the onward march of Christian conscience and the philosophy and reason of right and justice in civic affairs. In Rome the paternalism of an empire fell before the light of Christianity and the conscience of reason. In England paternalism in a monarchy and in a civilization of another age fell and went down before the truth as developed in the evolution of a higher civilization fighting to determine justice in public affairs.

The consideration of these suggestions brings us to this cardinal rule of political philosophy: Let the law-making power be limited to the defence of man's rights, let him be let alone to act for himself and his own development, so long as he does not interfere with the rights of others, without any aid or hindrance from the government.

When the government or law-making power passes the limit of this canon, it becomes paternal in its nature, and places burdens on the masses for the benefit of the few and grants monopoly to the few at the expense and exclusion of the masses—with a result which builds up a plutocracy alongside pauperism. To prevent these wrongs it is necessary that the organic law, which is commonly termed the constitution, should prohibit the law-making power from trenching on the rights of the masses, and all powers should be reserved to the people except those that are absolutely necessary to carry on and execute the affairs of the government.

Let the body-sovereign grant and delegate to the government all the powers that are proper and necessary to execute the functions of government and secure full and complete protection to each and every citizen, and also protection to property rights and preservation of the government against invasion or insurrection, and no more. Let the legislative or law-making power enact no law except that which will be just to all classes of citizens and properties. Let this branch of the government to which is delegated the power to levy taxes and to make appropriations levy sufficient taxes to make the government

efficient and not one dollar more. Let right and power go hand in hand, wedded together, and personal liberty and property rights are safe and despotism is forever condemned.

In all well-regulated systems of government of the present age there are three departments, which we have previously named; we have now considered the legislative branch, and it remains to give attention to the judiciary and executive. We do not think it necessary to discuss these at length, but simply to enumerate their functions.

When the law-making body has enacted laws to govern society it becomes the duty of the judiciary department to construe and apply the laws as enacted to each case, and to determine the application of the law. This done, the legal right of the case becomes fixed and the law of the case is known. It becomes the duty of the executive to see that the law as enacted by the law-making power and constructed by the judiciary department is enforced. These departments constitute the machinery which completes and runs the government in all republican forms under ordinary conditions.

Let these three departments exercise the authorities delegated to government by the body-politic justly and you have the end for which government was created and consummated—the protection of life, liberty, and property. Let them usurp authority, by committing acts which were never delegated to the government, nor any of its departments, and the very ends for which government is created—to prevent oppression, injustice, and tyranny—are

defeated and government becomes the oppressor rather than the defender of its citizens and their personal and property rights.

Let representation and taxation go hand in hand, let the hand that levies taxes pay taxes, let those who make the laws, construe the laws, and execute the laws be amenable to the laws as created, construed, and executed, and you have the keynote to liberty. Under any other system or condition, the few become a class-oligarchy, the recipient of special favors and benefits, while the masses become objects for their prey. For human nature is human nature in government as it is everywhere else—selfish.

CHAPTER III

CONSTITUTIONS — THE DIFFERENT KINDS AND THEIR PURPOSE

THE constitution of a government is the supreme law of the land and is usually termed the organic law, its purpose being to define certain fixed and denominated powers which the government may exercise in executing its functions, and to reserve certain rights to the people and to prevent the government, its agents and representatives, from invading those rights. And to this end the people, as we have already seen, delegates and grants certain powers to the government, and the constitution affirmatively authorizes the government through its departments and representatives to execute those powers as named and delegated in the organic law, and at the same time negatively prohibiting the government through and by its departments or representatives, or otherwise, from doing certain things, which, in the opinion of the body-sovereign, which creates and promulgates the constitution, would invade the natural and inherent rights of the people. The constitution of a government in the sense that it protects the inalienable and inherent and natural rights of the people has often been termed the "Bill of Rights," and is considered as

sacred by all civilized people who have once known and experienced its blessings. It is commonly called the "Bulwark of Liberty"—in that it protects the honor, the life, and the liberty of the peasant and the ruler alike—all are equal before its bar. In a constitutional government the will of no man, nor of any set of men, is law. The body-sovereign, the people, who are to bear the burden of government and to be subject to the law, creates the constitution, which determines the policy and establishes the authority of the government. The legislative department enacts the laws within the pale and provisions of the constitution, otherwise they are null and void. The judiciary construes the law as applied to each individual case, and the executive department executes and enforces the laws, and therefore no man can claim that his will is supreme to oppress and tyrannize the people, but the law in its majesty springing from the fountain source of all just law and government—the people—marches on determining and declaring the eternal principles of justice and right, as applied to society and to man.

The constitutions as applied to governments, as a rule, are divided into two classes—institutional and written. England, a limited monarchy, has an institutional constitution, and the United States of America a written Constitution. An institutional constitution is not a written and formulated document. It is a compact between the people and the Crown, created by custom and precedents, where the recognized sovereign permits certain customs

and precedents to prevail until they become the established rules of admitted justice, and they become by virtue of custom and precedents organic law, a constitution and protection to the people. In the early days of English development there were two powerful contesting races, the Normans and the Saxons. Each was contesting for supremacy over the other. The Saxons had inherited Teutonic principles and institutions of popular municipal government for over six hundred years in their own country. Contesting against these ideas were the Norman barons and priesthood, supported by an all-powerful king. It was a contest between religious as well as civic rights. It was also a contest between the civil (Roman) and the common law—the Saxons contesting for the common law, the Normans for the civic (Roman) and ecclesiastical priesthood. It was a conflict that was to tell on the future ages of the human race. The Wars of the Roses had destroyed the wealth of the barons and nobility of England; on the other hand, the Commons or the Saxons by their thrift and industry had created great wealth and become the owners of the landed interest—while this contest was going on Martin Luther had burned the Papal Bull which sent the deadly blow to the heart of the priesthood in the realm of the contest. The civil and religious elements were fighting an irresistible conflict against brutal force of royal power and to establish freedom to the will of the people of England, and the contest was waged until a constitutional and limited monarchy was finally established in 1688-89.

In 1628 A D. the Commons presented to the Crown a petition for a Bill of Rights and demanded that the principles of the Magna Charta be recognized and maintained in good faith. In this irresistible conflict the Commons triumphed and these inherent and inalienable rights were irrevocably granted to the people. The absolute monarchy and despotism of the government were forever gone; in their stead were an institutional constitution and a limited monarchy which recognized that human justice was established. The principles of the Magna Charta have been considered and recognized as inviolate, and in fact they have been considered the organic and fundamental law by England. Upon its basic principles customs and precedents have been established until they are considered the vested rights of the people of England, and no authority, not even that of the Crown, dare invade them. These customs, based upon these fundamental principles of human rights and justice, constitute the organic and paramount law of the land, and all the acts of the English government which are contrary and in violation of these fundamental principles are null and void. The precedents and customs based upon these fundamental principles constitute a "Bill of Rights"—a solemn contract between the people and the Crown, and are held as inviolate. They constitute a shield of protection to all subjects and to all property, regardless of class or condition. This is the English constitution, the "Bulwark of Liberty to the English people." Mr. Hallam, in his *Constitutional History of England*, has summed

up and stated with great accuracy the status of the English constitution in these words:

The essential checks upon the royal authority were five in number : First, the King could levy no sort of new tax upon his people except by the grant of his Parliament, consisting as well of bishops and mitred abbots, or lords spiritual, and of hereditary peers and temporal lords, who sat and voted promiscuously in the same chamber, as of representatives from the free holders of each county, and from the burgesses of many towns and less considerable places, forming the lower or commons House. Second, the previous assent and authority of the same assembly were necessary for every new law, whether of a general or a temporary nature. Third, no man to be committed to prison but by legal warrant specifying his offence, and by a usage nearly tantamount to constitutional rights, he must be speedily brought to trial by means of regular sessions of gaol delivery. Fourth, the fact of guilt or innocence on a criminal charge was determined in a public court, and in a county where the offence was alleged to have occurred, by a jury of twelve men from whose unanimous verdict no appeal could be made. Civil rights, so far as they depended on questions of facts, were subject to the same decision. Fifth, the officers and servants of the Crown, violating the personal liberty or other right of the subject, might be sued in an action for damages, to be assessed by a jury, or in some cases were liable to criminal process ; nor could they plead any warrant or command in their justification, not even the direct order of the King.

The observant and thinking student, by consider-

ing the summary of Mr. Hallam, can at once see the effect of the English institutions and jurisprudence upon the institutions and jurisprudence of the United States of America. They are of one and the same political and judicial family, however much they may differ in minor affairs and detail procedure.

Mr. Gladstone has well stated, "That the British constitution is the most subtle organism which has ever proceeded from progressive history." It will readily be seen that such a constitution, whose wisdom and conditions have been the result of the workings and changes of progressive history for centuries, must of necessity be defective,—for the precedents and customs, which are the essential parts of the constitution and are recognized by the delegated authority of Parliament, may be usurped and swept away at any time by the Crown,—the King claiming those attributes and authority which rightfully belong only to the people. Omnipotence and sovereignty belong to him, and it is only a question whether the Crown with his army has sufficient physical force and power to wipe out the constitution and its precedents and customs, if he so desires, or the people *en masse* have sufficient power and force to maintain these rights. So long as the Crown keeps good faith with the people as to this solemn compact, it is good and they are safe; otherwise, it is weak and defective and the people are at the peril of the will of the Crown.

In constructing the Republic of the American Union the fathers and founders, profiting by the experience and wisdom of history, demanded a

written constitution, and the definition of the powers delegated to the government, so that there should never be any question as to its fixed powers, nor misconstruction as to precedents and customs. The federal government, being one of delegated and enumerated powers, should not and cannot rightfully exercise any powers except those named and expressly delegated in the Constitution, except such powers as are of necessity implied, in order to make effective those powers expressed. The various States of the Union likewise have their written constitutions. These States of the Union possess all of the attributes and powers of sovereignty except those that have been delegated to the Federal government. The constitutions of the States of the Union are drafted and created by the delegates of the people in convention assembled, which is a body-sovereign. In the early days of the Union the constitutions of the States drafted by the delegates of the respective States in convention assembled were not submitted to the people for ratification. It was thought that the constitution, having been ordained by the convention, which was a body-sovereign, was sufficient without the sanction of the people by vote. However, for the last fifty years it has been thought best, after a constitution of a State has been drafted and adopted by the convention, to submit it to a vote of the people of the State for ratification, but this is not essential, as the constitutional convention is considered a body-sovereign. But the method is thought to be wise, in that it will have a tendency to keep the

government in close touch with the hearts of the people.

The first constitution of the State of Virginia, adopted in convention June, 1776, was never submitted to the people, and it was held in *Kemper vs. Hawkins* to be valid (see first Virginia, twenty cases). In 1898 the State of Louisiana adopted a new constitution in convention, without submitting it to the people for ratification, and recently the State of Mississippi did likewise, and the constitution of Mississippi was held to be valid by the United States Supreme Court (see 170 U. S., page 213). When the constitution is submitted to the people for ratification a majority vote in the affirmative is, as a rule, considered sufficient.

The Federal Constitution of the Union is a compact between the States and was created and drafted by the representatives of the States in convention assembled. It was never submitted to the people of the different States for ratification, but to the Representatives of the States. In order to change or amend the Federal Constitution it is necessary for three fourths of the States, through and by their legislatures, to concur therein, and not a majority of the people of the Union. The Federal Constitution of the Union is the creature of the States of the Union as States, and not the people as a whole—a solemn compact and stipulation between the States for mutual interest and protection. Each State is a part and parcel of the Federal government and surrendered certain rights and attributes of sovereignty when it entered into the compact, and all

the rights and authority delegated to the Federal government when the compact was entered into belong to the Federal government and not to the States. The Federal government being one of delegated and denominated powers, its fundamental law and Constitution should be strictly construed. The Federal Constitution and the Federal government were created and ordained by the States and not by the people thereof as a people. The unit of sovereignty is in the States and not in the Federal government.

The term National government is a misnomer when applied to the system of our General Government. The Founders of the Republic never conceived of the idea that the people, as a people, were creating it, but the States in their corporate capacity. Even Mr. Curtis, who by far is the most able and learned of the National School, in his *Constitutional History*, admits that the system of our General Government is a mixed system, National and Federal theories constituting the two component parts. He admits that the Senate is composed of representatives from the States in their corporate capacity, and to this extent our General Government is a Federal and not a National system; but contends that the House is composed of representatives of the people of the entire Union, as a people, and to this extent the General Government is National, and not Federal. As a matter of fact the undisputable evidence, as disclosed by the records and the debates of the creators of the Constitution, and the debates and discussions in the various Assemblies of the States that adopted

the Constitution, show beyond dispute that the Founders of the Government never conceived of a National government, that is, a government deriving its authorities from the entire people as a people, but a Federal government, that is, a government deriving its authorities from the States as States.

This is the corner-stone in the temple of liberty in the American system. Let those things which belong to the States within their constitutional spheres be controlled and governed by the States, and those that belong to the Federal government under the true and real spirit and letter of the Federal Constitution be governed by the Federal government. By adhering to this cardinal doctrine of the Union, the nation has neither centralization nor individualism, but the best system of liberty and government ever planned and devised by the human mind.

In the English constitution we have the best illustration of any institutional constitution, and under our American system the best illustration of a written constitution, both State and Federal.

CHAPTER IV

THE ORIGIN OF CONSTITUTIONAL AND POPULAR GOVERNMENT

WE have discussed sovereignty, which is the source of government, delegated powers vested in government, and the different kinds of constitutions and their purpose, and we wish now to discuss the origin of constitutional and popular government, as developed by the English-speaking peoples. Its origin and early history cannot fail to be of interest to all students and lovers of our free institutions.

That the Aryan race in its beginning in middle Asia was a superior race and had superior conceptions of government and society even in that crude age, is established by all correct history, and must be admitted by all. It is equally true that we, the English-speaking peoples, as a part of the offspring of that race, in developing, in the progress of the evolution of time, the best laws and governments known to the human family, have but demonstrated the inexplicable law of the survival of the fittest. As the Aryan race moved forward in progressive order, it finally covered part of Asia and all of Europe and founded many theories of government. Of all of the offspring nations in Europe, from the parent Aryan race, Greece was the first, and

produced a system of philosophy, art, and literature, which in these lines has to a large degree shaped the mind of the world. The second in point of time, among the nations of Europe which sprang from this parent, the Aryan race, was the imperial Republic of Rome, which shaped the political and religious destiny of nearly all southern Europe. These two nations stand out as the greater part of the history of Europe, and, in fact, as great factors in the history of the world. Greece gave to the world literature and art, Rome commercialism and political and religious organism. And these two nations are frequently referred to as the birth-place of our republican institutions and of constitutional government. Greece in its highest type of civilization, it is true, consisted of a system of states, supposed to be governed by democratic ideas and theories of government, and Rome in the greatest days of her glory among the powers of the earth was termed a republic. But it must be admitted that neither Greece nor Rome had a true constitutional republican form of government as now conceived and practised by the United States of America. However, at the proper time and place in this work, we will treat of these two respective peoples and give them their proper place in history as viewed from our standpoint.

Some writers, with inaccurate information, have claimed that constitutional and republican government had its origin in the twelfth century, when the barons, nobles, and Saxons, all acting jointly and in concert, extorted the Magna Charta from King

John at Runnymede. That it is a fact that this is one of the great epochs in constitutional government, no one can deny. But we propose to show that it was not the origin of our conception of constitutional government. It is a noteworthy fact that the barons, nobles, and Saxons, in making their demands on the 15th day of June, 1215, on King John at Runnymede for the Magna Charta, based their claims for the rights contained therein on the Saxon laws. At the proper time we will give this extraordinary document due consideration.

Long before the Magna Charta was ever conceived of, and while Greece was prospering and giving forth to the world her literature, art, and philosophy, and Rome was preparing to control the commercial and political forces of the world for her day and generation, there was colonization of an element of the Aryan race (or Indo-European people) going toward the northeastern part of Europe and into what is now north Germany. These people were nomadic and wandering in their nature, as well as industrial and hospitable. They loved to hunt and to study the art of war; they moved from place to place so as to prevent the accumulation of wealth and the ruling of the powerful over the weak, their object being to produce contentment by equitable and just conditions in social order, and to exclude avarice and greed as a controlling element in the strata of their social existence. In war their chiefs were chosen on their merits and in peace their principals as rulers were chosen to administer justice and to prevent litigation and to restrain the avaricious and greedy

from imposing on and oppressing the weak. Half a century before the Christian era these people had increased in population and migrated until they covered nearly all of Europe, except that which was previously governed by the states of Greece and the Republic of Rome. That they existed on the borders of the Roman Empire in the days of Julius Cæsar seems to be established beyond historical doubt, for this warrior refers to the fact that he came in contact with these crude people in the forest of what is now Germany and a part of France in his wars and invasions of the Gauls. They were composed of homogeneous tribes and cared little for money and commerce. They had few, if any, cities, but only villages and rudely made houses. They lived near nature and nature's God and possessed a great fidelity for chastity and the domestic and marriage relations and plainness and temperance in habit. Even at so early a date as the time of Cæsar, as we shall later see, these same people possessed in a large degree a good many of the elements that they possess at the present day and which have made them great among the powers of the world and a blessing to humanity. Eventually they passed from the nomadic age to that of possessing farmhouses and local organisms of government, and during the progress of their improvement in civilization their moral tone improved in proper ratio. They possessed more moral virtues than all of the glories of Rome,—the splendid and proud civilization south of them,—more than all the wonderful art and literature possessed by that beautiful

group of states that prided themselves upon the equity and justice of their system—Greece.

These people, who were the early settlers of nearly all of Europe and a part of the Aryan race, are known in history as the Teutonic people, and, as we shall see, it was not among the glories of the Grecian states nor the mighty armies of the Roman Empire, nor at Runnymede, nor on the fields of King Clovis as he entered Gaul and France, nor during the reign in England of the Saxon ruler, King Alfred, that our form of constitutional and popular government had its first origin and conception. All these epochs and events figure as factors in its development, but they were not its origin and beginning. For its first conception we must go to that part of Europe which lies between the rivers of the Rhine and Elbe and to the east of the Elbe. There in the early days of the development of Europe dwelt a part of the Teutonic family, and these tribes wandered over this forest country. The Saxons lived and roamed between the Rhine and the Elbe and the Angles east of the Elbe. The civilization of the present age and the peoples who enjoy the blessings of liberty and freedom owe a great debt of gratitude to the pioneers of these German forests, for between the Rhine and the Elbe rivers and to the east of Elbe, among these early invaders of the unknown forests, breathed the first spirit of true liberty based on limited and popular government, as now practised by the English-speaking peoples. There it was conceived and had its birth; there its works and blessings developed a people not of art and

eloquence, not of fancy, philosophy, and literature, but of plain and strong morals and natural endowments, with a burning desire in their conscience for justice and for humanity—a people who were to go forth destined to rule and to plant their principles of freedom and liberty in the hearts and consciences and minds of the human family.

These people, their early history and origin, and the development of free institutions as conceived and practised by them, will be discussed in the few chapters which are to follow.

CHAPTER V

THE EARLY STATE OF POPULAR GOVERNMENT

BETWEEN the rivers of the Rhine and the Elbe, in what is now Germany, the Saxons were located, and the Angles lived east of the Elbe and to the north of them the Jutes were settled. These three peoples constituted a part of the Teutonic tribes, and gave birth to the original idea of popular and local government. They were living as a people in this territory at the beginning of the Christian era and did not invade and colonize England until about the fifth century A.D.

In the very beginning of their crude and half-civilized condition they had a system of local government for local affairs, blended with a national or general government for national affairs. The local matters were left entirely to the local government and its authorities, and the general government considered only such matters as belonged to the people as a whole and were separated from local ties. By this system they created a condition that did not let the few use a strong, concentrated government to pervert its functions to their private gains and leave the masses paupers. But they held the policies of government to their true functions

and they produced a people of good morals, with patriotism and industry, who learned to love the blessings of government, rather than to hate its oppressions. The tribe was the national unit, and was called *civitas*, and the central power of this *civitas* was in a national or general Assembly. This Assembly had a presiding officer who was termed the princeps, and the Assembly declared war and named the terms of peace; it elected magistrates and other minor officials, and sat as a high court of justice. The princeps of the Assembly had no authority to command; he was only a presiding officer. Each tribe had a king elected from the *nobiles*. The *civitates* or tribes were divided into *pagi*, which were large subdivisions of the *civitas*, and each *pagus* into *vici*, and each *vicus* was what is now termed a township or village. Each of these local divisions had its courts, and freemen were summoned from among its people to pass on the rights of their peers, and here we find the first true conception of trial by jury. Each *pagus* furnished one hundred men who passed local laws and tried cases; in addition to this it supplied another hundred of its younger citizens as warriors to fight for the homes, and here we have the origin of the militia in our system of government. The hundred that were to fight for the homes were selected from the freemen, so as to be patriotic, and trusted with the affairs of war. This fact that in the early days of these people their men of war were selected from among the citizenship endowed them as a people with patriotism that has been one of their strongest points as a race and as

advocates of the principles of liberty and popular government.

These Teutonic people in their early days had a union of localism and nationalism held together by a compact, and here is found the first conception of our local and Federal government. Their government derived its authority from the people, and had its origin in the people. Their rulers were rulers by consent. Their government was a government conceived on the principle of the "consent of the governed." Of course, it was crude in many respects, and their conceptions were not fully developed, but they had the original principles of popular government in mind, and put them in practice as no other people had until their day.

This crude popular government, as practised by the Teutonic people, it is true had no written constitution, but it had all of the essential parts of a constitutional government, so far as conception was concerned. The general government was limited in its powers as a matter of practice and common consent—the rulers were subject to the will of the people and the local government had control of all local affairs. Here we see the idea of local government for local affairs, and general government for national affairs; it was thoroughly inculcated into the minds of the Teutonic people,—that part, at least, composed of the Angles, Saxons, and Jutes—that government was made for man and not man for government, and that government is subject to the will of the social body which created it. These ideas became living principles with these people, a part of their

social and political existence. Never before had the mind of man given forth this true conception of popular government.

In all the great powers of the world which had preceded these people by the Rhine and Elbe rivers, the conception that man was made to be used as so much clay to advance the power of the social body (which we term government), rather than his individual rights, was paramount.

Preceding ages had taught the doctrine that government was all in all, and that the individual was nothing—not only this, the power which usurped the right of the individual was concentrated in one head. One central power controlled all things, both general and local; and to this power all went to secure permission to act. Not so with the Teutonic mind as moulded and shaped by the Angles, Saxons, and Jutes. They conceived of the rights of the individual, and that in proportion as the individual becomes great the state becomes great. Their theory was that society and the government will be pure, good, and correct only to the extent that individuals who compose them were pure and correct in their individual lives; that all things depended on the individuals who composed the government, and to this end they believed in keeping the government close to the people.

They believed in leaving all local issues and local matters to the local authorities, to be decided by those who were the most interested and who would be most injured by a wrong decision. Living in this atmosphere, they developed these ideas for nearly

five centuries before the Anglo-Saxons ever entered upon the British Isles. For five centuries the Angles, Saxons, and Jutes lived on the Rhine and Elbe rivers, in what is now a part of Germany, working out the ideas of government that in centuries to come would revolutionize the political conceptions of the world. They conceived the thought that all government existed by the consent and the will of the governed, and that government possessed no power except that granted to it by the people, and they established their conception in concrete form, in a crude state it is true, but in fact, nevertheless. And with these people the idea of dividing the state into divisions as countries, townships, and villages, and leaving to each local division its proper authority, had its origin. From this origin the fundamental principles of our system were developed, and to this source they owe their origin and beginning.

CHAPTER VI

AN ANCIENT COMPARISON

IT is but proper after what has been said in the previous chapter to give here in brief form some information as to a certain ancient system, as compared with that of the Teutonic people of which we have been speaking. The ancient system of which we speak is that of the Cushite people in Arabia. This ancient people had a peculiar system of political organization, that during their time was unknown to the rest of the world. The cities of these people were connected with outlying districts, and were separate municipalities, and were completely organized and to a large degree controlled by popular influence. This system prevailed in Arabia from Phœnicia to the Indian Ocean for ages before the birth of Christ. This same system was carried and established by these people and their colonizations into the territories of Greece and the coast of Asia Minor long before the Greeks or the Pelasgians ever entered these regions. And the traces of this system can now be observed in all the territory that these people influenced. It is safe to say that it was from this source that the Greeks received their idea of what they termed a "Democratic Government," composed of states or municipalities. It was from

this ancient system of the Arabian Cushites that the political organizations of the Phœnician communities were derived. It also planted the first seed of political thought, which afterwards blossomed forth into the municipalities of Asia Minor and around the Ægean Sea and finally determined the conditions that in later times brought into existence the Ionian confederacy and the "fierce democracies" of Greece. Some of the best forms and remains of India bear evidence that this ancient system, far back in the antiquities, dominated the political organizations and systems of the governments of the people of India in their first political life. That the local "municipalities," or "Village Republics," as they are frequently called, existed in India for ages is admitted by both European and Eastern writers. It is also claimed that the "Free Cities" of the Middle Ages of Europe, which were recognized but not created by the government, had their origin in this old system of the Arabian Cushites. This system of which we have been speaking claimed that these organized municipalities had a right to live under their own laws and control their own affairs without interference from any outside source.

Mr. Palgrave gives the following account of the political organization of the kingdom of Oman :

Oman is less a kingdom than an aggregation of municipalities; each town, each village has its separate existence and corporation; while towns and villages, in their turn, are subjected to one or another of the ancestral chiefs who rule the provinces with an authority limited on one side by the traditional immunities of their vassals, and on the

other by the prerogatives of the Crown. These prerogatives consist of the right to nominate, and (on complaint) to depose local governors, although the office remains always in the same family; to fix and levy port and custom-house dues; to have exclusive management of the navy; to keep a small standing army of six or seven hundred men; and to transact all foreign affairs for alliance or treaty, peace or war. The administration of justice and the decision of criminal cases are reserved to the Kodis and the local royal judges. In short, the whole course of law is considered to be entirely independent of the sovereign, except in very extraordinary circumstances. Again, the taxes levied on lands or goods (seaport commerce excepted) are fixed and immutable save by local or municipal authority; the sultan enjoys, but cannot change them.

The traditions, myths, and legends of the Cushites of Arabia strongly indicate that they had this system of "Village Republics" in the beginning as a race. Tradition does not ascribe to them a national beginning with a great sovereign fighting wars of conquest, as it does to most of the ancient people. On the other hand, it gives evidence that the Cushite people first appeared in Arabia in tribes, or communities, separately organized and governed by local rulers or chiefs. At the head of these tribes was a chief ruler, Ad, as tradition goes, who was the first ruler of the nation. We, therefore, conclude from tradition, which when all things are considered seems to be unequivocal, that in the Cushite system of Arabia the nation consisted of an "aggregation of municipalities," with one great chief or ruler over

all as to the national or general government, which had jurisdiction as to general affairs. That the Greeks received their original conception of government from these ancient people and their system is sustained beyond a doubt by all tradition and unequivocal evidence.

The cardinal difference between the principles of government of the Cushites of Arabia and the Teutonic, or Anglo-Saxon, is this: The Cushites had the "principal classes," who controlled the "commonwealths" or "municipalities," and the Anglo-Saxons based their government, local as well as general, on the will of the people. In the Cushite system there appeared to have been at the head of each "municipality" or "commonwealth" a hereditary prince or chief, and at the head of these "municipalities," which constituted the national government, was a general ruler or grand chief, who held his power by virtue of inheritance. The "Village Republics" or "Free Cities," of which we have been speaking, after all depended on the will of the chiefs and the head of the nation for their existence, whereas the Anglo-Saxon government, as conceived and practised by the Angles, Saxons, and Jutes by the Rhine and the Elbe, depended for its existence on the will of the people, and each local municipality was created and governed as the local community wished.

This fact is sustained, however, by all correct evidence, namely: that the Cushite system in Arabia was the nearest approach to popular government in ancient days, and further, that it was the origin of

the Grecian conception of government. From this ancient origin and source personal liberty reached a higher state than from any other source until the Anglo-Saxon idea appeared upon the scene of human thought thousands of years thereafter, and gave to the world a new philosophy of government that was destined to develop a higher civilization and a better manhood and a keener sense of justice than the world had ever witnessed before.

CHAPTER VII

THE BEGINNING OF THE ANGLO-SAXON IDEAS IN ENGLAND

RETURNING now from our comparison of the ancient Arabian system with that of the Teutonic people, we will consider the Anglo-Saxon movement from the territory surrounding the Rhine and Elbe rivers, in what is now a part of Germany, to the islands of what is now England, or Great Britain.

These people—the Anglo-Saxons and Jutes—entered and colonized England in the fifth century A.D. The Angles and Saxons seem, however, to have dominated and to have fixed the impress of their character, ideas, and policies as a people more than the Jutes, and hence we speak of the Anglo-Saxon blood and the Anglo-Saxon liberty and freedom, but let it not be forgotten that, mingled and mixed with the heritage of these glories and the English-speaking peoples, the Jutes were as a tribe and a people a part of our original history and their existence a part of the first life of the Anglo-Saxon idea on the British Isles.

At the time, the fifth century A.D., when the Anglo-Saxons and Jutes migrated to the Islands of Great Britain, migration was going on in nearly all Europe. Other Teutonic peoples were migrating south into the Celtic countries, which are now known

as France, Spain, and Italy, and also into the territory known, during the time of the Roman Empire, as Gaul. The Teutonic people, known as Franks, constituted a large part of this migration south, and as they invaded Gaul and the territory thereabout and dominated the people of Latin and Roman ideas with a new conception of government, new customs and habits of life, they laid the foundation upon which the French nation was built; they were the Franks, and they gave the first national life as well as the national name to France.

These Franks going from middle Europe, south, into territory of the old Roman Empire carried with them a religion unknown to Christianity—heathenism. Their ideas of local government as conceived and practised by their fathers in heathendom further north came in conflict with the Roman idea of imperialism, despotism, serfdom, and slavery. It was a conflict between the Teutonic idea of personal liberty and popular government and serfdom as practised in the Roman Empire in the last days of its existence. These Celtic countries invaded by the Franks and Teutonic people were at the time of the invasion imbued with the Roman civilization and the Christian religion. The invaders brought a new political school of thought and a new political organization, and these fused with the politics, religion, and customs of the people invaded, with the result that the Teutonic invaders became Christians, in religion. So much for the Franks and other Teutonic people who invaded the territory and other parts of the Roman Empire.

While this was going on, the Saxons, the Angles, and the Jutes of the Teutonic people were migrating into Britain. The Celts, who inhabited the Islands of Great Britain before the arrival of the Saxons, Angles, and Jutes, had expelled the Roman invaders previous to the Anglo-Saxon migration. Hence when the Angles, Saxons, and Jutes reached the British Islands they did not come in contact with the Roman civilization and religion. They brought with them the heathen religion of Thor and Odin, and Teutonic ideas and philosophy of government unaffected or influenced by Roman ideas of government or religion.

These two migrations of the Teutonic people—one in the south and the other in the north—differed again in this: those that went to the south went overland in hordes and armies, as it were, and those that went to the north into the British Islands had to go over sea in small bodies according to customs and provisions for navigation of that day—and of course the migration was not so rapid as in that branch of the Teutonic people who went south into Gaul, now part of France. The migration of Saxons, Angles, and Jutes into Britain was in squads and companies, which were met with fierce opposition by the Celts. The Celts, who had preceded the Saxons, Angles, and Jutes to these islands, looked upon these newcomers as invaders and enemies, as is always the case with a people who first settle a new country. The Anglo-Saxon-Jute invaders had to fight for habitation—and in many places to extermination. These invaders came in squads and

founded many different and separate seats of power and government. And sad and inhuman as it may seem, yet it is a fact, that this Anglo-Saxon-Jute invasion carried with it murder and death to a large portion of the native males, and those who were not put to death were driven back to Wales and Cornwall, but the British women were left, as a rule, unharmed, and the Anglo-Saxon-Jute-Teutonic men entered into marriage with the Celtic or British women, thereby producing, as a mixing and commingling of blood always does, a stout, healthy, progressive people. This invasion, however, swept away the Celtic tongue, religion, customs, and life; and the Teutonic language, politics, and religion dominated every portion of public sentiment; as has been well said, "It was Germany outside of Germany."

The immigration into the British Islands was met with the greatest opposition by the native Celts, whereas the immigration south into Gaul and the territory thereabouts was in great masses and without, comparatively speaking, any opposition; the people of the old Roman Empire early amalgamated with the newcomers of Teutonic principles and ideas without revolution or erratic measures. But the Teutonic adventurers who went into Britain in their crude crafts met conflict and death at every point. It was at first a question whether these new adventurers or the native Celts were to survive.

It was a heroic effort to plant a new type of civilization in a new and unknown land by a crusade of the "survival of the fittest." The *dux* who led this

crusade was to be the founder of a new power. These people carried with them their conception of the commonwealth as founded by their fathers by the Rhine and the Elbe—the *civitas*, the tribe or state composed of the *pagi*, and each *pagus* composed of *vici* or townships. These constituted their form of statehood, and which they were to foster for all time, as an institution on the soil of England; not only this, but eventually on the Western Hemisphere, and it is yet to be hoped on the rest of the world.

This invasion took place about 449 A.D., and from then until 597 A.D., when St. Augustine landed with the doctrine of Christianity and the Roman Church, the Anglo-Saxon remained heathen, transforming his Teutonic political system into the needs and wishes of his new home; planting his *civitas*, *pagus*, and *vicus*, sowing the seeds of personal liberty in a conquered and a new land.

CHAPTER VIII

THE ANGLO-SAXON HEPTARCHY

WE have now reached that point in this discussion where the Anglo-Saxons are settled in England, and they have conquered the native Celts. They are in control of the islands, and the natives, the Celts, are at their mercy.

The Anglo-Saxons, with their inheritance of vigor, energy, and determination to rule, are to be all-important in future generations on these islands. They organized separate townships, the old *vicus* of Germany. They planted towns and villages, with separate and local governments, with the old Saxon reeves as their leaders—these reeves, or mayors, had their “companions,” aldermen and councilmen, who composed the village government. A bunch of these townships made the hundred or the Teutonic Wapentake. This hundred or Wapentake made the *pagus* or local state. A cluster of the hundreds or Wapentake made the English shire or Teutonic *civitas*, or state; a cluster of the shires made the kingdom, which was an aggregation of localisms. When the Saxons entered England they established seven of these kingdoms and each was separate and distinct from all the others. Each kingdom was composed of shires. The Church was the first or-

ganic unit of those kingdoms, and the bishops coming in touch with all the shires, made the Church the first source of nationalism through and by its ecclesiastical courts; priesthood here, as everywhere in Christendom, was the first to grasp power, to levy taxes, and to fix its clamps on the masses. And this is true without any disapproval or condemnation of Christianity—it is only the perversion of Christianity; Christianity, the angel of peace, the comforter to the living and hope to the dying, has been used in many ages and climes by false prophets and priests, as the camp followers of many patriotic and victorious armies have used the name of patriotism, to plunder, to rob, and murder in the cause of a holy name. In the days of the seven kingdoms established by the Saxons in the British Islands, the king was but the law-maker, not the law-giver. He was the leader of the host on to battle and the defender of his kingdom. The law-making power was left to others, “the meeting of the wise men,” the legislature of their day. This representative body was composed of selectmen, of princeps, comites, thegus, esedormen, and bishops of the shires.

This body, composed of the “wise men,” the representatives of the people, had the power to make and unmake rulers, to elect and depose kings, to declare war and fix the terms of peace.

These seven kingdoms of the Saxon heptarchy, which were formed out of the territory wrenched from the Britons, were originally entirely independent of each other, but unequal in power. But here, as everywhere, human nature, selfishness, and desire

for power exerted itself and each kingdom vied with its neighbor for influence and control. Finally the more powerful kingdoms acquired influence and control over the weaker ones until three kingdoms became at length predominant, Wessex, Mercia, Northumberland. Wessex gained its control by rendering tribute and gifts to the small estates of the Southeast. Mercia gained control over the Eastern Angles. Then selfishness and vain ambition still reaching out for more power caused King Egbert of Wessex to incorporate within his domain Mercia and Northumberland, his rival kingdoms, and then the small kingdoms of Kent and Essex. Thus King Egbert of Wessex and five of his successors to the throne ruled over this dynasty of combined kingdoms, leaving, however, each to control its own local affairs.

This was the first step in the line of progress on the British Islands for combined power. It was the spirit of empire and monarchy in its first stages struggling with the spirit of liberty and the "consent of the governed."

The Anglo-Saxon principles of government were now firmly fixed on Britain, although in complex form, and as the local aggregations had been united into this the first kingdoms of those islands, the Saxon principles were there to stay. They were there to work out a more perfect condition for human society. These principles could not be developed in an age or a generation. To work out their fullest development would take generations, experience, and the conscience of a great race. But

the rude conceptions of the "fatherland" of the Rhine had been put into the organic and living life of the people who had come into possession of new fields, and these conceptions of human liberty were to develop as the people developed, and future ages were to fix their seal of approbation upon their merits.

But as every just cause, every righteous principle, every holy conception has to fight for its existence and to meet opposition, so did these new conceptions and principles of government on the British Islands. The new kingdom as organized was not safe.

The Saxon heptarchy, which now included the seven original kingdoms as founded by the Anglo-Saxons, was organized and contained within its composition the principles of kingdom and the principles of localism — a combination to preserve both external power and personal liberty and human justice. But this organized government and its people had to meet the onslaught and opposition of another people and finally fuse with their blood and their ideas.

CHAPTER IX

THE INVASIONS OF THE NORMANS

IN the eighth century of the Anglo-Saxon heptarchy, which had been the dynasty for the development of Teutonic thoughts and Teutonic ideas of government, England came in touch with a new people. Scandinavia, in northern Europe, had a population without a soil to support it. About the end of the eighth century these people of northern Europe began to look for new homes. They began to ravage the coast of England and to plunder her people. The nobles and lords of cold and bleak Scandinavia became sea-kings and royal families of sea-pirates reigned. These princely pirates left home and native land and went forth to conquer new territory. They carried with them the peasants, who obeyed their orders as the humblest subjects would obey the edicts of the greatest monarch. These pirates invaded England with their subjects, and the Anglo-Saxon heptarchy would have gone down in destruction, just as the native Celts of Britain were exterminated by the coming of the Angles, Saxons, and Jutes, had it not been for one man Alfred, the great Saxon King. He led the armies in opposition and saved the Anglo-Saxon monarchy. But he never subdued the Danish invaders, nor ruled the entire British Islands. The

invaders settled northeast of the Thames and governed the territory that they inhabited. These people, the Anglo-Saxons and Danes, married and intermarried and naturally became one and the same people, ruling over the British Islands. The Saxons were Christians, the Danes were heathens, and hence there could be no actual union, for differences in religion have caused more wars and bloodshed than all other issues of mankind. But as truth, working its way through doubt, prejudice, and strife up through the ages, must in the end survive, so the Saxon religion — Christianity — finally convinced the Danes that it was a better doctrine than the religion of the "Danish fathers." When the Danes accepted Christianity they soon began to amalgamate with the Saxons.

There were two classes of freemen among the Saxons, thanes and ceorls; all below these were serfs, and the Danish sea-captains who had landed on the coast of Britain brought with them their subjects and slaves, and so the different ranks of Saxons and Danes married and intermarried among their social equals.

The sea-captains of the Danes constituted the Danish nobility, while the large land-holders and thanes constituted the Saxon nobility. The Saxon and Danish nobility were on the same plane socially, while Saxon ceorls and their equals among the Danes constituted the "common people." Next in line were the Saxon peasants and serfs and the Danish slaves, who were at the bottom of the social and political fabric of the age.

As the Scandinavians embraced the teachings of

Christianity and imbibed the spirit of the Saxons they became less ferocious, seditious, and more peaceful. There were fewer pirates and more patriots among them.

The migration from northern Europe to England, of which we have been speaking, was in small squads and by degrees, but in the tenth century it began by hordes and in great armies. This great migration from the North, which infested the entire coast of the British Islands, landing men at every harbor, is commonly called "the Norman invasion." In 1066 these Northmen, or Normans, overthrew the Saxon kingdoms at Hastings, and William I., their leader, was made king. This alien monarch had every instinct of a despot, every fibre of his nature and being was attuned to absolutism. He and his invaders were conquerors, they had subdued the native Saxons, and spoils and confiscation must be the fruits of their conquest. They brought with them the old and unrighteous feudalism of the blood-stained Dark Ages of northern and middle Europe. They dethroned the Saxon rulers; they suppressed and almost stifled the living spirit of personal liberty, as conceived by the fathers of the Angles, Saxons, and Jutes, in their crude state in north-west Germany, and planted by their offspring in a higher state on the British Islands. Confiscation and destruction were the mottoes of the Normans. To the victor belong the spoils, was their slogan. William I., their conqueror and monarch, divided the lands of the Saxons among his Norman nobles. To each noble he gave sixty thousand fiefs,

to which the King held title by feudal tenure. He destroyed the Saxon Witenagemot, and established in its place the Great Council, which was the legislative body for the new and alien kingdom. No Saxon could occupy a seat in the Great Council. It was composed exclusively of Norman nobles and Norman bishops. These Norman nobles and bishops were tenants in chief to the monarch, and hence the Great Council was as a matter of fact nothing but the voice of the Crown. Not content with this all-controlling power, the monarch had enthroned another body still closer to his dynasty. This body was composed of the chief justice or a chancellor and a treasurer, and was entirely under the influence and control of the King, and was termed the *Aula* or "*Curia Regis*." This body, which was in daily touch with the King, and, in fact, a part of the throne itself, so far as the workings of the kingdom were concerned, arrogated to itself the power of collecting taxes, distributing funds, fixing the policy and the tyranny of the kingdom.

William the First the Conqueror, the alien monarch, without love or sympathy for the native Saxons, was not only a king but a monarch, clothed, in fact, with all the powers of the legislative, administrative, and executive forces which constituted an absolute dynasty of despotism. The Conqueror was all in all, his will was law. His conscience was the policy and the conscience of the government and the kingdom. His standard of right could not be in error and must, of necessity, be the standard of every subject.

The subdued Saxons, ravished of their lands, of

their authority to govern themselves, and of their kingdom, and who had inherited through centuries from their fathers in their crude state on the Rhine the doctrine of the "consent of the governed," could not be convinced that destiny had permanently fixed these shackles of despotism and subjection on them. They were still conscious of the truth as inherited from their fathers. They believed in the ever-living principles of personal liberty, and that government was made for man and not man for government. Believing in these eternal principles, they hoped for a brighter day, when liberty, justice, and the will of the people should control the throne of England, and when the Saxon voice should again be heard in public affairs. They were not to be disappointed in their hopes. Just as the darkest hour comes before the morning light, just as the cloud bursts forth to drench and flood Mother Earth before the coming sunshine, just so certain is the most dark and gloomy hour in a people's or nation's history to be followed by a better and a brighter day. For in those dark hours patriotism and love of country and God are at high-water mark, and when a people united in patriotism, in love of country and love of God are determined to better their condition there have never been crowned monarchs or despots since government existed who could prevent their will. The Saxons in the hour of their subjection and oppression by the Normans and their Conqueror were not to be any exception to the rule. They believed in right and justice, and these principles are immortal, and the immortal can never die.

CHAPTER X

CONCESSIONS OF WILLIAM THE CONQUEROR AND THE TRIUMPH OF THE SAXONS

WHEN William the First conquered the Saxons, his Norman nobility holding land by virtue of feudal tenure were but vassals to the throne and yet tyrants to the subjected Saxons; it is true that there were classes among the Saxons; it is also true that there were differences as to the status of conditions among them, as in the case of all other peoples. There were the lords and the nobility, there were the thanes and the ceorls or the "common people," and the serfs and slaves. Justice and civic conscience had not yet reached that mile-post, on the pathway of the human family in its march to self-government, where all men as a matter of right were recognized as having been born free and equal before the law.

The Saxons had the true conception of government, namely, that all true government must live and exist by the consent of the people governed, but their conception had not been developed at this time to its complete and full meaning. They had, however, made a beginning, and as time rolled on they were developing it into a great system. As they compared this system with other European institutions, its righteousness was manifest and its

final triumph and blessing to the human family was assured. Under the Saxon idea and theory of government, while there were classes and conditions, there was a common sense of justice for all—every man in life might have a chance; even the slave was given the opportunity to buy himself, and then be free to join in the race with the other travellers on life's journey. To some degree, at least, they had proclaimed and inculcated the doctrine that one man was not made to toil while another enjoyed the fruits of his labors; that one half of the world was not made to work for the other half. This was at first a strange and unheard-of doctrine, a doctrine that the profligate class who live by the labor of other hands than their own, in that age, in this age, and all other ages, have tried to suppress.

As the Saxons fretted under the Norman yoke they thought of the early Saxon kingdom, when the will of the people was consulted by the Crown; they thought of King Alfred's rule, when every local community had its local government, and when the King merely executed the laws made by the Witenagemot, "the meeting of the wise men," and justice reigned in the realm. They thought of Edward "the conqueror" and all the past history of their ancestors struggling for centuries to give to the world a better and more humane system of government, a new philosophy, by which men were to govern themselves. They thought of the struggles and labors of their fathers in trying to prove to the world the righteousness of the philosophy that every man was entitled to enjoy the fruits of his own

labors—and as they thought of these things they were determined to demand their natural rights from the Norman Conqueror and his nobility. They clamored in earnest; they not only petitioned, but they demanded—they demanded in a spirit that meant defiance and bloodshed unless their demands were granted.

While these demands were being made by the Saxons for the perpetuation of Saxon institutions and Saxon freedom there was strife brewing between the Norman monarch and his feudal lords and lord vassals. The King was jealous of the power of these nobles; he realized that their power was becoming greater than his own, that the day would come when they would refuse to pay toll to support his royal prerogative, that they would confederate to strip his throne of its power and to make it an empty honor. They would deny the right of the King to claim the title under the feudal system to the land of the realm, but would claim for themselves the right to hold the land in absolute title, and to create such conditions as they might think best for their interest, circumscribing the King's power and authority. It was conflict, strife, and jealousy between the monarch and the barons, each contesting for power, each trying to fix conditions on the other, and each working for selfish ends and corrupt power, without any regard for the principles of right and justice, or for the great masses who create the wealth and comforts of life. The barons and nobility were not jealous of the King's power, because they took sides with the Saxon ceorls or Danish serfs. The King's

opposition to the arrogated power of the lords and nobility was not because he loved the Saxons, thanes, and ceorls. It was a nobility against a king, because the nobles wanted to dictate terms to a king. It was a king against his landlords and barons because he did not want to be dictated to, but wanted them, his subjects, to obey his edicts. Here, as in every land and age when the profligate class and the Crown clash, the common people, the source of support and final authority, are courted. They are told on the one hand what an oppressor and despot the king is, and on the other how this profligate class has lived by the sweat of the masses. The fraud of the "Divine right of kings" is laid bare; the corruption, profligateness, and oppression of royalty and nobility are exposed, and subjected to the inspection of public opinion; the king tells of the wrongs of the nobility and the nobility tells of the wrongs of the king. Both sides appeal to the common people, the foundation of all nations, empires, or republics. For notwithstanding the divine right of kings, and the plutocracy of nobility, the people are the sovereign and source of all authority, and without them the king cannot triumph over the nobility, nor the nobility over the king. When the nobility and the king disagree, then there is a chance for justice and the common people.

Such were the facts and conditions at this time in England. The Norman monarch and his barons and nobility were at outs and the Saxons were appealed to by both sides—there was a chance for Saxon ideas, Saxon principles, and Saxon institutions to

reassert themselves. It was a chance for the Saxons, the "common people," to have a day in court, a voice again in the policy of English affairs. Had the power of the throne and the nobility been combined this voice would have been strangled, but with the Crown and nobility antagonistic and fighting each other, the Saxons controlled the balance of power. When we fully comprehend this situation, we fully comprehend the reasons why Saxon liberty survived the Norman's conquest and the reign of centuries of a monarchical dynasty. Feudalism, an obnoxious despot itself, was opposed to royal centralism. It was tyranny and despotism fighting tyranny and despotism—they differed only in form, one from the Crown and the other from the barons, each appealing to the Saxon commoners to aid them in suppressing the dynasty of the other. Through these rude ages of conflict for political and personal freedom, the royal power was weakened and stifled by the baronial power, and the baronial power was suppressed by the royal dynasty.

While this was going on, the tide of the will of the people was growing greater and greater, until it beat against the very throne of the kingdom and the corner-stones of the baronial temple. The King checked the power of the barons through courts and shires, the barons retorted by telling the people they were lessening their feudal burdens. The Saxons availed themselves of this opportune situation to restore liberty and the reign of justice in the kingdom. When the corruption of royalty and the divine right of kings are exposed by their profligates and sub-

tyrants, and the useless expenses and plunder of the profligates and barons of the Crown are laid bare by the monarch; when the frauds of each are exposed by the other, the cause of the common people and the principles of justice and liberty are marching on to victory.

The people, the body-sovereign, the rightful and true source of all law and of all government, under those conditions, may arise in their natural rights and throw off the shackles and burdens of lords, nobility, and loafers, who live out of the public treasury without giving return or compensation to the government and the people who support it, and at the same time they may release themselves from the tyrannical rule of despots. This is what the Saxons did; they grasped the opportunity which came to a great people to save and perpetuate the spirit of liberty and the principles of self-government. Thus the Saxon laws and Saxon institutions survived the conquest. They survived William the Conqueror, the alien King, and his successors in line. The shire court, the hundred-moot, the townships with their localism, all survived. Hence we have our districts, counties, and townships to-day in every State of the American Union as a continuation of Saxon institutions.

The Saxon courts and trial by jury came out of the conflict as living realities and lived on as a part of the Anglo-Saxon institutions. The Saxon constitution of precedent and custom based on fundamental principles of right, honor, and justice, still lives. Saxon ideas, Saxon principles, Saxon philosophy of government, and Saxon organizations sur-

vived the domination of an alien king and his feudal lords and nobles. The true principles of government, not yet perfected, but to be developed in the evolution of time, still lived to continue their contest for human rights and civil liberty.

Had the alien monarchs and their feudal lords and nobility agreed among themselves and had Saxon principles been stifled and suppressed, the history of the English-speaking people would have read differently, and the conditions of the Western Hemisphere in this, the twentieth century, would have been changed. Justice and mankind would have been the losers, and despots, dynasties, monarchs, and their nobles and loafers would have been the beneficiaries.

CHAPTER XI

THE MAGNA CHARTA

THERE is a turning-point in all events. There is a day when all great contests either survive or perish. There is a time when the destiny of a nation is finally determined and fixed. There are events that change the history, not only of nations, but of races. These great events, or epochs, are but mile-posts planted by the wayside on the great highway over which the human family has passed, guarding like impregnable sentinels sacred and historic grounds.

All great developments must have a beginning. All great beginnings that are successfully carried on have had a consummation as an end. These events make history. The reasons and conditions that brought them into existence and made them living realities to the human family constitute and make the philosophy of history.

On the 15th day of June, 1215, at Runnymede a great event in human history took place—that day stands out on the calendar as a turning-point in the history of Anglo-Saxon institutions. Up through the centuries the Anglo-Saxon people had been struggling for personal liberty and free institutions. They had met many oppositions; they had gone through much strife and many conflicts; they had

met with many disappointments, as truth in its onward march always does; but step by step they had struggled on, promulgating their doctrine of freedom of thought, freedom of conscience, and freedom of civic and religious liberty. But during these struggles through centuries they had never succeeded in formulating a constitution, nor a bill of rights in written form. Civic conscience and civic intelligence had not reached that point where written constitutions and bills of rights were to be considered by the crowned heads and the powers that ruled. They had the fundamental conception and the basic principle of just and humane government, way back in the days of their fathers by the Rhine, but in the science of human government and social relations of man, as everywhere else, truth and justice have to develop; to go through the process of purification, claiming recognition only on proven and established merit.

The hour had come for the Anglo-Saxons to prove the merit of the doctrine of the "consent of the governed." The royal corruption and injustice of King John demanded the contempt of all respecting men. By his treachery to his brother Richard he lost the admiration and respect of all true and courageous men. The barons and nobles joined the Saxons and in joint and united efforts the Norman barons and the Saxon commons demanded and obtained the Magna Charta from King John at Runnymede. In their demands on the King for this great Bill of Rights they based their claims on Saxon laws, Saxon principles, Saxon precedents, and

Saxon institutions, and thus we have Anglo-Saxon ideas and Anglo-Saxon principles of freedom and self-government working and struggling through generations and up through the ages and finally influencing and constructing the first English constitution. The Magna Charta is the first written formulation of civil and political liberty known to the English people or to English history. It is the final outgrowth and consummation of Saxon institutions and Saxon principles and has ever been appealed to as the fundamental and final authority upon all questions of political power and civil liberty in the kingdom of Great Britain.

In the reigns of Henry I. and Henry II. prior to 1215 there had been some inferior charters from the Crown granting certain rights to the people, but these were few and poorly stated, and were all included in the great Magna Charta. Up to this date the Saxon ideas had made such progress that judges rode the circuits in regular order, and trial by jury was a fundamental right recognized by all. In fact the administration of justice had become so systematic that the common law had become a science and an established system. The latter part of the twelfth century found a system of jurisprudence in England which administered justice between man and man, whether he be a Saxon commoner or a Norman noble. The essential part of liberty was established, the right of trial by the subject before his peers. During the time that the spirit that finally brought about the Magna Charta was developing, localism was contesting against centralism.

The Crown no longer ruled the villages, towns, and cities direct from the throne. Centralism did not direct everything, as it did when William the Conqueror reigned. The spirit of localism of the Teutonic people by the Rhine over a thousand years before reasserted itself, and the towns and cities obtained charters from the Crown to rule and govern themselves. The truth of the Anglo-Saxon people, working up through the ages, stifled here, and thought to be extinct there, but bursting out yonder into new life and again reasserting itself in the old landmarks anew, invigorating and encouraging the faith of freedom and liberty, was included and culminated in the Magna Charta.

Saxon courts and Saxon laws were now the settled jurisprudence and England had a common law system. This great document of human liberty recognized the widow and the orphan by fixing the dower of the widow as a permanent part of English jurisprudence and common law. It then fixed firmly as a part of the English policy and considered the thing most sacred to the subject or citizen, except the home,—that the land of the subject should not be taken or sold for debt, even for debt due the king, until the personal property of the subject was first exhausted. This sounded the death-knell of feudalism, with all its abuses, oppressions, and curses. It named a policy that has been final with the English-speaking people, that the levy of taxes must be by the representatives of the people. And to that end it provided for a Common Council, in whose body all bills and measures

to levy taxes and make appropriations must have their origin. Following up this precedent, it is necessary at this day for all bills for the purpose of taxation in England to have their origin in the House of Commons and in the lower House of Congress in the United States and the lower House of the General Assembly of the several States. It was with the Magna Charta that this safeguard of the people's money had its origin. The purpose of this condition was to make those who levied the taxes and made the appropriations amenable to the people. The members of the Common Council of that day had to be elected directly by the people, as the House of Commons in England or the lower House of the American Congress is to-day. If this body was extravagant and oppressed the people by unnecessary taxation, the people could refuse to return them and elect new members. It was the object of this provision to keep this body in touch with the people and responsible to them. This method protected the people against royal taxation of the Crown, as well as against the taxes and burdens of feudalism and the lords and nobles. Under the new system of the Magna Charta no more scutage could be exacted from the people by the lords and barons and nobles and the unrighteous feudal system. This instrument secured and protected localism and local government—a cardinal doctrine of the Saxon system. It provided for local municipal governments for London and all other cities, and municipalities independent of any direction or control from the king.

These local municipal affairs were left to the local municipal people and local municipal authorities, for them to solve, determine, and decide for themselves. It is an elementary doctrine of good and just government, that those who have to share misgovernment should have the power to correct it and be responsible for it, and that those who share the blessing of good and pure government should be responsible for it and have the power to continue it.

Until the Magna Charta, according to the system of jurisprudence then in operation, the venue in the trial of the rights between man and man in the courts of common pleas followed the person of the king. This was a great injustice to the masses. By this system a man could be dragged around from place to place and justice suppressed, rather than vindicated. But the terms of the Magna Charta provided that the venue should be in a certain locality, and there the trial should take place with the peers of the litigants as jurors. Thus another event was achieved in the progress of human justice and popular rights. The confiscation of the property of the Saxons and the common people by Norman lords and nobles under the feudal system had been one of the most degrading injustices of the English people. This system had been used as a precedent to rob and plunder the property and homes of others—of the Saxons and common people. This great declaration of popular and human rights decreed that the Crown nor no public officer could take the private property of a subject for public use or for the kingdom, without first paying the value

thereof, or first obtaining the consent of the owner, and this principle has been uniformly recognized from that day to this by the English government and was transplanted to American soil and developed and grew as a part of the very fabric of the American Union. Then continuing, it declares that no free man shall be arrested or imprisoned or dis-seized, outlawed, or exiled, or in any manner destroyed, nor shall proceedings be had against him or burdens put upon him except by the legal judgment of his peers, or by the law of the land. Following it says, "Right and justice we will sell, deny, or postpone to no man." Then in conclusion it states that the terms and conditions of the instrument shall never be revoked, and if anything is done which is contrary to its terms it shall be null and void, and that the Anglican Church shall be free.

In this review of the Magna Charta we see at once its similarity to the American Declaration of Independence. They are both the outgrowth of the same thought and the same people. The Magna Charta was the outcome of the workings and developments of the Anglo-Saxon mind and thought for over a thousand years. The American Declaration of Independence was the culmination of the workings of the same mind and school of thought for nearly another thousand years. Just as truth becomes more perfect as it develops and throws off error, just as it improves as it marches on to a higher and more perfect consummation, so did the American Declaration of Independence improve on the Magna Charta. The Magna Charta was the funda-

mental constitution, or the organic law, of England, and it named and fixed the powers of the king, and at the same time secured and fixed certain perpetual rights and liberties to the people. It firmly fixed the policy of English government. But liberty and equal rights for all men before the law had not reached their proper recognition as yet. They had not become axioms in the civic and sociological conscience. For even the Magna Charta recognized and made distinctions between the people as the masses and the lords and nobles. It drew the lines of demarcation between the Saxon commons and the titled class of lords and nobles, and this distinction still exists in Great Britain. The world at that age was not prepared to admit that all men were equal in their civil rights and equal before the law. It was left for these rights and truths to continue to work their way on against falsehood and opposition and finally to be declared as fundamental and self-evident in the Declaration of Independence. The Magna Charta and the American Declaration of Independence stand out as paramount of all the events of English history. They mark the events where the struggles of ages ended and personal liberty and equality before the law asserted their supremacy. They stand out as the hand on the dial of time ever pointing to the days when the conscience of the king ceased to be the conscience of the people, and the will of the king surrendered to the will of the people, the final source of all government. These principles are as true and as eternal as the laws of the Creator of the universe, and they will and must be

recognized by all people as civilization and correct thinking and education march on to their final results, notwithstanding the efforts of kings, dynasties, despots, and the privileged classes of plunder and spoil, to stifle and suppress the oncoming truth. Justice must and will in God's own time triumph; the awakening conscience and thought of man in his advanced civilization demand it, the eternal voice of God declares it.

CHAPTER XII

THE RESULTS OF THE CONFLICT BETWEEN SAXON INSTITUTIONS AND NORMAN POWERS

WE have seen from what has been said in the foregoing chapter that the Magna Charta was a written contract between the king and the people, by which certain rights were fixed and perpetuated to the people, and that this contract was the fundamental law of the land, and to be held inviolate forever, and that anything done contrary to it, even though it be done by the prerogative of the king, was null and void. It is but proper to state here that this is the basic principle of the American Constitution—namely, that the Constitution is the supreme law of the land, and all laws, acts, and pretended laws contrary to it are a nullity, absolutely void, and of no effect. The principles of the Saxons as promulgated in the Magna Charta in the thirteenth century are re-proclaimed in a higher state and still living in the American Constitution in this the twentieth century.

We may now briefly sum up the results of the conflict between the Anglo-Saxons and the Norman conquerors, from the time that William the First, the Conqueror, subdued the Saxon, to King John at Runnymede. The Saxon institutions stood the onslaught of the Norman lords and nobles and the

oppression of feudalism, and came up out of the strife and struggle living issues. From these issues was wrought the Grand Jury system, which was organized for the purpose of informing the Crown of the criminals of the realm. This body comprised the grand investigators of the kingdom as to all violation of the law. No man could be prosecuted unless these, his peers, said on oath that the evidence justified it and the good of society and the welfare of the kingdom demanded it. This was a great stroke on the dial of time for liberty; it prevented and excluded the abuse of legal process and the persecution rather than the prosecution of the people. It prevented the name and the cloak of the law from being used for oppression and extortion. Out of these issues also grew the Grand Council (Parliament), the law-making body of the English government, and this body fixed the tax rate, and the taxes were left to the sheriffs of the respective counties to collect. Each county and city and village was assessed its part. This assessment of the values of the property was left to individuals of the locality, and by this adjustment the amount of taxes that each county or town had to pay was named by the representatives thereof, and, being a party to the body-politic, would not be exorbitant or burdensome in fixing values. This is the germ of local taxation, and was transplanted to American soil, and has been preserved by American institutions.

It was these issues between Saxon institutions and Saxon principles, and Norman lords and nobles, that produced and brought forth the Magna Charta.

Out of these issues cities and towns had been established by royal charters, as in independent and local powers and municipal governments. In fact, the fabric of the English government had been woven at the loom of Saxon institutions and Saxon principles.

During this time, from William the Conqueror to King John at Runnymede, the English body-politic *de facto* had been Norman monarchs, Norman lords, nobles, and Norman clergy and the Saxon people.

The Saxon masses were not in sympathetic touch with the Roman Church and the Pope. They had not forgotten the fact that the Pope intervened for William the Conqueror at the battle of Hastings. In that hour, when Saxon liberty and Saxon principles were hanging in the balance, the Pope lined his forces up in battle array in favor of the invading army, which was marching on English soil to suppress the doctrine of the consent of the governed, as maintained by the Saxon people. The Roman Church could not, therefore, unite with the Saxon people, but made its alliance with the Norman clergy and priesthood. And, as a matter of history, from that time to this, as a church it has never had a supreme hold on the masses of England as it has in Latin countries. The Catholic Church as an organization flourished and grew in Ireland and took deep root in the religious sentiment of the Irish people, but it must be remembered that the Irish are the descendants of the original Celts and not the Teutonic people. As a church, it formed religious associates with the Norman priests, but not with the

Saxons, hence what strength the Catholic Church developed in England was with the Norman nobility and Norman lords, and not with the Saxons, the common people.

Out of the seed that was planted by the Catholic Church among the Norman nobility finally grew the Church of England, and while the English Church was being developed by the Normans out of the Catholic creed, Protestantism and religious freedom were breeding and growing with the Saxons, who constituted the common people. Thus, while the Catholic Church planted itself in Ireland, and took so deep a hold on the Norman nobility and priesthood that the Church of England was the outgrowth thereof, the lamp of religious liberty still burned around the firesides and in the hearts of the Anglo-Saxon people. It is a historic fact that the English-speaking people owe religious liberty, as well as their civil liberty, to the Teutonic people—the Anglo-Saxons. While the irrepressible conflict for civil liberty was waging for centuries, with the Norman nobility on one side and the Saxon commons on the other, the struggle for religious freedom was fierce and defiant. The Teutonic blood, the Saxon commons, triumphed in both; they declared that the majesty of the law punished crime and crime only, and not man's conscience. They declared that no church nor priest, either by the law of man or the law of God, had a right to say how a man should worship his Maker. In their minds all men were but human, and all on the same footing before the Creator of the universe. They believed that

the most high priest, clothed with all the garments of orthodoxy and all the mysterious rites of the Vatican, was as helpless before the Great Ruler of the universe as the most ignorant peasant who daily chafed under the yoke of servitude. Before God's throne they were equal. If we read the landmarks which point out the pathway of Christianity through the centuries correctly, oftentimes has the peasant been the millionaire, in spiritual things, and the most high priest, surrounded by orthodoxy and mysterious formalities and church rites, the pauper. The Saxons read the landmarks, they read the footprints of time, they knew of the abuses and frauds of centralism and despotism in both Church and State. They knew when these two despots combined that the people were oppressed—that both Church and State preyed on the earnings of the masses. They knew that these two powerful forces, united and combined and intrenched behind their citadels of superstition, special privileges, and conscript armies, meant that the masses were to work to support the classes and the priesthood—that justice, civil liberty, and the right for every man to worship God according to the dictates of his own conscience could only exist at the penalty of death. Hence they struggled against the union of Church and State, they bid defiance to the Vatican and the powers of Rome.

As a result of these struggles Rome never firmly fixed her clamps on the British Islands. The union of Church and State only succeeded to a limited degree, and freedom of conscience was guaranteed to every subject.

As a result of the conflict between the Saxon institutions and Saxon principles on one side, and the Norman nobility, clergy, and the Catholic Church on the other, religious liberty, the right of every man to worship God according to the dictates of his own conscience and human justice, and civil liberty as declared and proclaimed in the Magna Charta, were planted on English soil. Not man's equality in the social life, not man's equality in the financial world, not man's equality in mental capacity, for these things are not axioms, they are not true, but man's equality before the law, both human and divine, had reached another mile-post in its journey to final triumph, had won another victory in its continuous war for universal recognition.

CHAPTER XIII

THE ORGANIZATION OF THE THREE ESTATES OF THE REALM

ON the death of Henry III., 1272, Edward I. ascended to the throne of England. During the reign of his father many developments had been wrought. Bracton had written and published his great work on the common law. The jurisprudence of the common law was established as a fact. The Magna Charta was accepted as the organic law.

A system of law was in control of human rights and human life, and not the will of any one despot. Beginning with the reign of King John and ending with the reign of Edward I. a great new era in English history had been developed. The English constitution had been written in the Magna Charta. Law, jurisprudence, and courts had been established, the foundation and policy of the English government had been firmly fixed. Edward the I. has been well called by Matthew Hale "The English Justinian," for during his reign law was defined and the judiciary organized. While these things were going on, developments were progressing in the legislative branch of the government; the Saxon Witan no longer existed; the Saxon "Common Council" had served its day as a legislative body.

There were three distinct estates in the realm

asking for representation in the legislative branch of the government—three distinct classes, each with an interest to serve. These three estates or classes were the Norman barons and nobles, with the interest of the privileged class to serve. The next estate or class was the ecclesiastics or priesthood, with the ecclesiastical court to serve, and the third and last estate or class was the Saxons, with the interest of the common people or masses to serve, and thus was organized the representative Parliament. The “Grand Council” had been composed of the barons and ecclesiastics, but the Saxons, the people, demanded representation in this body, and when this was granted the third estate of the realm, the Saxons, completed the representation. The Shire-moots, the Witan, and the “Common Council,” which were Saxon legislative bodies, had passed away, and the English government was the outgrowth thereof. The Saxons became one of the estates of the realm in the year of 1295—that is, it was then settled that they, the commons, were to be a part of Parliament, and that they as one of the estates of the realm were not merely to “speak,” but to enact. The election of the representatives of the third estate of the realm—that is, the election of members to the House of Commons of Parliament—was left to the Shire-moots, composed of clusters of hundreds, and each hundred of the cluster composed of townships, thus preserving the Saxon localism and the doctrine that the shire was a state of the realm. The House of Commons, the third estate of the realm, was, therefore, clearly a Saxon

Organization of the Three Estates 89

representation, and was supposed to represent the Saxons, the common people, the masses. The lords and the ecclesiastics, the other two estates of the realm, were supposed to represent the Crown and the Church. Here were three distinct elements in the English sociological and political fabric. The lords were of and represented the Normans, who had invaded and conquered England; the ecclesiastics represented that element of the High Church and priesthood who had combined with the Normans to unite Church and State; the Saxons were the masses who were creating the wealth of the realm and contesting and contending at every point for popular rights, separation of Church and State, freedom of conscience, and personal liberty.

It is not definitely settled just when the commons sat as separate bodies from the lords and ecclesiastics; some think they sat in separate bodies as far back as 1295, but it is a recorded fact that they sat separately in 1332. When Parliament became thus organized it was a bi-cameral organization, and the principle of concurrent majorities was in full force and effect. And especially was this true as to matters of taxation, and the doctrine was firmly fixed forever in the fabric of the English government that no taxation could be levied or collected without first obtaining the assent of the House of Commons, by a concurrent vote. And why should it not have been thus ordained? The Saxons were the masses—they were the wealth producers, they were the tillers of the soil, the producers of bread, and the weavers of garments. They fed and clothed the lords, the

barons, the nobles, and the priesthood, and why should not their consent be first obtained and wishes considered as to the levy of taxes to support the government and the profligate and privileged classes when they were the ones who had the taxes to pay? The lords represented the nobility, who toiled not, and yet lived in luxury and ease. The ecclesiastics represented a priesthood which knew not the value of a dollar and cared less—the more taxes collected the better their classes fared, the more the yoke of taxation galled on the necks of the masses, the more they could dissipate, revel in display. But the masses had a protection in the House of Commons, which was composed of representatives elected by the people, and who were responsible and amenable to the people. Their rights and their interests were the rights and interests of the people. “Taxation and representation were correlated.” “Power and right were wedded.” The will of the people through the people’s own representatives fixed taxation. This, the corner-stone in the temple of Anglo-Saxon institutions, has stood the onslaught of the privileged classes — priesthood and grasping monarchs — and has done more to advance civilization, patriotism, and humane justice than all the blood shed by all the armies which have been led on to carnage and death in the false name of country and patriotism by cold, heartless, diabolical despots and monarchs, grasping for power, at the expense of the liberty, the happiness, the blood, and lives of their fellowmen. But why discuss these wrongs, if kings committed them? They were “divine” and therefore right.

CHAPTER XIV

THE WAR BETWEEN THE CROWN AND THE BARONS

WE have heretofore referred to the rivalry between the power of the English Crown and the nobility, which followed necessarily after the Norman conquest. And we have seen that it was during the contest between these powers that Saxon faith for free institutions still lived. But it would not be doing this part of our subject justice to let this slight mention suffice. The English government, until Henry III., had been to a great degree, like nearly all European and Eastern governments, controlled by personal rule. A good king made a good government, a bad king made a bad government, and a Christian king made a Christian government.

When Henry the III. came to the throne he made haste to declare his personal plan of government; but there had been two checks on the personal rule established in the English system: the ministers of state and the administrative party, the judiciary—Henry the III. wished both these removed—let him be his own minister of state and chancellor of the law. His policy was to make mere clerks out of ministers of state, who would be wholly dependent on his will, and to convert the high court of chancery and other administrative

bodies into mere channels through which to convey his will to the people. And to this end he surrounded himself with foreigners who were to do his bidding.

A host of these hungry foreigners from the North were invited to come across the channel to England and occupy royal castles and judicial positions, and to fill the seats of the royal Court. These, like all other corrupt beggars, sought nothing but plunder. Their rule was nothing more and nothing less than anarchy and robbery. The royal Court was for sale. The bidder with the biggest pile got the decision. The policy of the English nation was on the auction block. Corruption and bribery saturated every fabric and sinew of the English government. It was a reign of misrule directed and executed by a clan of robbers and thieves who had no sympathy for the English people nor love for the English government. A clan who knew not the word honesty, and who were aliens to the word patriotism, and the everlasting foe to the word liberty. They plundered, they robbed, they stole, and misruled England in defiance of the Magna Charta, the fundamental law, and in defiance of all courts, law, and machinery of government and organized society. Owing to this misrule of plunder and robbery the nation as a nation was a pauper, and the King was forced to levy burden after burden on the people, in order to raise funds to keep the machinery of government going. The "Forest Laws" were resorted to as a means of exaction. Loans were wrested from the lords and nobility, and yet these

supplies were not sufficient to meet the demands of the profligates and thieves of the Crown. It is estimated that as much as one sixth of the revenue raised by these extortions was paid as pensions to foreign loafers and favorites. When extortion after extortion had been resorted to, the outgo of the Crown amounted to four times as much as the Crown's income. Finally the Crown appealed to the Council for aid, and of course, if the Crown wished the robbery and the plunder to be increased it must be done; and it is needless to say that aid was granted. In 1237, aid was granted on condition, however, that the Council should control its expenditure and that the Crown confirm the Magna Charta. But what did a promise amount to with the King? If he be of divine authority he could commit no wrong. Promises need not be considered by him. They were made only to appease the complaints of the serfs, ceorls, commons, and taxpayers at large, and to be broken when the King wished them broken. So Henry III., exercising his divine right to violate contracts and promises, disregarded both the Magna Charta and promise. In 1242 the barons resented the King's outrages by protesting and declaring that no further extortions should be paid. Notwithstanding the protest of the barons, the King continued to extort revenue from the realm and undertook to carry on the war with Louis IX. of France. This effort ended in disgrace and shame—demonstrating the fact that history has so oftentimes proven—viz., that no war can be successful unless it is approved by the sentiment and patriotism

of the people who do the fighting, that no army fights like the citizen soldier fighting for his rights and in the defence of his home. Unwilling soldiers, marched out to sacrifice their lives in settling private disputes of royal houses and corrupt thrones, do not fight the battles that make history and fix the destiny of nations. But the war between Henry the III. and Louis IX. of France, for it was a war between these Crowns and not between the people who composed England and France, such as it was, was fought, and the treasury of England was left completely drained. Added to these extortions and outrages Rome made her demand for revenue. Tax gatherers and tax collectors, clothed by Rome with the power of excommunication, descended upon the priesthood of England with the slogan, "Rome needs more money." And plunder and theft in the name of Christianity followed until the masses could stand the oppression no longer. And public sentiment rose in rebellion and the student body at Oxford drove a Papal Legate out of the city, crying, "Usurer! Usurer! Usurer!" The cry went up from the hearts of the English people to the Papal Legate, "If you tarry here you shall be cut to pieces." "You shall die!" The national indignation declared that it would not tolerate these wrongs any longer. The indignation of the national heart of England foamed, beat, and throbbed like the mighty ocean until the King, the prelates, the lords, and the nobles joined in the mighty protest against papal exactions and papal extortions. Henry the III. only kept in line with public sentiment for a

short while and then returned to Rome and the policy of spoliation. But the masses and even the Norman lords and nobles, enraged by these wrongs, protested that such injustice must end. This sentiment, born of Englishmen, whether yeomen, ceorls, Saxon commons, Norman lords, churchmen or heathen, with a resolute determination to wrest the kingdom from the oppression and abuses of the Pope and Crown, could not do other than succeed. The Norman nobles of the Great Council demanded a regular ministry and a voice in appointing the great officers of the Crown. Henry scorned and belittled their offer and sold his silver plates to the merchants of London to secure money to pay his private debts and to secure the necessities of his private house, rather than grant their wishes. A spirit of defiance to the Crown, and law as ordained and executed by the Crown, spread throughout England. The King was penniless and helpless. He called on the earls and the lords for support, but to no avail.

“ I will send reapers and reap your fields for you,” said the King to the earls and lords. “ And we will send back to you the heads of your reapers,” said the earls and lords to the King. Never was an English king more penniless and an English Crown more in need of money. The King was helpless. He could only hope for foreign help. The barons and the lords had tolerated the extortions of the Crown and the Church until they declared that the end must come. Permanent committees of the prelates and barons were organized to bring about a

reform in the administration of Church and of State. Three committees were selected to reform the State, and a committee of twenty-four to reform the Church, and a committee of twenty-four others to reform the financial system of the Crown. The rules of these committees provided that the sheriffs were to be appointed for one year only and that they should be of the chief tenants of their respective counties, and were not to exact any undue fee for the Crown or the administration of the State.

These reform committees were resolute and determined in their actions, and the barons drove the King's favorite foreigners from the shores of England and back over the sea, where they might live in their native land with patriotic purposes, rather than to plunder the homes and the people of England. The royal power of the throne was grasped and in the hands of these committees, appointed by the Great Council. The new policy was firm and vigorous and all further payments, whether taxes or contributions, to Rome were prohibited, and formal notice was served on the Pope to that effect; but after all it was a struggle between the Crown and the barons for authority to control the English government. The barons wished to arrogate the power of the kingdom to themselves and make the Crown a mere figure-head, and the King was struggling and contending with all of the forces at his command to retain his authority. Had either the King or the barons won absolute victory, the result would have been equally fatal to liberty. The success of the Crown would have doomed England to an absolute

royal despotism, and the success of the barons would have doomed her to a feudal aristocracy and a feudal despotism, and freedom and liberty would have received the fatal blow in either event. The barons during the long war on the Crown had been stripped of their wealth, and they had to appeal to the Saxons and to the national spirit of England, including all the people, for help. Earl Simon, leading the opposition against the personal rule of the Crown, and realizing the fact that the barons of their own strength could not overthrow the power of the Crown, appealed direct to the Saxons, the common people. This led to a constitutional change in the history of England. In order to secure the support of the Saxons, Earl Simon created a new force in English politics. He issued summonses which called two Saxons, or commons, from every borough, town, or county to sit side by side with the knights of the shires. This document provided that the merchants and the traders and the tillers of the soil were to sit side by side with the lords, barons, and bishops of the Parliament of the realm. This new provision wrought new sources of authority in England. It made it possible for the will of the people to be heard to some degree at least and control the policies of the English kingdom to some extent. It meant that the Saxon ideas of government were still living as a part of the English kingdom.

Earl Simon, leading the war of the barons against the King, had clothed the Saxons with power in the realm of England, that in future days and generations was to exert itself for personal liberty and

human rights. "The Baron War," the contest of the barons and the lords, led by Earl Simon against the Crown and appealing to the Saxons for support, and the Crown likewise appealing to the masses for help, was one of the turning-points of English history and marked another mile-post in the march of personal liberty and popular rights. Both the barons and the Crown were grasping for despotic power—both working for selfish ends, both appealing to the Saxons for support without patriotic motives for the welfare of the kingdom or the common good of the Saxon people; yet in this hour of contest between a corrupt throne and a corrupt and loafing class who lived at the expense of other men's labors—the common people of England, the Saxons, secured from a corrupt and oppressive throne and a corrupt and oppressive baronage the safeguard of personal liberty and property rights. It was a contest between a thieving Crown and a thieving class, both asking power to rob the masses. While this war was going on, the honest Saxons were struggling to get more of the power of the English government in the masses and to circumscribe the power of the throne and to check the reins of the baronage privileged class. The Saxons fixed their hold on the English nation that has been felt until now. They planted the Magna Charta and the English constitution deeper in the hearts of the English people. They made the House of Commons a part of the English government. They made it impossible for taxation to be levied without consent of the representatives of the people, and by this means they



The Crown and the Barons 99

sent the message back to the Vatican at Rome that the Church must appeal to men's hearts for voluntary contributions for its support, rather than the yoke of taxation, that the Church and State should be separate and distinct, that one represented an invisible and Heavenly Kingdom and the other an earthly state. They made it possible for the day to come when the personal rule of one man, be he despot or monarch, should end.

CHAPTER XV

THE DAYS OF EDWARD THE FIRST

EDWARD I. succeeded Henry III. on the English throne. He came to the throne when the treasury was bankrupt by the reign of Henry III., and the Magna Charta and Saxon principles had a deep hold on the English government. Saxon people, who constituted one of the estates of the realm, were to be considered in fixing the policy of the kingdom. The commons were now a factor in the kingdom. Edward I. was a man of national spirit—he considered all classes as parts of the kingdom. While he had the blood of the Norman ancestors in his veins, he was an Englishman; he represented the English people as composed of the original Celts, Saxons, and the Normans. They had married and intermarried to a large degree, and the product of this sociological condition constituted the Englishmen of the days of Edward I. The descendants of those who were victorious at Hastings and the great-grandsons of those who went down in the defeat at Hastings were the true Englishmen of his day. Let it not be forgotten, however, that conditions and classes still existed and that the Norman element constituted the nobility and upper class in England's social fabric. But Edward I. was an Englishman

in sentiment, and not a "foreigner." He was no stranger to the English people. He was no stranger to the English kingdom. He was just, but dogged and determined. He was narrow, but conscientious. He was haughty, but reverent. He was self-respecting, but religious. He possessed all the passions of wrath, desire to punish, and rough, dogged nature of the Norman House from which he came. He was a son of the "Norman foreigners" who had conquered England at the battle of Hastings. He was the offspring of that merciless, vindictive, heartless despot, William the Conqueror, who had defeated England at the battle of Hastings, and thereby brought new conditions on the British Islands which have been permanent and which have helped to shape the destinies of civilization.

It was a turning-point on the great wheel of time when the English went down before this despot at Hastings. Had he been defeated at Hastings and he and the Norman foreigners driven from English shores, the spirit of popular rights and personal liberty would not have had to struggle through the centuries for recognition, as it has had to do—retarded here, hindered yonder, and circumscribed by every possible means of defeat. The Celts, the first original settlers of England, were a people who believed in individualism and were a migratory people by nature. The Saxons, Angles, and Jutes, who followed them from northwest Europe to the British Islands were a people who had inherited from their fathers ideas and principles of popular government. They believed in popular rights, popular

sovereignty, and local self-government. They were a democratic people and believed in democratic principles; that the people were the sources of all government. No lords, nobles, and dukes could be the products of their minds. They believed that the Saxon legislative body, the Witan, had the power to unmake a king by impeaching him when he violated the people's fundamental rights and disregarded the laws. They believed that a king was simply a representative of the people and it was his duty to execute the will of the people.

No class of nobility could have had its origin from them. No upper house of the lords could have been conceived by their minds. According to their thinking and criterion of government, the representatives in the legislative branch of the government should be elected by the people and amenable to the people. The idea of appointing a house of lords by the Crown for life was of Norman conception and alien brains. It had its origin with the "foreigners" who had defeated the native Saxons and established their permanent misrule over a defeated and suppressed people. The nobility and dukedom of the British Island are of Norman origin; the House of Commons and popular rights, of Saxon origin. The House of Lords was then supposed to look after the Crown's interest, and therefore was appointed from the nobility for life by the Crown. The House of Commons was supposed to look after and care for the people, and was therefore elected by the people, and the same system has survived through all the struggles and conflicts of England's government,

through her civil and foreign wars, through her insurrections and her rebellions, and exists until this day. When this system was created, the Crown was a "Norman foreigner," and the lords, appointed to the House of Lords from the nobility by the king, were also Norman "foreigners." And thus a royal and upper class was firmly fixed in both the political and social conditions of England. If a man is born a peasant, he remains a peasant; if born a lord and gentleman, he remains a lord and gentleman; and that, too, regardless of how much debauchery, crime, and thievery he may have committed in the name of law.

The House of Lords, representing the Crown and the Norman "foreigners" who constituted the nobility, and the House of Commons, representing the Saxons and the people's rights, were a compromise between popular government as represented by the Saxons and the despotism and misrule as represented by the Norman conquerors. Had the English won at Hastings, and the Normans been driven off British soil, a House of Lords and a nobility would never have been known to the English system, and the popular rights and the will of the people would have been supreme in England. Had the Normans, after the battle of Hastings, succeeded in suppressing Saxon ideas of popular rights, the House of Commons would never have been created and made a part of the English system, or the defender of the rights of the commons. Or if Normanism had become supreme in England and the Saxon ideas become extinct, despotism would have reigned supremely

on the British Islands as it does to-day in Russia, a land where the subject is in worse condition than the serf of the Roman Empire, and law is but another name for robbery and theft, plunder and crime. The English government is a compromise between Norman and Saxon ideas, a blending of monarchy with popular rights. On all questions when the rights of the masses are affected there have always been two great divisions in English thought, English patriotism, and English statesmanship. One class, the lords, dukes, nobles, and the like, of royal persuasion, clinging to and advocating the power of the throne and the privileged class, and another class that has stood for popular rights and advocated the cause of the masses. In the long strife and conflict over India this has been true. There were English statesmen who believed in giving the people of India justice, and there were English noblemen and lords of the royal blood who called themselves statesmen that advocated the continuing the burden and oppression on India. The same was true as to the American colonies; there were statesmen in England who believed in giving the colonies justice, and independence, if need be. On the other hand, there were leaders of the royal persuasion that advocated the holding and controlling the American colonies at any price and at all hazards. This same line of thought and division of English statesmen has run through English history. These same divisions have existed as to all of England's colonies, provinces, and territories. These two classes and schools of thought, which

have clashed on every field of mental combat during the development of the English Empire, are but the contest between Norman royalty and the Saxon commons. The Saxons, the commonality, have ever advocated the liberal treatment of the subjects of the English colonies and provinces. The Norman nobility have ever advocated taxation without representation, and holding colonies and territory for what the English Crown could exact out of the people thereof. These two classes of English statesmen and English schools of thought are nothing more and nothing less than the perpetuation and the ever-living principles of Normanism and Saxonism—Normanism standing for the royalty, power, and conquest; and Saxonism standing for the masses, popular rights, and human justice in government. These two schools of thought constitute the living sinews of English statesmanship to-day, and they have, from the days of the battle of Hastings, constituted the sociological fabric of the English kingdom. The student of English sociology and English political economy and English statesmanship who has not comprehended these facts has not comprehended the real philosophy of the sociological and political development of England. The Norman element, the upper class in England, has always stood for conquest and the further dominion of the English kingdom, regardless of methods and justice. The Saxon element, or the middle classes, have always pleaded for popular rights and the granting of justice to all classes and to all of the territory of the English kingdom.

Edward the I. was the first of the Norman kings who recognized that there were these two great classes in his kingdom, and that an Englishman in the full meaning of that term included both Saxon as well as Norman—and that the kingdom, when it had conquered Ireland, Scotland, and the original Celts of Wales, meant the British Islands and every part and parcel thereof—“All the self-concentrated isolation of foreign kings disappeared in Edward the I.” He was the first English ruler of the Norman House who loved his people as a people and considered the rights of all the subjects of the kingdom. He trusted the people and they trusted him. He believed in Parliament as a part of the people’s rights—and that they were entitled to this as a safeguard as to their personal and property rights. He was willing for the Statute Law to be advanced and increased—that the rights of the subject as well as property rights might be defended and not left to the “personal rule” or wishes of any one man.

In the contest between the people and the Crown over the terms of the Magna Charta, he faced his people at Westminster Hall with tears in his eyes, and frankly admitted that the Crown was in the wrong. Edward was pure and manly, and it is with his reign, from 1272 to 1307, that Constitutional England begins. His reign was a new epoch in English policy: England was made. Her national formation was complete. Edward’s reign was the beginning of Constitutional England of to-day. The Parliament of England of to-day must, of ne-

cessity, be studied in the Meeting of the Wise Men of the Saxon kingdoms before the conquest and the Great Council of the barons after the conquest. For it was from the Meeting of the Wise Men that it derived its first origin and from the Great Council of the barons that the House of Lords had its beginning. The Meeting of the Wise Men, which was the Saxon legislative body, and the Great Council, the legislative body of the Norman conquerors, were united, and out of these two grew the present Parliament. The upper House, or the House of Lords, representing the interest which the Great Council had represented in days past, legislated for the nobles and royalty; and the House of Commons representing the interest that the Meeting of the Wise Men had previously represented, legislated for the Saxons, the common people. It was completed during Edward's reign, and retains its identity unto this day. The close of Edward's reign found a constitutional kingdom in England and a judiciary firmly established. The forms of courts and public administration were reduced to a legal system.

The relation of Church and State was settled. The struggle of Saxon ideas for popular rights had gained recognition and the English constitution was complete. Of course, popular rights and Saxon principles had not won a complete victory, because in the final adjustment, and fixing of the English system, the Norman conquerors and the royalty and nobility had to be arranged with, and their power and wishes considered, but the Saxons had done the

best they could under existing conditions for a government of law, personal freedom, and property rights. They had kept the spark of liberty burning, only to break out again on the Western Hemisphere a few centuries later and gain complete victory, and to found the greatest Republic that the world has ever witnessed. The contests which followed in England were not to create a constitution and a system of government and institutions, but to discipline the English mind and the English policies to the established and fixed system. The problem from then until now has been how to adjust the social and political forces of England to an established constitution and a system of laws. England at the end of Edward's reign was a kingdom of laws, and the personal rule of the monarch without considering the wishes of the people was at an end, at least to as great extent as was possible in a limited monarchy. A king could no longer levy war, make laws, or levy taxes. These functions, under Constitutional England, belonged to Parliament and the assent of the people, through their representatives, was necessary—the final source in which is vested all power and all sovereignty had to be consulted—the people.

The King was in sympathy with the kingdom which had a constitution and a system of law. He imprisoned warring earls, hanged outlaws and the rebels and traitors of England's constitution and of England's laws. He suppressed the power of the barons. He contended for and established the independent Church and an independent and ecclesias-

tical court. He favored a national policy—a policy which included Wales, Scotland, and Ireland as a part of the English Empire and, at the same time, throwing the strong arm of constitutional rights and constitutional protection around them. To this end he led his armies and helped make conquests of these parts of the British Islands, and as a result they have been and are now a part of the English kingdom. It is but just to say they have never been considered as a real part of the kingdom, but to a large degree as “foreigners.” They have representation in the House of Commons, but the Crown always appoints to the House of Lords some of the old Norman nobility element. This, no doubt, accounts for the fact that the Scotch, the Welsh, and the Irish have always been great believers in and advocates of popular rights. They have felt the galling yoke of a central government and the oppressive burdens of taxation of the upper class. They have never been considered as a real part of England, but only a part for some purposes, to pay taxes, fight battles, support the kingdom, and to have limited representation and enumerated rights. They were full subjects when taxes were to be paid, wars fought, the throne defended, and the power of the kingdom maintained, but only half subjects when the rights and powers of the kingdom were to be exercised. This has been the weak point in the English system and has produced in Scotland and Ireland some of the greatest defenders of popular rights of any people of modern times. Their voice has been the voice of the early Celts who

first settled Ireland and Scotland and the original Welsh who settled Wales, joining in with the voice of the Saxons who constitute the common people of England, proper, that has kept the spirit of liberty alive on the British Islands.

CHAPTER XVI

A BLOT ON THE ENGLISH GOVERNMENT, LAWS, AND CONSTITUTION

WHEN Edward I. returned from his wars and the conquest of Wales and Scotland, he found earls who had been corrupting every function of government. The Earl of Gloucester and the Earl of Hereford were at war, and they had brought influence to corrupt their inferiors, in order to carry their points against each other. Even the judiciary were charged and convicted of corruption. Two chief justices were banished from the realm and others were imprisoned! But this was only a prelude to what was to follow.

In 1290, the third statute of Westminster, commonly called the statute of "Quia Emptores," was enacted. The barons had decreased both in number and in power as constitutional England had grown, and the substantial middle classes had developed both in numbers and in strength. The middle classes were becoming owners of lands. The tenants of the barons demanded that they be permitted to rent to under tenants on the same terms and conditions that they obtained from the barons and lords. The barons received their rental profits, but they were not willing for their tenants to sub-rent to

other tenants and receive rents, as this would be building up the middle class from a financial standpoint. It would build up feudalism within a feudalism. Therefore the barons, being jealous of the increased strength of their tenants who composed the middle classes, had the statute "Quia Emptores" enacted, which provided that in case the tenant sub-rented that the sub-tenant should be responsible direct to the superior lord or baron. This statute was a creature of Normanism to throttle the energy and efforts of Saxonism in England and perpetuate the exactions and extortions of the Norman lords and barons.

In the same year that this wrong and outrage was enacted into a law, there were other crimes committed against another race, that have remained a blot upon England as a constitutional government and a disgrace to organized society.

When the Normans invaded England there followed them a great many Jews who settled in England, and a great many Jews came from southwest Europe and located in various parts of the British Islands. These people, owing to blind prejudice that prevailed during the civilization of that day, were not permitted to own land or participate in any of the sovereign rights as individuals and subjects of the kingdom. They were denied the right of having a voice in shaping laws and the policy of the government. They were denied the right of a seat in the "Meeting of the Wise Men," or of the Great Council. They had fled from the Holy Land, their native country, which had been conquered centuries pre-

ceding by the Roman Empire, and afterwards recaptured and taken by another people who did not agree with them in either religion or patriotism. It is still an open question whether the Romans or the Mohammedans more greatly disgraced the human family in the treatment of the Jews in their native land. Robbed of home, of their traditions, of the right to govern themselves and the right to worship God according to the dictates of their own conscience, the Jews moved onward to the continent of Europe, and then onward to the British Islands, ever fleeing from wrongs and persecution. After the conquest they flocked like sheep without a shepherd into the British Islands. And be it said to the honor of William the Conqueror that with all of his despotism and dogged oppression, he protected these people who had neither native country nor protection of laws, and permitted them to settle in separate quarters or "Jewries," in the English towns. But even here on the British Islands, where the great spirit of liberty was fighting the battle of humanity, where Saxonism finally succeeded in establishing a constitutional government, the Jews had no rights as to citizenship and were not permitted to own land. The "Jewries" in which they lived were exempt from the protection of the common law, the Jews were nothing but the king's chattels; and their lives and property were at the mercy of the will of the king. Being prohibited from owning land, and not being extended the protection of the common laws, the Jew naturally drifted into commercialism and tradism and kept all of his assets in personal property so as

to hide it, if need be, from royal robbery or royal theft, or to move on to another country and carry his assets with him in case of other persecution. These conditions in centuries past explain why the Jews have become a commercial people. Even in a civilization like that of England in the days of the Norman conquerors, Henry III. and Edward I., a Jew had no standing in court, and the king had to appoint a special "justiciar," before whom he could lay his claim or sue for a just debt. He was denied a hearing in the common-law courts of the kingdom. Under these conditions the Jews congregated in the villages, towns, and cities and developed into commercialism and tradism. They were the first merchants of the islands. The Jews created wealth, and, notwithstanding that they were outlawed, they were permitted to deposit their bonds and holdings in the royal chamber in the palace at Westminster for protection, and they were allowed to exercise their religious rites and to build synagogues and manage their own ecclesiastic affairs. But this royal protection was not extended through human kindness and human mercy; it was not prompted by the spirit of right and justice.

The Jew, although persecuted and circumscribed by every prejudice and jealousy, and denied the rights of the law, had accumulated wealth. He had done this, too, while the Norman lords, nobles, and barons were loafing and dissipating at the expense of other people's labor. The King saw in the Jew a valuable "chattel" in the hour of war and financial need. The Crown realized that the Norman

nobility could not be depended on for support to the nation in the hour of need and of battle, either by fighting its wars or supplying the money to carry on its wars. The Crown, therefore, looked upon the gold and the holdings of the Jews as an object of prey and realized that public sentiment and prejudice would sustain him in robbing the Jews of their property. The Jew was regarded by the rulers as a mere producer of finance, to be robbed in the hour of need. The money which he accumulated was wrung from him whenever the Crown needed it, and if he did not voluntarily give up his wealth when called upon to do so, he was tortured, imprisoned, and, if need be, killed. It was the gold of the Hebrews that supplied the treasury of the king in his wars. It was the Jews' coffers that the foreign kings checked upon to fight their battles.

The century which followed the conquest witnessed the erection of castles and cathedrals over England by the barons and lords. These foreign lords and barons did not build these magnificent structures with their own labor. They secured the money from the Jews who lived in the towns and cities. In the civilization of that day, the aristocracy and the powers that controlled the policy of the English nation lived in these castles in the country and not in the towns and cities. The tradesmen in the towns and cities were looked upon as social inferiors. It was to this class that the Jews belonged. These lords and barons secured loans from the Jew tradesmen to build their castles and cathedrals, without any intention of ever paying back the

money or submitting to the legal right of the Jews to collect in the courts. They knew that the Jews had no standing in the common-law courts, and that if the king did not permit them to collect their money they would have no way of recovering it.

These Jews were great encouragers of education and medical science in England. They spent their money in the erection of medical and scientific schools for both Jews and Gentiles. Roger Bacon himself studied under an English rabbi. While the Jew may have charged usury, and resorted to petty means of conducting his business, yet it is but fair that the conditions which surrounded him should be considered before judging him. Had he been given the full protection of the law, and the rights of an English subject, and protected in his legal holdings, there is no doubt that his class would have been among the best subjects of England in that generation. How could the Jew be expected to be a loyal subject when he received no legal protection, was not permitted to own land, was the subject of prey by the Norman nobility, and the subject of persecution and hate by all the upper class? The Jew chafed under these oppressions until he became defiant. His defiance and resistance were met by a royal commission, appointed for the purpose of placing upon him heavy penalties as a king's chattel. This persecution became so outrageous that the King (Red King) forbade that the Jews should be converted from the Jewish to the Christian faith. The King declared that it was a poor policy to let the Jews be converted to the Christian faith and

thereby cease to be a chattel and entitled to become a subject and own property. The Crown preferred to have the Jew as a chattel and to control his money with which to pay the expenses of his wars, rather than to have him a Christian subject with all the rights of a subject.

Until the day of Edward I., running back until William the Conqueror, the Crown had extended protection to the Jew for his money and for his money only. Henry II., by special grace, extended the right to the Jew to bury his dead where he dwelt, provided the burial was always without the city. Even King John suffered none except himself to plunder the Jews, but he always reserved the right to plunder them and rob them when his Grace so desired. During the close of the reign of Edward I. the Jews grew wealthy enough to own estates, and had it not been for the prejudice and outburst of popular feeling, a legal decision would have been rendered entitling them to become freeholders. The cry against usury and Jewry prevented the decision from being rendered. Then followed religious fanaticism united with prejudice and the desire of the Crown to rob, and the Jews, having no protection of the common law or of the Magna Charta, were helpless. The Church of England, the baronage, the nobility all condemned the Jews. Public sentiment said that they should not be exempted from the common law—that they should be subject to all of the penalties of the common law without any of its protection. This sentiment grew until it affected Parliament, and statutes

after statutes were enacted hemming in and circumscribing the rights of the Jews. They were forbidden from holding real estate. They were not permitted to employ a Christian servant, nor to walk through the streets without the apparel and sign which said to all onlookers that the wearer was a Jew—this apparel consisted of two white tablets of wool fastened on their breasts. They were not even permitted to erect any more synagogues in which to worship their God. They were prohibited from eating with Christians or acting as physicians to Christians.

About this time the bankers of Cahors appeared in the financial circles of England. They desired to control the financial circles and the commercialism of the realm. They were the rivals of the Jews, and in a true commercial spirit appealed to public prejudice and sentiment to destroy and annihilate all business competition. The government was converted to private ends and the bankers of Cahors lost no time in appealing to the needs of the Crown in order to destroy Jewish competition and to expel Jews from the realm. Edward I. was badly in need of money for supplies, and public sentiment and fanaticism encouraged him to supply the needs of the Crown from the money and property of the Jews. Finally he yielded to public clamor and consented to the wishes of the clergy and the laity to expel the Jews from the realm and confiscate their property. These people whose fathers had come from the Holy Land, seeking a country where they might live in peace, help support the law and government, and receive

the protection of the law and the government, were driven from their homes out into the world, without country, without law, and without the protection of any law or the flag of any nation. And as they marched away from sacred ties, home, and country, fanaticism demanded of the King that they even be robbed of their personal belongings, but be it said to the honor of King Edward that he refused to allow such an outrage to be committed on a part of the human family. He permitted the Jews to carry away with them their personal belongings, and punished the thieves who robbed them of these rights as they fled from the realm. The Jews moved southward towards France as they fled from England; sixteen thousand at one time preferred exile and death in hunger, without money, without clothing, and without homes, rather than apostasy. Many were thrown overboard by the sea captains, and their belongings kept to decorate castles or mansions of the lords and nobility. Those who were thrown into the water to drown were told to call on a new Moses, another Elijah, to save them from death. The crimes committed during these horrible days by Norman lords and barons upon these people without homes, country, or native land will ever remain a disgrace upon English history. And that these crimes and outrages should have been committed at the time when constitutional liberty, popular rights, law, and order were just being consummated in England makes the disgrace so much greater.

Here is one who believes that the feet that walked

on the Sea of Galilee were divine; that the power that raised the dead to life, that restored sight to the blind, that opened the ears of the deaf, and made the lame to walk, was a power divine; that the Man who delivered the Sermon on the Mount delivered a new precept, a new doctrine, to the human family, a precept and a doctrine that had their origin and conception in another world; that the Man who was crucified on Calvary and on the third day came forth from the grave was the Christ; that the Son of the carpenter of Nazareth was the Son of Man; that the Man called Christ was divine and belonged to another world. Yet this belief does not justify me in persecuting others who do not agree with my opinions. If the Christian religion is better than others, if it is the true religion, if Christ be divine, the way to convert the rest of the world is by charity and not persecution. The Jews have never been a race of criminals. Their history has not been a history of outlaws; but their persecution for centuries has been such that it would be nothing more than natural for them in some degree to lose respect for government and organized society. In every land and country where they have gone and have been shown consideration and protection by the laws and the constituted authorities, they have been good and law-abiding citizens. They have been true to many a flag that has robbed them and murdered their fathers. They have been loyal to many a despot who has imprisoned them and denied them the right of a hearing. They have paid taxes and tribute to many a crowned head—in

order that their dynasties might fight the wars of their nobility and privileged classes. They have supported and helped maintain many a dynasty that has robbed and plundered their homes and condemned them without a hearing before the law. They have supported many a government in which they were denied the protection of the laws of governments—if governments they could be called.

A government that does not recognize the natural rights of every individual who composes it, be he Gentile or Hebrew, Roman or Greek, lord or serf, is not worthy of the name of government. A government that denies its most humble subject or citizen protection should be wiped off the face of the earth. A government that denies any citizen or class of citizens a just and fair hearing in its courts and under its laws has missed the aim and the purpose for which government was organized among men. A government that grants these privileges to all of its citizens has a right to expect every individual to contribute towards its support and be loyal in its defence. The Jew in every land and under every flag where he has enjoyed these rights, under whatever flag he may have lived, has been patriotic and loyal.

Saxon ideas of right, Saxon ideas of equality before the law, Saxon conceptions of justice, have fought their way up through Norman conflict and Norman oppression. And while not gaining all of these rights for all classes on the British Islands, the same immortal principles contesting for justice have planted a Republic on the Western Hemisphere,

where both Jew and Gentile are equal before the law, where both can worship God according to the dictates of their own consciences, where both are sovereign citizens, and where both are patriots and men. Here are Jews who would die for the American flag. On the continent of Europe, if the Jews were given justice, they would be loyal to the flags under which they live.

CHAPTER XVII

A WORD AS TO OLD IRELAND

GAUL was conquered by the Roman Empire and her people robbed and oppressed by the Roman nobility. The tax collectors were sent from Rome to Gaul with power to rule and collect taxes. The will of these tax collectors was law. Gaul was held by the Roman Empire as a subjected territory for the purpose of having a source of revenue. Rome had no need of Gaul or use for her people, except to collect taxes from them. The tax collector sent to Gaul was truly a governor-general, vested with full power to make and execute all necessary laws, and especially vested with all power as to collecting taxes. His judgment and his will were the only limits to taxation. After the conquest of Gaul by the Roman Empire this robbery and thievery went on until the dissolution of the Roman Empire. Gaul was overtaxed to support the Roman aristocracy and loafers in their dissipations, without receiving in return even the protection of the law.

The people who composed Gaul were Celts, that branch of the Aryan race that originally settled southern and middle Europe. It is a fact without a parallel in history that this same people who have ever been believers in liberty and defenders of

popular rights have been oppressed and persecuted by alien monarchy and despotism.

The Celts who composed Gaul, having been plundered by the Roman Empire, moved on, hunting for a land where they could govern themselves, where they could enjoy the fruits of their own labors. In their search for a country where the Roman oppression and plunder should cease and justice and liberty should reign, they found Ireland.

The Gauls moved on in hordes, fleeing from Roman tyranny, and settled in Ireland. The people who were oppressed by the Roman yoke, and the Irish who in centuries to follow were to be oppressed by the English yoke of Normanism, were one and the same people, the Celts.

Authentic Irish history begins with St. Patrick. St. Patrick was carried as a slave from Gaul to Erin while a youth—from there he escaped to Rome and became a leader of the Christian faith and of the Catholic Church. The Gauls and the Irish being one and the same people, of the same origin, it was natural for this leader of the new faith to want to carry it to his own people. It was only a question of choice as to whether he should go to Gaul or Ireland. He had been carried from Gaul in youth as a slave, his manhood had developed in Ireland, and Ireland was the hope of the long-oppressed people, of which he was one. So it happened that about the year 432 this young Christian returned to Ireland to plant the tenets of the Christian religion among his own people.

Wherever this saint preached the doctrine of the

Christian religion conversions followed—chieftains, rulers, and kings fell in line and accepted the doctrine of the Christian religion. For sixty years St. Patrick preached the new doctrine of Christianity. The old gods of heathendom lost their hold on the people. Pagan Ireland no longer existed and Christianity was the accepted religion and the Catholic Church the accepted form, and that faith and that Church have ever been from that day until now the faith and the Church of the Irish. This historic fact demonstrates the force and the power of tradition. The faith and tenets of the father should be accepted by the child, unless proved wrong, and the faith and the tenets of the grandfather should be accepted by the grandchild, even if they are proved to be wrong and in error. This is the logic of tradition. Of course this rule need not of necessity apply to the Catholic religion of the Irish, for Christianity, whether it be in the Catholic or the Protestant Church, is Christianity—it is one and the same, and the question of form is the only issue.

The Irish people from the time of St. Patrick founded a civilization which was satisfactory to them. They were contented in both matters of religion and state. They had great hopes of the future. Their fathers had been conquered and oppressed in Gaul by the Romans, but now they were in a land which they could call their own, and could construct an independent government according to their own way of thinking. They hoped to plant an independent government in Ireland that would

grant freedom to the Irish people. They hoped to enjoy in Ireland what their fathers had been denied in Gaul—freedom and justice. But they were to be disappointed in their hopes.

About the end of the eighth century the Danes began to pass into Ireland, hunting for prey. They disorganized the Church and plundered the homes of the Irish people; conflict and strife raged between the Irish chiefs and the Danish sea-kings. The Danes subjected the Irish, and for over a century Ireland was under the control of these sea-kings from the North. Finally a great Irish leader, Brian Boraïenhe, raised a large army and drove the Danish plunderers from the island. But Brian Boraïenhe was not satisfied at being a patriot and a hero; he had driven the Danes from the island and he wanted to be the Irish sovereign. His case is only one among many in history of where the patriot spoils all of his noble deeds by wanting to become a despot, after having fought the battles of liberty.

Ireland was divided into four confederations when the Normans came over. The Normans and Danes captured and controlled all of these confederations as one nation. While this was going on in Ireland these same people from the North were fighting to conquer the Saxons in England. When the Normans had conquered the Saxons in England and as a compromise between Saxon ideas and Norman ideas established the English Parliament and government, the Norman element desired to push on and take Ireland. These Norman hunters of prey were no strangers to the Irish people. They had been

in Ireland hunting before. But until Normanism from England reached Ireland, her people had been able to defend their religion and their homes. They had established a government of their own, with legislative, judiciary, and executive departments. They were a prosperous, happy, and contented people. But as the national government in England developed and her laws became a system, Normanism demanded more territory. The Norman barons of England saw a goodly land across the channel—they saw a happy and contented people who in their judgment should be working for others. They saw a prosperous people intelligent and qualified to govern themselves—who in their judgment needed somebody to govern them. And these English Norman barons thought that they were the very men whom the Irish should work for and that they were the very men to govern them. Normanism set out to conquer and control Ireland. Normanism in England set out to conquer a happy people and to find a subject for prey. And they succeeded. They destroyed the Irish nation. They said: "We can govern her better than she can govern herself, and as a matter of humanity it is our duty to do so." Normanism in England of that date had the same kind of feeling toward Ireland that the American Republic has towards the Philippine Islands to-day. Normanism must teach the Irish Norman methods, even if it takes bloodshed to do it, and the American Republic must elevate the Filipinos even if education has to be shot into them.

Ireland, a country that might have supported a

happy and prosperous people, has been kept in poverty and continuously robbed by the Normanism of England, by that class who now call themselves English gentlemen, who toil not, yet live in castles, luxury, and ease from the labors of others, the class who believe that the rest of the world was made to work and wait on them. The spirit of this Normanism, which has continuously robbed and plundered Ireland, is well illustrated by the adventurers called "discoverers," who went from England to Ireland as spies to pick flaws in land titles in order that they might confiscate the lands. Conspicuous among these English gentlemen of Normanism was Richard Boyle, who finally became the Earl of Cork, and is better known as a forger, horse thief, and murderer. Those of his class destroyed the Irish church, Irish property, and Irish homes, and then promised if Ireland would surrender her lands and pay tribute to them that they would restore civil and religious liberty to the Irish people. The Irish people, thinking that these thieves had common honesty enough to keep a promise, paid tribute for centuries, but the promised liberties and rights never came.

Ireland has always been looked upon by the Normanism of England, England's lords and nobles, as an alien land upon which to levy taxes and from which to collect revenue. She has been to England what Gaul was to Rome, a subjected land from which to collect revenue. The Irish people were a different people from the Danes and Normans, who conquered England and dominated English forces

until Ireland was conquered by England. The Irish had nothing in common with those invaders from the North. The Irish were patriotic and religious, the Danes were ferocious and land grabbers. The flag that suited the Danes and Normans did not suit the Irish. They measured patriotism by a different standard. The Danes and Normans believed in conquest and oppression, the Irish in liberty and freedom. When Ireland was overpowered and conquered by these people, there could not, therefore, be any genuine union. At best it could only be a nation within a nation, and down through the centuries until this day it has been a nation within a nation. Her people have had a living hope that some day she would be free, and that her flag would greet the flags of the Powers of the earth.

While Ireland has suffered all the wrongs of the Normanism of England, she has never had the protection of the Magna Charta. Her courts have been presided over by foreign judges from the Normanism of England, her tax collectors appointed by the Crown of England, and even her municipal laws, enacted by her municipal legislative bodies, had to receive the sanction of the Privy Council of the English Crown before they were of force or effect. For centuries these patriotic people have been crushed into the very essence of misery, misruled and misgoverned, plundered and robbed by the nobility of England—Normanism. They have lived without a constitution under a flag that possessed a constitution. During all of this misrule Saxonism in

England has been their only hope. The House of Commons, which represents the Third Estate of England, Saxonism, is the only forum that recognizes Ireland and the Irish people; it is the only forum where an Irish patriot can be heard in the defence of his people and his country. Saxonism in England is the only power that has kept the condition of the Irish from being as desperate as the condition of the serfs of the Roman Empire and of Gaul in her worst days of misrule.

CHAPTER XVIII

SCOTLAND

SCOTLAND, like Ireland, was originally settled by the Celts. The term Scots denoted first Celts of the islands, and the term Picts denoted a branch of the Celtic family, the Highlanders of Scotland; but Scotland was originally inhabited by the Celtic family of the Aryan race. The early state of Scotland was very much like that of the Angles, Saxons, and Jutes by the Rhine in Europe; each province was a "Tor Muath" or "great tribe," composed of several "tuaths" or "tribes." Each of these tribes had a ri or king, and each "mor tuath" or province had a king of greater power, and it is supposed that the "seven kings" of the "mor tuath" or province had a voice in electing or choosing the "head king," or the "general ruler."

The kings of "Pictland," or "general rulers," were theoretically elective, but they could only be chosen from a given family or "kinship." When a king of Scotland died the only question was, which *brother or kind man* should be elected to the throne. This produced strife, jealousy, and death among kinsmen and brothers, and to prevent these troubles and crimes it was established as a precedent that the "elder brother" should succeed to the throne.

What was true in Scotland on this point was true in nearly all parts of Europe, and hence the Divine right of kings.

The authority and power of the Pictish king, or general ruler (*ardrigh*, chief king), over the *ri*, the minor kings of the provinces, depended on the chief king's will and arms, on his power to control men and upon his power to kill men.

The constitutional history of Scotland differs in a marked degree from that of England. In England the term "constitution" was on the lips of people. In Scotland it was not so. In England Normanism was ever hunting prey and fixing its chains of oppression on the people; and Saxonism and the original Celts, who amalgamated with the Saxons, demanded protection, demanded a constitution, a Bill of Rights. The English kings were of the Norman House of William the Conqueror, and they believed in a foreign policy, foreign possessions, and a privileged class, and, as it is needless to say, it took money to support these policies, and the privileged class, and the masses, Saxonism, had to pay the cost. The Celts and Saxonism of England kept up one continuous clamor for a constitution and a Bill of Rights, and as these wrongs grew in strength and multiplied in number, the masses demanded the amendments to the constitution and new bills of rights, so as to correct the wrongs and guarantee protection as to liberty and property. The history of England is the history of a constitution continuously patched up to meet new conditions and to correct new wrongs; it is the history

of Charters, Amended Charters, and New Charters, Bills of Rights, Amended Bills of Rights, and New Bills of Rights.

It was not so in Scotland, and the reason is obvious. The kings of Scotland were of the same people as the subjects of Scotland, the Celts. The kings of Scotland lived to serve the functions of government and the kings of England did not. The kings of Scotland believed that the people should only be taxed for the real expenses of maintaining the government, and the kings of England believed that government was organized for the purpose of supporting the few in luxury, while the many toiled; at least if they did not believe this, they practised it. The Scottish kings lived within the reasonable incomes allowed them by the people, and the English kings did not; they were ever grasping after more money and more spoils.

There is another reason why Scotland's history is not filled with constitutions, bills of rights, amended constitutions, and amended bills of rights—the hand of Rome never laid its clutches on her. While the Roman Church was taxing Old Ireland to death, and was making her peace with Normanism and the nobility of England, in order to get her hands into the coffers of the public exchequer, the people of Scotland were living in simplicity, both as to State and Church. While Saxonism in England was fighting for the separation of Church and State, and contesting with Normanism for simplicity and freedom in State and Church, the people of Scotland were enjoying freedom in the body-politic and

freedom in the Church. Neither Normanism nor Romanism ever laid her clamps on Scotland, or gained control of her people. She was Celtic in the beginning, and she has remained Celtic, except some amalgamation with Saxonism, her co-laborer in the world's fight for freedom and liberty. The Scottish sovereigns looked upon the public expense as a burden of necessity and not a power with which to plunder, the Scottish people had no "tenth," no "evil tax," and no "forest taxes" to pay. The people could not raise a "constitutional" resistance when the kings were not doing anything "unconstitutional." Scotland needed no Magna Charta to protect her from the oppression of kings and the privileged class; the great and immortal principles of justice were a Magna Charta unto her people and unto her kings. It was not until the people needed protection from the throne under the reign of William the Lion, Bruce, and James I. that the constitutional history of Scotland begins.

The House of Burgesses was the early Scottish Parliament, and Scotchmen were not so desirous to become members as the nobility of England were to become members of the House of Lords. The Scotchman looked upon being a member of this body as a patriotic duty rather than a place for spoils, and the Scotch Parliament sat as a deliberative body until the union in 1707. The "germ" of the Scottish Parliament was the King's Court, and we hear of this court as early as 1184 being composed of bishops, abbots, earls, and sometimes "the whole community," including all freeholders, even of

gentle birth. At assemblies of this nature laws were passed, charters were granted, and issues settled, and when necessity demanded it consultations were had with "Parliament." But the will of the people always controlled through the Assembly.

Constitutional progress began in Scotland during the reign of David, about 1358, and may be thus briefly stated:

1st. Under the constitutional progress Parliament assessed taxes and controlled the expenditure thereof.

2d. It controlled the coinage and currency, which had heretofore been the prerogative of the Crown.

3d. It claimed the right to dictate terms of peace with foreign Powers.

4th. It directed the forms of the administration of justice.

5th. It controlled the sovereign himself, and declared that no officer of the law or the Crown should put into execution any royal warrant contrary to the statutes and the common form of law.

The reign of David II. found Scotland clinging to these principles of independence and freedom. From the dynasty of Kenneth MacAlpine up through the dynasty of Malcolm Canmore and to the end of the dynasty of Edgar in 1107, when the Celtic line in Scotland ended, Scotland needed no constitution, for the simple life and government of Celtic ideas had but one object—justice.

At the end of the reign of Edgar in 1107, the English nobility and Normans began to flock into

Scotland; then it was that the Scottish people began to discover that they needed a constitution to protect them in their freedom and rights against these invaders who would strike down Scottish freedom.

Then on through the reign of Alexander I. (1107-1124), David I. (1124-1153), William the Lion (1165-1214), Alexander II. (1214-1249), and Alexander III. (1249-1286), the real contest in Scotland for constitutional government begins. For with the close of the reign of Alexander I. ends the dominance of the Celts, and with the beginning of the reign of David I. begins the dominance of English Normanism. The contest for a constitutional Scotland was kept up during the reigns of the Wallaces, Bruces, and their successors and until the union was arranged. For in constitutional Scotland, when English Normanism began to invade her shores, was the only hope of Celtism and Saxonism for freedom and liberty.

The same Celtic people who overspread south and middle Europe, and of which Gaul was composed, settled Ireland and Scotland. The Celts in Gaul were a simple people oppressed and misruled by the Roman Empire. That same spirit of simplicity and freedom lived down through the centuries; it stood the oppression and robbery of the Roman Empire. When the Roman Empire disintegrated, and the Franks, another member of the Teutonic family, moved on southward and overran Gaul, now France, the Celtic spirit of liberty and freedom was still living, and centuries thereafter broke forth demanding

of the plutocracy and the privileged classes recognition. The old aristocracy of Italy and the same old element left in Gaul might suppress this voice, crying for human freedom and justice, for a while, but when the Teutonic Franks united with the native Celts this combined yearning for liberty was like the mighty onswep of the Mother of Waters—there must be an outlet—it must empty somewhere. Revolution after revolution, upheaval after upheaval, must and did follow, this mighty spirit bursting forth like a powerful volcano down through the centuries until France was declared a republic, while all around her monarchs, dynasties, and despots ruled. The branch of this same Celtic family who settled Ireland has been fighting there for centuries for liberty, but taxed to death by the Church of their own faith, and at the same time oppressed by the yoke of Normanism of England, they have been overcome, overpowered, and thus far they have fought in vain. But in Scotland, which was originally inhabited by the Celts, and where the tax collectors of Rome have never collected from the state coffers for their exchequer, and where the yoke of Normanism has never been felt to the extent of suppressing the spirit of justice and of liberty, and where Saxonism has joined Celtism, are to be found the ever-living principles of human justice and human freedom—here the lamp of liberty has ever burned and shed its light forth to the civilized world, that the nations who walk in darkness may have their pathway lighted, and the millions of earth who are galling under the yoke of

oppression and burdens of misrule, that they cannot bear, may rise up in their might, conscious of their wrongs and of their power, and declare that justice and liberty shall reign throughout the powers of the world.

CHAPTER XIX

THE BEGINNING OF THE REIGN OF LAW

LET us now return to the consideration of the situation in England. We have seen that from the reign of Henry I. to Edward I. constitutional England had been established. During the reign of thirty-four years of Edward I. the Magna Charta was confirmed eleven times. Its principles had been the permanent and organic law of England—England's constitution. During the twenty-fifth year of the reign of Edward I. it was enacted that no manner of aids or taxes should be taken, except by the common assent of the realm; and a great many more acts were passed increasing the rights of the commons and curtailing the power of the barons and nobility. During his reign the judiciary was divided into four divisions—the King's Bench, Common Pleas, Exchequer, and Chancery, and also the Nisi Prius courts, or itinerant courts. The jury system was improved so as to meet the demands of the times.

When England had reached this point in her constitutional history, and it was a settled fact that she should remain a constitutional realm, Edward I. died, and Edward II. came to the throne in 1307. He was depraved naturally and a pure concept was

never the product of his mind. The pure, the good, that which elevates man and makes him better, had no dwelling-place in him, but notwithstanding his depravity he had a mind, and thought for himself. He had inherited intellect from the old family tree of the Plantagenets. He had a purpose and the determination to put that purpose into action. That purpose was to throw off the yoke of baronage and nobility; to shake them loose and to break their hold on the Crown. He therefore selected his ministers from among those who would be dependent entirely upon the Crown. The barons demanded the right to dominate the great officers of state. And why not? Were they not barons, did they not belong to the nobility? And why were barons and nobles and titles created, if it was not for the purpose of giving them advantage over their fellow-men, advantage in government as well as socially? Why were these titles created if the owners thereof were not to derive some advantage thereby—the right to dictate laws for others to obey, laws that would divide other men's labor and give them half thereof, without giving anything in return therefor. Not only should these titles give the owners thereof the right to live without toiling and to dictate to the masses, but why should they not dictate to the Crown? Why should they not be consulted on all matters of state, and their will be his choice? They were barons and nobles, they had titles, why not?

But notwithstanding the wishes of these lords and nobles, Edward brushed them aside and called Piers

Gaveston, a foreigner and from a Guienne family, into the ministry of the Crown by creating him Earl of Cornwall and placing him at the head of the administration. This foreigner demonstrated his power to rule by his acts. He dismissed the old ministers as soon as he came into office, he wiped out all precedence and inheritance that favored the royalty, and flaunted defiance in the face of the nobility. He nicknamed the nobility of the royal Court, and taunted the earls and nobles with names that these prelates of the royal house would not tolerate. Whatever might have been the difference between the nobles, lords, and royal house heretofore, there was one thing that they could agree upon now—namely, that this inferior fellow of common stock, that did not belong to their class, must be removed. And when this privileged class, who think that the rest of mankind and all governments were made for them, get together somebody must suffer, some one must be their victim. They have been a powerful force to combat in all ages. They united on one issue, that Piers Gaveston must go, and he went. They demanded of Parliament that he be dismissed, and he was dismissed and banished from the realm.

The baronage at this time persuaded the Earl of Lancaster, son of Edmund of Crouchback, to permit the royalty to use his name to fight the Crown. When the Parliament closed Edward recalled Piers Gaveston, and the Earl of Lancaster withdrew from the royal Council, for royal blood could not occupy a seat at the same Court where a plebeian was invited

to a seat. This produced confusion and an unsettled condition, and when Parliament met in 1310 it resolved that the affairs of England should be referred for a year to a body of twenty-one "ordainers" for adjustment. These ordainers met and drew up a list of ordinances and presented them to Edward on his return from his war with Scotland. These gentlemen, who thought, as a matter of course, that they were guardians of the people, of the law, and of England, as the privileged class always does, demanded that Gaveston be banished from the realm; he first of all things must be gotten rid of. Royalty could not, and must not, be degraded by having common blood occupying a seat in the royal Court. God had decreed that prerogative to them, of royal birth, and to them only. The next demand that they made was that all who disagreed with their opinions must be driven from the royal Council—no adversary could occupy a seat there. The next demand was that all the Florentine bankers who had loaned Edward money to keep up the fight and to suppress the barons and nobles in their greed and demands must be banished. As long as these loafers could devise laws and means to get the labor and money of others to support them in their idleness, the laborer and banker were patriots, but when the laborer's work and the banker's money went to help the government to suppress their effort to encroach upon the law and the rights of others, then these laborers and bankers were traitors, and should be banished from the realm. But such is the decree of nobility and royal Courts.

They then exacted of the King that the officers of state were to be appointed with the counsel and consent of the barons and nobles, and that the consent of the barons in Parliament was to be obtained before the King could declare war. Their demands were, in effect, that the barons and nobles should constitute the upper house of Parliament, and that the King should not declare war or take any action without first obtaining their consent. That they would be the final source of authority, the real sovereign. They disregarded the House of Commons and only considered them as taxpayers from whom revenue might be derived to support them and theirs, and that the House of Commons only had the right to petition and not to enact. These demands and conditions brought on a fearful struggle between the nobles and barons and the Crown, and Edward was finally forced to assent to the ordinances. The Crown asked for and secured the help of the Commons in the contest, for the people knew that if the nobility usurped the powers of the throne unto themselves they would finally disregard all law, and that they, as a class, would constitute the law and the throne of the kingdom. The strife was kept up; the Crown was supported by the Commons until the ordinances were repealed and the three estates of the realm recognized as real factors and Parliament as the real law-making power and the House of Commons as a real part thereof. During this contest, Parliament, exercising the inherent and constitutional right of the Saxon Witan, deposed Edward II. and placed the Earl of

Lancaster (who, like Edward, was the grandson of Henry III.) on the throne, only to have him brought captive before Edward at Pontefract, and tried and condemned as a traitor.

It may not be out of place here to state that Parliament, exercising this inherent and constitutional right of the Saxon Witan to depose kings, deposed Richard II. in 1400, and that Edward IV. held that the York kings were *de jure* and Lancaster kings were *de facto*, because the former's title depended upon heredity and the latter depended on the act of Parliament. This power in Parliament to depose kings was derived from the Saxon Witan and thoroughly demonstrated the fact that the English Parliament had its original conception in the Anglo-Saxon mind, and that the House of Commons and the House of Lords is a compromise between Saxon principles and the Norman nobility. From the reign of Henry I. to Edward I. the English constitution and the English law were firmly established, but it was not until the reign of Edward II. that the "Year Books" began. It was during the stormy days of conflict and strife of Edward II. that the common law began to be written into books. The reports of the courts defining and deciding what was then the unwritten law were issued annually. These decisions were based on custom and the fundamental principles of justice, and when decided became law. Written pleadings were established and the law reduced to a science. It was here then that the English constitution based on the Magna Charta and the common law based on custom and the elementary

Beginning of the Reign of Law 145

principles of justice joined hand in hand, to march forth to establish the reign of law and dethrone personal rule.

The reign of Edward II. may, therefore, be termed the beginning of the reign of law. And notwithstanding the conflict between the Crown and baronage and the efforts of the nobility in Edward's day to destroy the Parliament, law, and order, and vest the authority of the law in themselves, the reign of law has developed as the science of the common law has developed and Anglo-Saxon principles have grown into a more perfect system of justice.

CHAPTER XX

GOTHISM

WE have been tracing the development of Anglo-Saxonism in England and the development of constitutional institutions therewith; and drawing the contrast between Anglo-Saxonism and Normanism, as they clashed on the British Islands. We have made it clear, we trust, that Anglo-Saxonism stood for the rights of the masses and Normanism stood for the rights of the nobility in England. Normanism in England was but the natural product of Gothism of northern Europe, the countries now called Denmark, Norway, Sweden (Scandinavia), and Russia. It is, therefore, proper that we should consider Gothism in these northern countries of Europe, in order to fully appreciate the influence it had on the development of the institutions of England, when it reached her shores in the nature of Normanism.

The Goths were a branch of the Aryan race and a part of the "Indo-European" family, who settled northern Europe, Russia, Scandinavia, and Denmark. They were to northern Europe what the Celts were to southern Europe (now France) and the Teutonic people were to southwest and middle Europe (now Germany), the first settlers thereof

and the moulders of the destiny of the civilized nation in the territory in which they settled. Russia remains to this day nearer the type of government for which this civilization stood, and we will, therefore, devote the greater part of our discourse to Gothism as it is demonstrated in the origin and growth of the Russian Empire. This mighty empire, as now united, includes one third of Europe and Asia and combines both Occidental and Oriental civilization. It is the union of the worst civilizations of Europe and of Asia, Gothism and Tartarism.

The first inhabitants of Russia were the Scythians, who settled in south Russia, the Slavonians, who settled in the interior or middle Russia, and the Finns, who settled northern Russia. There were many small tribes besides these three great tribes or nations mentioned. Among these small tribes was a tribe called Russ or Rossani. From this tribe the country secured its name.

It is a noted historic fact that this despotic empire was preceded by a republic. Previous to the ninth century Novgorod, now a part of Russia, was a republic. It covered the territory of northwest Russia and extended along the borders of Finland. Its capital city had the same name as the country—Novgorod. This Republic has been called "The Republican Mother of a Despotic Empire." It is but just, however, to state here that this Republic was knitted together with weak fabric, and when dissensions arose she was not prepared to meet the issues, and hence Rurik, a noted Varongian chief, was called as a leader and he put down strifes, settled conflicting

issues, and repelled invasions. He laid broad the foundations of the Russian Empire and made himself master thereof. He created the Rurik dynasty, which was to rule Russia with an iron hand until 1612, when the Rurik House became extinct and the Romanoff dynasty was created by the clergy and nobility. It is a remarkable fact that during all these centuries of tyranny and misrule in Russia there have only been two dynasties, the Rurik and the Romanoff. In the beginning of the Rurik dynasty the people were pagans and barbaric, but the Greek Church was soon placed in Russia, for in 945 Queen Olga publicly accepted the creed of the Greek Church at Constantinople, and from that day to this that creed and Christianity have been the religion of the Russian people.

In 1237 the Tartars came over from Asia and invaded the home of Gothism. From thenceforth Russia was to be an amalgamation of Gothism and Tartarism, guided by the faith of the Greek Church. Well might Ivan III. assume the title of Czar—"supreme authority," for it was a union of ferocious Gothism with the barbaric and bloodthirsty Tartarism and licentious priesthood, and nothing short of supreme authority could govern this combination.

For ages Russia has been ground down by a three-fold despotism—the personal rule of Gothism, the sovereign and the Greek Church, and the Asiatic barbaric Tartars. For centuries ignorance, servitude, and oppression have reigned in this country and north Europe. The father in his hut has been as much a despot, for all intents and purposes, as

the czar on his throne. The parent could sell the child into slavery, the husband could place shackles on the wife, and the debtor could be taken as the property of the creditor. * The poor could sell themselves to the rich as slaves, and by this means secure food to eat when hungry and clothes to wear when naked. Down through the ages these wrongs and conditions have existed. The slaves have imbibed the vices of their masters and Russian character has through the centuries and until this day exhibited the ever-living example of the vices of the Tartar and Cossack servitude and Gothic and Slavonic owner and mastership. The national pride and personal honor of her people for generation after generation, for ages after ages, and century after century have been crushed out of the Russian heart, and fratricidal strife, greed, and brutality have usurped their place.

For eight centuries during the reign of the Rurik dynasty, with its fifty-two sovereigns, the oppression, misrule, servitude, and misery and ignorance in Russia were beyond description of the human pen or the conception of the human mind. And these wrongs were to be corrected slowly, if at all, when the Romanoff dynasty came to the throne. When Peter the Great of the Romanoff dynasty ascended the throne he was ambitious to make Russia the centre of trade between Europe and Asia. He wanted an outlet to the Baltic Sea. In 1703, where St. Petersburg now stands was a vast morass and pestilential swamp, located in a climate sixty degrees north latitude, with a rigid winter two thirds

of the year. There was no climate in which to build a city—no material out of which to build a city, and no foundation on which to build a city. Yet the Czar said a city must be built, and within a year nature had been overcome and St. Petersburg was a city with thirty thousand houses and huts, and over one hundred thousand souls had passed into the great unknown while driving piles to make a foundation upon which to build the future capital of the empire—a hundred thousand souls had paid the penalty of death in fighting nature to gratify the wishes of the Czar—“I am the State, the State is me, and all ought to be done for me, the absolute master who owes to God alone an account of my conduct,” said the tyrant. “All *for* the people, nothing through them,” was his motto. He was a living illustration of the spirit that has controlled the throne of Russia from its beginning as empire until this day—heartless and merciless.

The will of the Czar has been law in this great empire from its beginning until now. With no constitution, with no limitations, with no authority binding on the Czar, the dynasties of the Ruriks and Romanoffs have governed with an iron hand and oppressed with a merciless heart the people of the Russian Empire. The empire has been everything, the individual has not been anything. His Majesty has been all, the subject nothing. With this spirit pervading Russian sentiment, of course a class of nobility was gradually created through the centuries that clung to the throne and the body-politic for a living and the spoils. As this class of nobility was

developed the masses were converted into serfs and slaves to support the nobility and the throne.

When Alexander I. came to the throne in 1801 he was fired by noble ambitions and the care of humanity. He wept bitter tears when he thought of the millions of serfs and slaves in the empire with no hope of a better condition in this life, and even in the enlightened civilization of the eighteenth century the nobility, the army, and the privileged classes were of such great strength, even the Czar, who was the supreme law of the land, was afraid to perform the act which lay so near his heart — the emancipation of the serfs—over the protest of those privileged classes, who wanted these millions of serfs to continue in the shackles of bondage and to work for them. As far as this good man, who has been called the “Prince of Peace,” could go, in his day and civilization, was to abolish punishment by torture, public traffic in human beings, the secret inquisition, and to allow the serfs to purchase their own freedom and thus to own land. But in his acts he set in motion a sentiment which in after-years was to give freedom to millions and to break the shackles of bondage from the serfdom of this misruled and oppressed empire.

Ignorance among the masses was the prime cause of tyranny and despotism and oppression, fixing the shackles on the people. They were not conscious of their power and their rights; they were not tutored in the doctrine of individual responsibility. For centuries the latent powers of individualism had slept. The Russian Cossacks and peasants had

inherited for ages the doctrine that the Czar was head of both State and Church, and the consciences of the people were placed with him and his for safe-keeping—and that the Czar and the leader of State and Church could do no wrong. This doctrine made the masses that should constitute the conscience and the morals of every good and just government but a machine to be used by the Czar, his advisers, and the priesthood. And hence Russia is centuries behind other Powers of the Aryan race in self-government.

While she has been quickened to some extent into life, and her subjects to some degree are beginning to realize the responsibility of individualism in the body-politic, yet her past conditions and environments tell their story on her people of this generation.

Russia, inspired by the spirit of greed, was determined to keep up the conquest until she conquered and controlled Poland. Poland has ever been the object of her prey.

As an evidence of the depraved conditions of her people, which they have inherited for centuries, when the anti-Semitic agitation broke out at Warsaw in 1880-81 the Russian peasants thought it was a righteous deed to slay a Jew. During these years the territory extending from the Baltic to the Black Sea and covering an area of land as large as the British Islands and the Republic of France combined, was the scene of horrors that no pen can picture—infant children, helpless women, and old men near-

ing the graves were slaughtered by the thousands. Married women and devoted mothers were ravished of their virtue in the presence of their husbands by the brutal soldiers, who should have been the guardians and defenders of their homes. These mobs, led by the soldiers, raided the homes of the Jews and committed their hellish and unmentionable deeds upon their daughters, while the fathers were compelled to stand by and witness the acts. In one case a Hebrew father died with sorrow while witnessing twenty brutal soldiers committing their diabolical crimes upon his daughter, one after the other, a scene that would make the demons of Hell themselves hang their heads in disgrace and shame. These outrages extended over Poland, conquered and oppressed by Russia, and wherever in the Russian Empire a Hebrew property could be found or the virtue of a Hebrew maiden could be ravished.

During these days of terror thousands of Jews were driven from their homes and their property confiscated by the mobs. They were turned out on the world without property, homes, or the protection of the law. Their property, their lives, and the virtue of their wives and daughters were at the mercy of a depraved, ignorant, vicious, and lawless soldiery and mob. These conditions were the natural outcome of centuries of ignorance and oppression, which wrought a moral depravity in the individualism of the empire. They were the natural development of Gothism—that the state is everything and the individual is nothing. Why should the Jew, who as a citizen has been loyal to every flag under

which he has lived, and as a race has produced less criminals than any other race of the human family, have been the prey for moral depravity, defenceless and helpless before the law? There is no reason. And the government that permitted the crimes that were committed in the Russian Empire upon these people is not entitled to recognition by the civilized Powers of the earth, and should as a nation, for humanity's sake, be wiped from the face of the globe.

The same disregard for order, law, and justice which caused these hellish crimes to be committed upon the Jews has prevailed in Russia since the beginning of the reign of the dynasty of the Ruriks, until injustice has become so all-powerful that her masses, seeing the light of truth as given forth to the world by Anglo-Saxonism, have become nihilists, hoping thereby, if they can overthrow the dynasty of misrule, that they too may enjoy freedom, justice, and liberty, that Gothism may be destroyed and upon her wreck the spirit of Anglo-Saxonism may be erected—self-government.

The same spirit of monarchical and personal rule which has controlled Russia has prevailed in Scandinavia, Norway, Sweden, and Denmark. Scandinavia, however, has always had a higher standard of individual morals than Russia, for her peasantry have never been infested with the Tartars and Cossacks. Gothism, however, has ruled in Scandinavia as well as in Russia. It has ruled in all northern Europe, and the difference in its influence in Russia is only one of degree. It has made Scandinavia a

country of dynasties. As late as 1849 the absolute power of the king of Denmark was resented by the people, and as a result thereof a new contract between the king and the people was produced called the "Law for the King." Gothism has stood for centuries in northern Europe for dynasties, monarchical, personal rule, and oppression.

When the Northmen came into England with William the Conqueror they brought with them the traditions of monarchy, conquest, oppression, and nobility. And these traditions have constituted the Normanism of England. And between these traditions of Gothism on one hand and Anglo-Saxonism on the other hand, there has been one continual conflict in England—a conflict between the natural rights of the masses and the privileged rights of the classes.

CHAPTER XXI

MONARCHY AND DEMOCRACY AS DEMONSTRATED IN FRANCE

THE country that we now call France was called Gaul in the days of the Roman Empire. It was this country that Cæsar spoke of when he said: "All Gaul is divided into three parts." The first knowledge that we have of this country is to the effect that it was covered originally with marshes and dense forests and inhabited by wild beasts. The first people to inhabit it were called Celts and came from the east. They belonged to the same family as the Irish, Welsh, and the Highlanders of Scotland. These Celts, who originally inhabited what is now France, were called Gauls by the Romans in the days of the Roman Empire. They were pagans and prayed to the gods of thunder, of the sun, of the rivers, of the seas, the gods of nature. Their priests were a class called Druids, who were also judges of civil rights and doctors of medicine. They petitioned the god of nature for their people, and passed on the civil rights and contentions existing between their people, and administered to the sufferings of their people; as a class they were all-powerful.

The pagan priesthood of the Celts, the Druids, as a class, had almost as much influence and power over

the heathen Celts of Gaul as the Christian priesthood of Rome had in the Courts of Europe, in the centuries that were to come after them. They were the silent power that governed and controlled the body-politic. About one hundred and fifty years before Christ the Romans came over the Alps and conquered Gaul. The Romans were led in their campaign for conquest by Julius Cæsar, the chief man of Rome in that day. The brave Gauls collected in armies to drive back the invading Romans. They selected as their chief Vercingetorix, the chief man among the Gauls of that day. The Gauls, following the leadership of their chief, destroyed the corn-fields so that the Romans would not have anything to eat; they burned the bridges so that the Romans could not cross the great rivers, which ran in nearly every direction through Gaul, and burned the villages and towns so the Roman soldiers would not have any place for shelter.

Julius Cæsar tells in the history which he wrote how the Roman soldiers erected bridges in Gaul that they might cross over the rivers and invade the country. This was necessary, for the Gauls, under the leadership of Vercingetorix, had destroyed the fields of grain, the bridges, and even the places of shelter. By this means they drove the Romans back and caused them to retreat for a while. But the Romans, reinforced, returned to Gaul with armies that the Gauls and their chief, Vercingetorix, could not resist.

The Gauls fled in terror—their chief, Vercingetorix, threw himself at Cæsar's feet as a prisoner.

Cæsar carried the great chief with him on his return to Rome, where he celebrated his conquest, and the great Gaul was dragged behind Cæsar's chariot of triumph.

Gaul then became a province of Rome and remained a Roman province for over four hundred and fifty years. Roman laws were fixed upon the inhabitants and the Latin language became their tongue. Beautiful cities were erected by the Romans in south Gaul, and the remains of their ruins may be seen in south France to-day. The Romans killed the Druid priests of the Gauls and sent Christianity as the religious propaganda and the Catholic Church as the creed thereof, to take the place of the Druid priesthood and paganism. The Roman Church planted its faith in Gaul when it was a province of Rome, and France is now a Catholic country. Traditions will live. When the Roman Empire disintegrated, Roman rule in Gaul was at an end. There was a people to the north that were moving on southward toward Gaul—the Teutons. Among these Teutonic people was a tribe called Franks. The Franks moved on into Gaul. They expelled and destroyed the rule of the old Roman aristocracy. They, like all of the Teutonic people, loved liberty and they broke, to some extent, the misrule of the old Roman element left in Gaul. They chose a man by the name of Clovis, of the Merovingian family, king and called the country France, in honor of the Franks.

Clovis was the first King of France and the Merovingian family the first dynasty. Clovis conquered

Monarchy and Democracy in France 159

all of Gaul and made Paris its capital. But he did not destroy the people whom he found inhabiting the land—the Gallo-Romans were there, an amalgamation of the Romans and the Gauls.

The Franks found the Catholic Church and the Christian religion in Gaul when they arrived. They found, too, the Latin language as the accepted tongue of the people. The Gallo-Roman religion and the Gallo-Roman tongue became the religion and the language of the Franks, and hence the Roman Catholic Church has been the accepted Church in France and the French language but the outgrowth of the Latin tongue.

The Frankish conquest of Gaul was similar to the Norman conquest of England. The Normans did not destroy the Angles, Saxons, and Jutes in England, but became the ruling class over them—the Franks did not destroy the Gallo-Romans in Gaul, but became the chief ruling class. This created three classes of society—the Gauls, whom the Romans had conquered and enslaved for centuries, were at the bottom. The Roman aristocracy that ruled Gaul in the days of the Roman Empire were left there in the days of the dissolution of the Roman Empire, without power to rule, as the second class, and the Teutonic Franks who had conquered the country as a third class. Here were three distinct classes that were to constitute the body-politic of the future France, neither having anything in common with the others. The Gauls had been enslaved for centuries by the Romans, and were conscious that they were entitled to natural rights which they

had not enjoyed. The old Roman aristocracy had been used to ruling and living without toiling from the labor of others, and they thought it an injustice for them to be denied these rights now. The Franks had conquered the country and they belonged to a race that loved liberty and would not submit to being ruled by any aristocracy or class. France, therefore, had three heterogeneous classes in the beginning that would not mix. Such a sociological and political condition must in the end be settled and adjusted by revolution, as was done in France centuries thereafter.

After the death of King Clovis the kingdom was divided among his four sons, and they kept up a continuous quarrel among themselves, and for a hundred years France was involved in a reign of terror, fratricidal crime and murder, but the kingdom was again reunited under the reign of Charles the Great, 766-814. The Roman aristocracy by this time was making peace with the Franks. They saw that the Merovingian dynasty was going to rule, and that the royal House of the Franks was the power of the land, and they set out to make terms with them, as the time-serving class of every age has done—and the priesthood joined in the movement. If this privileged class could not rule, they must absorb the powers that were to rule. When Charles the Great, in 800, became Emperor and extended the French kingdom into Germany, into Italy, into Spain, and into Hungary, the Pope was willing to crown him Emperor of the West. While the Pope ruled in spiritual affairs, the Emperor might rule in

Monarchy and Democracy in France 161

temporal affairs, and both would go hand-in-hand, creating abbots, bishops, priests, dukes, lords, and nobles—creating positions for the sons of the old aristocracy and privileged class, that they might live in ease from the labor of the masses—the Gauls.

In 987, when the Merovingian dynasty ended and the Capetian dynasty came into power, this was the condition in France. The priesthood in Rome had made their peace with the royal House of the Franks, and during the Capetian dynasty it received its chief support from the Church and clergy, not a spiritual clergy, but a priesthood who were in the business for the loaves and fishes, and whose chief aims were position and influence. Their dearest desire was to unite the powers of the Church with the powers of the State, and to make positions for their sons, their kin, and their class, in both Church and State, and to require the masses to support the privileged class thus created. They succeeded in their purpose. They united Church and State—they absorbed the Franks, they Romanized and Latinized them. They converted them to the Roman Church and the Roman aristocracy—they made the beneficiaries of the Church and State a class of nobility. Instead of the Church's performing the duties of a spiritual institution and appealing to the spiritual nature of men, and the State's performing the civic functions that it owed to society, both became sources of oppression and the means whereby the classes were supported from the labors of the masses. The baronage and the nobility of France were superior to the same classes in England.

The lines of demarcation between them and the people were more closely drawn than they were in England. In England a son of a nobleman might become a commoner—in France never. If the head of the family ever became a noble, nobility remained in the family *ad infinitum*. Under this system the nobility of the Church and State increased so rapidly that they were all-powerful and oppressive beyond endurance. They became more powerful than the king and taxed the masses to death to support them—sapped the nation's life-blood that they might live.

When these oppressions became so galling that the people could not tolerate them any longer, and exist, they joined the King against the barons. They accepted the lesser of the two evils. The merchants and traders of the towns and cities joined in the movement against the lords and nobles. The people demanded that they have the right to set up what were called "Communes"—that is, that every town or community have the right to select men to govern and control their own town or local governments, instead of being governed in local affairs by bishops, priests, and barons.

It was necessary to go through great struggles to establish these Communes, for these bishops and barons, like the privileged classes of all ages, held on to their power until the last. At Laon, during the reign of Louis VI., when the people demanded a Commune, the lord, who was a bishop, would not agree for the people to elect representatives to govern them in local affairs. He had been doing that and levying taxes at will, and he would not release

Monarchy and Democracy in France 163

his hold on the people and their money. But when the people rose up *en masse* to resent his oppressions and false claims he agreed for so much money that he would release his rights to govern them. When he had spent the money he reclaimed his right to govern, and the neighborhood barons stood by him, as the privileged classes always do, and undertook to reinstate him, but the people arose and marched the streets shouting: "The Commune," "The Commune," "The Commune," and when they found the old bishop lord he had hid himself in a barrel, for this class who live by oppressing and injuring others are always personal and moral cowards. They took the old scoundrel from the barrel into the streets and murdered him. They did no more to him than he had done to others. His punishment was just. The Communes were then established all over France, and in the towns, villages, and communities where these local governments were set up by the people, prosperity, peace, and happiness prevailed. These Communes, or popular municipal governments, were the forerunners of popular sentiment in France. They gave the people the right to govern themselves in local affairs, and wealth and prosperity reigned where they existed. They gave the people the first insight into the cause of liberty and justice and laid broad the foundations of the French Republic, which was to be the natural outgrowth thereof centuries thereafter. Give truth a chance and it will grow, develop, and become all-powerful. You may evade it, crush it, suppress it, but give it a chance and it is unanswerable. During

all the wars of the Louises, the Crusades, the eternal strifes and conflicts of France, this sentiment for popular rights was brewing and taking hold of the hearts of the oppressed masses of France. While the royal Courts were wrangling over royal etiquette, and the priesthood and the nobility working to create positions for their sons and their kin, the masses were hoping and praying for the day when this profligate class would be dethroned and justice would reign in France, when the government would be confined to its proper functions and the Church to the proper state, and every man could have a chance in life. This sentiment kept growing with the masses, and the oppressions of the classes kept increasing.

The lines between the masses and the classes were so distinctly drawn that there would be no uniting of these two elements. As time rolled on, the chasm between these two discordant factions in the body-politic became deeper and broader. During the reign of the dynasties of the Valois and the Bourbons these discordant elements clashed at every point and on every issue. There could be no harmony, no settled condition, and no prosperity in France with this state of affairs. The lords, barons, nobles, bishops, abbots, and their class had become so numerous that it took all the masses made to support them. They were pauperizing the nation and reducing the peasants to starvation. These conditions were but the outcome of the development of centuries. France had three entirely different classes in the beginning, and the old Roman aristocracy had

Monarchy and Democracy in France 165

fused and amalgamated with the Franks and left the Gallic people in servitude, as they were in the days of the Roman yoke. They were the under class in the days of Rome, and they were the under class now; they worked to support Rome and her aristocracy then, and they worked to support the same old aristocracy, fused with another people, in France now. But the revenue for the Church and priesthood and the nobility and the state had pauperized them, and was more than they could bear and exist. The under class had been educated by inheritance for centuries to support the aristocracy and nobility, but when the profligate class became so numerous and extravagant that the under class could not pay the revenue and exist themselves, there was but one course left open to them—they had but one choice, revolution. Monarchy and absolute rule must end. The great throbbing heart of the masses of France demanded it. When Louis XV. came to the throne in 1715 he found discontentment everywhere. The masses of France were in a state of unrest. The voices of the nobility and priesthood had disgusted the honest masses. The oppression of bad government had become unbearable. The people had lost respect for the upper classes, law, and monarchy. At this time a school of thinkers began to write in France. They began to expose the fraud and humbuggery of the priesthood, nobility, and absolutism of monarchy. They began to write and teach the natural rights of men—that before the law all men should be and of right are equal. They began to disclose the oppression of the masses, and how these

oppressions must continue as long as sovereignty was vested in one man, and to be executed by him and his ministers for the special benefit of the royal House, nobility, and priesthood. They laid bare to the world the fraudulent doctrine of the Divine Rights of Kings, and demonstrated the truth of the right of the people to govern themselves. They presented the doctrine that the people were the real source of all just government, that the people were sovereign, and that government possesses no powers, except those vested in it by the people, in unanswerable terms. And the mind of the long-oppressed masses of France was ready, willing, and waiting to accept these self-evident truths. These truths penetrated to the very hearts of the masses, and the very foundations of the throne of the French dynasty began to crumble—the days of monarchy in France were numbered, and the end must and did come.

When Louis XVI. came to the throne in 1774 France was disorganized and in a state of chaos. The throne was decaying and monarchy was passing out. It no longer kept its hold on the people; the public mind was in a state of distrust and disregarded the law and organized society. The King himself and his advisers realized that they were powerless to meet the conditions and the demands of the people. They consented to and advised that a meeting of the State-General be held; this body had not met since 1626. The election was held throughout the kingdom to select men who were to constitute the body of the State-General when it met. In this election the nobles chose those who were to repre-

Monarchy and Democracy in France 167

sent them in that body, as did the clergy also. The third estate of the realm, the masses, elected lawyers, doctors, tradesmen, and farmers to represent their interest.

This State-General met to make such reforms in the French government as would meet the issues and demands of the people of France; with these three elements comprising its membership conflicts and strife must, under these conditions, and did, prevail in the body. The third estate, the people's representatives, demanded that all three of the estates—that is, the people, the clergy, and the nobles—sit together, for in that event the people would be in majority and could pass such reforms as they wished. The clergy and the nobles would not agree to this, because by having the body to sit in three separate divisions they could refuse to agree to any measures that the people proposed, and thereby prevent any reforms that would injure them or their interests. When the clergy and nobles refused to sit in the same body with the people, the people's representatives, led by the Marquis of Mirabeau, who was a noble himself, but believed in the rights of the people, declared themselves to be the National Assembly, the State-General, and invited the clergy and nobles to sit with them. The clergy and nobles were indignant and refused; the King went to the National Assembly to tell the people's representatives that they could not treat his allies, the clergy and nobles, in such a disgraceful manner. They should be considered as representing the royalty, nobility, and priesthood of France, which had

always controlled the destiny of the kingdom. But the people's representatives ignored the King, as well as the nobles and clergy. They were there to give France a constitution and to make France a kingdom of law. They were there to fix the power and the authority of the king. They were there to declare that the king's will should cease to be sovereignty and law in France. They were there to give relief to the down-trodden, oppressed, and starving millions of France, and there were not priests, nobles, and kings enough in France to prevent and stifle their will.

The spirit of the Communes, self-government, was permeating every sinew and pulsating in every artery of the French nation. It was written in the hearts of the French people that the old *régime* must go. The National Assembly was moved by the inspiration of the people and was determined to declare their will, and on the night of the 4th of August, 1789, they abolished all the privileges of the nobility, barons, and clergy and declared that all men were equal before the law. The Assembly then created a constitution which should be the organic and fundamental law of France in the future. It stipulated that the king could no longer make laws, levy taxes, decide the terms of peace or war. It abolished all titles, and the nobles and priests were henceforth to be simply citizens, like other people. It further provided that no citizen should suffer any constraint on account of his religion. The Jew, the Huguenot, and Catholic were to be equal before the law and were eligible to any office in the nation.

Monarchy and Democracy in France 169

It had not been the purpose of the General Assembly to create a republic, but a limited or constitutional monarchy, but the peasants, the old Gallic element, was not content at stopping here. They had felt the oppression of the Crown and had no faith in the reform as long as France had a king. They knew that the old aristocracy and priesthood and nobility would soon again be reinstated and would levy taxes and tribute on the masses. They wanted king, aristocracy, and nobility and priesthood all dethroned and wiped out while the reform was going on. To this end clubs were organized in all parts of France to discuss the issues and to carry forward not the reform movement, but the revolutionary movement. These clubs were called Jacobins; they discussed everything freely and denounced the King and the nobility and priesthood. They were suspicious of every compromise offered by the Crown and his allies. They warned the people to suspect everybody and to trust nobody. The masses were restless, excited, suspicious, and defiant. The monarchy of France was doomed. Mirabeau, who was the champion of a constitutional monarchy, passed into the great unknown during these days of strife. When he died he said: "I carry with me the ruins of monarchy."

The Jacobins were the representatives of the Gallic people, who had been oppressed through ages of Roman and French rule. They represented the wrongs and injustice done the under classes of Gaul and France for centuries.

When the Legislative Assembly under the new

constitution met in October, 1791, there was another party of great influence in the Assembly. They were called the Girondins, and were the advocates of a constitutional monarchy. They were not for the King and his allies, nor were they for the Jacobins. They were for a compromise; they were conservatives—they believed in persuading the King and his allies to accept reform measures rather than forcing these measures. But the Jacobins appealed to the masses; they told them of the wrongs and oppressions that they and their fathers for centuries before them had to bear. The masses were with the Jacobins, and the will of the masses was law in these days of chaos, unrest, and revolution.

The King had been made to swear to support the constitution of the new monarchy. But the oppressed masses were not willing to accept this. They distrusted his intentions and the purposes of his allies. They believed if the King and the privileged classes were to retain any power that they would soon usurp the rights and the power of the people again. They would rather steal than work, and the people knew it. They had robbed the people for centuries and would do it again if given an opportunity. The people, the great oppressed masses, therefore, were determined to wipe them entirely out of power while the time was ripe for the great revolution. While the people were determined to give France a republic, the nobility and the priesthood, the privileged classes, were determined to retain a king in France so that they could continue to oppress the masses and live from other men's toil,

Monarchy and Democracy in France 171

as they had been doing. There was only one opportunity left to them whereby they could preserve the monarchy—to become traitors to France and join the royal Powers of Europe and to secure their help in suppressing the will of the people.

The royal monarchies of Europe looked on the revolutionary spirit of France with fear. If the oppressed people of France could rise up and destroy and overthrow a monarchy—where was their safety? Might not the millions that these other crowned heads of Europe were oppressing see that the people of France had destroyed a monarch? Might not the oppressed millions who were wearing the galling yoke of the other crowned heads of Europe decide that they too were entitled to their natural rights, and that they too could destroy an oppressive monarchy and set up a republic of self-government? The appeal of the traitors did not fall on deaf ears—the monarchs of Europe heard their appeals and promised them help. These traitors to France were called “Emigrants,” because they emigrated from France to the royal Courts of Europe to arrange with the sovereigns ways and means of raising armies to invade France. Here was a privileged class who had lived without toil and from the labor of the under class in France for centuries deserting their country in an hour when France and the spirit of liberty and justice needed every patriot. In an hour when France was calling for every patriot they were “emigrating” into other lands to raise armies to invade France and to suppress liberty. They were willing to become traitors to

France if they could secure foreign soldiers and march them into France, and thereby compel other men to work for them. Before they would work they would become traitors. They were willing to drench France with the blood of foreign soldiers, not their own blood, in order to suppress liberty, oppress the masses of France, and compel other men to work for them. The acts of these Emigrants, the privileged class of France, is but the history of the privileged classes in all ages the world over. Wherever they have been permitted to exist, they live out of the government and from other men's labor, and desert the government and her people in an hour when the government is calling for patriots.

While these Emigrants were at the monarchical Courts of Europe arranging for the monarchs of Europe to send soldiers to invade France with foreign armies, the people of France arose up in their might and declared that France should be free. On the 21st day of September, 1791, the National Convention declared that France should henceforth be free; that monarchy should end, and that a republic should be set up. The Jacobins declared that Louis XVI. should be executed and none dared oppose the movement, lest they be considered friendly to the royalty; the people were in earnest.

The convention condemned Louis to death, and he was driven quickly to the place of execution and beheaded. Louis XVI. was not a strong man for the troubled times in which he lived, but was not a bad man. He died for the wrongs and crimes of others—for the wrongs and crimes of the kings,

Monarchy and Democracy in France 173

nobility, and priesthood who had preceded him for centuries.

The Powers of Europe felt that they must resent the execution of Louis XVI.; that they must give aid to the Emigrants, the enemies of France. These monarchs could not remain silent when the very fraud which gave them their power was being destroyed. They joined the nobility of France to suppress revolution and reinstate monarchs. But the under classes were too powerful; they were determined to put an end to their oppressions. The Jacobins succeeded in having two bodies formed which should have the power to suppress the war, order the government, and punish and destroy the enemies of France, the Committee of Public Safety, and the Committee of General Security. In these two committees were vested the powers of the Republic; then followed the mighty conflict between the enemies and friends of the Republic, which drenched France in blood, and brought sorrow, suffering, and death to the land, such as the civilized world has never witnessed. It was a conflict between the privileged classes fighting to sustain their power to oppress others and the oppressed masses that knew no law, no rights, no authority, no end, except to be delivered from their burdens. It was a nation paying the just penalty for the wrongs that it had committed for centuries—it was a reign of horror and terror, the logical result of conditions that the dynasties of France and their allies had created. The nobility, barons, and priesthood were crowded in prisons throughout the land and led like sheep

to the slaughter. Revolutionary tribunals were set up everywhere; the Jacobins organized everywhere; and to be suspected of aiding the royalty meant death—proof was not necessary. Liberty must take no chances. This was the spirit that prevailed in France in those days of terror.

While the Jacobins and the masses were fighting to establish a strong republic, and to blot out every vestige of monarchy, the armies of the Republic were fighting the combined Powers of Europe. To carry on the war and to repel invasion it was necessary that the Republic should have more power, and a new constitution was therefore adopted and the executive branch of the government placed in a directory of five. It was at this time that the great genius of Europe was felt. The Minister of War placed Napoleon Bonaparte at the head of the army to repel the enemies of France. He not only demonstrated his power to repel invasions, but to invade. He developed to be the greatest military genius the world has ever known. He caused the very thrones of the dynasties of Europe to quiver. Amid carnage and conflict, he flooded Europe in blood. He destroyed thrones, dynasties, and kings, to be a king himself. He caused suffering, torture, and death, not because he was inhumane, not because he loved war rather than peace, but because the monarchs of Europe were fighting as common allies to suppress the uprising of the oppressed millions, and because he wanted the will of these millions to triumph and absolutism destroyed. He wanted to see the conditions in Europe changed so

Monarchy and Democracy in France 175

that every man could have a chance in life's race. He was not without faults, he made his mistakes, he had vain ambitions, but taking him all in all he was a friend to the people, and did more to break the shackles of bondage from the downtrodden and enslaved millions of Europe than any other man of any age. Napoleon had the executive power of the government changed from the directory to three consuls. These three consuls were to rule France and he was to be at the head of them. He directed these consuls with force and determination. The Bourbons and the royal party could see no hope for the Bourbons to re-establish a throne in France. The conflict continued on until Napoleon himself was crowned king and dethroned, and the Bourbons again reclaimed the throne, and were again dethroned, and Louis Napoleon, a nephew of Bonaparte's, was first president of a republic and then emperor of a kingdom—upheaval after upheaval, revolution after revolution, conflict and strife everywhere, these were the workings of two great invincible forces, each striving to suppress the other. It was the masses against the classes, and the classes against the masses. And truth and justice marching on, as invincible as the eternal ages, triumphed, and in 1875 a Republic with a constitution was established in France that still lives; monarchy and the right of the classes was dethroned. Titles no longer existed and all men were citizens. Sovereignty was declared vested inherently in the people and the government simply their agent, through which they executed their will.

May the French Republic live on and join the great Anglo-Saxon Republic on this side the water, in the world's fight for justice, freedom, and liberty!

The destruction of monarchy and the establishment of a republic in France were the natural outcome of the sociological conditions of her people. The Gallic people who constituted the great pauperized masses were discontented and dissatisfied with their condition, but they alone could not dethrone the old Roman aristocracy and upper classes that were oppressing them. They found leaders among the Teutonic people, who were a part of the upper class and had power in the government. All they needed was leadership, and they found this in the Teutonic blood—in a race that has always loved liberty. The Gallic or the under class following the Teutonic, a part of the upper class, dethroned monarchy, the old Roman aristocracy, and class rule.

CHAPTER XXII

THE PROTEST AGAINST THE USURPATION OF CHURCH AND STATE IN ENGLAND

EDWARD III. followed Edward II. as heir to the English throne. He began his actual reign about October, 1330. At this time the English constitution and the reign of law were established. Charles IV. of France had died without children. Isabella, the mother of Edward III., was the sister of Charles IV., and Edward's mother being the nearest of kin to Charles, Edward laid claim to the throne of France. This right the French denied. They based their denial on the old Salic law, which existed with the ancient Franks by the Rhine, before they invaded France, and which declared that a woman could not inherit land. Had it not been for this ancient law of the Franks, which France claimed in this hour of emergency to be the law of the land, Edward III. of England would have been the heir to the French throne. If a woman could not inherit land under this ancient law, his mother could not inherit the throne of France, and therefore his chain of title was broken, as his title could come only through her. France gave the throne to Philip VI. of Valois, a cousin of Charles IV. Edward would not consent to this, and assumed the title of King of France and declared war against France to enforce

his claim. He was King of England and he would be King of France too.

Thousands of souls passed into eternity and France was flooded in blood by Edward in his efforts to become King of France. But the French finally repelled him and drove his armies out of France. He had no legal title to the French throne, which rightly belonged to Philip VI. of Valois. Think of a people following a king and fighting for his vain ambitions in a civilized age like that of the fourteenth century, just because a kinswoman of his was kin to somebody who had ruled in France! Therefore the map of Europe should be rearranged and two nations should be one. One of the great mysteries of the world is, how did such a false doctrine and superstition and fraud exist as long as it did? How did men blindly believe such a fraud? As civilization advances and men learn to think for themselves and learn to appreciate self-government the question will still go unanswered. When Edward concluded his war with France he found trouble at home—discontent in both Church and State was spreading in England. The nobility and the Church had joined hand in hand to oppress the commons. The nobles and the priesthood constituted two of the estates of the realm, the commons the other estate. The commons were Anglo-Saxons. The State and Church were taxing the people without mercy. The Pope drew his revenue at will from England. The priesthood were encroaching on the powers of the civil courts—they were making every effort to decide civil rights as well as religious rights.

The clergy were becoming land grabbers and the most wealthy of any class of society. At the close of the fourteenth century it is estimated that they owned at least one half of all the land in England. They possessed more wealth than the lords and nobles. They were controlling the policy of the realm. They were a privileged class, indeed, supported by the people and owning more property than the government, and this exempt from taxation. They had one hand in the people's pockets and the other in the government's exchequer. They claimed to save both the people's souls and the people's country, and were saving neither. They pretended to be the guardians of the people's pocket-books, as well as the people's souls, but they always defalcated in their guardianship and converted all the assets that came into their possession to their own private use, and then declared that the Holy Church could do no wrong.

This oppression of the priesthood produced discontentment throughout the realm. The acts of these authorities of the Holy Church did not remind the commons of the acts of the meek and lowly Jesus. Their lives did not convince the people that they were true followers of Him who said: "Do unto others as you would have them do unto you." There was revolt against the Holy Church. The people wanted the priesthood to release its grasp on the civil powers and on the people's money. They wanted a church that had spiritual life in it and considered the spiritual nature of men, rather than the color of coin. They were determined to have

reform in the State and Church—Anglo-Saxonism. The people were determined that the priesthood, united with the nobility, should no longer use the cloak of the Church to oppress the masses, while the priesthood and nobility were living in dissipation on the money exacted from them in the name of religion. Leaders always arise when there is demand for them. So in this time of protest in England against the wrongs of the Established Church. John Wyclif, a teacher and preacher, aroused to the wrongs that the people were suffering, and burning with the spirit of the truth, declared that the grasping worldliness of the priesthood in the Church of Christ must end. He attacked the monks, clergy, and priesthood for their worldliness, without evasion or fear. He told the people that they were unworthy of the holy cause that they pretended to represent, and the people believed him. He advocated placing "pious priests" who were good and pious men in their positions—men who would go among the people and preach and teach for the good that they could do and not for the "loaves and fishes." He advocated dethroning the powerful in the Church and giving their places to the good. The Anglo-Saxonism of England was ripe to receive the reform of Wyclif.

As a people the Angles, Saxons, and Jutes have ever been the friends of liberty, whether in the Church or State, and Anglo-Saxonism has ever been the foe of oppression of the Church in England and the foe of the union of Church and State. The commons said: "Give us honest, simple, and humble

men to teach us how to live and we will know how to die." The people said: "Give us men who live what they teach and we will have more faith in what they teach."

At this time William Langland wrote his famous poem, *The Vision of Piers Plowman*, exalting the humble and simple ways of life. The poem moved the very hearts of the masses of England. It touched a living cause and quickened the people to the consciousness of their wrongs—wrongs that both the Church and State had placed upon them. The barons and high priesthood, seeing the power of the oncoming reform movement, did what the privileged class always tries to do: they fell in behind the movement, joining the procession and making every effort to prevent its real purpose and use it for their own selfish ends. These barons and high priests attempted to give Wyclif's opinions a political turn. They wanted to make it entirely a political issue and use this as a means to get all the wealth of the Church in their own hands and then make their leader, John of Gaunt, who was Duke of Lancaster, king. Then they could have things their own way, but the commons defeated their scheme. The peasants became more independent; they demanded better terms from their landlords, and the laborer demanded better wages. They felt the force of Wyclif's democratic teachings. Democratic ideas were prevailing everywhere among the masses.

The disciples of Wyclif were living in the twentieth century in thought, rather than in the thought of their own age—they thought for themselves.

They demanded simplicity and the rule by the people. In 1381, when a heavy poll tax was levied by the authorities of the State and Church, the peasants rose up everywhere in arms. Revolt was abroad in the land. Anglo-Saxonism was asserting itself. One hundred thousand peasants marched from the farms and shops and put to death many of the leaders of the oppressive union of State and Church, including the Archbishop of Canterbury. Wyclif set in motion democratic influences and democratic tenets that made the very powers of Normanism, nobility, and priesthood quiver in England. He and his followers denounced the frauds of popular indulgencies and absolutions, and public opinions repudiated these frauds which had been used by the oppressive priesthood to extort money from the masses.

Wyclif, like Martin Luther, translated the Bible and gave it to the people in their own language—a thing the priests had refused to do. When the people, the Anglo-Saxons, had secured the Bible in their own tongue so they could read the truth for themselves, they saw how they had been denied the truth by the clergy. The very fact that they had the Bible in their own tongue, and could read for themselves, established a condition in England that no persecution could destroy, a condition that must in the end triumph—freedom in the Church and State. When any people began to think for themselves, and to demand to know by what authority any other man or class of men exercises superior rights and power over them, they are on their way to self-government. The followers of Wyclif were

called "Lollards" by the upper classes. This was a nickname and used in derision. The "Lollards," as they were called, protested against the immoralities of the Church and declared that men of purity should be placed in charge of spiritual affairs. The privileged classes and the priesthood would not release their hold on the Church. The nobility wanted the priesthood of their own class to remain in power so that they could use both Church and State to rule the people. It was a clear issue between the masses for purity and simplicity in the Church—the Anglo-Saxons on the one hand, and the nobility, privileged class, and priesthood and immorality in the Church on the other hand. The nobility and the priesthood persecuted Wyclif and his followers, and the masses, who were the Anglo-Saxons, and Wyclif was driven from his position as teacher at Oxford. But the people defied them in their efforts to continue corruption in the Church. It was a contest between the union of Church and State, led by the priesthood and the nobility, and the true followers of the Christian faith, the masses—a contest between Normanism aided by the priesthood and Anglo-Saxonism and the true followers of Christ, a contest between injustice and justice. All the upper classes joined the nobility and priesthood, and all the peasants joined the followers of Wyclif. It was a clash between the heterogeneous elements of society. These two elements were irreconcilable. A movement was put in action that must go on, that must make history, and determine the destiny of society in ages that were to follow.

Religious and civil liberty was taking an affirmative stand that must of necessity have its influence in the future. The upper classes persecuted the masses and the masses protested against the vices and crimes of the upper classes. It was Anglo-Saxonism against Normanism and the misrule of the Established Church. The Anglo-Saxons came out of the contest victorious. Freedom of thought had taken another step forward in European affairs. Seed had been sown in the public mind that no persecution could suppress or destroy. A sentiment had been put in motion that must eventually work out freedom in religion and freedom in the State. There is no movement, from the beginning of Anglo-Saxon principles by the Rhine, that has done more for human freedom and Anglo-Saxon ideas than the reform movement led by Wyclif. It was Anglo-Saxonism asserting itself in a higher state; it was Anglo-Saxonism taking a new, deeper, and firmer hold on the world, which was finally to destroy the misrule of ungodly priesthood and oppression of the privileged class in statehood. It was a great people contesting for freedom of conscience and individual rights—a contest that was to battle on until these principles worked themselves out in a more perfect state, in a great republic, where there was complete separation of Church and State and where titles and nobles were destroyed, and where every man is a citizen and not a subject, and every citizen is equal before the law, in a republic where every man is a sovereign and religion is a matter of choice.

CHAPTER XXIII

THE DECLINE OF FEUDALISM AND THE RISE OF ARBITRARY MONARCHY

WHEN William the Conqueror came over to England and conquered the Anglo-Saxons at the battle of Hastings, he set up a feudal system in England. He declared that all land belonged to him as the sovereign King and that his lords and nobles could hold titles to land only through him as the sovereign. These lords and nobles could sub-let their vast amount of lands held by them to the masses, the Anglo-Saxons, and hold them amenable for the cultivation and rent. But these lords and nobles were held amenable to the sovereign for their management of these vast premises. The King was landlord of the entire realm, the lords and nobles were his tenants, and the people, the Anglo-Saxons, sub-tenants. This was the sociological and economical condition set up in England by the Norman invaders, when they conquered England, and it lived for centuries as the established policy of the realm.

In the thirteenth century feudalism began to decline. The people began to ask themselves why should they divide what they produced with the lords and nobles? Why should they be the sub-tenants of this upper class? Why should they not

own land in their own names? Why should not the title be vested in them and not in the upper class as trustees for the King? These were questions to which the people demanded answers—they were questions which penetrated and exposed the fraudulent feudal system. This fraud which had been perpetrated upon the Anglo-Saxons could not stand the test of the philosophy of these questions. Feudalism began to decay and its power to decline. During the thirteenth, fourteenth, fifteenth, and sixteenth centuries the opposition against feudalism began to develop. Its wrongs could not continue to live. It was condemned at the bar of public justice. The people of England, the great masses, demanded that it be forever abolished. During the Wars of the Roses and all the internal strife and civil wars the public mind became more and more inflamed against the unrighteous feudal system.

The adjusting of the feudal system revolutionized the conditions in England. When this system was in full force and effect the barons and nobles who controlled the vast estates were as powerful as the king. The king could not declare war or decide any great issue without first obtaining the consent of these feudal lords. For it was from these great estates controlled by them that the money to defray expenses of the government had to be collected. These feudal lords said to the king: "You must first consider our wishes before you act; you are king, but we are the realm—we are England." It was an issue between the Crown and the feudal lords for power. It was an issue as to who should control

England. This question was a living issue from the thirteenth to the seventeenth century.

The feudal lords were not considering the interest of the people, the king was not considering the interest of the people, and yet the people, the commons, finally decided the question. The feudal lords wanted to control the kingdom; when a king refused to follow their wishes it was treason. The king said: "I am the sovereign; all power is vested in me, and for any subject to disregard my wishes is treason." From the standpoint of the other, each was guilty of treason. If treason could have been defined in that age in its true sense—namely, that the will of the people is sovereignty, and to repudiate their will is treason—both feudal lords and kings would have been traitors, for neither cared for the people or considered their wishes. Both feudal lords and kings were against the people, both against liberty. The feudal lords were willing for the king to consider himself insulted at some mere personal oversight in etiquette at some foreign Court and declare war on that monarch, and order out the commons of the realm from their homes, their wives, and their children, to kill and murder innocent men, women, and children who were the subjects of the monarch at whose Court the royal etiquette was not complied with. But they were not willing that these vast estates should be molested, and that their ease and comfort should be disturbed by the Crown even in defence of the realm, unless they first consented, and the king did not wish for these feudal lords to undertake to dictate to him when and how he should act.

It was a clash between the Crown and the feudal lords; both wished for power, without considering the welfare of the people. There was only one way by which the contest between the Crown and the feudal lords could be ended—the people, the Anglo-Saxons, had the balance of power. If they decided with the feudal lords, they would triumph over the Crown and increase their power and limit and circumscribe his. If they decided with the Crown, the king would take from these feudal lords their control and power over their vast estates, which were a continuous menace and peril to the power of the Crown. Neither feudal lords nor the Crown loved the Anglo-Saxons, but both sides were appealing to them for support—both needed the support of the commons. The Crown and the feudal lords were at issue, Normanism in England was divided, the Anglo-Saxons, the lovers of liberty, had a chance to advance the cause of self-government, as they thought, another step in its contest for freedom.

The Anglo-Saxons had been oppressed by the feudal lords without mercy. These lords had levied taxes at will upon the masses, had taken from them their just earnings without returning their equivalents or thanks therefor. Each feudal lord had been a monarch, within his jurisdiction, and his will had been law throughout his realm. These lords had no love or mercy for the people. They looked upon the people as so many slaves to work for them and their class. The Anglo-Saxons, hoping to relieve themselves of the burdens and oppression of the feudal lords, decided with the Crown. The

forces were, therefore, lined up. The feudal lords were against the Crown and the Crown was against the feudal lords, and the issue between these two oppressive forces in England was contested at every point for centuries. Every means available to either side, whether foul or fair, was used. Both sides promised the people great things, and neither side had any intention of complying with its promises. While Parliament was making and unmaking kings, while the Houses of Lancaster and York were contesting for their pretended rights, while the priesthood and the nobles were planning for the Church and State to remain a union, while all these internal strifes and conflicts were going on for centuries, the issue between the feudal lords and the Crown was never lost sight of. The feudal lords and the Crown were sparring with each other for positions, each hoping to break the guard of the other.

The Anglo-Saxons decided with the Crown, hoping thereby to abolish the frauds of feudalism. Their decision meant the death-knell to this fraud, which was the product of the Norman invaders, and which had oppressed the masses of England for centuries, and its death meant that the power of the lords must end. It was a desperate struggle between the Crown and feudal lords, each holding to false power to oppress the masses.

During this long contest between the feudal lords and the Crown the lords became impoverished. They had wasted their wealth in their efforts to retain their power. The aristocracy of all classes in their civil wars and strifes had become pauperized.

The masses were not interested in these matters. Why should they fight in wars that were mere factious contests of the old aristocracy? Why should they waste their time and spill their blood in these feuds, which were mere contests between the factions of the old aristocracy for positions for themselves and children? The commons went on with their work, building up wealth and bettering their condition in life, and when they joined the Crown against the feudal lords and the old aristocracy they dethroned them.

Feudalism was destroyed, and with it the power of the lords and nobles on the Crown was destroyed. At the close of the sixteenth century feudalism was destroyed as a power in England. The feudal lords could no longer through the reign of this vicious system control the Crown. They were dependent on the Crown, and not the Crown dependent on them. The commons had the wealth, the Crown the power, and the lords of the old aristocracy nothing at all except an old bankrupt name. This old aristocracy was the same as the old aristocracy of all ages and of every country, where their hold has been broken and they can no longer live out of the wealth that other men's hands create, worthless and good-for-nothing, except to talk about who their ancestors were—and other people's being "common." England was facing a new condition. Feudalism was a thing of the past—the feudal lords no longer existed. The lords, nobles, and priesthood no longer had the wealth of the realm. The old aristocracy as a class was bankrupt, and, what

was still worse, they were wrangling over their old family names and sectional, social, and family feuds which still existed among them. They had no force in the realm. They were at the mercy of the commons for something to eat and wear. Their livelihood depended on the will of the commons—and they were at the mercy of the Crown for positions of influence. They could no longer hinder or delay the will of the Crown. They were helpless before both the commons and the Crown—invoking the good-will of both, asking for food and raiment from the commons and political preferment from the Crown. This was the sociological and political condition in England at the close of the sixteenth century and at the beginning of the seventeenth century.

The Crown was in a position to become all-powerful. Monarchy had a passport to full development. The lords, nobles, barons, and priesthood had been the only powers that heretofore could in any degree dictate to the Crown. This privileged class was the only element that the Crown feared or considered. This privileged class and the Crown of England were the product of the same sociological and political school, Normanism. Now this class was without power in the realm, who was to check the power of the Crown? The commons were not in touch with the Crown; they did not belong to the House of Lords. Their representatives could only occupy seats in the forum, where the people were to be represented—the House of Commons. The chasm between the commons and the Crown was not to be

crossed. It had not been spanned and must remain unspanned. There must be no mixing of royalty and the commons. They must remain two separate and distinct elements in the sociological and political body.

With England in this sociological and political condition, who was to check the power of the Crown? The lords and nobles were paupers and without influence to do it. The commons had the wealth, but were not in the political condition to do it. Who was to lay hold on the reins that were to check the power of the Crown and to direct the king in the path of rectitude? There was not one.

A condition that in the very nature of things would develop an arbitrary monarchy. The House of Lords could no longer control the Crown, and the Crown would not submit to being dictated to by the House of Commons. Neither House of Parliament any longer represented anything. Restraint upon the Crown by the nobility had disappeared, and the commons were not yet sufficiently organized to check the Crown's power. The Crown, therefore, became the law and the law-maker of the land. The kings called meetings of Parliament when it suited them and commanded legislation to suit their own wishes. They directed such legislation as would enable them to make money from the people's pockets at will, under the guise of law.

England had a constitution in name only. The principle of the great Magna Charta was of no force and effect upon these despots who were ruling England then. The old Norman doctrine that the State



The Decline of Feudalism 193

was everything and the individual not anything was in full power. Gothism was rampant. It was as pure and absolute a monarchy as ever existed in any country which had any kind of a pretended constitution. It was absolute monarchy in a constitutional realm. It is strange to say that this condition developed when England was coming into a modern era and out of the mediæval era. The great middle classes were growing in intelligence and wealth. The farmers, the traders, and the merchants were becoming a power in the realm. The monastic religious views had fallen into contempt as the intelligence of the new age broke upon the people, like the morning sunlight of a new day. The learning and philosophy of the Middle Ages could not stand the test of the reasoning of a new age. Henry VII. and Henry VIII., when they came to the throne, felt the new blood in the pulse of the nation. They did their best to continue the absolutism of the monarchy which had been established in England when feudalism decayed and the power of the nobles and aristocracy was destroyed. When Henry VIII. wished to divorce his wife Catherine and to marry Anne Boleyn the Pope refused to grant him a divorce and caused the sovereign to provide ways and means to execute his will. He had the Parliament convened, which was composed of regal servants, pauperized aristocracy, who were willing to do the King's will for a livelihood. They were willing to obey orders, and the orders were that things must be so arranged that the King could remarry. The influence was so great that it could not

be resisted, and in 1531 the King was declared to be the "Singular protector and only supreme governor of the English Church, and as far as the law of Christ permits, its supreme head." At this time Archbishop of Canterbury Warham died. The deceased Archbishop had opposed the divorce. Cranmer was appointed Archbishop of Canterbury, and he granted the divorce; he was appointed for the purpose of granting it. In January, 1533, Henry VIII. was secretly married to Anne Boleyn. Thenceforth the Church of England was to be separated from the Church of Rome, and the Crown was to be both King and Pope. Monarchy and absolutism were in full sway in England. The Crown directed the affairs of both Church and State. Parliament was at his command, the priesthood at his mercy. This condition continued on during the reign of the Tudor King.

The masses were wealthy but disorganized, and were therefore in no condition to check the power of the Crown. The bankrupt aristocracy and the priesthood were making terms with the Crown at any price. They were without means and they had to live, and the only hope was to make peace with the Crown, to do the bidding of the King. As the commons became oppressed more and more by the arbitrary monarchy they lost respect for royalty. When King Charles I. came to the throne in 1625 the people did not hesitate to take issue with the Crown—they no longer looked upon the Crown as infallible. They had been oppressed by arbitrary monarchy long enough. They began to demand to

know by what right the Magna Charta had been disregarded, and by what authority the English constitution had been nullified. Under and beneath all of these arbitrary usurpations by the Crown the spirit of Anglo-Saxonism was throbbing, beating, pulsating for liberty. Anglo-Saxonism was demanding that the spirit of the Magna Charta be enforced in England. The commons demanded that the usurpation and the arbitrary will of the king be dethroned. It was a question as to who was the more powerful, the king or the people. They had joined issue and the question must be determined. Should the arbitrary will of the Crown be law and the source of final authority in England, or should the constitution and the will of the people control? It was the old fight over again between Anglo-Saxonism and Normanism—between individualism and paternalism, between popular rights and despotism. It was the same old issue, over which the world has been fighting for thousands of years. Should Anglo-Saxonism and liberty triumph, or should Normanism and despotism defeat the march of human freedom on to victory? That was the issue.

CHAPTER XXIV

THE OVERTHROW OF ARBITRARY MONARCHY AND THE CREATION OF CONSTITUTIONAL MONARCHY

IN the year 1642 it was clear that the people were about to decide the issue, and that absolutism was to be overthrown in England.

Anglo-Saxonism and Normanism had struggled with each other for centuries. They stood for two diametrically opposite views of humane government, and they had contested with each other at every point and on every issue since the days that the Normans landed on English soil. These opposing forces had kept up a continuous conflict between the people and the Crown, a continuous contest between popular rights and monarchy, a continuous warfare between individualism and paternalism, and the contest was now coming to an end; the survival of the fittest must determine the result. The Crown was against the people and the people were against the Crown, and the Crown was calling on the old aristocracy for help. Anglo-Saxonism and Normanism were to fight another great battle in the world's history and a new era was to be made. Revolution was everywhere in the public mind. The Crown was determined to hold on to its arbitrary power

Overthrow of Arbitrary Monarchy 197

and to force paternalism upon the people, and the people were equally determined that the arbitrary will of the Crown should no longer control England. In this desperate situation the King declared that Parliament should not meet, but that he would be the controlling power in England. But the people demanded that their representatives meet in Parliament and give them relief. When the Crown saw that anarchy and revolution were on the eve of breaking out everywhere unless Parliament met and gave the people relief, he called a Great Council of peers, after the manner of the early Norman kings. Public sentiment was breaking out everywhere and these peers that the King had called to compose the Great Council had to call a meeting of the national Parliament to prevent the uprising of revolution and anarchy. When Parliament met it was overwhelmingly Puritan and Anglo-Saxon in sentiment. The men who composed it met with the fixed resolve that no mandate of any royalty could adjourn or dissolve Parliament, as had been done from time to time in England. They had met to give the people relief—both in Church and State. They were Puritans in religion and Anglo-Saxons in state affairs. They were there to declare that the national Church of England which Henry VIII. had established was as oppressive as Rome. They were there to declare that the English constitution should live and that no monarch, if he was both pope and king, could set it aside and wipe it out of existence. They were there to declare that the English Parliament was the constitutional law-making power of the English

people, and that no monarch, be he king or pope, could dissolve or destroy it.

Public sentiment was with Parliament and against the Crown. On the public highways and in the villages and the streets of London the courtiers of the King were derided. The priesthood and the old aristocracy were hooted by the masses, as they passed through the streets and along the highways. The "Roundheads" gloried in the fact that they were against the Crown, and the old aristocracy, taking the name of Cavaliers, boasted of the fact that they were against the Parliamentary party, the masses, and for the King. The King and the old aristocracy were without money, the priesthood were without religion, and the Parliamentary party carrying on the revolutionary movement possessed the commons with the wealth, and the lower or reformed church with religious convictions. These two conflicting armies were arrayed against each other in mortal combat; it was the old fight over again of Normanism and Anglo-Saxonism.

This was the situation when Oliver Cromwell left his seat in Parliament to raise an army to destroy paternalism in England and to lead the people's cause to victory. Cromwell was a Puritan to the core; he believed in the people, and in political and religious freedom. He was a product of Anglo-Saxon environment and the consummation of Anglo-Saxon principles. When Cromwell assumed the leadership of the revolutionary movement the King's forces were defeating the people. The Crown and the aristocracy had great hopes for

Overthrow of Arbitrary Monarchy 199

the success of the old *régime* and the defeat of the people. But Cromwell organized his men and said he wanted in his army only men who "feared God." With the Bible in one hand and the sword in the other, he went forth to fight for what he considered liberty, and for a constitutional England. Cromwell and his followers wanted both political and religious revolution. Both the army and the civilians began to ask, Why did England need a king? They began to advocate the complete overthrow of monarchy and the creating of a republic. They began to ask, too, Why did the interest of religion require one creed or only one form of worship, and that to be forced on all men whether they wished it or not, by an oppressive Church supported by a pope or a king. These men were called Independents and led by Cromwell, who was determined to overthrow the Crown. They soon had the national Church, the priesthood, the old aristocracy, and the King demoralized, and retreating before their oncoming and invincible armies. Things looked gloomy for the old *régime*. That it would be completely demolished seemed beyond question. Republican ideas were brewing everywhere, the public mind was preg-nated with the hope of a republic. "Down with Kings," "Down with Monarchy," "Kill the King," and "Kill all who Believe in Him," were the slogans of the times. "Give us a republic" was the war cry. But the people just at this time began to have divisions among themselves, as they always do in an hour when their own rights and great issues which affect the welfare of the human family are involved.

Parliament was largely composed of conservatives, who were willing to carry on the war only to the extent of reforming the monarchy and requiring the King to surrender the unconstitutional powers that he claimed. They were in favor of reformation, but not in favor of revolution. They wanted the Church reformed and reconstructed—that is, that the King should not disturb the conservative Church and should allow Scotland and the conservative Church to have religious freedom. As to the religious opinions of the rest of the people they were not concerned. The original foes of monarchy and the Crown were, therefore, divided into two classes—the reformers and the revolutionists, the revolutionists and the independents. The Puritan party which had set out to give England freedom was divided. Had this not been the case England today might have been a republic instead of a limited monarchy. Cromwell, seeing the divisions in the Puritan party, resigned his military command to take his seat in Parliament, where he could be instrumental in providing ways and means to support the army that was carrying on the war against the Crown. The Crown had organized, and Cromwell saw that the people must have organization and the support of Parliament in order to destroy arbitrary monarchy. The Puritans, who were in favor of revolution and a republic, were in control of the army, and the reformers, who were in favor of retaining a monarchy in a limited form, were in control of Parliament. In February, 1647, the Scots came to an agreement with Parliament and delivered the

King over to a set of commissioners, and returned to their country, leaving the English conservatives as reformers, and the independents as revolutionists, to fight the matter out between themselves. The reformers had charge of Parliament and the revolutionists had charge of the army. Both were against the King; it was only a question of degree with them. They both stood for Anglo-Saxon ideas and principles in England. The reformers saw that the army, the revolutionists, were making headway in their efforts to destroy monarchy in any form, so their members attempted to disband the army. The revolutionists were determined that their will should not be obstructed, and the army organized a Parliament of its own and elected members from the army to constitute new Parliament. At this time the old Parliament was secretly negotiating with the King for peace. The Crown was to permit the establishment of an independent conservative Church in England, and in return for this the Scots were to be brought into England to help re-establish the power of the Crown. Cromwell knew that this meant the reign of the old *régime* again. He knew that it meant that old wrongs must continue, and that instead of England's being a constitutional realm, it would be a realm of absolutism. There was only one thing to do, and that was to oppose the old Parliament. The measures of this body must be defeated if constitutional rights were to exist in England. This body of reformers, opposed to the arbitrary and absolute rule of the Crown, was now about to be entrapped by the designing friends of

the Crown—the old aristocracy and nobility. Cromwell knew of the wrongs of their reign of other days, and was determined that they should not deceive the reformers, who were good people, and had the same purpose and aim in view that he had,—namely, to free England from her wrongs and oppressions,—but differed with him only as to ways and means and the extent of the movement. He therefore started a movement to prevent his co-workers in the cause of liberty from being deceived. He ordered that the King be seized and that he be held and treated like any other violator of the constitution. The King was a traitor to England and he should be treated as such. He had set aside the English constitution and the reign of law and had denied others the protection of their constitutional and legal rights, in order to make the entire realm of England submit to his will. Why should he now be entitled to the protection of law, and why should he not now be subject to the will of others, when they were in power? They were doing to him as he had done to others—denying him protection of all legal and constitutional rights. It was the unchangeable law which rules the universe, reasserting itself—that every man will some day be made to taste the bitter of his own wrongs, in some way and in some form. Cromwell's orders were executed and the King was a prisoner. The army demanded that Parliament be dissolved, and that it be reorganized with members from the army and that the Parliament organized from the army be converted into the regular Parliament. But the old aristocracy,

nobility, and royalty would not consent to this. The King was now powerless, and these allies of his had to speak for him. England was in a state of confusion and chaos. A London mob invaded Parliament and drove the independent members, or revolutionists, from its halls, whereupon the army in retaliation marched into the city and ousted the reformers from their seats. The army said: "Give us revolution or nothing." The slogan of Cromwell and the army was: "Away with the King!" "Away with the King!"

An authorized scheme of constitutional government, a tolerant Church, and popular Parliament was submitted to the King and his allies for approval as an adjustment of the chaotic state of society. The royalists and the helpless King refused to consent to these conditions. There was an extreme democratic element among the independents, who were opposed to making any terms whatever with the King and the royalists, and when these terms of adjustment were refused they were determined to make no further terms of compromise. This extreme element was not only against the King and the royalists, but they were against the "Head of the Proposals" for having offered the terms of compromise to the King and royalty. They were not willing to consider King, aristocracy, or royalty. They felt the wrongs and oppressions that the King and his allies had perpetrated on them, in violation of the English constitution and Anglo-Saxon principles, in violation of justice and right.

The great masses who had inherited Anglo-Saxon

ideas wanted purer and better government—democracy and not plutocracy. They wanted revolution and not reformation. They banded themselves together under the agreement of the people, and swore that the end to plutocracy must come and that the reign of democracy must begin. The first step necessary to bring about this change was to bring the existence of the King to an end. This they declared they would do. The King saw and realized his danger; the people were against him; the true sovereignty of every government was up in arms declaring that his reign must end. Seeing that he must either flee or die, the King escaped to the Isle of Wight, but the revolutionists followed him there.

While the King was at the Isle of Wight those members of Parliament who favored the continuation of the kingdom opened conference with him. They were arranging plans whereby intolerance was to rule and control every one, except the privileged classes—the King's allies. Upon this Cromwell and others demanded a forcible dissolution of Parliament. The independents met and resolved that Parliament must be "purged" and not dissolved. They knew if it was dissolved that another election would have to be held, and they were afraid of results. But if they could purge it of all members who were in favor of continuing the King and the old *régime*, they could control it and thereby be safe. Thus "Pride's Purge" was put into force. A man by the name of Pride, who was a colonel in the army, marched with a regiment of soldiers into Par-

liament and thrust out one hundred and forty-three members at the point of the sword. The remainder of Parliament which was not expelled by Pride was called the "Rump," and has been so termed in history. This was under the full control of the independents or revolutionists. Revolution was everywhere and clamors for the King's head could be heard in every part of the realm.

Two great clashing powers in human society had met—absolute monarchy and anarchy—and the issue would show which should triumph. The "Rump Parliament" could not resist the demands of the revolutionists for the King's head, and therefore an ordinance was passed requiring the arraignment of the King, and creating a court of one hundred and thirty-five commissioners to try him.

On the 20th day of January, 1649, Charles I. was brought before this court, with only sixty-eight of the commissioners sitting, and convicted as a tyrant, traitor, murderer, and a public and implacable enemy of the Commonwealth of England. He defied the court and its judgment, but was condemned to death, and on the 30th day of January he was beheaded. The tribunal called the "High Court" which conducted the trial was nothing short of a mob, without the first essential of a legal or a constitutional body. Nevertheless no man ever suffered for treason who had wronged a great people more than Charles I. had done, and the verdict spoke the will of the people, the final source of all law and constitutions.

The "Rump" of Parliament was all that was left

of constitutional England. This was the only body of men that could act under the color of law. This little band assumed to be the full and complete authority for the government of the Commonwealth of England. They declared that England was no longer a kingdom, but a commonwealth. It abolished the House of Lords as a useless and dangerous body and the office of king as unnecessary, burdensome, and dangerous. In short, it assumed all the functions of government. It assumed these functions by no authority in itself, but as the agent and representative of the army, which was composed of revolutionists.

This name of Commonwealth, which was to be a common good for all the people, sounded like music upon the ears of the long-oppressed masses of England. To execute the affairs of the Commonwealth a Council of State was created, and its membership was largely composed of members from the commons. The revolutionists believed in placing the government in close touch with the people. While the Rump Parliament was impressing it upon the people that they were to be responsible for the future fortunes of the Commonwealth, the royalty and the old privileged classes were planning to crown Charles II., the son of the late King. This son was in Holland when he received the news of his father's execution, and he immediately assumed the royal title and set forth to claim the throne. At Edinburgh he was at once proclaimed King, provided he would give satisfaction concerning religion according to the covenants. The royalty and the aristocracy were

leaving nothing undone to reinstate the Crown. They knew that if the Commonwealth should prove a success and should continue they would have to work like other folks for a living, and that they could no longer use the government for the benefit of the privileged classes and live out of other men's labor. It was a question of food and raiment with them. It was the issue of a commonwealth against a kingdom, the people against the privileged classes, self-government against absolutism, it was the people contending for the right to govern themselves, and the royalty contesting for the right of usurpation. It was Anglo-Saxonism against Normanism. It was the same conflict over again between the two conflicting theories of government, the right of men to govern themselves and the right of the few to govern the many.

The royalty and the old aristocracy and the old privileged classes had to meet the issue, either by means foul or fair. They had to suppress the uprising of the people and check the revolutionary movement. They had hopes that the new Commonwealth might yet be destroyed and the kingdom restored. There was only one means by which they saw the way to accomplish this purpose, and that was to divide the friends of the Commonwealth. This they attempted by promising the conservatives everything without intending to give them anything. They made the conservatives believe that, if they would join in helping to suppress the will of the people and destroy the new Commonwealth, they too might become a part of the privileged class and

aristocracy, that they too might be numbered among the few that were to govern the many and to live from other men's toil. The conservatives were willing to believe this story; they were willing for the people to become divided among themselves, as has so oftentimes been the case when human liberty was involved. If they could only get in with the few they were willing to become time-servers, if they could only be admitted within the pale of the old aristocracy and privileged class they would do their bidding. As a matter of fact the old aristocracy cared nothing for them, except to use them to divide the people, and thereby defeat the cause of liberty and justice, which was growing everywhere. But by this means, whether foul or fair, the old privileged classes succeeded in dividing the people. They divided Parliament—they arrayed faction against faction. They created false issues to deceive the people. They had the people fighting among themselves instead of fighting the common enemy of liberty. This was the condition of the new Commonwealth and Parliament when Cromwell, on the 20th day of April, 1653, entered the halls of Parliament with a body of soldiers and cleared the House at the point of sword and bayonet. Cromwell then assumed authority as "Captain-General" and "Commander-in-Chief" of the forces of the Commonwealth, with a Council of State to advise with him. The independents and revolutionists had practically completed the overthrow of the old *régime*—the King was beheaded and the royalty was driven from Parliament. Not only

this, but the "Rump" of Parliament, which had become divided, had been dissolved at the tramp of soldiers and at the point of the sword. Then followed the organization of the "Barebone" Parliament, which was a subject of derision for the royalty, and the drafting of the instruments of government, which organized a new constitutional plan and made Cromwell the Lord Protector of the new Commonwealth. The constituted authorities of the new Commonwealth ordered that the Church be organized on a basis of congregational freedom, that the Court of Chancery be reformed so as to mete justice under the existence of the new order of things, and decreed the union of England, Scotland, and Ireland into one Commonwealth. It began to look as if the few would no longer rule the many and the government would develop to its true function—to govern and not to oppress. Anglo-Saxonism was getting a new hold on the world and was fixing its principles of justice and freedom firmly on the foundations of truth. Everything and every condition indicated that monarchy was losing its hold and must give up control in England. The onward tide of popular rights was against royalty, nobility, aristocracy, and the privileged classes; and in spite of their tenacious determination to rule and oppress, it seemed as if the great uprising of the masses would forever destroy them and their reign in England. Just at this time, however, Cromwell was stricken with grief over the death of his favorite daughter, Elizabeth, and on the 3d day of September, 1658, he passed into the great unknown. He had made

many mistakes, he had assumed much authority without a legal right, and in many instances had been intolerant, but all things considered he was a friend to the masses and loved justice. The cause of the people lay near his heart. He hated the privileged classes and despised their methods in government. He had a contempt for any man who thought it more honorable to be idle than to work, and therefore he despised the old bankrupt aristocracy. He believed in the people and wanted to see justice woven into every fibre of the social fabric. At his death his office passed to his son Richard, who was not prepared to execute the will of his father. It did not take the royalty and the privileged classes long to reinstate themselves again in power. They soon re-established the monarchy. Charles II. was brought back from exile by the royalty and the privileged classes like a conquering hero and placed upon the throne. Notwithstanding this, he had neither moral character nor intellect. But the nobility cared little for virtue and fitness in a realm; they must have a king so that they could continue to oppress the masses and to live out of the government. They must suppress the tidal wave of Anglo-Saxon principles of freedom and justice which had swept over England. They must conquer the people or the people would conquer them. The masses had already got a taste of liberty and had revolutionized England, and now, when their great leader was dead, was the time to restore the king and the old *régime*. They succeeded in restoring the monarchy, but not absolut-

Overthrow of Arbitrary Monarchy 211

ism. Popular rights and constitutional freedom had taken a new hold in England. Anglo-Saxonism was on a firmer basis and Normanism could only hope for a constitutional monarchy in fact, and that not in name only. The great uprising of the masses and the revolution had fixed a new condition in England that no monarch could hope to blot out. Anglo-Saxonism had won another victory in the great warfare for the world's freedom and the destruction of absolutism.

CHAPTER XXV

THE PLANTING OF ANGLO-SAXON PRINCIPLES IN AMERICA

ALTHOUGH the royalty and the aristocracy had destroyed the commonwealth in England and reinstated a monarchy in the person of Charles II., Anglo-Saxonism was not destroyed. Anglo-Saxonism had planted itself on a firmer basis and taken new life in England—a constitutional monarchy and not absolutism was to rule over the English people in the future. But the independents and the revolutionists were not content with the new conditions. It was not a constitutional monarchy they wanted, but a republic; they did not want half freedom, but entire freedom. They had done much good in the cause of liberty, but they wanted to do more. They had destroyed paternalism and absolutism in part. They had reformed England from the absolutism of the personal rule of Charles I. to a constitutional realm. They had released the clamps of the priesthood from the people's throats so that the people were able to breathe, work, and live. They had destroyed the oppressive power of the royalty, nobility, aristocracy, and priesthood. But they were not satisfied with this; they wanted more.

They wanted perfect freedom; they wanted the people to be freed absolutely from the clutches of

the privileged classes. They wanted to see republicanism triumph and monarchy and absolutism in every form and condition perish; they wanted to see true Anglo-Saxonism, the rule of the people, destroy Normanism, the rule of the classes. They wanted to see the great fundamental Anglo-Saxon principles of self-government, which had been struggling with Normanism for centuries, prevail. They wanted to see the doctrine of the consent of the governed triumph over the granted and delegated rights of the few to the many. These two theories of government had been struggling against each other for centuries in England. From the Anglo-Saxon point of view, government possessed no power except that consented to by the people. From the Norman point of view, the people possessed no rights except those consented to and granted by the sovereign, the king. These two diametrically opposite theories of government had joined issue with each other and carried on a continuous struggle since the days when the Normans invaded England. Now that the Anglo-Saxon views had triumphed sufficiently to make England a constitutional realm, this fact was not enough to satisfy the true lovers of self-government. They wanted no constitutional monarchy, but a real republic, where the people would be the sovereign. They saw no hope for their views to be a complete success in England. They had reformed the monarchy and destroyed absolutism and the tyranny of personal rule; but with the royalty now again in power and Charles II. on the throne they could only

hope, at best, for a continuation of a constitutional monarchy; they could not hope for a republic, a government wherein the people were sovereign. The privileged classes were again, to a large degree at least, to govern the people. The old *régime* in a modified form was in power again. It is true under the order of the new conditions they could not oppress the people and rule with the iron hand of despotism as they had done in the past, but it was nevertheless the *régime* of the privileged classes—the rule of the few over the many.

With the views that the independents and revolutionists held there could be no reconciliation between them and the privileged classes, now reinstated in power. There could be no reconciliation between the right of the people to govern themselves and the right of the few to govern the many. There could be no compromise in the contentions of these opposing forces. If sovereignty was inherent in the people, then the government possessed no power except that granted to it by the people, and the king was a fraud. If sovereignty was inherent in the king, then the people possessed no rights except those granted them by the king; they were his servants and at his mercy. There could be no compromise between these conflicting views. There was no common ground on which both could stand. Either Anglo-Saxonism or Normanism must survive. The independents and revolutionists, realizing these conditions and these truths, began to look for new fields where they could plant the seed of freedom and develop the true principles of republican-

ism, fields where Anglo-Saxonism might have a chance to develop to completion. The American colonies then owned by England presented the opportunity. These independents who had followed Cromwell in the revolution for political and religious freedom began to migrate in hordes and armies into these colonies. They landed first in great numbers in the territory on the North Atlantic coast; here they founded "New England," as they termed it, and as it is still called.

The early settlers of that section were independents and revolutionists of England. They were the followers and the sons of followers of Cromwell. They were Puritans in religion and revolutionists in politics; they were against the Established Church and the Crown of England. They were for political and religious freedom. They were of the commons of England. They were the product of the development of Anglo-Saxon principles contesting for centuries with Normanism. They were Anglo-Saxon in principles to the core.

Here they planted the "Congregational" Church, which was democratic in policy and form, as a protest against the Established Church of England. "Congregation" had been the term used by the independents and followers of Cromwell in old England as a protest against the Established Church and as the watchword of religious freedom. And it was on this basis that the religious institutions in "New England" were planted. "Congregation" signified that every congregation was a free and independent body to worship God as conscience dictated, without

any rule or dictating from any central and ecclesiastical power. These religious societies, which had their origin in a protest against the wrongs and oppressions of the Established Church and priesthood of England, have become a leading religious denomination in both old and New England, and there is no doubt that its membership is proud of the fact that it had its origin in a great contest for liberty. They were the Puritans in England and contended that the people had a right to meet in congregations, wherever and whenever they pleased, to worship God, without any sanction from any priesthood or ecclesiastical court, and the denomination has remained democratic in its government. The people who constituted its membership were the followers of Cromwell. They were independents and revolutionists in England and were opposed to monarchy in any form. They believed in self-government, Anglo-Saxonism.

There were other sects in England who were opposed to the Established Church and the ecclesiastical courts, who protested against the wrongs of the Church and State, and followed the Puritans to the American plantations. These early settlers on this side of the Atlantic were all fleeing from oppression and hunting liberty in both State and Church. They had been disappointed in the reinstatement of the old *régime* in England and the destruction of the Commonwealth and re-establishment of the kingdom. Dissatisfied and discontented they wanted to get as far as possible from the throne. Every vessel brought newcomers to the American planta-

tions until the colonies along the Atlantic coast were populated. It was the separation of Anglo-Saxonism from Normanism,—those who believed in Anglo-Saxonism, self-government, and sovereignty in the people coming to this side of the Atlantic; and the believers in Normanism, that sovereignty is inherent in the king, and in the rights of the privileged classes, remaining on the other side of the water. It was the separation of the masses from the classes, the commons from the nobility. The two great schools of thought which had been contesting with each other for supremacy for centuries in England were separating. The doctrine of the consent of the governed and the doctrine of the consent of the governors had come to the parting of the ways.

The believers in the right of the people to govern themselves were fleeing from the land where the few could govern the many. The believers in the doctrine that sovereignty is inherent in the people and that government possesses no power except that vested in it by the people, were fleeing from the land where the doctrine that sovereignty is inherent in the king, and that the people possess no power, except that granted to them and vested in them by the Crown, prevailed. It was the separation of two irreconcilable schools of thought. Some of the conservatives remained in the old England willing to tolerate a limited and constitutional monarchy, but hordes and armies of the independents and revolutionists fled to this side of the Atlantic rather than to tolerate monarchy in any form. These believers

in Anglo-Saxonism soon became powerful on this side of the water. They soon developed a mighty opposition to the mother country, to the right of the classes to govern the masses. After the revolutionists and independents came many conservatives who followed to the colonies. They, too, wanted to get as far as possible from the Crown, and they joined the revolutionists on the American plantations. When these plantations became populous with people and were prospering the nobility and the privileged classes on the other side of the Atlantic thought that they should make wards out of them. The Crown sent over its colonial governors and royal rulers. The King sent his tax collectors, selected from the aristocracy and the privileged classes, just as Rome sent her tax collectors into Gaul. But the people from whom the taxes were to be collected were not the same race that the Roman aristocracy found in Gaul. The Roman aristocracy could rob and oppress the Celts in Gaul, but the old aristocracy and privileged classes of England could not rob and oppress the believers in Anglo-Saxon principles in the American colonies. The Celts, as a people, have always been believers in freedom and the advocates of human liberty, but they have never been, like the Anglo-Saxons, able to defend the cause of liberty against the oppressor and the despot.

Those who had settled the colonies, with the exception of a few of the privileged classes of England who had been sent over to rule and collect taxes, had no love for the Crown and the monarchy

of England. The Anglo-Saxonism on this side of the Atlantic had no love for the Normanism on the other side, and when the monarchy on the other side undertook to collect revenue from the colonies to support its nobility and old aristocracy, a universal protest was proclaimed by a brave people, "that taxation without representation was unjust." This was the foundation and the beginning of the greatest republic the world has ever known. The Normanism of England, the Crown, nobility, and privileged classes, were determined to use the colonies as a source of revenue, to levy taxes without representation and at will. The believers in the independents and revolutionists in the days of Cromwell, the true Anglo-Saxons in principle, who had remained on the other side of the Atlantic, sympathized with their co-workers in the cause of liberty on this side, and protested against the right of a monarchy to levy taxes upon a brave people without representation. On this side of the Atlantic was a people who loved liberty and were determined to throw off the yoke of Normanism, determined to throw off the yoke of royalty, of nobility, of the priesthood, of privileged classes, and of worthless loafers called aristocracy. The "Cavaliers" who could not agree with the monarchy in England migrated to the Southern colonies of the American plantations and joined the Puritans of New England in the protest against taxation without representation. On this side of the waters was a people who believed in the right of the people to govern themselves, that sovereignty was inherent in the people, and that govern-

ment possessed no power except that vested in it by the people, and who were determined to put into execution their theory of government. On the other side of the waters was a ruling class who controlled the new constitutional monarchy and believed in the right of the few to govern the many. They held that sovereignty was inherent in kings and that the people possessed no power except that granted to them by the king, and they were determined that the king and the privileged classes should control and govern these colonies from the other side of the waters. This made the issue. The royalty and the privileged classes who had been sent over by the Crown to rule and govern the masses who had fled to these shores for religious and political freedom remained loyal to the Crown and to the old *régime* in England. They were Tories—but the masses who defied them soon drove them from these shores.

As the population increased the colonies became more conscious of their power to throw off this oppression on the other side of the waters. Protest after protest they issued against their wrongs, step by step Anglo-Saxonism marched to final victory. On the 4th day of July, 1776, at Philadelphia, the people through their representatives declared that these colonies were and of right ought to be free. This declaration was but a repetition of the Magna Charta in a higher and more perfect state; it was the final development of Anglo-Saxonism through centuries of political evolution, and the consummation of the efforts of a great race struggling through ages for their principles. A bloody

war raged between the friends and the enemies of the new and more perfect Magna Charta, upon the results of which depended the fate of a great race and great principles. The sons of the fathers who had fled to these shores for liberty bravely faced the carnage of battle in defence of the new Magna Charta until the enemy succumbed and was defeated, and a new republic was born. The revolution on the other side of the waters had established a commonwealth for only a while, to be replaced by a constitutional monarchy, but the revolution on this side of the waters was to create a system of commonwealths, and a republic which were to live on. Anglo-Saxonism had succeeded only in part on the other side, but was to succeed in the entirety on this side.

King's Mountain, Alamance, Guilford Court House, Bunker Hill, and Yorktown, were immortalized by the final triumph of the spirit of Anglo-Saxonism, and these hallowed grounds will ever remain sacred to the lovers of liberty and Anglo-Saxon institutions. For the results of the revolution and the contest between the colonies and Great Britain were but the final triumph of Anglo-Saxonism fully and completely over Normanism. Washington, Jefferson, Madison, Mason, and the great galaxy of the fathers, founded a republic based on the highest type of Anglo-Saxon principles; a republic in which there are no commons and no nobles, no royalty and no subjects, but all are American citizens, and every citizen a sovereign. A republic in which there is no ecclesiastical court by which the

priesthood can exercise the law to exact revenue from the masses, where Church and State are completely and forever separated and every citizen left to worship God according to the dictates of his own conscience, as the great God of the universe intended. A republic in which the law knows no class and no sect, but where every man, be he Hebrew or Gentile, Catholic or Protestant, rich or poor, is equal before the law and amenable to the law.

This American republic, from which all titles and privileged classes are forever debarred, and in which every citizen can have an equal chance in life's race, is but the sociological and political evolution of Anglo-Saxonism through centuries of struggle with Normanism and Gothism. It is the final outgrowth of a great people contesting for great principles. A republic founded on the doctrine of the consent of the governed, that sovereignty is inherent in the people, and that the government possesses no power except that vested in it by the people, sums up the essence of Anglo-Saxonism and the principles for which it had contended and struggled for against kings, monarchs, and despots. Such a republic the fathers founded, and at its loom Calhoun and Webster wove the fabric of a great federation of indestructible States and an indissoluble union. Both institutions were necessary. Destroy the sovereignty of the States and centralization and despotism would rule; dissolve the Union and chaos would follow. In the triumph of both, true Anglo-Saxonism survived, namely, local affairs for local authorities and external and national affairs for the general

government. As an evidence of how these Anglo-Saxon principles have survived, developed, and matured in the American Union, it is only necessary to mention that the Anglo-Saxon legislative body, the witan, was vested with the power to impeach the executive for sufficient reasons, that the same power was vested in the Great Council when the Normans invaded England and conquered the Saxons, and in the establishment of Parliament the same power was exercised; and the same principle of governmental function has lived and has been vested in the American Senate and the Senates of the several States under the American system.

The American republic sums up the essence of all true Anglo-Saxonism. No titled class, no nobility, no privileged class, no ecclesiastical court, no mixing of Church and State can exist under its flag. No king or royalty can perpetrate the fraud on its soil that sovereignty is inherent in any man or set of men, and that the people possess no powers or rights except those granted to them by a king or a despot. Here exist the ever-living principles of Anglo-Saxonism which have struggled against great forces in Europe for centuries; namely, that sovereignty is inherent in the people, inalienable from the people, and that government possesses no power except that vested in it, and granted by the people—that the government is the servant and the people its master, and the officers of the government agents and the people the principals. Here the body-politic, *de facto*, must execute the will of the body-politic, *de jure*, and the representative body-politic must in

all things speak the will of the real body-politic. Here under the final evolution of Anglo-Saxonism to its more perfect state, the real body-sovereign, the people, can wipe out the old forms and create new forms. Constitutions, laws, and systems are subject to the approval of the will of the people. The people, who possess all the attributes of sovereignty, and who are the final source of all power, write their will in the form of Constitutions, laws, and systems, and govern themselves as they may think under existing conditions that justice demands. Here all government, Constitutions, laws, and systems are based on the consent of the governed, on the consent of the people. And the people will never consent to be oppressed by any despot or privileged class. The people may make mistakes, they may make errors, but when government is based on their will, liberty is safe, and justice held in the balance.

There is but one danger, one peril to Anglo-Saxonism as developed and matured in Americanism, and that does not lie in the standing armies of monarchs and despots of the Old World. For the millions of civilians of the American republic appreciate the glories of Anglo-Saxonism as developed in their system in this the twentieth century, and would drench the soil of this great republic in their blood to drive back and repel the armies of tyranny and monarchical rule. Every home, every fireside, under the American flag is a citadel of protection to that flag, and an armed garrison and fort that no crowned head dare raise any other flag over, except

the white flag of truce and peace. The peril does not lie in nobility and royalty, for these privileged classes can never exist here to oppress the masses. Our Anglo-Saxonism is too deep, too firm, too vital and ever-living here for them to come upon our shores. But that peril, the ever-living danger to this republic, lies in the power of the great commercialism of this country to convert the powers of the public functions of this government and public utilities to private ends and thereby enable the few to oppress the many and to become more powerful than the government itself. If the American people solve this problem correctly, and keep the government confined to governmental functions, and prevent public functions from being used for private ends, and restrain the strong from oppressing the weak, then the republic will live on through the coming centuries working out the purposes which the fathers intended, giving justice, freedom, and liberty to millions upon millions yet unborn. The American nation will conquer as it lives on, not by the sword and the bayonet, not by the spilling of blood and the taking of human life, but by appealing to the conscience of men everywhere, until despots and monarchs shall lose their power to oppress and until the shackles of bondage shall be broken from the oppressed millions in every clime, and justice, truth, and liberty shall rule the world, as the just God of the universe intended. This is the logical and final effect of Anglo-Saxonism upon the world, because it is the truth and truth is marching on to victory.

CHAPTER XXVI

THE CLASSES *V.S.* THE MASSES

THE writer would consider this work incomplete were he to omit all consideration of the conflict between the classes and the masses. This has been the issue of the ages, and the only people that have solved it with any degree of civic justice, has been the Anglo-Saxon race. With all other peoples the classes have classified organized society, so that the classes could live at the expense of the masses, and the government, instead of being used for the protection of all, might be converted to private ends, and used as a force to compel the masses to support the classes. Under such a system the privileged classes soon became royalty, and the kinsmen of the royalty soon became nobility, and the friends of nobility soon developed into lords and dukes. And organized society simply consisted of one third of the population, using the color of the law and the reins of government to extort a livelihood out of the other two thirds.

The oppression of the masses increased in the same ratio as the numbers, wants, and wishes of the classes increased. When these burdens upon the masses became so great that the oppressed peasants and the serfs could not exist, and continue to sup-

port the classes in their ease and luxury, the classes curtailed their luxuries and decreased the taxes levied upon the masses for a while, thereby contending to the masses that they were their friends and the defenders of their liberties. Now and then, when the burdens were more than the masses could bear and the classes continued to levy tribute, a leader would rise up, believing in the natural rights of man, and in justice, and attempt to free the people, but as a rule, he paid the penalty of treason to the divine rights of the few. For if history proves anything, it proves this, that organized society founded on the basis of special privileges to the few, will be used by the privileged classes to continue their oppression on the masses. And if history proves anything, it proves another fact, to wit, organized society once in the hands of the few, will be used to build up a privileged class, who will use the government to support their caste, by extortion from the masses. This has been true of every race of the world, except the Anglo-Saxon. It has been true of the races in the Orient. It was true of Greece. It was true of Rome and the Latin races. It was true with the Jew. There was never a better class of tax collectors and a more royal class than the priesthood of Palestine and the Holy City. And it has been true of all the Indo-European peoples, except the Anglo-Saxon race, and the further exception of Switzerland and a few insignificant republics that have existed by the consent and the mercy of monarchs, because they could not agree as to a division of them.

This leads to another fact that history proves, namely, that a democracy and a royalty cannot exist on equal bases in one and the same organized society. They are deadly foes. If one is right the other is wrong. There is not, and cannot be any harmony between them. What produces life in one, produces death in the other. And where they exist in one and the same body-politic, as democracy increases, royalty must decrease, and if royalty increases, democracy must decrease. They are the antipodes of each other.

If people have a right to institute organized society among themselves for the protection of all, with special privileges to none, with the authority of the government resting upon the consent of the people, then democracy is right, and monarchy and royalty are wrong; but if government rests upon the authority and the divine right of the few to govern the many, and to use the government to tax the many and to support the few, then a monarchy and a royalty with a legal caste are right and democracy is wrong. In any organized society where these two conflicting principles exist, one or the other in the very nature of things must die. They both cannot exist as co-equals and co-ordinates under the same laws and in the same body-politic, and in the contest for existence the legal caste, recognized by law, has always used the government to murder democracy, and to foster royalty. When any element in any organized society secures recognition as legal caste, the hope of democracy is at an end. The unarmed individuals who constitute the

masses cannot hope to contest for political power and existence with the element of caste armed with the power of law and organized government.

The element who constitute the legal caste or royalty of the Celtic race has always been the enemy of democracy in France, and for centuries they crushed the life out of democracy and levied tribute upon the people at will. When the element which constituted the legal caste, or royalty, increased in numbers to such an extent that it was pauperizing and enslaving the masses to support them, the strong arms of the government were used to compel the masses to submit, and when revolution did come, instead of the power of the government being used to bring justice and liberty to the masses, it was used to conquer and enslave them. But after the peasants and the masses had laid their lives on the altar of their country, that the royalty might be overthrown, and a republic founded that generations yet unborn might enjoy the blessings of freedom and liberty, we find the old broken-down royalty, the enemies of the flag under which they live, still longing and hoping that some day the republic will be destroyed and a monarchy re-established, so that they can live without toil and enslave the masses. Such are the conditions in France to-day. There is no love for the flag of the French Republic in the hearts of the ex-royalty and the legal caste. They are hoping and praying for a monarchy.

In Italy and Spain the legal caste or royalty have continued in power and used the government as a means to extort a livelihood out of the masses, until

they have pauperized the body-politic of both countries. The legal caste in these countries, as in all countries where caste has been recognized by law, have been the leeches upon society,—they have sapped the life's blood out of the body-politic,—they have absorbed all the vitality and life in the body-politic that the masses produced, without giving out anything in return.

What has been true of the legal caste in France, Italy, and Spain, has been true of Russia, where legal caste and Gothism have reigned for centuries. The same principle applies as to the organized society of the Orient, where a legal caste and privileged classes have existed.

There is another truth self-evident, that in organized society where a legal caste is created and recognized by law, the body-politic cannot rise to its highest and best state, for the classes who are stamped with legal caste do not produce anything, and extort their living through the government out of the masses, thereby discouraging the masses from putting forth their best efforts to produce and create the best possible conditions in the body-politic. Whereas in a democracy there is hope to all, regardless of birth or condition. The prize in democracy goes to the man who earns it, and not to the man because he is the son of his father. The law, government, and the body-politic know no caste except merit, in a democracy. Therefore, in a democracy effort and merit are rewarded, and every individual may put forth his best efforts to better his condition in life. This inducement prompts the individual of

the body-politic in a democracy to action, and as the individuals who compose the body-politic increase in producing capacity, intelligence, character, and force, the body-politic increases in these respects in the same proportion. And in this indisputable law is contained the reason why the Anglo-Saxon race is the supreme race of the world. Since their first existence by the Rhine, they have been the race that has contended for individual rights, personal liberty, local self-government, and that all government is dependent on the consent of the governed for existence.

For centuries this doctrine has lived and existed on the Rhine. And while Germany through centuries of development grew into an empire, yet it was an empire of sovereign states, which rested upon the will of the people for existence, until Bismarck decreed to the contrary.

During these centuries, individual rights, as planted by the Rhine, have been the political creed of the original Teutonic patriot, and whatever caste there may be in Germany to-day, had its origin in militarism, produced through centuries of development of standing armies, to weld the sovereign states into an empire and to repel invasion. Against this military caste of to-day, the masses, believing in the original Teutonic creed of the fathers, popular and individual rights, proclaims their protest. It is this political creed of individual rights that has made the Anglo-Saxons inherently stronger than any other race. It was this inherent strength that prevented Normanism when it defeated Anglo-

Saxonism at the battle of Hastings, and planted its legal caste in England, from completely destroying popular rights and personal liberty in the British Isles. The Saxons were a conquered people and the Normans had them at their mercy. They established their nobility and legal caste and royalty over the Saxons, and yet the Saxons still contended for popular rights. They forced their masters to grant them a forum in which they could proclaim their rights and be heard—the House of Commons.

Since the days of the Norman invasion there have been two political creeds in England, the Saxon creed of popular rights and the Norman creed of divine rights of the king, the royalty, and the nobility. These two creeds have clashed on every issue.

While Normanism or the legal caste of England, under the pretence of carrying Christianity to the heathen of the Orient, was battering down the walls of China, that the English nobility might pose in ease and luxury, from the revenue obtained by selling opium to the Chinese and thereby degrading the Chinese Empire, Anglo-Saxonism in the House of Commons was proclaiming to the world the iniquity of these wrongs. While Normanism in the House of Lords has been proclaiming the doctrine through the centuries that England needed more standing armies, that she might conquer and levy tribute on more peoples, Anglo-Saxonism has raised its voice in the House of Commons, declaring that all peoples have a natural and inherent right to govern themselves, and that no people have the right to govern another.

As Normanism has declared from the House of Lords that the English nobility and royalty must be supported, and to this end, tribute must be levied upon the world, if necessary, Anglo-Saxonism has declared from the House of Commons the injustice of these wrongs.

These two political creeds have clashed at every point of the political life and history of England, and they exist there now as deadly foes. But Anglo-Saxonism could not develop into its full life in the British Isles, it was overpowered by Normanism. A legal caste and privileged class had been planted and fixed as a part of the political life of England, and it was left for Anglo-Saxonism to plant itself on this side of the Atlantic and found a republic where there is no legal caste, nor any privileged classes. Here Anglo-Saxonism has reached its natural state and highest development, a state and political existence where the law recognizes no caste.

Such a civilization must in the very nature of things develop the best and the highest citizens, and therefore the highest type of government. And in the progress of the civilization of the world, the tottering thrones of monarchs, and the legal caste, and the classes, must perish under the erosive influences of the inherent strength of the individuals who compose organized society where no caste is recognized.

Then, and not until then, will the governments of the earth perform their true functions and civilization reach its highest state.

No government can meet the needs for which organized society is created, when the law recognizes any caste or class. The Anglo-Saxon conception of government, in its natural and true state, proclaims the rights of the masses and protests against the wrongs inflicted by the classes.

In this truth is contained the reason why African slavery could not exist in the American Union. Slavery or legal caste, in any form, was contrary to the genius of American institutions, because American institutions are but the product of the development of Anglo-Saxonism. It was due to this fact that slavery was abolished in the American Union, and not to the views of any particular section of the Union. And wherever Anglo-Saxonism takes hold and controls the civilization of the world, slavery or "legal caste" in every form, must perish.

Anglo-Saxonism is the hope of the masses of the world, to overcome the classes.

CHAPTER XXVII

THE CONCLUSION

THE thoughtful reader and student no doubt will be led by what has preceded to ask: Was not Greece a democracy and was not Rome a republic, and did not the will of the people rule in these two powers in ancient days? Were the people not the sovereigns in Greece and Rome? Is Anglo-Saxonism the first great principle of self-government that has made its impress upon the world and destroyed kings and monarchs? These are fair questions. They are important questions for the student, who thinks, to ask. If Greece, in ancient days, had a true democracy, and Rome was a real republic, and kings now rule where the people in ancient days were real sovereigns, may not our Anglo-Saxonism, which has struggled for over two thousand years against despotism and the tyranny of monarchs and has finally triumphed in establishing self-government and the rule of the people, decay, and give way to monarchs and despots who shall rule upon the wreck and ruins of self-government? May not history repeat itself? If Greece was a true democracy and the people the real sovereigns and self-government decayed there in ancient days, will it live here in the twentieth century? If Rome was a true republic

and her institutions were based upon the will of the people, and her self-government proved a failure, will ours succeed?

Greece and Rome beyond all doubt or dispute were the highest civilizations of ancient days, and of all peoples of ancient times they were the most competent and the best capacitated for self-government. To admit that true democracy and republicanism were a failure then is to challenge the final success of Anglo-Saxonism and self-government now. If the rule of the people had a fair trial then, with the splendid civilizations which existed in Greece and Rome, and failed, why should the rule of the people succeed here now? To admit the first proposition is to answer the second proposition. To inspire faith in the final success of self-government, as developed by Anglo-Saxon institutions, we must believe that while Greece was a pure democracy in theory, it was in fact as real a plutocracy as ever existed. In theory it was a government of the people, but in fact a government of systems and oligarchies. The Constitution prepared and promulgated by the ruling classes as the organic law of Athens and Sparta transferred the power of government from the people to the Thirty Tyrants. These tyrants ruled Athens with as despotic a hand as the Pharaohs ever ruled Egypt or the Czars Russia.

Greece was a system of states or cities, each claiming to be sovereign or supreme. Each state or city was jealous of her sister commonwealth, and each was harassing the peace and the happiness of the other. It was a duration of city or commonwealth

supremacies. There was hardly a time when some of these Greek states were not in trouble with each other, involved in war and marching invading armies against each other. The nation, as a nation, was a system of oligarchies, supervised and directed by the privileged classes. The wealth was vested in the few who lived in luxury and ease, while the masses were paupers who toiled without compensation. The aristocracy who owned all the wealth, and the pauperized masses who were the wealth producers, constituted the Greek people. The aristocracy ruled the pauperized masses with an iron hand of despotism. The masses oppressed and pauperized could not influence or shape the policy of the government. Public issues were issues between the rich aristocracy for power. They did not consider the welfare of the masses. They had only one purpose, and that was to glorify their classes, and themselves. The will of the people had but little if any voice in shaping the destiny of the nation. The aristocracy, ambitious for power, became divided into factions contesting with each other, and appealed to the masses. The pauperized masses were human, they needed and loved money. The only thing for themselves that they saw in the government was what they could get out of it. The aristocracy had the money and corrupted the masses with gold and democracy decayed. Literature and art could not save a democracy under these conditions, and Hellenic civilization passed from a democracy in theory to a plutocracy and monarchy in both theory and fact.

Rome in her early days was a commonwealth with a Constitution as the organic and supreme law of the land, and under its provisions the people in theory were supposed to rule. Upon this assumption a great republic in theory but empire in fact was founded. In the early days of Rome there were, as in Greece, two classes, the patricians and the plebeians—the privileged aristocracy and the masses. This privileged aristocracy increased its power over the masses from generation to generation, until they as a class possessed all the wealth and used the government for their private ends, and the masses were considered by them as so many slaves. There was never a time when the republic of Rome or the constitution of the commonwealth of Rome was based on the will of the people. This privileged class made and unmade the kings of Rome, controlled the Senate and the administration of the laws. The workings of the government in all of its functions spoke simply the will of this class who used the government to oppress, rob, and enslave the masses, until the great majority of the Roman people, the masses, were serfs and Rome was a realm of servitude. Neither her laws nor her ruling classes respected women or the rights of the home, the helpless serfs and the pauperized masses were considered as so many chattels. This patrician aristocracy was ambitious for conquest; they loved war, not because they loved to endanger their own lives and to spill their own blood, but because war and conquest presented an opportunity for the sons of this privileged class to gain fame and reputation. They could re-

main in the background far enough away to be out of the reach and danger of weapons, while the common soldiers, the masses, did the fighting; and when the Roman banner was raised over the battlefield of the enemy in triumph these sons of the patrician aristocracy could return home as heroes. At last the wealth of Rome that slaves and the pauperized masses had produced was exhausted, and Rome as a nation began to decay and as a power to lose her influence on the civilization of the world. From disease she passed unto death and was numbered among the nations that had existed.

But neither Greece nor Rome was a true test of self-government and the right of the people to govern themselves, for the people, the masses, were never the sovereign or the government in Greece or Rome. The people as a matter of fact never exercised the right of sovereignty nor delegated to the government vested authority, in either Greece or Rome. The few exercised the right of sovereignty and they were the government. This privileged class used the powers of the government to oppress the masses and to collect all the wealth into the hands of the few. They did not consider that government was intended for the protection of society and to prevent the strong member thereof from oppressing the weak member, but they considered that government was ordained to give the few the power to oppress the many, the strong to oppress the weak, and the rich to oppress the poor. Of course under such a system there could be but two classes, the few who controlled, and the many who obeyed;

the few who were rich, and the many who were paupers; the few who were masters, and the many who were slaves. An absolute monarchy supported and protected by oppressive standing armies, and all the privileged class subject to the orders of the monarch, might exist for a while under such conditions, but a republic or a democracy, never. An absolute monarchy directed and controlled by the iron hand of a despot might continue these wrongs upon outraged people for a while, but even then the people, conscious of their wrongs, would rise up in their power and revolution of necessity would follow, monarchy would be crushed and destroyed. How then could democracy and republicanism hope to live under such conditions? They could not. Democracy and republicanism were failures in Greece and Rome because they never existed there in fact.

But there is another thought worth consideration, and another reason why democracy and republicanism could not live in Greece and Rome, or in the Orient. Religion and politics, the Church and the State, were one and the same, they were inseparable. The people of these two ancient civilizations were heathens, but they had their gods, their temples, and their priesthood and their religion, and these were a part of the State. The masses looked upon the priesthood and the rulers of State as masters and the keepers of their conscience, both in public and private life. Individual responsibility did not exist, and the individual was not required under his environment and civilization to consider what was right and what was wrong. That duty was vested

in the rulers of Church and State—there was no individual responsibility and no individual standard of morals, and under such conditions there could be no safety and no stability in popular government. There was only one condition under which a government existing in such a civilization could live and that was centralization and monarchal rule. This is the philosophy of the governments of the Orient, where religion and politics, Church and State, have remained inseparable for thousands of years, and individual responsibility, individual conscience, and individual standards of right have never existed. Where the heathen priesthood and rulers have done all the thinking for the people, fixed the standard of right and moral responsibility, and been the keepers of the conscience of the people, under such a system there could be no moral responsibility resting upon the individual, and therefore no capacity for self-government. Under such a system the many of necessity must be slaves, the few the masters, and a despot the ruler, and under such a system these conditions have existed in the Orient for thousands of years and her teeming millions to-day are as far from self-government as they were in the days of Babylon and the Pharaohs. The poison of this Oriental civilization diseased the body-politic of Rome and Greece, and caused the death of self-government in these two splendid civilizations.

The Anglo-Saxons were the first and only race to repudiate this false philosophy in the body-politic and to plant themselves firmly on the foundation of individual responsibility. They therefore developed

a higher type of civilization, a civilization where every member of society had a standard of right, a conscience, and a conception for individual and moral responsibility, and such a civilization could not do otherwise than produce a people capacitated for self-government. Such a civilization must of necessity produce a people who would know better how to govern themselves than any monarch or despot, a people who would know better what they themselves wanted than any one man or set of men. Before the oncoming of such a civilization based on such truth and philosophy, the rule of the privileged class, the priesthood, the monarchs, and despots, must give way and perish, as error and falsehood perish when arrayed in conflict with truth. Christianity has been a great co-laborer with Anglo-Saxonism in its contest to free the world from error and oppression. When the man of Galilee said "Do unto others as you would have them to do unto you," He taught a new doctrine, a doctrine that established individual responsibility and a moral conscience within every man; a doctrine that was to free the serfs of the Roman Empire and destroy her misrule over her millions, a doctrine that was finally to destroy slavery in every clime of the civilized world and to make man a free and moral being, for no man would want to be a slave, and no man therefore who accepted this doctrine as the criterion of his conscience could own a slave.

When the man of Galilee said, "My kingdom is not of this world," He thereby challenged the falsehood of union of Church and State, and of the priest-

hood and the rulers who had oppressed and kept the world in darkness until His day. Christianity taught a new doctrine to a world veiled in darkness, the doctrine of a moral and individual responsibility. It has quickened the conscience of men to the truth of individual responsibility and thereby elevated the standards of right and justice among men. And in so doing it has prepared men for self-government. Notwithstanding the perverted forms of Christianity, notwithstanding the perverted purpose of a grasping priesthood for temporal power, notwithstanding the men who have followed it for the loaves and fishes and made war over its issues in order to gain wealth and power, the true teachings of the man of Galilee have lived on and done more to free the human family from oppression and to prepare men for self-government than all the standing armies that ever marched the face of the globe. Christianity has taught individual responsibility in religion and Anglo-Saxonism has taught individual responsibility in State, and the two combined have made the Anglo-Saxon race a race of moral and civic individual responsibility. These underlying teachings and principles have made a race in which every citizen realizes his individual responsibility to his country and his Maker. These teachings have made a race which does not believe that the citizen can leave, to be performed by a priesthood and a ruling class, the duties that he owes to his Maker and his country. They have made a race in which every citizen believes that he has an individual duty to perform, and that no man or set of men can perform

that duty for him, and in this cardinal principle is the essence of Anglo-Saxonism; and this basic truth has made a race capacitated to govern itself.

The Magna Charta was the result of the development of this truth, and the Declaration of Independence was the same truth developed in a higher state. Individual responsibility and individualism, rather than paternalism, have made the Anglo-Saxon race a dominant and superior race, a race that has separated Church and State, and destroyed the rule of the few over the many. And wherever the truths of Anglo-Saxon civilization have gone, the rule of the priesthood, the privileged class, and monarchy have lost their hold on the people. As a result of the reflex action of these truths on the human family, the thrones of the monarchs of the earth are losing their power longer to oppress mankind. France waded through blood from a monarchy to a republic. Switzerland threw off the yoke of oppression of the monarchical rule of Europe to become one of the best governed republics on the face of the globe. Brazil, of Latin origin, marched out from under monarchical rule to become a republic and to live under the rule of the people. One by one the powers of South America have thrown off the inheritance of centuries of monarchical rule to join the republics of the earth and the reign of the people. Yet Spain on the other side of the waters, of the same inheritance, the same race, and the same people, has held on to the rule of monarchy and the privileged class and has degenerated from generation to generation until the whole country has become

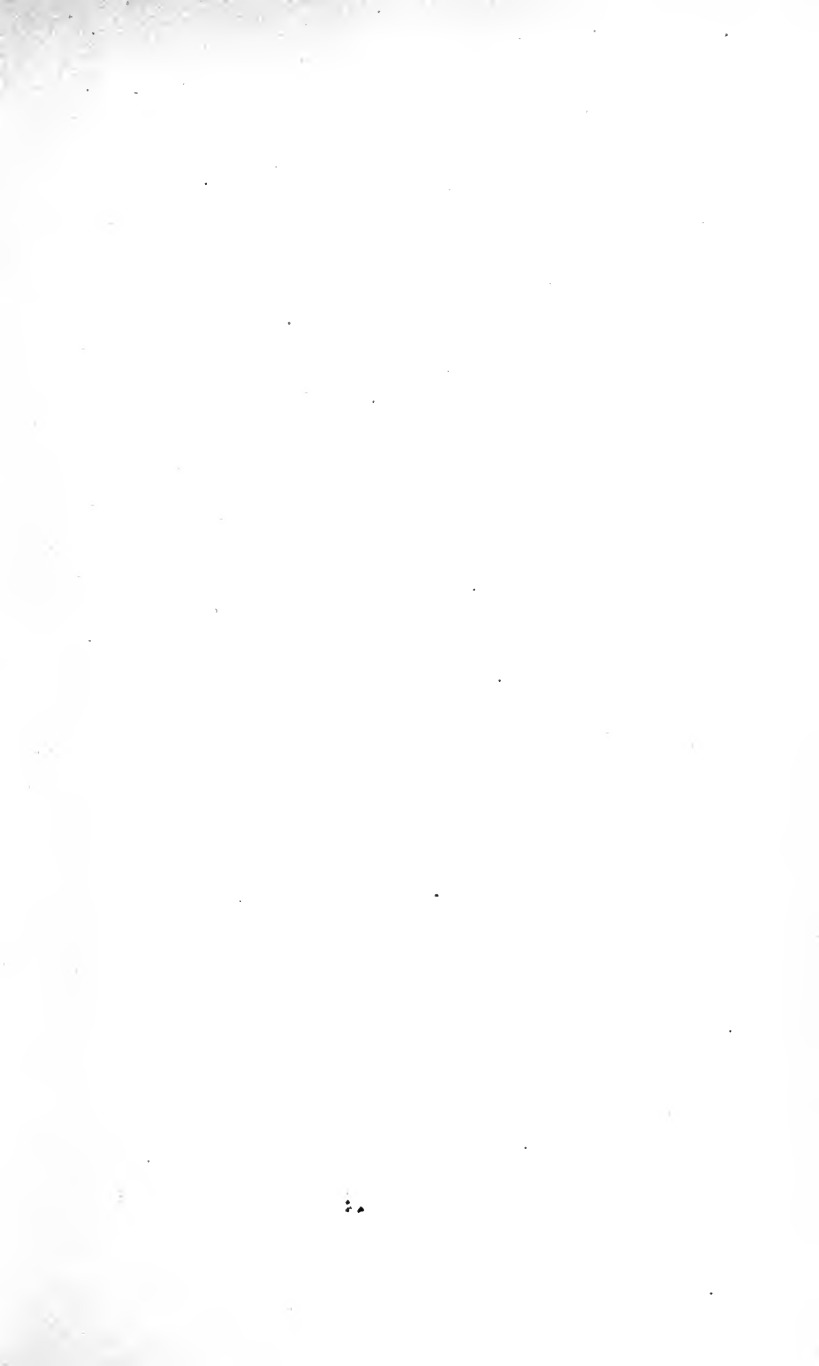
pauperized. Spain has lost her provinces and power, and she no longer deserves or commands the respect of the civilized world. The Czar of Russia, where Gothism and absolute monarchy and class rule have reigned supreme for centuries, and where the voice of the people has never been heard, realizing the oncoming revolution, the destruction of the wrongs of monarchy, and the reign of people, calls his councils around him to advise and direct how the inevitable and irresistible can best take place, how republicanism and the reign of the people can by degrees be gradually established on the ruins and wreck of oppression and monarchy. The change must come; therefore let it come gradually and by degrees, rather than through blood and extermination.

One by one the thrones of the Old World are crumbling and the people are planting republican institutions on their ruins. Justice and Liberty are beginning to reign where monarchy, the privileged class, and oppression once ruled. One by one the thrones of kings, monarchs, and despots must go, and step by step democracy will take hold of the world until the will of the people will be supreme. This is the final and logical result of advancing civilization and Anglo-Saxonism upon the world.









UNIVERSITY OF CALIFORNIA LIBRARY
BERKELEY

Return to desk from which borrowed.
This book is DUE on the last date stamped below.

2 JAN 1948

10 Nov 59 PM

REC'D LD

NOV 11 1959

X 27 Nov 59 CT

REC'D LD

DEC 6 - 1959

9 Jan '60 WWZ

REC'D LD

JAN 14 1960

26 Feb '60 BB

26 Mar.

24 Apr

REC'D LD

APR 26 1960

10 JAN '64 JC

REC'D LD

JAN 10 '64 - 10 AM

31 May '64 RW

REC'D LD

MAY 19 '64 - 8 AM

28 Sep '65 Y B

REC'D LD

AUG 21 '65 - 10 AM

YB 08601

JN121

.T2

124659

Tapp.

